

## Rachel Wilton

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**From:** Gareth Edgley <GarethE@hume.vic.gov.au>  
**Sent:** Tuesday, 10 November 2015 4:34 PM  
**To:** Zoe Dillon  
**Cc:** Andrew Johnson; Matthew Rogers  
**Subject:** Hume Council - update on status of issues for C198  
**Attachments:** 15-11-10 HCC Submission Table.xlsx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Zoe,

As promised, attached is an updated from Council on the status of the issues raised in our submission.

We have introduced two versions of resolved –

- Resolved
- Resolved. MPA to make agreed changes as set out in the Part A submission.

For those issues we would like to work through with you after Panel we have:

- Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.

*I hope we can agree on the list of issues this applies to.*

In row 31 I have added our late submission that there be a cross-section for English Street. This requires an MPA response and classification. Council would be happy with 'Resolved. MPA to make agreed changes as set out in the Part A submission.' If that is agreeable to you as we know what the cross section looks like and don't need to agree to it after Panel.

Some of the status classifications have changed. Mostly in the positive, moving from 'resolved in principle' to 'resolved'.

Happy to discuss,

Best rgds

Gareth

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**AMENDMENT C198 - CRAIGIEBURN NORTH EMPLOYMENT AREA PSP 25.1**

**Submission Table- Panel Hearing - November 2015**

Version for Part A: 5/ 11/2015

Sub. #	Section/ Page	Issue Raised	MPA Comment / Proposed Outcome	STATUS
1	HUME CITY COUNCIL			
11.1		<p><b>Properties entirely encumbered by the Growling Grass Frog (GGF) Conservation Area</b></p> <p>In relation to properties entirely encumbered by GGF Conservation Areas, Council believes that landowners must be provided with an incentive to fulfil the conservation outcomes in accordance with the requirements of the BCS or provided with appropriate compensation as part of a process for acquisition of the land. One option could be applying a PAO as part of this Planning Scheme Amendment. Acquiring land would also help achieve the long term intent of the Merri Creek becoming a regional open space as set out in the <i>North Growth Corridor Plan</i>.</p>	<p>The MPA has implemented the area required for the GGF corridor as set out by the approval of the BCS by the Federal Government in September 2013. The PSP reflects that area (with minor refinements to the boundary as approved) that is required to meet the Federal obligations set out in the BCS.</p> <p>The GGF Strategy points out that 'Category 1 GGF corridor will be excluded from development and will be protected and managed for GGF conservation in perpetuity. The final boundaries of these habitat areas may change slightly to deal with local site conditions during the precinct structure planning process. Any variations must not reduce the total area of the GGF corridor within the relevant precinct or have any detrimental effect on the functioning of the corridor for the GGF and must be to the satisfaction of DEPI [DELWP].'</p> <p>This proposed amendment, including the agreed realignment, does not fully encumber a landowner that isn't already fully encumbered by the Growling Grass Frog Conservation Area. The realignment has resulted in no change in area to each property that is covered by the GGF corridor. The full background to this is provided within the background report by Ecology Australia.</p> <p>It is not within MPA's jurisdiction to address the acquisition of this land as it currently cannot be implemented as part of this amendment. There is no clarity around how these properties are managed and whether they will be acquired in the longer term.</p>	<p>Unresolved Refer to panel</p>
		<p><b>CRAIGIEBURN NORTH EMPLOYMENT AREA PSP</b></p> <p><b>Road Bridge over Merri Creek</b></p>		

11.2		<p>In relation to Plan 3, a CHMP and geotechnical assessment need to be produced to identify a location for the road bridge over Merri Creek that minimises impacts on areas of cultural heritage values and considers ground conditions. This should be part of 'setting the scene', as if the bridge needs to move from its current location, the cost estimates in the DCP (for a 50m span) might be short of what is required.</p>	<p>The MPA has not facilitated a CHMP as it is not a development proponent. Funding, however, has been included in the DCP for a CHMP and Geotechnical Assessment of the Road Bridge within the bridge costing. MPA is confident that the general location for the bridge has been established. The MPA and RAP walked the length of the Merri Creek to identify the most appropriate location for a crossing without the need to carry out a full CHMP at the early strategic stage of Planning. Refer to Cultural Values Assessment for general outline of preferences for location of the bridge in the absence of the CHMP.</p> <p>Moremac is undertaking CHMP and Geotech at this time. The results of this have been carried out and have been provided to English Street Panel. An update will be provided on behalf of the development proponent.</p> <p>Additional work established that the bridge would need to move north from its current location and this is area of the creek is narrower to the north than the current position.</p> <p>The Panel report for C183 recommends that this issue has been adequately addressed, as sufficient contingency has been written into the bridge costing to account for a slight relocation, and the evidence presented at C183 hearing provided 'solid evidence that the likelihood of the bridge moving was low'. The MPA considers that this issue does not need to be raised again at this C198 Panel.</p>	<p>Unresolved Refer to panel</p>
11.3		<p>Council requests that information is provided from the Registered Aboriginal Party that confirms its acceptance of the potential crossing locations as illustrated by the 'affected land' in Plan 11, and would not seek an alternative alignment beyond this area when the CHMP is produced.</p>	<p>The Wurundjeri have endorsed the proposed crossing locations, on the condition that the areas will be subject to a complex CHMP assessments prior to the construction of the bridges. This information has been provided to Council. CHMP and Geotechnical investigations are more suitably undertaken within the subdivision process - the structure plan and the DCP aim to set the general location, form and cost of the bridge only. A contingency of 20% has been included in the costing.</p> <p>The consent order set out in dealing with a number of issues associated with the bridge between Hume, MPA, City of Whittlesea and English Street Developments that submissions could be made to this panel if it transpires that the bridge required relocating.</p> <p>The Panel report recommends that this issue was adequately addressed through the C183 Panel Hearing. The MPA considers that this issue does not need to be raised again at this C198 Panel.</p>	<p>Unresolved Refer to panel</p>

