

## Unresolved Submissions Table

Version: 29 April 2016

						Decision pending further review
						Unresolved
Sub. #	Affected property / properties	Issue Raised	Change to the amendment requested?	MPA Comment / Proposed Outcome	Submitter response	STATUS
2	M&J Harte of 1015 Merriang Road, Woodstock. Represented by Kris Wilson of Wilcon Projects Pty Ltd	1) The designation of open space is not appropriate on the site as it is located on the intersection of two major roads of the South and Eastern Boundary of the PSP.	Yes	<p>The location of LP25 is considered important to the future development of the Donnybrook/Woodstock PSP as it provides the opportunity to retain trees which have been identified as holding arboriculture and landscape values in situ and within public open space. Retaining trees in public open space, particularly on small sites facilitates the ability to reduce the financial impact on the landowner by retaining the trees on land, which is ultimately purchased by either the Infrastructure Contributions Plan (ICP) or via the provisions of Clause 52.01 of the Whittlesea Planning Scheme.</p> <p>We note that the City of Whittlesea has a policy that requires the retention of no less than 80% of native trees on site. If the open space were removed from your clients land any future development proposal would need to demonstrate how it meets this policy</p> <p>The Donnybrook/Woodstock PSP has applied the "Public Land Equalisation Methodology" (PLEM) to land required for the development of community and development infrastructure. The PLEM provides a site-specific valuation to all land, which provides over the average amount of contribution towards public land. In essence this means that because the subject site is providing greater than the per site average across the PSP, a higher value is placed on the portion of land over the average. This is done by combining one value for land up to the average with another greater per hectare value for land over average the precinct.</p>		Unresolved - Refer to panel
		2) A residential land use would be more appropriate as to create sensitive development occurring and responding to the opportunities and constraints of the site. Allowing for commercial uses to make the most of the major intersection and road network.	Yes	The PSP does not preclude the opportunity to apply for a commercial use on this corner.		Unresolved - Refer to panel
		3) The designation of the retarding basin has not been investigated thoroughly enough and is 1 of 5 potential locations Melbourne Water are considering.  It is believed that these land uses have been designated according to ease rather than good planning outcomes.	Yes	The proposed RBWL has been relocated by Melbourne Water. This will form part of the DSS.		Unresolved - Refer to panel
3	Lou Dibella	5) Sufficient justification has not been provided for the application of the Heritage Overlay to 975 Donnybrook Road, Donnybrook and the loss of 1.25ha of what is currently developable land. This directly conflicts with previous work undertaken by Council and the Context report which has been prepared to inform the PSP.		<p>The MPA has been working closely with the City of Whittlesea to ensure that the application of heritage protection to the site is appropriate and accurate having regard to the heritage values of the site. It is the MPA and City of Whittlesea's view that the exhibited Heritage Overlay affecting this site remains suitable, as it ensures a planning permit is triggered if buildings and works or demolition works on the land is proposed. However, this does not necessarily require the existing buildings on the land to be retained, rather they will be subject to assessment via the planning permit process.</p> <p>For clarity, MPA will add a new Requirement to the PSP specifying that sites with heritage value can be either used for residential purposes or suitable commercial or community purposes.</p>		Unresolved

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		<p>34) The requirement of a certificate or statement of audit in Section 3.3 must be replaced with the need to prepare a Phase 2 Environmental Assessment and the wording be based upon the wording of recent schedules approved in the City of Casey such as:</p> <p>An application to subdivide land, use or develop land for a sensitive use (residential use, child care centre, pre-school centre or primary school) must be accompanied by an environmental site assessment of the land by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of '[name of report]' and provides information including:</p> <ul style="list-style-type: none"> <li>- Further detailed assessment of potential contaminants on the relevant land;</li> <li>- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE;</li> <li>- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of <ul style="list-style-type: none"> <li>- groundwater conditions and geology on the development and the impact of the development on surface and subsurface water; and</li> </ul> </li> <li>- Recommended remediation actions for any potentially contaminated land.</li> </ul>		<p>The MPA has sought input from both the City of Whittlesea and Mitchell Shire Council in relation to this matter. Both Councils have indicated that they oppose the alternate approach sought to the Environmental Site Assessment requirements in the UGZ schedules. Whittlesea in particular has advised that they support the exhibited UGZ schedules nominating sites with a high potential for contamination as suitable to require a certificate of environmental audit or statement by an environmental auditor, and sites with medium contamination potential to require a Phase Two assessment. Mitchell supports this approach.</p> <p>The MPA is of the view that where the background report has identified sites with high potential for contamination, it is appropriate that these sites require a greater extent of examination via a certificate of environmental audit or statement by an environmental auditor.</p> <p>There is an opportunity for submitters to present additional evidence that a particular site does not have a high potential for contamination and should be re-categorised with an alternate level of potential contamination. If this can be demonstrated it would result in a site no longer categorised as 'high' not being subjected to the applicable requirements of Section 3.3.</p>		Unresolved
4	Glenn Halliday of 1065 Merriang Road, Woodstock	<p>1) Scattered trees identified on the property within the PSP however no reference to these trees within the Biosis Scattered Tree Assessment dated 28 July 2014 or Tretec Arboricultural Report dated 14 June 2013. There are no GPS coordinates to identify the dots on the maps.</p> <p>Clarify if these trees are to be retained or a mapping error.</p>		<p>We acknowledge that not all trees have been assessed and there are gaps in the data.</p> <p>The Plan 8 will now only be marked with DELWP's time stamped vegetation mapping and will not include the trees surveyed by Biosis or TreeTec, to avoid confusion in the plan set.</p> <p>In addition the planning permit applications for subdivision and development will be subject to the Schedule to the Urban Growth Zone which contains an Application Requirement requiring and assessment of tree values on site and compliance with the City of Whittlesea' street retention policy which seeks to ensure that no less than 80% indigenous trees are retained on site. A number of requirements and guidelines will be provided to clarify the tree requirements further: Requirements:</p> <ul style="list-style-type: none"> <li>-Except with the written consent of Council, a minimum of 80 per cent of river red gums classified as Medium, Large, or Very Large (per DSE publication 'Guide for Assessment of Referred Planning Permit Applications') must be retained on each parcel for their landscape and amenity value. The retention of trees on Plan 5 will contribute to the attainment of this requirement. Where multiple contiguous parcels are owned or controlled by a single entity and planned to be developed in an integrated manner, this Requirement may be applied and met across those contiguous parcels.</li> <li>• Retained River Red Gums, wind rows and significant trees must be located within the public domain, including parks and street reserves, unless otherwise agreed by the Responsible Authority.</li> <li>• Where trees are retained, applications for subdivision and/or development must apply Tree Protection Zones as identified within Appendix 4.6 of the Precinct Structure Plan.</li> </ul> <p>With supporting Guidelines:</p> <ul style="list-style-type: none"> <li>-Small River Red Gum and other indigenous trees should be retained where located with other trees identified for retention.</li> <li>• Large areas of closely scattered River Red Gums should be prioritised for retention to enhance local identity and visually reference the historic rural landscape.</li> </ul>		Unresolved
6	Angela & Sam Galileos of 1025 Merriang Road, Woodstock. Represented by Tatjana Medvedev of Mecene Urban Design	<p>1) MPA proposal in the land budget that 10,000m2 (48.79%) of the total land parcel in question is dedicated to local network park.</p> <p>Submit that the total area of credited open space (local network park) should be 4,700m2 (23%) of the total land parcel. Therefore the developable land would be 15,800m2 (77%) of the total land parcel.</p>		<p>The location of LP26 is considered important to the future development of the Donnybrook/Woodstock PSP as it provides the opportunity to retain trees which have been identified as holding arboriculture and landscape values in situ and within public open space. Retaining trees in public open space, particularly on small sites facilitates the ability to reduce the financial impact on the landowner by retaining the trees on land, which is ultimately purchased by either the Infrastructure Contributions Plan (ICP) or 52.06.</p> <p>We note that the City of Whittlesea has a policy that requires the retention of no less than 80% of native trees on site. If the open space were removed from your clients land any future development proposal would need to demonstrate how it meets this policy.</p>		Unresolved
6.2	Email dated 29 February 2016	<p>1) Please remove the open space parkland from our property of 1025 Merriang Road Woodstock in it's entirety on the current version of the Donnybrook Woodstock PSP.</p>		<p>The MPA does not support the request to relocate LP26 from the subject site</p>		Unresolved

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		2) The valuation of \$1,216,886 that you refer to is not adequate compensation in our opinion.		<p>The Donnybrook/Woodstock PSP has applied the "Public Land Equalisation Methodology"(PLEM) to land required for the development of community and development infrastructure. The PLEM provides a site-specific valuation to all land, which provides over the average amount of contribution towards public land. In essence this means that because the subject site is providing greater than the per site average across the PSP, a higher value is placed on the portion of land over the average. This is done by combining one value for land up to the average with another greater per hectare value for land over average the precinct.</p> <p>As part of the proposed planning scheme amendment, the MPA engaged Heron Todd White (HTW) to prepare the valuations for all properties in the PSP and each parcel within the PSP is valued individually. In the case of 1025 Merriang Road, HTW concluded the 0.99 hectares of LP26 allocated to the subject site would be valued at a rate of \$1,216,886 per hectare for a total of \$1,212,018, subject to indexation and Council valuation. We note that this site specific valuation is subject to change and is considered private by the MPA. This information should not be applied to any other property and should not be shared with neighbouring landowners.</p>		Unresolved
7.1	Dennis Family Corporation DFC (Donnybrook) Pty Ltd DFC (Woodstock) Pty Ltd	59) Page 87 - Secondary arterial. RRL reference. No RRL in Donnybrook?  Also there is no shared path within the cross section?	Yes			Decision pending further review
		60) Page 94 - Conservation interface. C  Conflicts with cross section on Page 83. Delete top cross section in favour of the cross section on page 83. Conflicts with 4m paper road requirement. Bottom cross section – conflicts with 4m paper road requirement. Better to end the land take to the left side of the path = 4m.	Yes			Decision pending further review
		<b>DPM Consulting Submission</b> 86) Shared path on both sides of Darebin Creek  R77 on page 43 refers to plan 12. Shared paths should be shown on both sides of Darebin Creek.		R77 should correctly reference plan 13. Also R77 suggests that a path can be constructed on the other side of a 'minor' waterway to a lesser standard (e.g. crushed rock). This may suffice for showing a shared path along both sides of Darebin Creek.		Decision pending further review
		<b>SMEC Donnybrook/Woodstock - Donnybrae Submission</b> 87) Plan 3 - FUS  Conservation Area • Note on plan /text to add.: 'The Conservation Area boundary may change with the appropriate approvals from DELWP /Commonwealth as required under the Melbourne Strategic Assessment.'				Decision pending further review
						
		<b>Peppercorn Hill - Growling Grass Frog Metapopulation Node and Crossings</b>				

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		<p>96) Summary:</p> <ol style="list-style-type: none"> <li>1. All crossings to be designed as culverts</li> <li>2. Update on DFC's application to change the BCS</li> <li>3. Integrated storm water wetland with metapopulation node. DFC is in agreement with all other storm water assets</li> <li>4. Update to Plan 10 - Conservation Area 34 (south) within the Donnybrook Woodstock PSP to include: <ul style="list-style-type: none"> <li>- YVW service corridor</li> <li>- Branch sewer alignment</li> <li>- Shared paths on both sides of the creek and crossing locations</li> <li>- School to directly interface the BCS</li> <li>- Additional potential for passive recreation and landscape nodes</li> </ul> </li> </ol> <p>See report for full details</p>				Decision pending further review
		<p><b>Definitions and Referrals</b></p> <p>99) It should be noted that the Department of State Development, Business and Innovation ('DSDBI') advised that any matters relating to the P&amp;E Act should be referred to DSDBI, and not Energy Safe Victoria or any licensees. This response clearly illustrates that the Minister and the Department recognise their role within the P&amp;E Act, to provide advice and influence planning decisions, even if it is not defined within the Act that is their role. As a result we believe it would be prudent to seek the views of the DSDBI in considering the implications the pipeline and activity associated with its operation, may have on potential residents in the PSP area; rather than only consulting with a licensee (which is arguably not an authority for the purposes of clause 66).</p> <p>Furthermore we believe the DSDBI should hold the referral authority position, and should consult with the licensee or ESV if deemed appropriate before responding to the referral. This would be the most appropriate approach, as it would illustrate a similar overarching role that Public Transport Victoria has as a referral authority; as it consults various entities such as V-Line or VicTrack, before responding as appropriate. When drafting any planning controls, consideration is required to what the purpose of a referral is, and therefore what trigger for referral should be incorporated (if any). In addition, if certain conditions or requirements are incorporated into the Urban Growth Zone Schedule or the PSP, there may not be a need for a referral in order to manage the conversion of the land from rural to urban use.</p>				Decision pending further review
		<p><b>Proposed Urban Growth Zone</b></p> <p>100) Section 3.2</p> <p>There is no need to list the dot points in 3.2 such as prohibition of rippers and the like. The construction techniques will be specified in the approved construction management plan</p>				Decision pending further review
		<p>101) The referral trigger is too broad and will generate excessive referrals which will introduce additional unnecessary regulation into the development administration process. The requirement for a construction management plan ('CMP') should be limited to any permit that requires works to occur within, or immediately proximate to the existing gas easement. The present drafting impacts all types of applications that could be some hundreds of meters away from the easement and do not propose any construction proximate to the easement. Further, the current drafting introduces a gap whereby a development that is outside the buffer distance I measurement length that does require service extension works or road works across the easement would not require referral.</p> <p>Further, if the requirement is focused on requiring a construction management plan for works on or immediately proximate to the easement, then that purpose can be achieved without the need for a referral, as it can be drafted as a condition. The Urban Growth Zone requires a permit to incorporate any condition or requirement set out in the PSP. Suitable drafting for example could be:</p> <p><b>"Condition for an application that proposes works within or immediately proximate to the high pressure gas easement:</b></p> <p>Prior to the commencement of works within or immediately proximate to the high pressure gas easement, a construction management plan must be submitted to and approved by the responsible authority. The responsible authority must consult with the Minister administering the Pipelines Act 2005 and any other relevant person before approving the construction management plan.</p> <p>The construction management plan must be implemented to the satisfaction of the responsible authority."</p>				Decision pending further review