11.4		Council requests that the amendment documentation or PSP better explain what information has been used to determine the limits of the 'affected land'.	<p>The 'affected area' was identified to allow for refinement of the location of the crossing, the buffer does not just refer to CHMP affected area, as the MPA cannot determine which land is subject to a CHMP as this is managed under the Aboriginal Heritage Act.</p> <p>It is the development agency's role under the DCP to manage the detailed implementation of infrastructure to their satisfaction. However, the MPA agrees that the wording can be clarified and affected land can be shown more clearly on Plan 11.</p> <p>Wording now agreed: 'development within the 'project buffer area for possible bridge realignment' identified in Plan 11 adjacent to the future bridge crossing of the Merri Creek is not permitted until the exact location for bridge abutments has been confirmed through a geotechnical assessment and a Cultural Heritage Management Plan (CHMP), or unless otherwise agreed by the responsible authority and the City of Hume.'</p> <p>MPA discussed and agreed at a meeting with Hume on 29/10/2015 to recommend to Panel that where such issues require refinement over an image, or small editorial changes that have been agreed as the way forward, that the MPA will work with and obtain 'sign off' from Hume on matters isolated to their submissions prior to the adoption/ approval of the document. The position agreed between parties is as explained above.</p>	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
11.5		<p><b>Precinct Infrastructure Plan</b></p> <p>Council requests that the timings column is removed from Table 4 of the Precinct Infrastructure Plan. Alternatively a column showing priorities, indicative of a likely sequence, could be produced, consistent with the Preferred Staging of Development Plan proposed by Council for the DCP.</p>	The timings column is included in line with current practice for PSP preparation, but MPA consider it possible to change the title of column to 'Priority' instead to be titled differently to Low, Medium and High. The reason we believe this is appropriate in this instance, is that the timing of development is unclear. MPA propose to also include a disclaimer below that states 'development staging is indicative only and infrastructure delivery is at the discretion of the collecting agency, or relevant lead agency.'	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
11.6		<p><b>Development Staging Plan</b></p> <p>A Development Staging Plan should be produced, in accordance with the PSP Guidelines.</p>	<p>The PSP establishes a 30 year plan for the precinct. The timing and staging of the development will depend on the demand for urban land and it is not appropriate to limit it geographically.</p> <p>To make this inadvertently clear to prospective developers, MPA recommends that G28 will be upgraded to a requirement and the wording will be set out as follows: 'development viability and staging in this precinct will be determined largely through the availability and provision of infrastructure in order to access and service each development site. Within this context, development must:</p> <ul style="list-style-type: none"> <li>- ensure the safe and orderly vehicular access to the existing arterial network; and</li> <li>- provide access to each new lot via a sealed road to service the development and constructed to an industrial standard, all to the satisfaction of the responsible authority.' </li></ul>	Resolved. MPA to make agreed changes as set out in the Part A submission.
		<b>Interface to the Merri and Kalkallo Creeks</b>		