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		<p>102) The current drafting states that the construction management plan is to be developed to Council's and the operator of the gas transmission pipelines satisfaction. This requirement should reflect that it is to be to the satisfaction of 'the Minister or department administering the Pipeline Act 2005' or Energy Safe Victoria ('ESV'), depending on the views and directions of the DSDBI. The licensee (being the gas pipeline operator) would provide advice to the either ESV or DSDBI as to whether the construction management plan is appropriate, with the authority and not the licensee, providing the ultimate decision in relation to the matter in question. As the Minister has the authority to approve or revoke licenses relating to pipelines, it is important that any matters relating to the infrastructure itself, should be forwarded to the Minister or the relevant body administering its functions at the time; since licensees may change from time to time. The role of the licensee is to provide information to the DSDBI and ESV, who should reach a decision about the appropriateness of any particular proposal and advise the respective authority seeking the advice accordingly. The proposed wording shown within the UGZ will include a licensee within the ambit of planning controls, and allow a private corporation to exercise a power afforded to a Minister, where the power has not been delegated to the company through the appropriate legislative controls. This would expose the PSP as operating in contradiction to advice provided by the DSDBI, and potentially in contravention to legislative controls as detailed above. The inclusion of a licensee as a referral authority would expose the planning system to an entity where business interests in maintaining the serviceability and profitability of such infrastructure could take priority over matters relating to safety, or matters relating to orderly and sustainable planning not receiving the appropriate level of consideration. These concerns were also expressed in the closing submission made by Council in the recent panel hearing held for the Wollert PSP amendment.</p>				Decision pending further review
		<p><b>Construction Management Plans</b></p> <p>103) We consider that CMP's should be standardised, since development methods are highly unlikely to materially deviate in the PSP area. Once a CMP is established having regard to the cross sections to be adopted as part of the PSP process, and given that only limited instances will arise where infrastructure services will have to traverse the easement area, the CMP can be easily applied by numerous developers. This would eliminate the probability that multiple parties develop vastly different format and detailed CMP's. Council is responsible for approving construction plans for works within or immediately proximate to the high pressure gas easement, therefore, it is considered that it should be responsible for creating the template that it believes satisfies its needs. DFC is prepared to create a draft template for the Council to consider as we will shortly be constructing a major sewer and other infrastructure across the gas easement.</p> <p>As a further suggestion to the MPA, it could consider, with Council endorsement, incorporating a recommended template into the SMS under preparation for the high pressure gas pipeline.</p>				Decision pending further review
		<p><b>Risk Mitigation and Assessment</b></p> <p>104) It should be noted that no explanation can be found relating to the manner in which the buffer area illustrated on Plan 2 within the PSP has been calculated. The terminology 'buffer area' may not be an appropriate term, the term 'measurement length' may be more appropriate. Given the level of involvement the current licensee has had in relation to preparing a revised SMS for the pipeline, it is assumed that the buffer area and terminology was recommended by the licensee; and not the Minister or DSDBI. If this assumption proves correct, the appropriate authority has not been contacted to determine the buffer distance or measurement length to be established surrounding such potentially life threatening infrastructure. We consider that it would be more appropriate for decisions relating to potential life threatening impacts, such as a catastrophic failure in infrastructure to be appropriately determined by the Minister, or the DSDBI, in consultation with the ESV. In forming a position, the Minister could consult with the pipeline licensee, the MPA and Council and any other relevant party.</p> <p><i>The buffer area illustrated on the PSP should be revised so that is termed measurement length and remain on Plan 2;</i></p>				Decision pending further review

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		<p><b>R94</b></p> <p>104a) The responsibility for the preparation of an SMS is solely upon the licensee under the Standard to prepare and endorse; not developers. Whilst we welcome the opportunity to participate in a workshop to facilitate the preparation of such an instrument, to restrict development within certain regions based on the measurement length, which would be determined having regard to the current operation levels and standards of the pipeline, would be an inappropriate exercise for the following reasons:</p> <ul style="list-style-type: none"> <li>• It is the role of the pipeline operator, as mandated under the standard, to make necessary modifications to the pipeline to ensure it operates safely having regard to the proximity of sensitive uses, not the developer;</li> <li>• These necessary modifications include but are not limited to pressure reductions, and pipeline replacement to 'non-rupture' alternatives and does not include prohibiting development occurring in close proximity;</li> <li>• The commercial interests of a licensee would be dictating the manner in which land is to be developed, without having regard to orderly and sustainable planning principles;</li> <li>• The licensee is highly unlikely to have a suitable understanding or skills to make planning judgements and consider net community benefit having regard to the planning scheme and after considering relevant social, economic and environmental considerations;</li> <li>• The orderly planning of the area would be compromised since large areas of land could be rendered almost undevelopable given the risk associated with the current operation of the pipeline.</li> </ul> <p><i>It is submitted that requirement 94 should be deleted.</i></p>				Decision pending further review
		<p><b>R95</b></p> <p>105) The requirement should be a guideline and only refer to the gas pipeline asset, not the licensee as this can change from time to time. The provision should also be reworded to take into account instances where other infrastructure may traverse the easement area; if the current wording remains these instances cannot be facilitated through the PSP. It would be more appropriate for the guideline to read as follows:</p> <p>"Subdivision abutting the high pressure gas transmission pipeline easement shown on Plan 2, should provide for the outcomes illustrated in Figure 2 to the satisfaction of the responsible authority."</p> <p>It should be noted that the reference made in the exhibited PSP R95 to Figure 5 should be corrected to Figure 2, with the cross-sections updated to reflect how the proposed water distribution main will be treated, as it is illustrated as running in the same area as shown on Plan 15. The water main could be addressed as a note in the cross section as it is only co-located with the high pressure gas main for part of the development interface with the easement.</p>				Decision pending further review
Dennis Family Submission 7 March 2016		<p>106) The APA submission appears to be based on an overreach of the entity's statutory role and does not properly reflect its responsibilities with respect to high pressure pipelines generally. More particularly: 'The role of the licensee is to provide information to the OS OBI and ESV, who should reach a decision about the appropriateness of any particular proposal and advise the respective authority seeking the advice accordingly ... the inclusion of a licensee as a referral authority would expose the planning system to an entity where business interests in maintaining the serviceability and profitability of such infrastructure could take priority over matters relating to safety, or matters relating to orderly and sustainable planning not receiving the appropriate level of consideration'.</p> <p>We note that the DSDBI has now transitioned into the DEDJTR, however this does not change the substantive parts of our submission provided to you on 5 February 2016.</p>				Decision pending further review
		<p>107) The submission provided by the APA appears to rely on the basis that the infrastructure in the easement is to remain in its current form, and will not be modified in any way to appropriately address future residential or other sensitive land uses.</p>				Decision pending further review

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		108) The APA submission also seeks to unreasonably impose additional administrative burdens on the permit and PSP implementation processes with permit referrals. I understand from my discussions with APA that they have not developed any policies or procedures that would guide the formulation of responses to any permit provided for their comment. Whilst there is a desire for referrals, there is no clear purpose or framework for how such referrals would be assessed and what conditions would be expected to be imposed on permit applications. Further, we are conscious of the precedent such a proposal would have across Victoria. If the approach proposed by APA were extrapolated across Victoria, there would be a significant administrative burden and such proposals require sound scoping and assessment before they can be seriously considered. The APA submission essentially seeks to eliminate any necessity for infrastructure improvements, alterations to current operations, or the preparation of an SMS assessment by the APA; whilst seeking significant alterations to the proposed urban framework to attend to these objectives. Such an approach has not had proper regard to the orderly planning of the area, and the objectives contained within the Planning and Environment Act 1987.				Decision pending further review
		109) We note that the APA submission claims 'the proposed development will impact on APA assets within the study area, which increases the risk of our pipeline being detrimentally impacted upon', it however provides no justification or rationale to substantiate this claim. To date, the APA has failed to demonstrate how the introduction of new land uses in the area (not within the easement area) will detrimentally affect the pipeline; notwithstanding likely increases in insurances premiums to the entity and costs associated with risk mitigation measures likely to be implemented. The broader Victorian context is relevant here too. There are pipelines throughout Victoria and through existing urban areas. Developments proximate to those pipelines are not subject to the sorts of requirements now being proposed by APA.				Decision pending further review
<b>Additional submissions added by DFC to the MPA table on 25 April 2016, these form part of the DFC submissions</b>						
		DFC have provided DELWP and MWC with details of the drainage outfall required in the form of a pipe to be constructed from the final location of the PSP drainage asset WL-1 to the existing culverts at the rail line. This will require the construction of a pipeline within the BCS GGF conservation area. The relevant conservation area concept plan needs to be updated to show the proposed drainage pipe.	Yes. DELWP to confirm its position of the DFC (Donnybrook) P/L proposal to locate the drainage outfall pipe within the BCS Gaff conservation area.			Decision pending further review
		CACP. DFC wishes to ensure that the CACP includes all relevant information and wishes to understand the DELWP proposal for the CIP.	Yes.			Decision pending further review
		PSP provisions dealing with schools. Currently addressed by G28. DFC requests clearer wording regarding how land can be developed if it is not required for Government or Non Government school purposes. DFC objects to the proposals put forward by the Catholic Education Office.	Yes.			Decision pending further review
		The proposed Public Acquisition Overlay (PAO) to allow for the widening of Donnybrook Road generally permits the road to be widened to a 41m profile. However, there is a need for the PAO to provide for some additional widening proximate to the rail line to allow for the future road over rail grade separation.	Yes.			Decision pending further review
		R46. There needs to be greater flexibility in this requirement to allow parks to be located to the satisfaction of DELWP and the Responsible Authority.	Yes.			Decision pending further review
		Section 3.4 . MPA making changes in consultation with DELWP. DFC will review when the DELWP changes are provided with the Part A response.	Yes.			Decision pending further review
		R69. DFC is concerned about the current wording.	Yes.			Decision pending further review
		R94. This requirement is not valid and should be deleted.	Yes.			Decision pending further review
		Make the ICP project descriptions clearer.	Yes			Decision pending further review
<b>Additional submissions added by DFC to the MPA table on 26 April 2016, from the Stakeholder Submission Table</b>						

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		R26 to be amended similar to R22	<b>Proposed R26:</b> "Subdivision, use and/or development within neighbourhood or local centres must respond in general accordance to the relevant Convenience Centre Concept Plans LCC Performance Criteria - attached as Appendix 4.3."	Submission outstanding	Not agreed. DFC proposes an alternative as follows: <b>Proposed R26:</b> "Subdivision, use and/or development within neighbourhood or local centres must respond to the relevant Convenience Centre Concept Plans LCC Performance Criteria - attached as Appendix 4.3. <u>An alternative design may be considered to the satisfaction of the Responsible Authority.</u> "	Decision pending further review
		R53 Amend wording to generally in accordance	<b>Proposed R53:</b> "Any works within a conservation area must be designed generally in accordance with a Conservation Area Concept Plans to the satisfaction of the Secretary to the DELWP."	Submission outstanding	DFC will provide alternative wording for DELWP and the MPA to consider.	Decision pending further review
		R89 - To be reworded as follows or deleted	<b>Proposed R89:</b> "All existing above ground electricity cables of less than 66kV voltage must be placed underground as part of the upgrade of existing roads, to the satisfaction of the Responsible Authority."	Submission outstanding	DFC opposes this requirement. This requirement is quite unreasonable and vague. It is unclear what the definition of 'upgrade' of an existing road is. The cost of the removal of the 22kv overhead power lines along Donnybrook Road is estimated to cost approximately \$10M. This is very expensive and is unlikely to be able to be funded by the ICP and should not be a development cost. In addition, in many cases, 22kv power	Decision pending further review
		G51	delete/consider rewording	Submission outstanding	DFC opposes this guideline. This guideline is completely unreasonable and vague. It is unclear what the definition of 'upgrade' of an existing road is. The cost of the removal of 66kv overhead power lines is extremely high. DFC has previously provided a costing of the removal of the 66kv lines along Donnybrook Road which demonstrated that the costs exceeded \$20M.	Decision pending further review
		R91	delete/consider rewording	Submission outstanding	This requirement is unreasonable and vague. The trigger for the provision of the works is not clear and no costing or cost benefit has been prepared by the MPA or Council. Provision of conduits for the undergrounding of 66kv lines is specialised, complex and costly. The provision of conduits should not be required unless they are funded by the ICP. Further, there is no point requiring provision of conduits if the power lines themselves are not proposed to be provided underground.	Decision pending further review
		R99 - Amend wording	<b>Proposed R99:</b> "All public open space must be finished to a standard that satisfies the requirements of the Responsible Authority prior to the transfer of the public open space, including: <ul style="list-style-type: none"> <li>Removal of all existing and disused structures, foundations, pipelines, and stockpiles.</li> <li>Clearing of rubbish and weeds, basic levelling, topsoiled and grassed with warm climate grass (unless conservation reserve requirements dictate otherwise).</li> <li>Provision of water tapping, potable and recycled water connection points. Sewer and gas connection points must also be provided to land identified as an active reserve.</li> <li>Planting of trees and shrubs.</li> <li>Provision of vehicular exclusion devices (fence, bollards, or other suitable method).</li> <li>Maintenance access points.</li> <li>Installation of park furniture including barbeques, shelters, furniture, rubbish bins, local scale playground equipment, local scale play areas, and appropriate paving to support these facilities, consistent with the type of public open space listed in the open space delivery guide (Table 6)."</li> </ul>	The MPA and CoW agree to the following change; "All public open space must be finished to a standard that satisfies the requirements of the Responsible Authority prior to the transfer of the public open space, including: <ul style="list-style-type: none"> <li>Removal of all existing and disused structures, foundations, pipelines, and stockpiles.</li> <li>Levelling to a standard required for the intended use.</li> <li>Clearing of rubbish and weeds, topsoiled and grassed with warm climate grass (unless conservation reserve requirements dictate otherwise).</li> <li>Provision of water tapping, potable and recycled water connection points. Sewer and gas connection points must also be provided to land identified as an active reserve.</li> <li>Planting of trees and shrubs.</li> <li>Provision of vehicular exclusion devices (fence, bollards, or other suitable method).</li> <li>Maintenance access points.</li> <li>Installation of park furniture including barbeques, shelters, furniture, rubbish bins, local scale playground equipment, local scale play areas, and appropriate paving to support these facilities, consistent with the type of public open space listed in the open space delivery guide (Table 6)."</li> </ul>	DFC opposes this requirement in relation to levelling for the intended use. DFC supports the requirement as proposed it is applies to unencumbered passive open space. However, it is not an appropriate requirement for an active open space reserve. Levelling for future sports fields may cost several million dollars for an 8 hectare active open space reserve. Development proponents should only be required to undertake basic levelling. To require developers to undertake more extensive levelling, unless it is an ICP WIK project is unreasonable. DFC suggest the following wording: "Basic levelling for active open space areas.	Decision pending further review

Sub. #	Affected property / properties	Issue Raised	Change to the amendment requested?	MPA Comment / Proposed Outcome	Submitter response	STATUS
8	Mitchell Shire Council	<p>1) Mitchell Shire is particularly disappointed that the PSP has been exhibited without an accompanying DCP, prior to the Infrastructure Contributions Plan ICP system. This has severely inhibited Council's ability to properly respond to the draft PSP. The failure to exhibit a contributions plan alongside the draft PSP has prevented Council from understanding the cost of the infrastructure items identified in the draft PSP and whether contributions collected will be sufficient to facilitate the delivery of such items.</p> <p>This is critical information pertinent to the entire structure and sustainability of the proposed communities.</p>	Yes.	MPA has agreed to prepare an ICP prior to the gazettal of the PSP.		Unresolved
		3) The need for costings of infrastructure items identified in the draft PSP to enable Council to understand the cost of identified infrastructure against the contributions which will be collected.		<p>The costings of infrastructure items do not normally form a part of the PSP. The MPA refers Mitchell Shire to the Agency DCP for understanding the cost of infrastructure that would need to be collected. The MPA will advocate for a rate that will capture enough contributions to fund all infrastructure items identified. Where they will not, a supplementary levy will be required. PSPs can always proceed and be approved without a DCP if it is managed through a different process.</p> <p>The MPA has agreed to prepare an ICP prior to the gazettal of the PSP.</p>		Decision pending further review
		<p><b>Infrastructure Contributions Plan</b></p> <p>4) Brompton Lodge PSP in Casey CC for example has been exhibited recently with an accompanying DCP. Mitchell is not clear as to why the same process has not been followed for Amendment GC28.</p>		Brompton Lodge PSP was exhibited a day earlier than the Donnybrook Woodstock PSP, prior to the decision made by ICP advisory committee that no further PSPs should be exhibited with DCPs, as they will be adopted with ICPs ongoing.		Decision pending further review
		5) Without a contributions plan, Mitchell Shire cannot properly assess the ability to deliver the infrastructure to which it is identified as the lead agency in the PSP.		Mitchell Shire has been a party to many discussions over the costings for this PSP which can be used in their consideration of any discussions prior to the adoption of an ICP. The MPA will advocate for a rate that will capture enough contributions to fund all infrastructure items identified. Where they will not, a supplementary levy will be required. The MPA has agreed to prepare an ICP prior to finalisation of the PSP.		Decision pending further review
		6) Preliminary assessment has indicated that Mitchell Shire could be significantly underfunded (approximately \$6.5-8 million which includes almost \$4-6 million of underfunding for community and recreation items.		MPA is unclear as to how they have calculated this shortfall. As this has not been described, MPA cannot make specific comment on this, however the ICP is not intended to underfund infrastructure and needs to understand the council's thinking as to how this might occur.		Decision pending further review
		7) Greater certainty is required on the new ICP system to inform a response to the draft PSP and identified infrastructure items. Currently, there is no certainty in respect to: <ul style="list-style-type: none"> <li>-standard levies</li> <li>-allowable items</li> <li>-criteria for a supplementary levy.</li> </ul>		MPA has agreed to prepare an ICP prior to the gazettal of the PSP.		Decision pending further review
		8) Cost sharing with PSP's to the north would be problematic due to uncertainty in respect to timing of development.		This is acknowledged. The DCP/ ICP is the best way to ensure funding is available for infrastructure, but the funds can only be captured at the time of subdivision. It is agreed that funding infrastructure in the north of the precinct will be slower because the subdivision of this area will not occur until the bridge is built over Paterson Drive. The PSP cannot control the staging and timing of the subdivision and therefore cannot time the delivery of infrastructure.		Decision pending further review

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		9) It is considered that a pedestrian/cycle link is required between Merristock and Lockerbie PSP. It is considered that the option for utilising the existing underpass beneath the Melbourne-Sydney railway should be investigated. The link should be included as an ICP item.		MPA considers that the provision of cycle path that utilises an existing underpass is acceptable. A shared path is proposed along the merri creek which can continue underneath the existing railway bridge. The MPA is happy to show this on the plans. This would be a small cost that should be covered by nearby development and would not constitute an ICP item, like all other shared paths that are not to be delivered as part of a road cross section.		Decision pending further review
		10) It is critical that an ICP is able to deliver the necessary infrastructure for the Merristock community. If it does not it will leave an isolated community without the necessary and safe transport connections, services and facilities it needs to be sustainable.		Noted. MPA believes that a sufficient amount of infrastructure is provided to access the north of the area to ensure the community is sustainable.		Decision pending further review
		11) Mitchell shire recommends a range of options be explored should the levy amounts not cover the identified infrastructure items. These include: -use supplementary levies to cover funding shortfall; -review infrastructure items in the infrastructure plan to ensure that the cost of providing the infrastructure matches the contributions collected. This may result in the amendment of some items however given the isolation nature of the community it is critical that any amendment does not detrimentally affect the sustainability of the future community; - provide for a single charge area to enable contributions to be collected from across the PSP to fund all items in the PSP infrastructure plan; -any other suitable options.		Noted. MPA is not the agency implementing the ICP, but is a member of the Implementation Reference Group. A supplementary levy will be used to cover infrastructure items where there is a funding shortfall.		Decision pending further review
		<u>Bushfire Management</u> 26) The proposed Merristock community is vulnerable to bushfire risk due to proximity to vast areas of grasslands proposed to be contained in conservation areas. It is critical that two access/egress points area provided to the community from the commencement of its development. Mitchell strongly encourage the MPA to further engage with the CFA to ensure that bushfire mitigation measures and controls are adequately incorporated into the PSP and amendment documents.		MPA has engaged CFA throughout the process of developing the PSP, who were instrumental in requiring the need for a temporary access point until a second access/egress point has been provided. The CFA were sent the most recent PSP as part of the exhibition and have not sent us any further comments. The MPA has agreed an approach with CFA on how it responds to bushfire management more generally. Mitchell would need to be more specific about what they would want us to query with CFA.		Decision pending further review
		<u>Temporary Access Road</u> 31) The plans indicate the indicative alignment of a 'temporary access road' from Patterson Drive (Merristock) to Epping Road. However, there is no detail or guidance provided in the PSP. It is requested that guidance/control be provided in the PSP document /UGZ schedule in respect to the temporary roads including: -purpose and function; -possible alignment and criteria for its alignment -standard of construction; -timing; -construction and funding responsibility.  It is considered that an appropriate standard of construction would be for a 20m road reserve with 6m seal and 1.5m shoulders.		Agreed that there can be further guidance around the purpose and function for the temporary road. A cross-section is provided in the PSP which refers to the rural layout cross-section which is intended to be used for the temporary roads. The specifications for the street is provided within the cross section. Agreed that a new requirement should be added to the Street Network specifying that 'Subdivision of the area to the north of the PSP in the Shire of Mitchell must ensure that two access and egress points are provided to service the development, and be generally in accordance with the locations set out in the PSP'.  The cross section specified is similar to the cross section on page 80 of the PSP and can be amended to have a 6m carriageway with a 1m shoulder on either side.  MPA does not, however, feel that it warrants particular discussion in the UGZ, as the PSP can clarify the purpose of this road.		Unresolved
		38) Draft Precinct Infrastructure Plan Projects Summary- October 2015 It is critical to understand the ICP system in order to: -ensure that the community is delivered the infrastructure identified in the PSP -that works in kind agreements can be entered into between Council and development proponents because there is a consistency between the developer's contribution liability and the cost of infrastructure required to be delivered. -supplementary levies can be investigated where there is a substantial funding shortfall particularly for highly variable infrastructure items such as bridges or for areas with a low net developable areas such as Merristock.  It is recommended that costings be prepared for all infrastructure items contained in the Infrastructure Plan Projects Summary document.		Agreed. MPA is working toward obtaining confirmation on how the ICP will be implemented. At the request of the working group on the ICP, the ICP system was brought in to avoid the need for independent costing of all projects.		Unresolved

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		<p>51) <u>Temporary Access Road</u> It is imperative that the temporary road be constructed upon the commencement of development in Merristock and at no cost to Council. The road is critical to provide a secondary access and egress point particularly for emergency circumstances. It is recommended that the Country Fire Authority be further engaged in this regard.</p>		<p>MPA agrees that the temporary road needs to be constructed upon commencement of development at no cost to council. The Council has discretion to refer a subdivision application to CFA where relevant. The road can form a project in the PIP, as it is necessary for the delivery of the community.</p>		Unresolved
10	Catholic Education Office Melbourne	<p><b>Areas on noncompliance with adopted protocols for non-government schools in PSP's</b> 1) Background Report does not note that Catholic school sites have been shown in the PSP area to assist CEOM in establishing Catholic school sites to meet a strategically justified need for Catholic education in the area</p>		<p>This point is noted however, as discussed during our meeting the background reports have considered the overall provision ratios for school places and assumed a percentage schools sites will be developed by the non-government sector. This does not diminish the strategic work prepared by the CEOM to identify future needs.</p>		Unresolved
		<p><b>Non-Government school site designation on PSP Plans and changes to UGZ table of uses</b> 7) It is now evident that the approach adopted by the MPA with our reluctant agreement to designate schools justified by CEM as 'potential non government school' is not working for the reasons outlined in this submission. The submission states a new or altered approach is required to provide greater clarity with the wording: "potential non-government school (Catholic)"</p>		<p>The MPA has received legal advice that it is not appropriate to identify land in a PSP for any particular private organisation's use. The key role of the PSP is not to identify who or which organisation is the final provider of a particular land use, but rather to identify the nature of the land use. It is the position of the MPA to distinguish between a government and non-government school in PSPs, as they are treated differently under the planning provisions. The nomenclature 'non-government school' is broad and non-discriminatory. No further delineation of the specific provider or type of non-government school is required from a statutory planning perspective. It should be noted that this position was taken in the recent Rockbank PSP (Amendment C145) Panel. The MPA may revise this position subject to the outcomes of the panel report which is yet to be received.</p>		Unresolved
		<p>8) We submit that the PSP these words be adopted into the PSP/UGZ. The Table of uses in the schedule to the UGZ should be amended to show a catholic school as a section 1 use and other non-government schools, not strategically justified as part of the PSP process as a section 2 use.</p>		<p>As stated in point 7 above, the MPA does not see it necessary to designate catholic schools separately to other non-government schools in the PSP or in the UGZ.</p>		Unresolved
12	Boral (parcel number 7 and 8 of Donnybrook PSP), represented by Mirvac	<p>6) Review the boundary for the conservation open space in light of the additional work undertaken and identify land in the PSP which is deemed to be appropriate for development.</p>		<p>Agreed, that conservation open space category is currently being reviewed by DELWP however this work is not yet complete and therefore cannot be incorporated into the document until it is completed and approved.</p>		Unresolved
		<p>27) The Planning Scheme Amendment includes application of the Development Contributions Overlay over the precinct but a development contributions plan has not been prepared. We understand that an Infrastructure Contributions Plan is to be prepared and exhibited separately and we will make a submission on this when it is released. Delays in preparing and incorporating a contributions plan has significant implications for development in the precinct and as such preparing the contributions plan for exhibition should be a priority.</p>		<p>This is superceded by submission point 39</p>		Unresolved