11.7	Key access roads should be re-oriented at properties 25.1-40, 25.1-41, 25.1-43, 25.1-3 and 25.1-2 to guarantee frontage to the Conservation Area. In the absence of any testing to confirm the MPA's previously stated position that this would adversely affect the development viability of these parcels, Council considers that a road fronting the creek could be provided without creating unacceptable costs to the development, particularly as a commercial area is likely to have finer grain blocks for office development.	Agreed that creek frontage is the best outcome. An access road will be provided fronting the creek.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.8	Intersection IN-25.1-1 should be re-positioned to north-east slightly, closer to the Merri Creek bridge, so that it creates more viable development parcels to the north and south of the bridge.	Agreed, this can be relocated to provide a better outcome for properties adjacent to the creek.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.9	Council provided a revised urban structure plan and a revised road network plan to reflect the changes in items (6) and (7) above.	The revised street network will be similarly shown as identified in Hume's submission. The local streets will need to be configured differently around the roundabout to ensure that only two streets intersect at the roundabout.  MPA discussed and agreed at a meeting with Hume on 29/10/2015 to recommend to Panel that where such issues require refinement over an image, or small editorial changes that have been agreed as the way forward, that the MPA will work with and obtain 'sign off' from Hume on matters isolated to their submissions prior to the adoption/ approval of the document. The position agreed between parties is as explained above.	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
11.10	Council provided alternative cross-sections for Figure 2, with the following changes: a) Frontage Road: Minimum width for road fronting the Conservation reserve would be 18.1m rather than the 14.5m shown. This is in line with Council's minimum standard for an industrial road.	The frontage road as suggested in Hume's submission is considered not to be the best outcome, as the most predominant land use will not be industrial at this location, and will be mainly commercial uses. However, MPA agrees that the frontage road cross-section is narrow and recommends a 7m carriageway with 2.6m car parking lane on one side, but with retention of a 2.2m nature strip adjacent to the boundary of the conservation area.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.11	Direct Frontage: This cross-section should be removed from the PSP as industrial/commercial development should not front the creek without road access. Council also notes that this cross-section poses bushfire risk and Council has concerns for the safety of its maintenance staff who would be working in isolated areas with poor surveillance.	Agreed. An access road will be provided fronting the creek, so the direct frontage cross section will be removed.  MPA maintains that the 2.2m wide nature strip is sufficient adjacent to a conservation area boundary.	Resolved. MPA to make agreed changes as set out in the Part A submission.
	<b>Other cross-sections</b>		
11.12	Council has provided altered cross sections to replace the following: a) Appendices, Section 4.3, Secondary Arterial. To reflect a one way local frontage road needing a minimum of 7m width pavement and 10m for a two way local frontage road.	To be consistent with industrial access streets, a 7m carriageway is considered acceptable in this location to allow turning truck movements into lots. The width of local access streets are at Council's discretion.	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
11.13	Appendices, Section 4.5 Connector street: As per the <i>PSP Notes Road Networks and Cross Sections</i> parking widths for industrial connector roads should be at least 2.6m, rather than the 2.1m shown. Council suggests removing the pedestrian path (1.5m) and making the 3.0m two way bike path a 3.0m shared path, with the 1.5m used to create 2.6m parking widths (from 2.1m) and increase the nature strip on one side from 3.0m to 3.5m for services.	Agree, parking bays should be 2.6m. MPA now recommends making the section 25.5m wide. The two way bike path is now proposed as a shared path, as cycle and pedestrian movements will be low. For this reason the pedestrian path will be deleted from the side of the road with the shared path as it is considered unnecessary.	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.

		Council requests that the cross section for English Street (secondary arterial) is added to the PSP from the English Street PSP. This would be in addition to the Brookville Drive (secondary arterial) cross section. Council considers the benefits would be; better transition for pedestrians and cyclists; consistency with cross sections Hume has agreed with developers of the land to the east of the Hume Freeway (Viva Energy); more efficient use of the narrow road reserve over bridges		
		<b>Improvements/ Corrections</b>		
11.14		The PSP should include a discussion regarding the distinction between Commercial Precincts A and B.	The primary difference between Commercial Precincts A & B relate to the zoning of the precincts. Precinct A is intended to allow for some restricted retail and Precinct B is intended to provide a more sensitive interface to the residential and conservation uses to the north and east with business park uses. This will be further described within the PSP and through the amendment of the vision. This will be addressed in the MPA submission further, the intent of the PSP Document.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.15		<p>The PSP should include the following to facilitate an integrated design should a bulky goods centre or area be pursued in this precinct:  A new requirement stating: "<i>The design of any restricted retail centre or area must be integrated even where development is proposed on multiple adjoining properties and:</i>  ~ Provide for easy vehicular and pedestrian movement to <u>all</u> restricted retail tenancies within the centre or area  ~ Provide integrated car parking with dedicated pedestrian routes that enables access to all tenancies and a 'park once' approach  ~ Limit fencing and landscaping which prohibits vehicular and pedestrian movement between tenancies  ~ Provide dedicated access arrangements for servicing and delivery vehicles from the road network or a clearly separate arrangement where access is proposed from the car park."</p> <p>If preferred, the following dot points could be removed from the requirement and inserted as guidelines as follows:  ~ "Easy vehicular and pedestrian movement should be provided to all tenancies with the restricted retail centre or area.  ~ Car parking should be designed to service the entire centre with dedicated pedestrian routes to provide good pedestrian access to all tenancies and a promote a 'park once' approach.  ~ Fencing and landscaping should not prohibit pedestrian movement within the centre.  ~ Servicing and loading areas should be accessed from the road network or a clearly separate access within the car park".</p>	<p>Agreed. Insert requirement as requested.  "The design of any restricted retail centre or area must be integrated even where development is proposed on multiple adjoining properties and:  ~ Provide for easy vehicular and pedestrian movement to all restricted retail tenancies within the centre or area;  ~ Provide integrated car parking with dedicated pedestrian routes that enables access to all tenancies and a 'park once' approach;  ~ Limit fencing and landscaping which prohibits vehicular and pedestrian movement between tenancies; and  ~ Provide dedicated access arrangements for servicing and delivery vehicles from the road network or a clearly separate arrangement where access is proposed from the car park."</p>	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.16		Amend Plan 3 to make it easier to distinguish between road reserve and key access streets.	Plan 3 will be amended to provide greater differentiation between road reserves and key access streets.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.17		Amend Plan 3 to give Laffan Reserve its own reference in the legend as 'active open space' rather than 'drainage open space (encumbered).'	Agreed. This will be distinguished.	Resolved. MPA to make agreed changes as set out in the Part A submission.