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		<p><b>Conservation Area 22</b></p> <p>36) A number of matters relating to Conservation Area 22 have been discussed with MPA and Council over the last few months. Below is a summary of the status of these matters as we understand them as well as confirmation of our position:</p> <ul style="list-style-type: none"> <li>Conservation Open Space - DELWP is undertaking a program to review the Open Space Conservation Areas across the growth areas to determine whether there any Open Space Conservation areas which warrant classification as a 'Nature Conservation Areas' or which may be made available for urban development. DELWP has advised that the review of conservation open space areas is being undertaken independent of the preparation of PSPs and that DELWP is not proposing to make any changes to the conservation areas as part of this amendment.</li> </ul> <p>For Conservation area 22, we see merit in undertaking a review of the Conservation Open Space areas and believe that it should be considered as part of this planning scheme amendment. This would allow any rezoning and plan updates to be undertaken. Boral commissioned Ecology and Heritage Partners to survey the Open Space Conservation area and the results will be submitted to DELWP shortly for consideration.</p> <ul style="list-style-type: none"> <li>Concept Plans in PSP – We understand that DELWP will be providing updated Concept Plans for inclusion in the PSP. In relation to the Boral land, the updated plans will identify Conservation Area 22 to be entirely within the management category of Nature Conservation.</li> </ul> <p>We support this change as it aligns with Boral's understanding of the management category and will identify this clearly within the PSP.</p>		<p>DELWP is currently undertaking the Open Space review. Until such time this review is completed and approved, the MPA can only show the current designated BCS boundary.</p> <p>The Concept Plans will not be updated until such time that the revised open space category BCS is approved.</p>		Unresolved
		<p><b>Development/Infrastructure Contributions</b></p> <p>39) The Planning Scheme Amendment includes application of the Development Contributions Overlay over the precinct, but a development contributions plan has not yet been prepared. We understand that this is because the MPA will be preparing an Infrastructure Contributions Plan (ICP) for this precinct which will be based on the projects within the Precinct Infrastructure Plan.</p> <p>In the interim we understand that the intention is that an interim rate will be identified within the DCPO to enable the Council and landowners to enter into a 173 Agreement (for the transfer of cash contributions in accordance with the rate).</p> <p>Once the ICP is gazetted, we understand that the rate in the DCPO will be amended to reflect the ICP rate. We do not object to this interim approach as it will allow development to commence whilst the ICP is being finalised.</p> <p>It is important that the interim rate adopted and included in the ICP is based on detailed costing of each project so that there is some transparency on the costs and nexus is established. We understand that this is the approach that the MPA is taking.</p>		<p>The MPA position is that it will prepare an ICP prior to the gazettal of the PSP.</p>		Unresolved
13	Stockland	<p>2) The draft PSP proposes a large Local Town Centre (LTC 1), performing a sub-regional role, two LTCs performing conventional neighbourhood roles (LTC 2 and LTC 3), a small LTC (LTC 4) and six local convenience centres (LCCs 1-6).</p> <p>This centre hierarchy is based on advice prepared by Essential Economics in June 2014, and supplementary Essential Economics advice in June 2015 that identified the potential for Koukoura Local Town Centre (LTC 1) to include a DDS and second supermarket. This additional potential is based on the study region capturing 41% of the total retail spending in the study region and supporting 45,000m2 retail floorspace (Scenario 2, Potential for Expanded Retail Facilities Scenario), as compared to a 31% capture of the total retail spending in the study region, supporting only 33,000m2 retail floorspace (Scenario 1, LTC Only Scenario).</p> <p>The 2014 Essential Economics report did not further define the retail floorspace demand analysis and recommended a total provision of between 33,000m2 - 45,000m2. However, it did recommend a centre hierarchy based on the lower retail spending capture and total provision of 33,000m2 retail floorspace. The Essential Economics 2015 update provided additional advice to the MPA to further consider, amongst other things, the potential for a larger LTC on Koukoura Drive to be the larger centre serving the region. This advice was not clearly based on any additional analysis but rather responded to ongoing MPA work on the Future Urban Structure (FUS) for the PSP areas 'taking into account consultation with land owners and research/advice on the many aspects that are involved in planning for future urban growth areas (including community planning, economics, environmental, traffic, etc). The 2015 advice does not explicitly make recommendations that a larger LTC should be provided, but rather reiterates that there is potential and outlines spatial considerations for an enlarged LTC at Koukoura Drive.</p> <p>We do not therefore find that the Essential Economics work conclusively justifies why the larger floorspace provision of 45,000m2 is the favoured option for the Donnybrook-Woodstock PSP.</p> <p>A comparison of the recommendations in the 2014 Essential Economics with both scenarios described above and the 2015 PSP retail centre caps is provided within the content of this submission.</p> <p>Stockland are of the view that the increase in LTC 1 to 21,500m2 will foreseeably have a negative impact on the development of retail uses in Lockerbie PTC, particularly if LTC 2 develops prior to Lockerbie PTC.</p>		<p>The MPA supports the strategic role and function of the Lockerbie Principal Town Centre. The MPA is satisfied that the size and distribution of retail floor space is appropriate for the precinct and does not support reducing the retail floor space of LTC-1 to 7,000m2 as requested for the following reasons:</p> <ul style="list-style-type: none"> <li>Essential Economics provided the background research which informed the total amount of retail floorspace that would be required to serve the future population. The Essential Economics work assumed that between 31% and 41% of the retail spend generated by households in the precinct would occur within the precinct and that this equated to a total floor space requirement of approximately 33,000m2 - 45,000m2. The MPA in consultation with the City of Whittlesea established a local retail hierarchy having regard to a range of considerations. This included among other things appropriate separation of centres, collocation of a hierarchy of community assets, the future road network and restrictions associated with the presence of the APA Gas Pipeline easement. As the PSP is a strategic document designed to guide the development of a future urban area it was deemed appropriate to plan for the upper end of the retail floor space scenario so as not to preclude the opportunities for the precinct.</li> <li>The increase in floors space allocation for LTC-1 allows for the centre to accommodate 2 full line supermarkets, a discount department store and a range of specialty retail floor space. We note that while this increase has occurred it has remained close to the upper limit of the estimated demand projected by Essential Economics for the precinct.</li> <li>Having regard to the potential impacts on the future Lockerbie Principal Town Centre, the MPA considers the following: <ul style="list-style-type: none"> <li>LTC 1 would be located approximately 4 -5 kilometres by road from the Lockerbie PTC when either Cameron Street or Gunns Gully Road crossings are constructed. In terms of the two centres competing in the early stages of development it is considered unlikely that residents in the east (i.e. Donnybrook and Woodstock) would travel to the west to Lockerbie for supermarket shopping, which we note will have its own growing catchment to support it.</li> <li>In the later stages of development Lockerbie PTC is planned to accommodate the higher order retail needs for the region. North Coast Centre (45,000m2) will provide the</li> </ul> </li> </ul>		Unresolved

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		Stockland seek for the retail floorspace cap for LTC 1 to be retained at the 7,000m <sup>2</sup> cap as identified in the 2014 Essential Economics assessment. At the very least, this item should be supported by further economic analysis on the centre's impact on Lockerbie PTC, and that analysis made available for public scrutiny. Stockland would also object strongly to any additional increase in the retail floorspace caps associated with LTC 1 or LTC 2 arising from the consideration of Amendment GC28, or the addition of land designated 'retail' associated with either of those centres.		retail and education needs for the entire North Growth Corridor (up to 80,000m <sup>2</sup> ) providing the regional level shopping and commercial centre. The MPA is satisfied that at approximately 21,500m <sup>2</sup> , LTC-1 is sustainable having regard to the identified regional role of the Lockerbie PTC.		
14	Mason family of 1235 Merriang Road, represented by Collie Pty Ltd	<p><b>1) Infrastructure Items</b> Neither a DCP or ICP has been prepared for the Donnybrook/Woodstock PSP area. Submit that the regime change is not in place at this time and the DCPO/DCP regime applies should be followed. Without a DCP it make it impossible to identify/assess the intent and conclude on the equitable nature or otherwise, of any proposed contributions</p> <p><b>2) Gunns Gully Road</b> The east portion of the Gunns Gully Road 6 lane arterial is to be funded as part of the OMR project, however it is not clear how the proposed interim treatment connecting to Merriang Road will be funded.  Submit that due to the major role in providing an east-west access in the wider region it is essential that this interim treatment be allocated contributions funding.</p> <p><b>4) Culvert</b> A culvert (or culverts) is proposed within the subject land on Gunns Gully Road where it passes over the east waterway corridor.  The exclusion of the culvert from development contributions funding ignores the immediate requirement of access to the Mason family land and others who own a property in the northern part of the DWSP area, as outlined above. Furthermore, we note that the funding of all other culverts along arterial roads are expected to be funded as detailed in the Draft Precinct Infrastructure Plan Projects. Following discussions several months before exhibition of AmC28, with MPA, we were led to believe that the MPA had agreed that this infrastructure item should be funded by development contribution but the exhibited documents do not reflect this position.</p>		<p>We note your comments in relation to development infrastructure funding and the unsettled status of the introduction of the new Infrastructure Contributions Plan framework. The MPA is not able to accept your suggestion that the PSP be subject to a Development Contributions Plan until the ICP framework is finalised as it would be against the directions of the MPA Executive. The MPA is hopeful that the ICP provisions will be finalised in the coming weeks and the PSP will be made compliant with any future requirements. We note that this was discussed during our meeting and we agreed that this matter was effectively resolved.</p> <p>The MPA does not anticipate that the eastern link of Gunns Gully Road (i.e. east of the culvert crossing) will be required in the short term and will most likely only be constructed by VicRoads should they see a need to connect to Grants Road. This is unlikely to occur before the construction of the OMR. As such the funded construction of the temporary access street cannot be justified as an ICP item. The MPA and the City of Whittlesea are of the view that your neighbouring properties to the north of 1235 Merriang Road are already accessible and can apply as part of a future planning permit application to upgrade access. It is expected that as the area develops local street connections will provide opportunities to cross the constructed waterways and connect to the arterial road network. We appreciate that this position has changed from our discussions with you prior to exhibition, but the reasons outlined above combined with the future ICP framework prevent us from agreeing to your request.</p> <p>The culvert issue in this instance is considered in the same context as the temporary access road associated with your submission on Gunns Gully Road. Melbourne Water have indicated that until the area fully develops the passage of water can be managed with the installation of pipes under the local street with the specifications able to be determined at the planning permit for subdivision stage. We appreciate that this position has changed from our discussions with you prior to exhibition, but the reasons outlined above combined with the future ICP framework prevent us from agreeing to your request.</p>		Unresolved
						Unresolved
						Unresolved

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		<p><b>6) Conservation Area</b>  The BCS anticipates that some changes to the boundaries of conservation areas will be appropriate and will be determined through the precinct structure planning process.  A working group, including DELWP and other interests, was established in 2014 to address issues associated with the implementation of the BCS and DELWP, as a consequence, decided to conduct a formal review of the 'conservation open space' category as it was unclear as to its purpose. If it was to protect existing trees (which was the purpose indicated to the Mason family), then why did it capture extensive untreed areas? If it was for conservation reasons, then why did it capture extensive areas with no BCS values?  On this basis, the Mason family submitted to DELWP on 1 June 2015, an application to amend the conservation area boundary, based on a biodiversity assessment by Brett Lane &amp; Associates (BL&amp;A). DELWP has since requested two more detailed surveys to be completed so that it could make a final decision on the boundary amendment.</p> <p>The results of these surveys are attached to this submission in the form of a plan from BL&amp;A that provides the results of the native vegetation mapping (time stamping), which will be submitted in 2015 to DELWP for quality control; and the BL&amp;A report on the targeted flora survey.</p> <p>On the basis of its investigations, BL&amp;A has recommended a nature conservation reserve boundary encompassing the southern 22.6 hectares of the property that supports the listed threatened community. The balance of the property it concludes, should be available for urban development as it supports limited areas of remnant native vegetation, no vegetation that qualifies as an EPBC Act listed community and no threatened species.  In summary, the extent and categorisation of the designated conversation open space area is unjustified and unnecessarily limits the developable area of the subject land.  Finally on this topic, we note an apparent error in the DWSPSP document on page 34 where it states in note 3 under Plan 9 that the active recreation area is within conservation area 22. This is incorrect as the active recreation area is outside the conservation area.</p>		<p>Your comments regarding the review of the Open Space category Conservation Areas is noted and we acknowledge that this is a process that exists outside the capacity of the MPA. The MPA will update the PSP as appropriate should the review find in favour of a reduction in area covered by the Conservation Area. We note that DELWP cannot finalise its review until it has completed the assessment of the total Open Space category Conservation area.  It should also be noted that any increase in developable area associated with a reduction in Conservation Area will be subject to the payment of native vegetation offsets and the City of Whittlesea's tree retention policy.</p>		<p>Unresolved</p>
		<p><b>12) Development Contributions Plan Overlay</b>  Amendment GC28 seeks to apply schedule 17 to the DCPO however no contributions plan has been prepared at this stage. Although MPA has stated that ICP will be prepared once new legislation regarding development contributions reform comes into effect, this amendment is being progressed before the legislation has been introduced and should therefore be prepared in accordance with the requirements of the existing system. Under the current system, a Development Contributions Plan is required in order to secure funding for development infrastructure.</p>		<p>Your comments in relation to DCPO-17 are noted. As discussed with you during our meeting, the DCPO was exhibited as part of Amendment GC28 to cause a trigger to require planning permit applicants to enter an agreement with Council for the payment of Infrastructure Contributions in the event that the PSP is finalised before the ICP framework is finalised and implemented.</p> <p>As the MPA is now willing to agree to prepare an ICP prior to gazettal of the PSP, this submission is considered irrelevant.</p>		<p>Unresolved</p>

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17	City of Hume	<p><b>Higher order infrastructure</b></p> <p>1) The Community infrastructure, social services and open space needs assessment (Capire, 2014) sets out the social infrastructure needs to be met in the Donnybrook and Woodstock PSP areas. A shortcoming of the Capire report, and as a consequence the planning for the Donnybrook and Woodstock PSPs, is its lack of a sub-regional perspective.</p> <p>Council is concerned that the Woodstock and Donnybrook PSPs may unnecessarily duplicate the provision of higher order infrastructure. With funding for such uses limited and highly uncertain it is prudent for all levels of Government to seek to avoid any duplication in provision and to locate higher order infrastructure in the optimal locations.</p> <p>Duplication of higher order infrastructure also risks undermining the activity centre hierarchy in the North Growth Corridor Plan. If higher order infrastructure is delivered at Koukoura Drive Local Town Centre to the east and at Merrifield (Mickleham) Major Town Centre to the west, there is risk that the plans to deliver higher order infrastructure in the centre, at Lockerbie PTC, are undermined.</p> <p>Council requests that the Planning Authority provides an evidence base justifying the location of higher order infrastructure across the immediate catchment to the Lockerbie PTC as set out in Figure 1. And Council requests that this work is undertaken in collaboration with the three municipal councils affected - Hume City Council, the City of Whittlesea and Mitchell Shire.</p> <p>In the absence of any further work, Council requests that the duplicated higher order infrastructure is removed from the Donnybrook and Woodstock PSPs to protect the primacy of the Lockerbie PTC.</p>		<p>The facilities planning for the PSP are planned on the basis of the future needs of the community. This need was calculated on Whittlesea's Council standard delivery model. It should be noted that the larger of the community facilities sits at a considerable distance away from Hume's planned centre at Lockerbie. MPA requests that City of Whittlesea and Hume discuss what their intentions are for the planned uses in both Lockerbie and the Donnybrook Woodstock PSP to discuss the types of uses that each of the centres can accommodate.</p>		Decision pending further review
		<p><b>Activity Centre Hierarchy (Retail)</b></p> <p>2) Council notes that the Koukoura Drive Local Town Centre has plans for retail and commercial floorspace of some 27,700sqm, which would elevate the retail role of this centre to a sub-regional shopping centre. Council requests the right to make a late submission on this issue following consideration of Stockland's submission (Stockland are the landowners and anticipated developers of the Lockerbie PTC).</p>		<p>MPA does not agree that the Koukoura Drive Town Centre will become a sub-regional shopping centre. The town centre has been designed to service the need of the PSP and is considered to be the most appropriate centre within the PSP for its larger town centre, one reason being that it is located several kilometres to the west of Lockerbie Town Centre.</p>		Unresolved
18	Friends of Donnybrook Train Station	<p><b>Traffic</b></p> <p>1) The FDTs object to the lack of traffic flow studies. The GTA Traffic Modelling Report 2014 does not have traffic flow information. The FDTs object to the nominated flow rate of 6,000 and believe that at the completion of development it is likely to be 8--10 times that rate.</p> <p>The FDTs recommend the redevelopment of Donnybrook Railway Station does not proceed until such time as a full and detailed traffic engineering study is complete and includes current and anticipated traffic flow modelling.</p>		<p>The MPA does not support this recommendation. The Traffic modelling has used an appropriate methodology to estimate the need for roads in the area this includes an analysis of daily volumes as well as peak flow on a range of scenarios. In addition the UGZ schedule requires applications to be accompanied by a Traffic Impact Assessment Report (TIAR) to ensure that development is appropriately considering vehicle movements. The future development of the Donnybrook train station is subject to State funding and PTV planning.</p>		Unresolved
		<p>2) The FDTs notes that the traffic overpass over the Sydney--Melbourne Railway Line is proposed to extend 820 metres due to increased height of the bridge as a result of an allowance for double--stacked rail container carriages.</p> <p>The FDTs object to the non--inclusion of this information into the background traffic modelling report prepared for the relevant authority.</p> <p>The FDTs recommends an update of the traffic management report be undertaken to determine the optimal location for intersection and road networks north and south of the Sydney--Melbourne Railway Overpass.</p>		<p>The rail overpass project is not part of PSP area and will be planned and developed by VicRoads in the future. The future urban structure has considered the relevant information. The MPA notes that VicRoads support the exhibited Future Urban Structure.</p>		Unresolved
		<p>3) The FDTs object to the proposed intersection IN01 located at the foot of the proposed Sydney--Melbourne Railway Overpass on Donnybrook Road due to traffic blockage of easterly--travelling traffic on the said overpass wishing to turn left turn into the train station precinct.</p> <p>The FDTs recommend a complete review of the intersection at IN01 in terms of its location and integration with the Donnybrook Train Station Urban Structure Precinct.</p>		<p>Donnybrook Road is a declared State road and VicRoads are the Responsible Authority for the future duplication and upgrade. Through the PSP process VicRoads provided a draft concept design for the future overpass of the rail line and realignment of Langley Park Drive. The result of constructing the overpass is that it will impact on the Langley Park Drive intersection with Donnybrook Road, hence its realignment to the east. It is at this point where IN-01 will connect and provide signalised access to the residential communities immediately to the north of Donnybrook Road.</p>		Unresolved
		<p><b>Car Park</b></p> <p>4) The FDTs object to the design and layout of the car park as detailed in the OPUS Study (Donnybrook Station Development Concepts p.g.40), which allows for approximately 2,200 car parking spaces at the station. The FDTs believe this will create an asphalt sea of car parks spread across the centre of the precinct.</p> <p>The FDTs reject the design in the OPUS Study as it does not create zones of live ability.</p>		<p>Your concerns are noted. However, this has been a point of discussion between PTV, MPA and Council Officers through the preparation of the PSP. It is envisaged that car parking for the station can be delivered in stages that minimise the uptake of strategically important land adjacent to the train station for at-grade car parking in the medium term and that the State Government funds can be directed towards the early provision of efficient, regular and direct bus services, bike lanes and walking tracks to encourage less driving to the train.</p>		Unresolved

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		<p>5) The FDTS notes the failure to integrate the train station precinct with community services and medium--high density residences as the site is marred by a wasteland of car parks, creating an environment reminiscent of the Bronx of Broadmeadows.</p> <p>The FDTS recommend a complete review car parking design and integration into the surrounding urban environment. The FDTS recommend a detailed Future Urban Structure (FUS) that decentralises the massive proposed car park allowances.</p>		The MPA disagrees with this position and notes that the PSP has been developed in consultation with PTV, VicRoads, City of Whittlesea and landowners/developers. The MPA notes that all stakeholders are supportive of the preliminary planning work associated with the Donnybrook train station and surrounds.		Unresolved
		<p><b>Community Activity Centre (CAC)</b></p> <p>6) The FDTS object to the lack of provision in the proposed PSP Plan for CAC as shown on the LCC2. The Donnybrook Station Urban Design Framework p.g.71 does not incorporate a CAC. The FDTS support an appropriately resourced CAC but object to its non--inclusion in the PSP for the Donnybrook Train Station.</p> <p>The FDTS recommend a CAC of sufficient size (approx. 1Ha) that allows for a 2 room maternal healthcare centre, dual room kindergarten facility for 99 licensed spaces, program room and dedicated community meeting space with amenities and an administration area, and a community garden.</p>		The MPA does not support this recommendation. The CAC facility is provided as a collocated facility at LCC1 where it is more centrally accessible to the future residents. The Donnybrook station precinct (LCC-2) provides an opportunity for private providers and NGOs to provide additional services. It is noted that Council community services at the nearby LCC-1 has been sized to accommodate the medium/high density population proposed at the station.		Unresolved
		<p><b>Medium/High Density Residential Housing</b></p> <p>7) The FDTS support medium and high--density residential zones around the Donnybrook Train Station provided the urban design adequately integrates with the CAC's, open spaces, community garden, recreational zones, and retail services.</p> <p>The FDTS object to the Bronx--like design that incorporates the significant high--rise residential units around a sea of car parks unsupported by community infrastructure. The background study by CAPIRE Report October 2014 and addendum August 2015 does not provide a Community Benefit Analysis for the precinct.</p> <p>The FDTS recommends an independent review of the community and infrastructure needs of this precinct. The CAPIRE Report October 2014 did not analyse the impact of medium--high residential zones in this precinct and to date there has been no analysis whatsoever on the livability and impact of the proposed Donnybrook Train Station precinct.</p>		The Capire report was commissioned assess the needs of the future community having regard to Council input and factoring into its assumptions a range of residential densities. The MPA and the City of Whittlesea are satisfied that the PSP provides an appropriate level of community infrastructure.		Unresolved
		<p>8) The FDTS object to the failure of the urban design proposed Donnybrook Station concept place, PSP Draft Document p.71, as it fails to integrate the commuter traffic congestion with residential traffic needs in and around the medium--high density zones.</p> <p>The FDTS recommend the MPA carry out a full and comprehensive traffic and community infrastructure analysis.</p>		The MPA have worked in consultation with PTV, the City of Whittlesea and landowners to ensure that pedestrian, cycling and traffic movement are integrated to provide a safe environment. The MPA does not support this recommendation.		Unresolved
		<p><b>Walkability</b></p> <p>9) The FDTS objects to the failure to provide permeable zones in an area where there is competition from commuter traffic, local traffic and public transport.</p> <p>The FDTS recommend the precinct be redesigned to prevent the segregation of the train station from the precinct and allow for better access to residential areas for non--commuter traffic.</p>		The MPA does not support this recommendation. The MPA has worked closely with PTV, the City of Whittlesea and landowners to ensure that pedestrian, cycling and traffic movement are integrated to provide a safe environment.		Unresolved
		<p><b>Local Convenience Centre (LCC--2): Capacity to service local community</b></p> <p>10) The FDTS object to the LCC--2 in the Donnybrook Train Station Precinct because it is unviable. The LCC--2 that is proposed is deemed to be too small and inappropriately located to be a viable centre.</p> <p>Down grade the LCC--2 to accommodate only retail and convenience stores of less than 1000m2.</p>		The MPA does not support this recommendation. The distribution of LTC's and LCCs has been assisted by the application of sound planning principles throughout the precinct. The owner of the site has indicated that they support the scale of the LCC and intend to develop generally in accordance with the vision of the PSP. Furthermore, it is considered appropriate to plan the centre to achieve its highest and best land use outcome (i.e. a mix of high density/mixed use development). This will ensure that activity can be maximised in this strategically important site. The retail has been located in this location to capitalise the station activity, traffic movement and land-use outcomes.		Unresolved
		<p>11) The FDTS has concerns about the capacity of the Supermarket to meet the needs of a growing community.</p> <p>The FDTS recommend a full and complete economic assessment of the viability of the Donnybrook Train Station commercial precinct.</p>		A full and complete economic assessment was prepared by Essential economics in 2014 and was updated in 2015 in order to confirm that changes to the FUS were appropriate and supportable.		Unresolved

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		<p>12) The FDTS object to the uncertainty in relation to the delivery of the proposed Supermarket. The FDTS note that a Supermarket is unlikely to be delivered until the medium---high density residential housing is built and occupied. The proposed medium---high density residential complexes are unlikely to be delivered until much later in the development sequence.</p> <p>The FDTS recommend a down grade of the supermarket as it is unlikely to be delivered early or at all as it is dependent on the delivery of the medium---high density residential complexes.</p>		The MPA does not support this recommendation. The MPA has worked closely with PTV, the City of Whittlesea and landowners to ensure that the precinct can develop as intended.		Unresolved
		<p><b>Conservation of Train Station</b></p> <p>13) The FDTS reject any proposal to move the Donnybrook Train Station building from its current location.</p> <p>The FDTS support the retention and preservation of the existing Donnybrook Station for heritage purposes. The Donnybrook Station was originally opened 14th October 1872. The existing station building dates back to pre---Federation and has remained relatively unchanged since.</p>		Noted. This submission has been referred to PTV. We note that the station is currently subject to the controls of the Whittlesea Planning Scheme which places a Heritage Overlay on the Station. Please refer to Clause 43.01 as HO92 of the Whittlesea Planning Scheme for the specifics of the controls.		Unresolved
19	Melbourne Water	<p>6) Preference for no road between school and Darebin corridor.</p> <p>Amend plans</p> 		Direct frontage is not acceptable as CFA requires fire access track along the conservation area. However, a fire access track would be appropriate. Therefore a second conservation interface could be included that would meet DELWP requirements and CFA requirements by providing a paper road.		Decision pending further review
		<p>9) Width of the large diameter water transfer pipeline easement:</p> <p>The plan shows the width as 9m. MW had previous discussions with MPA and VicRoads regarding its requirements. A 20 m wide pipeline corridor is required for construction, operation, maintenance and future duplication and renewal of the pipeline. An email (28 July 2015) from MPA's Stephen Davis and a letter (5 August 2015) from MW to VicRoads are attached as reference. MPA to make necessary amendments (i.e. change the pipeline corridor width to 20m) to meet the longer term water supply infrastructure needs.</p>		Agreed, MPA can change the width of the pipeline. MPA's preference is to ensure that it is located within the OMR reservation but VicRoads have confirmed that it would need to be located outside of the reservation. MPA will amend drawings to indicate that it will need to be located outside the reservation. Melbourne Water are to work at preparing a PAO in consultation with DELWP where it would sit within the BCS. This will not be able to be included as part of this amendment.		Decision pending further review
22	Mirvac	<p>9) Add a new park (LP51) located adjacent to the constructed waterway.</p>		This is to be considered, dependent on the overall level of open space in the PSP area.		Decision pending further review
		<p><b>Tree Retention</b></p> <p>11) Plan 5 and Plan 8 identify trees within the PSP which are proposed for retention. As discussed at our recent meeting, Mirvac commissioned an aboricultural assessment of the trees on property 20 to inform the preparation of our subdivision application. The Mirvac masterplan has therefore been designed to retain as many trees as possible, particularly within local parks and active open space. The Masterplan has been designed to meet Councils River Red Gum policy, retaining some 84% of trees on property 20. Given the design work that has been undertaken in consultation with Council, we submit that Plan 5 and Plan 8 in the PSP should be updated to reflect the trees to be retained as per the Mirvac masterplan.</p> <p>The CAD layers for tree retention will be provided to the MPA to enable review of the PSP.</p>		Plan 5 currently shows tree data of known trees from both Council and DELWP. There are still many other trees across the precinct that are not shown on the plan that require retention, with a requirement of 80% of river red gum trees to be retained within the precinct. We do not have the data for all properties, therefore the MPA does not feel it necessary to include data collected by private landowners, and will therefore apply the same approach that it has for all other properties and only show DELWP's tree data on this plan.		Decision pending further review

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		19) Seeks clarification on the preparation of the Infrastructure Contributions Plan.		Prior to gazettal of the PSP, the ICP will need to be approved.		Unresolved
		<p>115) Proposed additions to the Design Guidelines...</p> <p><b>PRINCIPLE 1</b> Include: Location of Town Centres should be located on connector streets separated from arterial roads.</p> <p><b>PRINCIPLE 2</b> Dot point 1: delete reference to "foreshore park"</p> <p><b>PRINCIPLE 3</b> Dot point 1: change reference of "Figure 1 and 2" to "Appendix 4.2.1, 4.2.2, 4.2.3 and 4.2.4"</p> <p><b>PRINCIPLE 5</b> Add dot point: "Residential uses above commercial/retail uses are encourage to develop vertical mixed use opportunities."</p> <p><b>PRINCIPLE 6</b> Dot point 4: reword to "A speed environment of 40km/h or less should be designed for the length of the main street excluding sections nominated as 'Shared Zone' in Appendix 4.2.1, 4.2.2, 4.2.3 and 4.2.4, which should be designed with a speed limit of 20km/h."</p> <p><b>PRINCIPLE 7</b> Add dot point: "Use of internal shopping malls should be minimised." Dot point 14: reword "Any shop should have frontages that directly address the main street and/or town square so that the use integrates with and promotes activity within the main street and public spaces/thoroughfares." Dot point 15: reword "Any shop with a frontage to the main street should use clear glazing to allow view lines into the store from the street. (Planning permits for buildings and works should condition against the use of white washed windows, excessive window advertising and obtrusive internal shelving or 'false walls' offset from the glazing)."</p>		MPA propose to include councils request for additional/amended design guidelines.		Decision pending further review

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		MIRVAC - Resolved but suggest minor changes as follows; Principle 1 - refer to primary arterial roads, delete reference to planning permit for buildings and works in dot point 15. The intent of principle in dot point 15 is clear and doesn't require instructions on issuing permit for buildings and works.				Decision pending further review
		116) G51  MIRVAC - Remove guideline altogether or add "excluding Donnybrook Road" as follows.  Proposed G51: "Existing above ground 66kV electricity cables should be removed and placed underground as part of the upgrade of existing roads (excluding Donnybrook Road)"		Council are reviewing this proposal further.		
		117) R89  MIRVAC - Unresolved. Subsequent discussions resulted in a proposed modification to this wording. CoW to advise. Add "excluding Donnybrook Road" as follows.  Proposed R89: "All existing above ground electricity cables of less than 66kV voltage must be placed underground as part of the upgrade of existing roads (excluding Donnybrook Road), to the satisfaction of the Responsible Authority."		Council are reviewing this proposal further.		
		118) R90  MIRVAC - Unresolved. As exhibited, R90 reads that if Ausnet Services installs 66kV lines on Donnybrook Road then they will be required to install them underground rather than on the existing poles which have recently been upgraded. As stated above for R89, this is inappropriate. Mirvac agrees that undergrounding all new electricity supply of less than 66kV is reasonable and that R90 should be amended to reflect this as has been proposed.		Council are reviewing this proposal further.		
		119) R91  MIRVAC - The Donnybrook Road reserve service corridor doesn't include space for installation of conduits for undergrounding electricity lines along Donnybrook Road. This should therefore be made a guideline and be subject to the agreement of affected authorities to address servicing/spatial constraints.  Proposed guideline : Where existing above ground electricity cables of 66kV voltage are retained along road ways, underground conduits are to be provided as part of the upgrade of these roads to allow for future undergrounding of the electricity supply (subject to agreement with affected authorities)		MPA is investigating further with the utility provider.		