11.18	Consolidate the isolated strip of local park between MWs drainage line and retarding basin with MW's assets and remove it from LP1.	Agreed. LP1 is a conceptual Drainage Scheme only and will be subject to change through the detailed design. MPA agreed with Melbourne Water that this wetland design will be changed for detailed design. The open space area will be removed from this location and relocated elsewhere in the PSP where an area	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
11.19	O13 - include reference to the Kalkallo Creek	Agreed.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.20	G6 - Add conservation areas to the third bullet level	Agreed.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.21	The area of the future Laffan Reserve as depicted in plan 5 is smaller than 6.7 ha described.	Agreed, it is close to 5ha.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.22	Update the Habitat Compensation Layer to add the native vegetation patches to be retained in Plan 6, to ensure that the landowners of LP3 and LP4 do not need to pay Habitat Compensation Obligations.	Disagree. The Guidance Note: Implementing the BCS for Melbourne's Growth Corridors, Working Document Feb 2015 specifies when native vegetation is exempt from habitat compensation fees. There are a number of criteria that must be met in order to consider an exemption, and the areas of native vegetation do not meet these. The MPA cannot change the boundaries of native vegetation and DELWP would have to agree to future changes to this guidance before allowing a change in this area. DELWP is currently considering how to manage these difficult instances, whether this be a waiver of fee or a discount.	Unresolved Refer to panel
11.23	R17 - Development should also be to the satisfaction of the Responsible Authority.	Agreed.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.24	Plan 7 should show shared paths connecting to the shared paths currently shown along the Merri Creek and drainage line. Revised plan provided by HCC.	Agreed, the MPA will amend Plan 7 in line with the suggested shared path.	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
11.25	Plan 8 - Summerhill Rd is proposed to be six lanes east of Brookville Drive. Clarification requested whether this section would become a primary arterial rather than secondary as indicated.	The road will ultimately become a secondary arterial, but VicRoads will build the overpasses which will convert those sections of the road to six lanes. The PSP will fund land for a secondary arterial, but will acquire land for Vicroads so that the area to the west of Brookville Drive will be a primary arterial. This will be shown on Plan 8.	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
11.26	Table 4- The description of Summerhill Road should refer to both six and four lanes	Agreed.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.27	The land for State infrastructure is ultimate not interim	Agreed. This change will be made.	Resolved. MPA to make agreed changes as set out in the Part A submission.

11.28		A number of DCP references are incorrect	The projects listed in the Precinct Infrastructure Plan (PIP) differ to DCP as it encompasses all projects, not just DCP items. The PIP has separated out projects dependent on agency and priority for delivery.	Resolved
11.29		The Merri Creek Road bridge description should read- two two lane bridges, not a two-lane interim, four-lane ultimate bridge, unless the MPA makes the changes requested in this submission.	The MPA will only be funding the interim which is for one two-lane bridge. This is consistent with English Street PSP panel recommendation.	Resolved
11.30		The description of IN-25.1-7 should not mention Brookville Drive	Agreed.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.31		Plan 11 - request amendment to identify the part of the 'affected land' that would require a CHMP and geotechnical survey to give certainty to the crossing location.	The area marked as 'affected area' was identified to allow refinement to the location of the crossing. MPA's intention was that the 'affected area' is not only limited to the results of a CHMP, but also the Geotechnical area and area required for road leading toward the bridge. The MPA cannot determine which land is subject to a CHMP as this is managed under the Aboriginal Heritage Act, however the MPA is willing to mark a general 200m radius around the creek that is subject to CHMP. The area can now only move to the north of the bridge location due to a late submission made by DELWP in Amendment C183, identifying the area to the south of the current bridge location is not appropriate for development . Therefore, MPA recommends that the area marked as 'affected land' will be relabelled 'project buffer area for possible bridge realignment' and is now limited to the location of the bridge and 50m north of its current location. MPA considers this satisfactory given the results of the CHMP and Geotechnical work that has already been carried out. The English Street Panel report recommends that this change be made as set out in our response.	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
11.32		R48 - Requests wording be made clearer, suggested wording: " <i>Subdivision of affected land on lots identified in Plan 11 adjacent to the future bridge crossing of the Merri Creek is not permitted until the exact location for bridge abutments has been confirmed through a geotechnical assessment and a CHMP for the entire affected area of each property, unless otherwise agreed by the Responsible Authority and the City of Whittlesea.</i> "	The following wording is recommended: 'development within the 'project buffer area for possible bridge alignment' identified in Plan 11 adjacent to the future bridge crossing of the Merri Creek is not permitted until the exact location for bridge abutments has been confirmed through a geotechnical assessment and a cultural heritage management plan (CHMP), or unless otherwise agreed by the responsible authority and City of Whittlesea'.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.33		A new development staging requirement should be added to require all new industrial or commercial developments to have access to the surrounding primary arterial road or freeway by roads constructed to an industrial standard, unless agreed by the responsible authority. This reflects the need to upgrade Brookville Drive to an industrial road standard.	Agreed. G28 has been moved to a requirement and amended. Suggested wording as follows: 'development viability and staging in this precinct will be determined largely through the availability and provision of infrastructure in order to access and service each development site. Within this context, development must: - ensure safe and orderly vehicular access to the existing arterial network; and - provide access to each new lot via a sealed road to service the development and constructed to an industrial standard, all to the satisfaction of the responsible authority.'	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.34		Amend 2nd dot point of G28 to read: " <i>Access to each new lot must be via a sealed road constructed to an industrial standard.</i> "	Agreed, see above comment.	Resolved. MPA to make agreed changes as set out in the Part A submission.