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23	Merri Creek Management Committee	<p><b>1) Aboriginal Cultural Heritage</b> Although the Terra Culture report identifies two land forms with 'high sensitivity' waterways and stony rises, it is not possible to tell from the PSP document which of the latter, the stony rises, might be protected in the open space network and thus to what extent the approach outlined in the Heritage Guideline Note has been followed.</p> <p>MCMC recommends that the stony rises identified by Terra Culture as "high sensitivity" for aboriginal cultural heritage be shown on Plan 2 - Precinct Features/ or some other appropriate plan. The extent to which these stony rises are integrated and protected in the open space network be made explicit. High priority should be given to providing more extensive protection to stony rises through the PSP area.</p>		<p>The MPA generally supports the inclusion of the stony rises that are considered to have 'high sensitivity' for integration with the existing features plan. The PSP includes a number of provisions that seek to ensure subdivision actively responds to landscape features such as stony rises.</p> <p>In addition to the explicit reference to Stony Rises in the Vision: "Objective 29 states ...Plan sensitive urban interfaces to historic and Aboriginal cultural heritage and natural assets such as retained stony rises, dry stone walls and heritage buildings, local conservation reserves, the Grassy Eucalypt Woodland" and...</p> <p>"Requirement 35 states ...Subdivision design must actively respond to the landscape character throughout the precinct by aligning streets, lots, open space and public spaces to retain visual character elements such as River Red Gums, stony rises, dry stone walls, heritage places and waterways, to the satisfaction of the Responsible Authority."</p> <p>It is considered that because subdivision and development must be generally in accordance with the PSP, these provisions provide the appropriate level of consideration for the protection of stony rises.</p>		Unresolved
		<p><b>Visual Character</b> 2) We note that the Visual Character Assessment report (CoW 2015) identifies a number of viewlines (p.41). It would be useful if these viewlines were shown in the PSP, for example on Plan 2- Precinct Features, and if the location of these view lines could be shown in relation to the open space network.</p> <p>MCMC recommends that the stony rises and viewlines identified in the CoW Visual Character Assessment report be shown on an appropriate PSP Plan.</p>		<p>The Landscape and Visual Character Assessment was prepared to provide a preliminary assessment of the landscape features of the PSP area. Many of the recommendations from the assessment have been included within the PSP including the protection of heritage elements and the provision for an extensive shared path network that accesses key significant landscape features across the PSP area. The MPA hold the view that the PSP appropriately requires development to address and respond to the landscape and visual character of the area.</p>		Unresolved
		<p>3) The Strategic Links shown on p.49 of the Visual Character report are not explicitly included in the PSP documentation. The Hilltop Trail and the Heritage Walk do not appear, despite the Visual Character report recommending that 'visual character elements along these links should be prioritised for retention'.</p> <p>MCMC recommends that the extent to which the Strategic Links have been implemented, as recommended in the Visual Character Assessment report, be clearly identified and that where links are missing, priority be given to retaining the potential for these links.</p>		<p>The Landscape and Visual Character Assessment was prepared to provide a preliminary assessment of the landscape features of the PSP area. While your comments are noted, it is considered that the proposed cycling and pedestrian path network outlined in the PSP appropriately responds to the hilltop and heritage features of the precinct by connecting open space and conservation areas to the trail network. This will ensure that the as the area develops an urban structure the key landscape characteristics are retained through the urban structure.</p>		Unresolved
		<p><b>Environmental Significance Overlay</b> 4) The Merri Creek is recognised as a significant recreational and biodiversity corridor in the State Planning Policy Framework- Clause 12.04- Significant environments and landscape. The current Merri Creek ESO, proposed to be removed, reflects these values and more. The proposed ES06 Urban Conservation Area reflects important values identified through the MSA but is limited to biodiversity assets. It is MCMC's view that the full suite of values recognised in the Merri Creek ESO should be transferred to ES06, unless it can be explicitly shown that these are no longer relevant. Most striking is the removal of reference to the recreational and amenity value of the corridor.</p> <p>MCMC recommends that ES06 be redrafted to encompass the range of environmental values of the Merri Creek corridor and to explicitly acknowledge the regional open space role of the wider Merri Creek corridor.</p>		<p>The primary purpose of ESO-6 is to support the implementation of the BCS. Clause 12.04 of the State Planning Policy Framework remains applicable and is not changed by the proposed Amendment GC28. We note that the Environmental objective to be achieved in ESO-4 (proposed to be deleted) does not reference the recreational and amenity value of the Merri Creek and ESO-3 which does, does not currently apply to the area covered by the PSP.</p> <p>The PSP through the Vision, Objectives and a number of Guidelines acknowledges the broader recreational role of the Merri Creek. However, it is the view of the MPA that providing reference to a recreational role of the Merri Creek in ESO-6 would contradict the purpose of the Conservation Area and the Biodiversity Conservation Strategy. It is also considered that the enhancement of the amenity of the Merri Creek is implied through the protection of biodiversity facilitated by the BCS. As such the MPA does not support the addition of these environmental objectives being appropriate or necessary.</p>		Unresolved
		<p><b>Stormwater Treatment</b> 5) MCMC is strongly of the view that the current (1999) best practice environmental management guidelines for urban stormwater need to be upgraded. We also understand that such a review is underway and that when new standards are adopted as state policy, development will be required to meet these standards and Developer Services Schemes will be revised, as needed.</p> <p>MCMC recommends that R8 be reworded - delete reference to 1999 Best Practice Guidelines and insert 'current' guidelines.</p>		<p>The MPA does not support this recommendation and notes that R80 was drafted in consultation with Melbourne Water.</p>		Unresolved

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		<p><b>Groundwater</b></p> <p>6) We are disappointed that the PSP documentation makes no reference to groundwater and groundwater dependent ecosystems. An excellent report to Melbourne Water addresses groundwater and its ecological relationships and dependencies in the PSP area.</p> <p>Further, the Biodiversity Conservation Strategy specifies that pre-development hydrology of should be retained for designated Conservation Areas. This should be made explicit in the PSP as it will almost certainly require measures beyond those normally specified in a Developer Services Scheme. Potentially this requirement could be included in the Integrated Water Management section of the PSP on p.45</p> <p>MCMC recommends that groundwater and hydrology requirements for Conservation Areas, Red Gums and Merri Creek be included in the PSP.</p>		<p>The MPA has sought advice from Melbourne Water and DELWP in relation to this concern. Given the complex nature of the BCS issues and the need to ensure that drainage assets discharge stormwater runoff from urban development treated to an appropriate level, it has been agreed between Melbourne Water, DELWP and the MPA that the following amendment to G48 be made in order to address the issue of ground water quality.</p> <p>G48: Where practical, integrated water management systems should be designed to:</p> <p>Maximise habitat values for local flora and fauna species.</p> <p>Protect and manage conservation areas particularly matters of national environmental significance (MNES), in relation to water quality and suitable hydrological regimes (both surface and groundwater).</p> <p>Enable future harvesting and/or treatment and re-use of stormwater.</p>		Unresolved
		<p><b>Bridge Crossings</b></p> <p>7) Table 3.7 on p.53 lists a number of bridge and culvert crossings. Two of these are described as 'frog friendly' culvert bridge crossing of Darebin Creek, two other crossings of Darebin Creek refer to 'culvert crossing' of Darebin Creek. Shouldn't all these crossings be 'frog friendly'?</p> <p>MCMC recommends that all culvert bridge crossings of Darebin Creek include reference to 'frog friendly.'</p>		<p>The two crossings referred to in the PSP as being "frog friendly" are located within the GGF Habitat areas of Darebin Creek. The design of these culverts need to be designed to meet the DELWP standards for GGF habitat crossings, hence the reference to "frog friendly". The MPA notes that other culvert crossings along Darebin Creek are not identified as being in the GGF habitat and therefore are not expected to be developed in such a way that supports the development of GGF wetlands.</p>		Unresolved
		<p><b>Temporary access road</b></p> <p>8) We are troubled by the absence of any explanation for the 'temporary access road (indicative alignment)' on Plan 3- Future Urban Structure. Why is this road shown, its purpose, for how long will it function and what controls will mitigate its impacts on Merri Creek and the designated Conservation Areas?</p> <p>MCMC requests an explanation for the temporary access road shown on Plan 3 -its purpose, duration of use and mitigation of impacts.</p>		<p>The temporary access road shown in the PSP is required by the CFA to demonstrate that a secondary access/egress point can be developed and is required before subdivision can be approved in the northern portion of the Donnybrook/Woodstock PSP. The alignment is indicative and there has never been the intention that the alignment illustrated in the PSP would be the final location. Notwithstanding, the indicative alignment on the plans will be removed and replaced with an arrow north of the OMR PAO. This will also include a note on the plan to highlight that the alignment and construction of the access road including a crossing of Merri Creek must be designed to the satisfaction of the responsible authority, the CFA and DELWP.</p>		Unresolved
		<p><b>Local Parks</b></p> <p>9) Consideration could be given to designating some of the local parks as local conservation areas, where conservation is their primary purpose. We note that a number of the 411 listed local parks are specifically identified as being for the protection of a tree group or a stony knoll (Table 6, p.23). MCMC recommends designating local parks as local conservation parks where the primary purpose is the protection of conservation values.</p>		<p>The MPA does not support this recommendation as the primary purpose of the local park is to serve a localised passive recreation and amenity purpose. The retention of existing trees within parks conserves the tree for its landscape value and any conservation value (while technically it remains) is considered lost for these purposes.</p>		Unresolved
		<p><b>Development of Northern portion of PSP</b></p> <p>17) As submitted to the BSC and Growth Corridor Plan, we continue to see the northern most portion of the PSP, between CA22 and the OMR corridor, best suited for inclusion within the conservation and open space network, as proposed in the draft BCS. MCMC recommends that the northern most portion of the PSP area be included in the open space network rather than developed for residential purposes.</p>		<p>The MPA does not support this recommendation. The BCS has been finalised and DELWP do not intend to revisit its boundaries for the purpose of expanding the BCS Conservation Area.</p>		Unresolved

Sub. #	Affected property / properties	Issue Raised	Change to the amendment requested?	MPA Comment / Proposed Outcome	Submitter response	STATUS
24	Somerton Road Garden Supplies of 835 Donnybrook Road, Donnybrook. Represented by Urban Terrain	<p><b>3) Details within the Donnybrook Convenience Centre Urban Design Framework</b></p> <p>The fifth key design element of the LCUDF is that (fa public space to be centrally located adjacent entry to office space performs as central meeting place for the town centre. Since this location is performing as a town square, it should be shown in light blue similar to the town square in the Koukoura Drive LTCDF in Section 4.2.1. of the PSP. Considering it to function as passive open space it should be listed in the property specific land budget and included in the list of local passive open space in table 6 of the PSP, similar to other town squares that are listed.</p>		Subject to discussions with Council, the northern town square will be changed to become a key pedestrian link, and the southern town square will remain as such.		Decision pending further review
25	Greg Heffernan	<p>1) The positioning of Melbourne Water's Water management area is placed in a area of solid rock, which also has a water spring in the middle of the proposed area. Seeing the water table is at ground level the construction of a retarding basin may not achieve the effect of holding back water. A better position for a water management area is closer to the Merri creek and on the unnamed creek, as it would be more cost effective and would hold back a very large amount of water.</p>		<p><b>DELWP response:</b>  <b>DELWP continues to work with Melbourne Water to inform the location of suitable areas for water management assets. Conservation Areas established under the Biodiversity Conservation Strategy (BCS) for the Melbourne Strategic Assessment (MSA) Program, categorised for Nature conservation, are not considered suitable areas for the location of infrastructure.</b></p> <p>The MPA supports the position of DELWP and has continued to encourage Melbourne Water to find an appropriate location for the retarding basin that minimises the impacts on your land.</p> <p>Melbourne Water response:  Based on feedback from the landowner, a water spring and solid rock was identified in this current location. The water spring will not prevent the construction and performance of the retarding basin and wetland. The solid rock will be taken into account as part of the construction, but nevertheless it would still be possible to construct at this location, albeit more costly. The cost of construction is factored in determining the costs of the Beveridge East DSS.</p> <p>As a result of Melbourne Water's discussions with Mr Heffernan, Melbourne Water will further review the retarding basin and wetland design. Melbourne Water will consult with Greg and other affected landowners on any further changes.</p>		Decision pending further review
		<p>2) I have concerns with the objectives of the nature conservation areas . The native vegetation values placed on my land were greatly exaggerated when time stamped and there is no way that will be maintaining those values as they are in direct competition with my farming enterprise.</p>		<p><b>DELWP response:</b>  <b>The time-stamping project brings together native vegetation assessments of the growth corridors conducted since 2008 by the former Growth Areas Authority, Department of Transport, and DEPI in consultation with the former Department of Planning and Community Development. Many properties in the growth corridors were surveyed by consultants under contract to the Growth Areas Authority (for precinct structure planning) or Department of Transport (for the Regional Rail Link project). The time-stamping project completed the mapping across the growth corridors by consulting directly with landowners of properties that had not been surveyed through these projects.</b></p> <p>All native vegetation field assessments used for the time-stamping dataset have been done according to published native vegetation assessment methodology and the former DEPI conducted quality assurance on the data collected.</p> <p>In cases where field assessments have not been done, the former DEPI has consulted directly with landowners, who were given an opportunity to review and revise the department's understanding of the native vegetation on their properties.</p> <p>The data from this consultation has been combined with all available field data to complete the final 'time-stamped' native vegetation dataset.</p> <p>In the time-stamped dataset, areas with at least 25 per cent native cover at the time they were mapped are considered native vegetation, irrespective of how the land has been managed in the past. This could include areas that have been ploughed or cropped, but have since regenerated as native vegetation. This approach has been applied consistently for all mapping used in the timestamped dataset.</p> <p>In general, landowners may continue to manage their land in the same manner as they have over recent years. However, if at some time in the future landowners wish to change the way they manage their land (e.g. subdivide or develop land for urban purposes) this will trigger the requirement to secure the Conservation Area and fulfil habitat compensation obligations.</p> <p>Where a new planning scheme overlay applies to land, landowners can generally continue to use the land as they have before it was mapped. Any changes to the way land is used must be notified to the relevant authority before it is implemented.</p>		Decision pending further review

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				<p>the land as they have before it was applied. Any changes to the way land is used, such as building new structures, demolishing existing ones or changing the agricultural land use may require planning approval from the local council.</p> <p>The MPA has worked closely with DELWP to ensure that the mechanisms associated with the BCS are workable and supports this position. This point cannot be managed through the PSP.</p>		
		3) I would like to know who will be responsible for the control of woody weeds in the Merri Creek as I was told by the MPA I have no ownership over that creek?		<p><b>DELWP response:</b> The landowner is required to maintain land in their ownership in accordance with the general duties of landowners described under Part 3 of the Catchment and Land Protection Act 1994.</p> <p>The MPA agrees with this position</p>		Decision pending further review
		4) I would like to know what the fire management plan is for my property? and also why I was not included in the formulation of that plan? As I am a CFA fire fighter for 39 years and a life member of the CFA, I am also on the Whittlesea and Mitchell shire fire management committees.  If the fire plan has not been made yet ,then how can this conservation area be finalised and PSP be in the last stages of planning? This conservation area is a major portion of the PSP. And when it burns (and it will) will impact on all who live there.		<p><b>DELWP response:</b> This is not presently a DELWP matter. The land remains in private ownership and therefore current fire management responsibilities for the land remain. Once DELWP acquire the Conservation Area it will typically be reserved under the Crown Land (Reserves) Act 1978 and will be managed by an appropriate public land manager. A fire management plan will be developed as part of the overall Conservation Area management plan developed for the Conservation Area. The MPA agrees with this position.</p>		Decision pending further review
		5) Ultimately, I will be removed from my land I would like to know who will be responsible for the 400ha conservation area, how they will maintain it and more importantly how it will be funded?		<p><b>DELWP response:</b> Designation of Conservation Areas has no effect on landowners' abilities to continue to use their land as they have historically done. Only when landowners seek to develop their property for urban purposes will they be required to secure and protect the Conservation Area. The means by which the Crown can receive this land under the Melbourne Strategic Assessment program are: Voluntary negotiated sale, or; Voluntary land transfer for a habitat compensation obligation reduction Land may also be permanently protected, while remaining in private ownership through an agreement registered on the title of the land. These agreements will be made under section 69 of the Conservation Forests &amp; Land Act and signed between the landowner and the Secretary to the Department of Environment Land Water and Planning. The process for land acquisition is outlined in the document Land Protection under the Biodiversity Conservation Strategy, DEPI 2014 which can be located online here: <a href="http://www.depi.vic.gov.au/environment-and-wildlife/biodiversity/melbourne-strategicasessment/melbourne-strategic-assessment-publications">http://www.depi.vic.gov.au/environment-and-wildlife/biodiversity/melbourne-strategicasessment/melbourne-strategic-assessment-publications</a> Acquisition and management of the Conservation Areas by DELWP will be funded using a cost recovery model. The cost recovery model establishes the fees that are collected from developers and is used to mitigate the impacts of urban development on native vegetation and threatened species habitat in the area covered by the Biodiversity Conservation Strategy. The cost recovery model has been developed in accordance with the State Government's Cost Recovery Guidelines and rules regarding competition policy. The cost recovery model and fee structure are described in the document Habitat Compensation under the Biodiversity Conservation Strategy, DEPI 2013 which can be located online here: <a href="http://www.depi.vic.gov.au/environment-and-wildlife/biodiversity/melbourne-strategicasessment/melbourne-strategic-assessment-publications">http://www.depi.vic.gov.au/environment-and-wildlife/biodiversity/melbourne-strategicasessment/melbourne-strategic-assessment-publications</a>.</p>		Decision pending further review

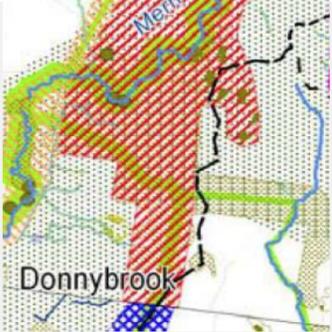
Sub. #	Affected property / properties	Issue Raised	Change to the amendment requested?	MPA Comment / Proposed Outcome	Submitter response	STATUS
		6) I would like to know why there is a difference in the dimensions of growling grass frog corridors, my corridor is as wide as 500 meters, while other corridors on the Merri creek are as little as 50 meters wide?		<p>DELWP response:</p> <p>The Growling Grass Frog (GGF) Conservation Areas respond to the requirements of the Growling Grass Frog Sub-regional Species Strategy for the Growling Grass Frog DEPI, 2013. The strategy identified suitable habitat for GGF and was informed by technical work done by consultants, including literature reviews, targeted surveys, and development of a habitat connectivity model, stream by stream site analysis and technical workshops.</p> <p>The Growling Grass Frog Sub-regional Species Strategy can be located online here: <a href="http://www.depi.vic.gov.au/environment-and-wildlife/biodiversity/melbourne-strategicasessment/melbourne-strategic-assessment-publications">http://www.depi.vic.gov.au/environment-and-wildlife/biodiversity/melbourne-strategicasessment/melbourne-strategic-assessment-publications</a></p> <p>The part of the Growling Grass Frog Conservation Area 34 (part b) occurring on Mr Heffernan's property has since been reassigned the management category of Nature conservation, contiguous with Nature conservation, Conservation Area 22.</p> <p>The MPA supports this response.</p>		Decision pending further review
		7) The 1 in 100 year flood extent is over exaggerated. I have never seen flooding to that extent, But if this is to be believed then a flood of that proportions would be very detrimental to the Melb/Syd railway line.		This point is noted, however, the 1 in 100 year flood event is based on modelled data and is used to determine the situation in a built environment set of circumstances.		Decision pending further review
		8) The Patterson Drive bridge on the Merri creek is in the wrong place. It is positioned in the most difficult place to build a bridge. Patterson drive should be on the same alignment as the existing bridge over the Merri creek and associated constructed road .		<p>DELWP response:</p> <p>DELWP is continuing to work with the Metropolitan Planning Authority, Melbourne Water and affected land owners to identify the most appropriate location for a creek crossing, while avoiding areas of high conservation value within the Conservation Area.</p> <p>Your concern is noted, however the approximate location of the proposed bridge is considered appropriate as it avoids areas of high environmental and cultural significance. The position of the bridge is to some extent determined by the preferred location and alignment of the proposed Patterson Drive through the BCS and the need to minimise the amount of impact associated the development of the future arterial road. The exact location and alignment of the bridge and the road will be determined during the detailed design process associated with its construction. Given the isolated nature of the northern parcels of the precinct, development pressure in this part of the precinct is unlikely to occur in the short term.</p>		Decision pending further review
		9) My property has a zoning of Special Use for the extractive industry. The reason for this is the high quality A grade bluestone to a depth of 40 metres. The quarry was started in 1981 and the above mentioned bridge and road constructed to Donnybrook lane. I have had involvement with three Quarry operators Bora I, Adelaide Quarry industries and The Kennedy Group (I would still have a lease with Kennedy if it wasn't for the introduction of the conservation area). The Special Use Zoning should remain as to protect an important resource . The resource is well placed to support the development of the northern growth corridor.		This matter was referred to Mitchell Shire who do not support the development of extractive industries on your land. It should be noted that the planning and policy frameworks that influence how your land can be used or developed has changed substantially since the land was zoned SUZ. The policy framework associated with this change is the North Growth Corridor Plan directs that the land should be developed for urban purposes outside those areas covered by the BCS and as such extractive industry is considered incompatible.		Decision pending further review

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26	Anthony Monteleone. Property 840 Donnybrook Road, Donnybrook	1) Objection- IN01 shows a road alignment that goes through my dwelling. Recommendation: IN01 be realigned or removed.		Your objection is noted. However, the MPA does not support this recommendation. The position of IN-15 is set by the requirements of the future Donnybrook Road/Melbourne-Sydney Railway overpass which will be constructed in the future as the area develops. While the rail overpass project is not developed or funded by the development of the Donnybrook/Woodstock PSP, the PSP must have regard to future requirements of the overpass such as ramp length and clearance. It should also be noted that 840 Donnybrook Road will be subject to a future PSP which will take in all of the land on the south side of Donnybrook Road from the Melbourne-Sydney Railway to the edge of the Urban Growth Boundary. 840 Donnybrook Road will be planned as future employment land.		Unresolved
		2) Objection: Road widening proposed for south-side of Donnybrook Road. No information or detail from Vic Roads. Recommendation: Vic Roads contact owner of 840 Donnybrook Road Donnybrook to provide relevant information and detail compensation.		Your objection is noted. Amendment GC28 to the Whittlesea Planning Scheme places a Public Acquisition Overlay (PAO) along the south side of the entire length of Donnybrook Road from the Melbourne-Sydney Railway to the intersection with Epping Road/Merriang Road. The PAO is in favour of VicRoads. Payment for acquisition of the land is not triggered until VicRoads require the land for the construction of the road widening or when an application for a planning permit is refused by VicRoads in its capacity as a referral authority because approval of the planning permit would prejudice the future construction of the road widening. Part 5. Section 106 of the Planning and Environment Act 1987 (the Act) makes provision for "Loss on Sale". This section of the Act allows the owner of land may claim compensation under Section 98 of the Act after the sale of the land if the owner of the land sold it at a lower price than the owner might reasonably have expected to get if the land or part of the land had not been reserved or proposed to be reserved. Please refer to Part 5. Section 106 of the Planning and Environment Act 1987 for more details.		Unresolved
		3) Objection: PSP plan shows car-park on my land at the corner of Donnybrook Road and Langley Park Drive. I object to having this carpark on my land. Recommendation: The relevant authority remove this feature off my land.		The MPA agrees to remove the carpark as shown on plan 3. PTV require land on the south side of Donnybrook Road for long term future overflow car parking associated with the Donnybrook Station We note that plans showing the car park extending over 840 Donnybrook Road is a printing error and will be corrected in the final version of the PSP.		Unresolved
Revised submissions received from Monteleone Family						
27	Monteleone Family Property 895+915 Donnybrook Road	Chronology of events leading to current land use plan resulting in unquitable distribution of NDA (associated with non-NDA facilities located on Monteleone land - schools, two community activity Centres and greater than one sporting reserve on the Monteleone land) in absence of funding mechanism for shared infrastructure, parkland 'overs', land take for drainage infrastructure and other items which are ordinarily compensated.	No	A detailed response on the information around infrastructure levies was provided on 22 April 2016 in email.	Awaiting information from MPA as to how compensation is proposed, how 'overs' will be compensated and how shared infrastructure would be levied by 173 agreement if standard development levy system not in place at time this PSP proposed to be gazetted. Also awaiting Melbourne Water advice as to funding mechanism for land take.	Unresolved
		Absence of justification for retail hierarchy and reasons as to why additional retail floorspace on Monteleone property is problematic.	Yes, section 3.2 Town centres & employment (page 19 and other pages of PSP where relevant) - increase Gross land area to 2 hectares and increase retail floor space provision for LCC1: Donnybrook Farmhouse Local Convenience Centre to 'soft cap' of 2500m2.	The MPA does not support an increase in the soft cap to 2,500m2. The MPA position is as outlined in the correspondence dated 18 March 2016.	Monteleone seeking response from MPA.	Unresolved
		Monteleones seek to ensure that medium and higher density housing is encouraged around all local centre inclusive of LTCs and LCCs)	Yes, amend Objective 17 to state: Achieve development of medium and higher density housing on land in and adjacent to local centres (inclusive of LTCs and LCCs), parks and public transport routes.	The MPA agrees with the intent but considers the proposed change to the objective to be unnecessary. The Schedule to the Urban Growth Zone will apply the Residential Growth Zone to all residential areas throughout the precinct. This provides support for medium density housing. In addition the MPA considers that the current wording is sufficient having regard to its reference to "local centres". Given that the centres are generally located on proposed roads capable of accommodating a future public transport route, medium density housing is likely to occur in the appropriate locations. The MPA would like to consider this as resolved by general consensus.		Unresolved
		Drainage and GFF instructure and land take. Absence of funding mechanism/compensation mechanism. Matter under discussion as to alternative designs. Reference in PSP to 'waterways' incorrect in absence of existing waterways on Monteleone land. MW DSS and land take compensation.	Yes. Amend drainage layout including co-location with GGF reservation. There are many alterations throughout the PSP that would be required once drainage/GGF issues are resolved.	The MPA is aware that Melbourne Water have written to the DSD on 20 April 2016 to advise of their intent to purchase a part of the drainage corridor. Following a meeting between DELWP and Melbourne Water at the MPA on 12 April 2016, DSD should be aware of what is required to support the proposals to modify the DSS as proposed by DSD. The MPA is not in a position to support any proposed changes to either the GGF Conservation Area or the DSS before receiving confirmation from the respective agencies.	Awaiting response from DELWP/MPA re compensation for land take and in relation to drainge matters.	Unresolved