11.35	Amend R50 to account for the three high risk properties identified in the background report. These should also be included in the list of properties as requiring a site assessment. An ESA for these properties should be triggered by industry, warehouse, retail or office use as well as sensitive uses, as per the State Govt's <i>Potentially Contaminated Land General Practice Note</i> .	Agreed, but it was decided that R50 should be removed, so that it is not inconsistent with the UGZ which has more clearly set out all properties identified in the background report.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.36	Amendments recommended to R52 including: ~ Opening sentence - there are no open spaces delivered via the DCP in this precinct. ~ Third bullet - there are no active reserves that would be created on subdivision. ~ Seventh bullet - remove reference to the installation of bbqs, as this would require the installation of public toilets.	Agreed, except that reference to barbeques remains but referred to as 'may'.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.37	Remove references to two charge areas throughout the document.	Agreed. Commercial and Industrial sections may remain, but references to charge areas removed, as there is only one charge area.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.38	Remove the 3m shared path from Figure 6	Cross section will be amended. The path will also be removed, as it connects to a nature conservation area where no path can be proposed. No parking is required at this point and therefore will only be 7m wide.	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
11.39	Table 6 (also applies to Appendix 1 of the DCP) - clarify where the 1.12 ha local park on property 25.1-33 is located.	This area is all intended for waterway asset. Land budget will need to be revised.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.40	Table 6 (also applies to Appendix 1 of the DCP) - whether the retarding basins in properties 25.1-42 and 25.1-43 are included in the conservation area column, and if so, whether this is appropriate.	It has been agreed between DELWP, the MPA and Melbourne Water, that the water assets can be located within the conservation area, as specified in the Conservation Area Concept Plan. The land budget will need to be revised to differentiate the area for wetland/retarding basin,	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.41	Appendices, 4.5 - Primary arterial cross section should also apply to Summerhill Road, west of Brookville Drive.	Due to the nature of Summerhill Road changing so frequently at intervals from a primary arterial to a secondary (due to the future overpasses at two locations), it is considered that a cross-section would not be helpful to demonstrate the road design. It would be better to use the street cross sections already in the PSP to demonstrate it. A new cross section can be created that will be the same as the Primary Arterial Road, but removing reference to 'Donnybrook Road'. The one that remains with reference to Donnybrook Road will now have the local frontage access street removed, as that would be in a conservation area.	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
11.42	Appendices, 1.2 - Add the following to the General Principles for Service Placement: ~ Drainage is preferred behind back of kerb. ~ Allowed under road pavement in certain circumstances. ~ Drainage is not allowed under kerb.	This will be amended to be clear on these points.	Resolved. MPA to make agreed changes as set out in the Part A submission.
	<b>Comments on the DCP Intersection IN- 25.1-6</b>		

11.43	Intersection IN-25.1-6: A PAO should be applied to the land for the intersection which is affected by Conservation Area 27. The DCP then needs to account for the cost of acquiring this land.	MPA has confirmed with DELWP that the intersection cannot encroach upon land into Conservation Area 27. It will not allow for the acquisition of this land and the intersection location will need to move slightly away from that corner. This will need to be shown in a new engineering drawing and the project RD-25.1-3 will need to be shown on Plan 4 slightly differently, due to a section of road being moved east of the intersection IN-25.1-6, now over to the right of this intersection. The same measurement will apply to the overall length of the project, so no change to costing is required.  The additional island area created adjacent to the conservation area, will not be publicly acquired, but it will revert to a local park, to gain back the area of park lost at LP1 which is being reverted to MW asset. Hume have agreed to the approach on this basis.	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
11.75	Page 61 of the DCP has 0.54ha for prop 18 (IN-25.1-5) but page 60 of the DCP has 0.65ha for the same area. The DCP tables you send through use 0.65 ha. Just checking that the 0.54ha is an error or whether it should be added on.	Page 61 specifies a total area of 0.54 + 0.14 ha = 0.68 ha for section of Amaroo Road. Page 60 specifies a total area of 0.65 ha for the intersection that covers over property 25.1-18. The two projects in total come to: 1.233 ha , then with the additional 0.9 ha for the bridge project over the Hume Freeway, comes to 2.133 ha in total, which is different to the 1.94ha as specified in table 8. This will be amended and checked.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.75	The DCP tables report 1.24ha for property 41. 0.32ha is for RD-25.1-1 but RD-25.1-1 does not touch property 41. Think the DCP land area should be 0.92 for property 41.	Disagree. Brookville Drive, English Street and area of IN25.1-1 all take land in property 41. Pages 49-51 demonstrate this in the drawings.	Resolved
	<b>Net Developable Area</b>		
11.44	Net Developable Area: Update to reflect re-oriented key access roads and intersections as per HCC Comment #6, to avoid shortfall in DCP receipts due to creating parcels that are never developed.	An access road has been provided to these lots. The inclusion of the local access road will not be a DCP item and the roundabout intersection costing will not be changed as a redesign is not considered appropriate. The NDA will be updated as a result of the changed land-take as a result of the new layout.	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
	<b>Road Bridge over Merri Creek</b>		

11.45	Road Bridge over Merri Creek - Council object to the interim bridge design that will make it more costly for the ultimate bridge design. An approach is provided for an upfront 4 lane bridge.	The MPA's position is that it will only fund an interim bridge design. There is nothing stopping the Council in delivering the ultimate at the time of construction of the DCP bridge. DCP planning in Victoria has consistently worked on the basis of a 10 year horizon for developer funding of local infrastructure. The exhibited DCP will service the first 10 years of development and deliver the ultimate land and one carriageway each way. The MPA can demonstrate through the modelling that the ultimate bridge will likely not be required due to demand in the ultimate scenario.  The Amendment C183 panel report recommends that the interim design is the appropriate bridge design for costing purposes.	Resolved
11.46	Council requests that the CHMP and geotechnical assessment studies are undertaken before the DCP is gazetted to give certainty of the location of the bridge and therefore costings. An alternative could be to provide a greater contingency to the bridge costings than applied - 40% suggested.	Moremac is currently undertaking a CHMP and Geotech investigation. A contingency of 20% was agreed in the conclave for English Street.  The Amendment C183 panel report recommends that a sufficient amount of work has been done to resolve this issue and considers the contingency amount proposed by the conclave was sufficient to allow for a change in the location of the bridge.	Resolved
11.47	The costings for the bridge and RD-25.1-1 (the approach to the bridge) should account for the amount of habitat compensation payable for works in Conservation Area 34.	This cost is normally borne at the detailed development stage and therefore should not be considered as part of the DCP. Hume noted in their email on Amendment C183 that they felt the conclave dealt with this issue. Email from Gareth Edgley- 21/08/2015.	Resolved
	Development Staging Plan		
11.48	The DCP should include an additional plan called the 'Preferred Staging of Development Plan' in Appendix 1, which would communicate to the development industry / investment community important implications of the DCP that would otherwise likely be missed. It would outline: ~ Costs to the development industry would be minimised if the development progresses from south to north. Out of sequence development would likely have to pay for significant additional works as off-site permit conditions, in addition to DCP obligations to upgrade the road network. ~ How a single landowner would develop the site - leveraging off existing infrastructure and minimising out-of-sequence works. ~ The plan would not control or restrict development. ~ The plan would help investors/developers acquire land at the right price. ~ Properties would need to be consolidated to minimise development costs. It would indicate groupings of properties that would be necessary to minimise additional costs as permit conditions.	The PSP establishes a 30 year plan for the precinct. The timing and staging of the development will depend on the demand for urban land and it is not considered appropriate to show a 'preferred staging plan', because if a developer wishes to deliver and pay for the infrastructure up front, it is able to. Objective numbers 24 - 26 and Requirement numbers 48 and 49 ensure that infrastructure will be delivered in a timely manner. G28 will be upgraded to a requirement and clarified further, to make this clear. It is not considered necessary to repeat this in the DCP.	Resolved. MPA to make agreed changes as set out in the Part A submission.
	Properties entirely encumbered by the Growling Grass Frog (GGF) Conservation Area		

11.49	<p>Replacement text to current Section 2.2 was provided:</p> <p><i>"Project Timing</i>  <i>All items in the DCP will be provided as soon as is practicable and as soon as sufficient contributions are available, consistent with Section 4.1 and acknowledging the Development Agency's capacities to provide the balance of funds not recovered by this DCP.</i></p> <p><i>Preferred Sequence of Development</i>  <i>Until English Street is extended through the English Street Precinct and over the Merri Creek, and/or the potential interchange with the Hume Freeway is constructed, the only access point from this precinct to the wider network will be to the south via Brookville Drive.</i>  <i>Brookville Drive is not currently suitable for commercial and industrial traffic and requires upgrading to support any development.</i></p> <p><i>To ensure that the Collecting Agency has sufficient development contributions to fund the required upgrade, development should commence at the southern edge of the precinct and extend northwards as shown in the Preferred Staging of Development Plan. Adjoining or groups of properties should be developed together to ensuer there is sufficient funding for this upgrade and intersections.</i></p> <p><i>Development of a property ahead of the preferred sequence shown in the Staging of Development Plan will be required to fund the upgrade to Brookville Drive to any future access point/entrance to the property. The cost of such works in excess of the development contributions for that property is unlikely to be credited or reimbursed by the Collecting Agency (see Section 4.1.3)."</i></p>	<p>The suggested wording has been amended at Section 2.2:</p> <p><b>Project Timing</b>  Each item in the DCP has an assumed indicative provision trigger with information available at the time the DCP was prepared. All items in the DCP will be provided as soon as is practicable and as soon as sufficient contributions are available, consistent with Section 4.1 and acknowledging the Development Agency's limitations in providing the balance of funds not recovered by this DCP.</p> <p>Council, as the development agency as well as the collecting agency, will monitor and assess the required timing for individual items and have regard to its capital works program and provision triggers.</p> <p><b>Sequence of Development</b>  Council has noted that until the potential interchange at English Street and the bridge over Merri Creek is constructed, the only access point for heavy goods vehicles will be to the south via Brookville Drive.</p> <p>In the absence of the connections from English Street, Development will be required to fund the upgrade to Brookville Drive to service the property. The cost of such works in excess of the development contributions for that property is unlikely to be credited or reimbursed by the Collecting Agency (see Section 4.1.3). This is in line with Council's current policy at the time of preparation of the DCP. To avoid this scenario, development could commence at the south of the precinct and extend northwards to ensure there is sufficient funding for this upgrade and intersections.</p>	<p>Resolved. MPA to make agreed changes as set out in the Part A submission.</p>
	<b>Improvements/ Corrections</b>		
11.50	Section 1.2: remove the redundant arrow at bottom of page	Agreed.	Resolved
11.51	Plan 2- the pedestrian bridge should not be represented as a road bridge	Agreed.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.52	Tables 2 and 6- calling commercial and industrial areas 'charge areas' is misleading	Agreed.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.53	<p>Table 3 should be revised to account for the following:</p> <ul style="list-style-type: none"> <li>-the description of RD-25.1.-1 should include the acquisition of land for the Hume Freeway crossing</li> <li>-The description of RD-25.1-2 should include the acquisition of land for a freeway overpass.</li> <li>-The description of RD-25.1-3 should account for the fact that the road reserve would be variable along summerhill Road, with a larger road reserve west of Brookville Drive to cater for 6 lanes</li> </ul>	Agreed.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.54	Table 8- as per earlier comments, this table should account for acquiring land from Conservation Area 27	As noted earlier, the DCP will not acquire land from Conservation area 27 and the intersection will need to be realigned. This will be shown on a new plan and the area will become Local Park.	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
	<b>Comments on the Schedules</b>		
	<b>UGZ8</b>		

11.55		Map 1 to be updated to reflect changes	Agreed.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.56		Amend Clause 2.4 to have a maximum restricted retail floorspace of 25,000 square metres.	Agreed.	Resolved. MPA to make agreed changes as set out in the Part A submission.
11.57		Amend Clause 2.4 to remove the provision allowing the development of a shop within the IN1Z.	The shop provision is conditioned to allow for use of the land for a convenience centre and is consistent with the outcomes described in the PSP. It is conditioned in the Schedule to be located only where the PSP has directed it to be. A floorspace cap is recommended if we are to change it to a section 1 use.	Resolved
11.58		Amend Clause 2.5 to be clear that this applies to the Laffan Reserve. It is unclear how the habitat compensation obligation will be triggered for open space if no planning permit is required.	The UGZ will not apply to the Laffan Reserve. The reserve was exhibited with a Rural Conservation Zone and is now to be zoned Public Park and Recreation.  The habitat compensation trigger operates under the power of the Commonwealth approval regardless of these provisions.	Resolved
11.59		Amend Clause 3.4 to include a dot point indicating 'fencing of any public open space'. Clarify point four to identify whether it applies to the land that will become Conservation Area 34 or the whole property.	The MPA considers that the provision appears clear in its application with the exception of the last point which contains a typographical error. Replace '; and' with a full stop at the end of the dot point.	Resolved
11.60		Update Section 3.6 and 4.6 to reflect HCC comments for R50 of the PSP (Comment 29 above)	As per response to 1.35 above.	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
11.61		Recommends that the permit conditions within Section 4.2 are removed from the UGZ and placed in Schedule to to the IPO. The IPO2 covers the land that these conditions specifically apply to.	Protection of conservation areas and native vegetation during construction' relates to abutting land also. Agree regarding 'Land Management Co-operative Agreement'.	Resolved
11.62		Recommends all land in Conservation Area 34 should be transferred to a public authority during subdivision.	The way that this amendment is dealing with Conservation Area 34 is managed is consistent with the BCS.	Unresolved Refer to panel
11.63		Section 4.6 - The Environment Site Assessment should be submitted as part of the subdivision permit, rather than 'before the plan of subdivision is certified'.	The conventional approach is to prevent the commencement of a sensitive use or building and works facilitating a sensitive use until the environmental assessment is completed. There is no reason to prevent permits from being issued in the meantime.	Unresolved Refer to panel
		<b>RCZ</b>		
11.64		The application of the RCZ as it currently stands would prejudice the redevelopment of the Laffan Reserve. A SUZ for the Conservation Area that allowed the 'redevelopment of existing reserves' as a Section 2 use with referral to DELWP has been previously discussed between Council and the State Government.	The MPA has resolved to support retention of the Public Park and Recreation Zone over Laffan Reserve.	Resolved
11.65		DELWP has recently advised HCC that it considers the SUZ the most appropriate zone for the Growling Grass Frog Corridor.	DELWP has advised that currently the RCZ is the most appropriate zoning.	Resolved
11.66		The RCZ does not address the DELWP as being a referral authority for development in that zone. The draft SUZ better addresses this requirement.	The DELWP can be included as a referral authority in the Incorporated Plan Overlay.	Resolved
		<b>IPO2</b>		

11.67	The condition related to threatened species habitat offsets was dropped between the exhibited PSA docs and the previous version. This condition would have significant implications for the value of some properties and Council is concerned that this information has not been part of the exhibition documentation. Council suggest that this condition is included in Schedule 2 to the IPO, or there would not be a trigger for payment.	The provisions of the amendment provide for notification to applicants of their obligations under the Environment Protection and Biodiversity Conservation Act 1999.  Those obligations remain in place regardless of the planning scheme.	Unresolved Refer to panel
	<b>Schedule 2 to the ESO</b>		
11.68	Council objects to the deletion of Schedule 2 to the ESO, unless provided objectives to realise new open space are replaced in new ordinance. ~ To create a peaceful, passive open space quality in the creek parkland and valley. ~ To provide a linear open space link, including the provision of a shared pedestrian and cycle use path along one side of the waterway corridor. ~ To provide for links, views and access from surrounding areas to the creeks and open space.	These provisions will be proposed to be embodied further in the PSP, as similarly recommended by the Panel in the Amendment C183 Panel Report.	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
	<b>Clause 52.17</b>		
11.69	The clause exempts 'land shown on UGZ8 on planning scheme maps'. Theoretically, this could mean that any native vegetation removal within Conservation Area 34 zoned RCZ (or as Council would prefer, SUZ) would be required to pay offsets under the <i>Permitted Clearance Regulations</i> as well as Habitat Compensation Obligation.	Conservation Area 34 is zoned Rural Conservation Zone and is not subject to the condition exemption in the 52.17 Schedule.	Resolved
11.70	The BCS is intended to provide for all Federal and State offset requirements, and there is therefore no need for the Permitted Clearance Regulations to be triggered in the PSP area.	Noted.	
	<b>Clause 94 (VicSmart)</b>		
11.71	The extension of VicSmart to works beyond the value of \$50,000 currently set in State Government's guidance for minor building and works schedule is not supported on this site. This clause should be removed or amended to refer solely to building and works up to a value of \$50,000.	MPA have discussed and agreed with Hume that this would not be appropriate to extend the VicSmart provisions for this area. Smaller applications already use the VicSmart Process, and Hume's internal processes is to manage all applications through the pre-application process, then allowing for a 'fast-tracked' planning application once the details are correct.  At this stage it is difficult to foresee the size of the developments that will occur in this area in future. Without an understanding of the size and type of development that will eventuate, it is considered best in this instance to have applications coming in through the regular permit process to allow for the additional time that may be needed to consider infrastructure delivery/ funding and to consider the additional requirements that are addressed through the PSP.  MPA are currently confirming our position on this matter.	Resolved
11.72	Amend Table 3 - provisions for the advertising sign should provide for a maximum signage advertising sign of 10 sqm as specified in State Government's guidance. Likewise the car parking should specify 10 car spaces maximum, consistent with the guidance.	See above. It would not be worthwhile continuing with the implementation of these two smaller provision requirements without proceeding with the buildings and works provision.  MPA are currently confirming our position on this matter.	Resolved
	<b>PAO</b>		

11.73		Council consider that a PAO is required for land in Conservation Area 27 that is required for intersection IN-25.1-6	As noted earlier, the DCP will not acquire land from Conservation area 27 and the intersection will need to be realigned. The area will become Local Park. This will be shown on a new plan.	Resolved in principle. MPA and Council to agree wording/plans prior to gazettal.
11.74		Council considers that a PAO should be considered for properties 25.1-2, 25.1-44, 25.1-47, 25.1-48 and 25.1-49 to help achieve the objectives of the BCS.	<p>The MPA has implemented the area required for the GGF corridor as set out by the approval of the BCS by the Federal Government in September 2013. The PSP reflects that area (with minor refinements to the boundary as approved) that is required to meet the Federal obligations set out in the BCS.</p> <p>The GGF Strategy points out that 'Category 1 GGF corridor will be excluded from development and will be protected and managed for GGF conservation in perpetuity. The final boundaries of these habitat areas may change slightly to deal with local site conditions during the precinct structure planning process. Any variations must not reduce the total area of the GGF corridor within the relevant precinct or have any detrimental effect on the functioning of the corridor for the GGF and must be to the satisfaction of DEPI [DELWP].'</p> <p>It is not within MPA's jurisdiction to address this concern and therefore acquisition of this land is not part of this amendment. Any decision to begin acquisition would need to be directed to us from the Federal Government.</p>	Unresolved Refer to panel