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		Plan 15 - utilities plan illustrates a wider distribution of utilities.	Yes, remove plan 15 and modify cross section for Monteleone Way to confirm MPA advice that all infrastructure can be contained within road cross section without any land take.	The MPA has sent correspondence to Ausnet Services to confirm the locations of future electricity assets in the precinct. The MPA awaiting a response.	MPA to confirm acceptance and provide revised cross section for Monteleone Way including wording as stated by MPA that all infrastructure will be contained within road cross-section.	Unresolved
		Correct various inconsistencies/errors	<p>corrections/inconsistencies that need to be resolved. Correct various inconsistencies. Specifically Page 60 of PSP: amend item 17 to refer to 0.8 (not 0.87). Amend item 9 to refer to 2.6 (not 2.63). Page 60 shows 4.4 hectares of Monteleone land towards government school and 6.2 from property 19 (Dibella) - these total 10.6 hectares. But on page 30, shared school requires 10 hectares. There is a 0.6 hectare overprovision - at the very least, reduce land take from Monteleone to 3.8 hectares on page 60. Monteleone preference is 3.5 hectare on the basis that is the size of a primary school and primary school land take would not then straddle title boundaries. Plans 3 and 4 (possible other plans) graphically shows significantly more than 4.4 hectares of Monteleone land for Government school - request - amend plan to show only 4.4 hectares (reduced to 3.5 or in the alternative 3.8ha). Page 60, property 17, community facility should be 0.8 (not 0.87 - see page 30 where it is shown as 0.8ha). Page 60, property 9, non-government school marked as 2.63, should be 2.6 as indicated on page 29. Page 22, LP05 - park appears graphically to be significantly greater in area than 1ha - plan should be correct to show correct area graphically. Page 24, LP07 - what is the heritage reference? Why is the park 2.5ha? Could MPA please explain provision calculation in relation to this</p>	<p>Attachment 2 provides the following:</p> <ul style="list-style-type: none"> <li>A tabulated response to each point listed by DSD in Item 6.</li> <li>The revised PSP Table 6 which corrects the errors in the exhibited table 6 of the PSP</li> <li>An enlarged excerpt from the land budget plan which shows the land areas for open space sports reserves community facilities. These are scaled and can be used to confirm the accuracy of the land budget.</li> <li>An explanation of the provision calculations for sports reserves and public open space from the PSP Guidelines.</li> </ul> <p>Please note that the Land Budget on page 60 of the exhibited PSP works to 2 decimal places (e.g.1.11). The discrepancies between the land budget and the tables throughout the PSP are rounding errors and will be corrected in the final PSP to reflect the figures shown in the Property Specific Land Budget. The land budget should be used to guide the understanding of the various land use areas allocated to the PSP.</p> <p>In relation to the last point regarding the absence of a PAO for BR01, the following explanation is provided.</p> <p>PAO's are typically only used in situations where VicRoads intends to widen an existing declared road such as Donnybrook Road. In the case of the Cameron Street bridge (BR01), the ICP will fund 50% of the construction of the bridge including any land required for bridge abutments and alignment requirements. The bridge is required to span the Melbourne-Sydney Railway and Merri Creek to provide a connection to the approved Lockerbie PSP. The other 50% is provided through funding allocated by the Lockerbie DCP.</p>	Matter for discussion with MPA. Awaiting MPA response in the form of corrected draft of PSP. Monteleone also seek provision of information provided to MPA about location of school on Monteleone land.	Unresolved
				<p>The proposed planning Scheme amendment does not need to provide a PAO for the bridge because it is identified as an infrastructure item to be funded by the ICP. In addition the PSP identifies the land for the full width of the arterial road being 34 metres for an ultimate 4 lane arterial (i.e. Cameron Street between the proposed bridge and Patterson Drive) to be provided via the ICP. In other words the whole precinct contributes to the purchase of the land for the arterial road and funds the construction of the first carriageway, which amounts to a lane in each direction. The ICP will also fund the intersection of Patterson Drive and Cameron Street.</p> <p>In terms of funding for the ultimate treatment, ICP and DCP funding only contributes to the cost of the interim treatment for roads, intersections and bridges because the ultimate treatment is funded by the State Government in the future when duplication is required. Attachment 1 provides a broader description the principles that support infrastructure contributions.</p>		
		Funding of Montelone Way - serves arterial function. Also serve considerable public purpose as a reservation for the large amount of infrastructure to be accommodated within road reserve (this is related to item above). Evidence to be called before Panel is that road serves arterial function.	Yes, change pagde 12, plan 4 to show Monteleone Road as a 'DCP land' road (noting that it is presume that this ought say PIP land), amend Table 1, page 13 to update accordingly and elsewhere in document and include Monteloene Way as funded road in PIP at page 53.	<p>The MPA does not support this position.</p> <p>The MPA position is that connector streets are subdivision works as required by the PSP via R98. The MPA does not accept that there is sufficient justification to include the connector street in the ICP.</p> <p>New arterial roads are funded through infrastructure levies because of the strategic need to deliver land for future road widening and their role in providing broader strategic connections throughout the precinct and into neighbouring precincts (i.e. Gunns Gully Road). It should also be noted that arterial roads are designed to limit direct access points to VicRoads standards. Therefore the principle of an infrastructure contribution towards arterial roads is predicated on the principle of the broader precinct contributing to the cost of a road that travels through a development but has design constraints associated with the need for traffic movement priority on arterial roads.</p> <p>With a connector street, while it may provide connections to and from and between various land uses, its cross section ultimately single carriageway and does not have a need to duplicate in the future. The MPA notes that all of the connector streets set out in the PSP, including those planned as boulevard connector streets are developed as a development cost and do not receive ICP funding.</p>	Awaiting response from MPA	Unresolved
		REQUIREMENT 17: The submitter objects to the reference to "figure 2 and 3" because these figures are not detailed in the PSP document as making any reference to lots "abutting the Sydney-Melbourne Railway". MPA has responded as follows: R17 refers to the wrong cross section. This is a typographical error that will be clarified to refer to page 95 of the PSP.	Could MPA explain it's response - might not be an issue, just need to understand response.	Revised cross sections will be tabled to illustrate the correction of the reference in R17. R17 will be amended to refer to Plan 5 and the correct cross section as follows:		Unresolved
				Lots abutting the Sydney-Melbourne railway line as shown on Plan 5 must provide for the outcomes illustrated in the applicable road cross section. Railway Interface (Train Station Car Parking and Residential Area), and Local Access Street (Rail Interface - YVW Pipe Track).	MPA to explain response.	Unresolved

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		REQUIREMENT 18: The submitter objects to this requirement because it sets a defined interface for housing against the Sydney-Melbourne Railway reserve. MPA has responded as follows: <i>R18 is required by PTV. R17 and R18 are proposed to be refined to remove inconsistencies for implementation.</i>	Could MPA explain it's response - might not be an issue, just need to understand response.	Upon discussion with PTV, R18 will remain as drafted in the exhibited PSP. "A use or development that contains a bedroom and is located on land that is reasonably likely, in the opinion of the Responsible Authority, to be impacted by noise from the train operations on the Sydney-Melbourne railway line must be designed to ensure that internal noise levels in bedrooms is less than 65 dB LAMAX and 40 dB Leq9h(night)".	MPA to explain response. Please detail "refinements" and changes?	Unresolved
		LP03 - trees on part of Monteleone land	Seek removal of LP-03. 'Generally in accordance' provision won't assist at the permit stage. The tree cluster is not protected or have conservation value. The feature is not identified in the relevant technical reports. MPA requested to remove reference to LP-03. Trees can be dealt with at permit stage if necessary.	MPA agrees to remove reference to these trees subject to DSD providing a photo of the tree so that we can refer it to DELWP and the City of Whittlesea.	MPA requested to remove LP03.	Unresolved
		Size of LP05	Seek reduction of LP-05. 'Generally in accordance' provision won't assist at the permit stage. MPA requested to reduce LO-05.	The MPA does not support this position. The exhibited PSP provides flexibility to change the location and size of local parks as follows: R40 All parks must be located, designed and developed in accordance with the relevant description in Table 5 [Table 6] and any local open space strategies. The area of the park may vary so long as it remains inside the guidance for the relevant type of park. Where a park is smaller than that outlined in the table, the land must be added to another park or used to create a new park in addition to those outlined on Plan 7. Where a proposed park is larger than outlined in the table it may be accepted so long as it does not result in the removal of another park allocation.	MPA requested to reduce LO-05.	Unresolved
		LP 30 (0.55 Ha), LP31 (0.98 Ha) and LP 32 (0.30) as shown on Plan 17 of the Donnybrook PSP 1067.	'Generally in accordance' provision won't assist at the permit stage. MPA requested to remove LP30, 31 and 32. Open space provision can be dealt with at permit stage.	The MPA does not support this position. Open space is generally allocated to service an approximate 400m walkable catchment as per the PSP guidelines.	MPA requested to remove these LPs.	Unresolved
		Location and layout of SR 01 (8.08 Ha) as it is not clearly defined and straddles neighbouring landholdings.	MPA requested to move SRO1 from Monteleone land.	The MPA does not support this position. SR01 is considered to be appropriately located.	MPA requested to move SR01 from Monteleone land.	Unresolved
		REQUIREMENT R 40: The submitter suggests the reference to "table 5" should read Table 6. The submitter objects to this requirement and in relation to LP 05 requests R40 is read in conjunction with R21 and where R21 applies it takes precedent in the size and location of the LP where it is centered around public transport route, constructed waterway, major boulevard road, school facility and medium density housing.	The amendment to the wording in R21 is not stipulated in the MPA response. MPA response was: 'Regarding R40: Your comments are noted and we agree to change the table reference. Wording in R21 will be amended. However, the MPA does not support the change to give it precedent over the size and location of the park. This is because the location of local parks is refined at the planning permit stage post approval of the PSP.' MPA requested to advise what wording it proposes. Might not be an issue, just seek advice as to what wording is proposed.	The Amended R40 is outlined in Item 11 to refer to Table 6. The proposed new requirements for R20 and R21 are listed below: R20 Subdivision of land within 800 metres walkable catchment of the Donnybrook Train Station as measured from the transport hub shown on Plan 6, must include a range of lot sizes suitable for medium and higher density housing as described in Table 2 to achieve a minimum average dwelling densities as listed below: • Up to 500 metres 25 dwelling / NDH, and • 500 – 800 metres 18 dwellings / NDH Applications for subdivision that can demonstrate how target densities can be achieved over time, to the satisfaction of the Responsible Authority shall be considered. A new Requirement will be added to refer to require the same but instead refer to the Future Lockerbie Station. The exhibited R22 will be amended as follows: Subdivision of land within 400 metres walkable catchment of Local Town Centres as measured from the retail allocation for Local Town Centres shown on Plan 6, must include a range of lot sizes suitable for medium and higher density housing as described in Table 2, to achieve a minimum average dwelling densities of 18 dwellings/NDH."	MPA requested to advise of wording proposed.	Unresolved
		RECOMMENDATION R48: The submitter objects to the wording of this requirement in terms of the methodology for public open space contribution. Results in inequitable payment as result of disproportionate NDA. Also uncertainty as to how POS proposed to be dealt with.	Matter of debate re equitable outcomes but awaiting information from MPA re shared nrastructure funding mechanism. Position for Panel depends upon information/certainty on shared infrastructure mechanism provided by MPA. Also MPA to provide information as to how 'overs' will be compensation, S173 agreement mechanism to ensure shared infrastructure contributions.	A detailed response on the information around infrastructure levies was provided on 22 April 2016 in email	MPA to provide advice as to how POS to be dealt with and how compensation for 'overs' to be addressed.	Unresolved
		Section 3.4 - submittor objects to graphical dipictions of vegetation and retention/removal policy. Also these plans would need to be updated depending upon outcome of drainage/GGF discussions	MPA has advised 'The MPA agrees to review the information illustrated on Plan 2 and Plan 8 in relation to vegetation and will introduce new requirements regarding the City of Whittlesea's tree retention policy. This will be outlined in our submission to panel.'	MPA will outline the changes associated with agreed positions in its Part A Submission List of Changes documents.	MPA requested to provide its response ahead of the Panel hearing. Diagrams may also need modification depending upon outcome of drainage/GGF discussions.	Unresolved
		Funding of culverts	Fund culverts	The MPA does not support the inclusion of the connector E839:E842street culvert in the ICP. The MPA does not accept that this culvert is required because of the GGF habitat area located west of the connector street.	MPA requested to confirm that culverts will be funded item.	Unresolved
		Graphical depections of land budget	All plans to be checked/corrected to illustrate correctly the size of land for various facilities as shown in the land budget.	The land budget will be finalised with the PSP document.	MPA requested to confirm that all plans will be amended to correctly graphically depict land area facilities as represented in the land budget	Unresolved

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31	APA GasNet	<p>2) APA recommends that a pipeline specific provision be placed within the GC28 Whittlesea Planning Scheme amendment for the requirement of a planning permit for certain land uses.</p> <p><b>Recommended GC28 pipeline specific provision.</b>  A permit is required to use land that is located within:  o 341 metres of the Keon Park to Wodonga (T74.2-300mm) pipeline with Pipeline Licence PL101 and 590 metres of the Wollert to Broadford (T119- 400mm) pipeline with Pipeline Licence PL101, as shown on Plan XX in the incorporated Donnybrook/Woodstock Precinct Structure Plan for the following land uses:  o Accommodation (other than a single dwelling on a lot or a Dependent person's unit), a Child care centre, an Education centre, a Place of Assembly, Retail premises, a Cinema based entertainment facility, or a Hospital. Where an application is made for a permit, the application must be referred to the operator of the gas transmission pipeline. The purpose of this provision is to ensure that, prior to the commencement of any of the said uses; consideration is given to the safety of locating the use nearby to the gas transmission pipeline.</p>		<p>The MPA does not support the recommendations suggested in point 2 of the APA submission. The MPA does not agree to creating a permit requirement for accommodation (other than a single dwelling on a lot or a dependent person's unit). The MPA proposes that where notice is required, notice of any land use or development requiring a planning permit be given to the gas pipeline Licensee under Clause 66 and the provision be written into the UGZ schedule.</p> <p>The MPA does not agree that APA should be a referral authority in the Planning Scheme as it is private entity and has no statutory authority.</p> <p>Wording will be consistent with the position put forward for the Wollert PSP Panel Hearing.</p>	<p>APA understands the difficulties associated with this recommendations implementation however; still recommends this provisions use.</p>	Unresolved
		<p>11) Include additional Requirement stating: Subdivision design adjacent to the high pressure gas pipeline corridor must actively respond to the safety, maintenance and management of the asset throughout the precinct by minimising crossings of the asset, crossing the pipeline at 90 degrees, and appropriate landscaping treatments to the satisfaction of the Responsible Authority in consultation of the pipeline licensee.</p>		<p>The MPA does not support this recommendation. It is considered that a requirement worded in this way would result in a poor urban design outcome and reduced connectivity.</p> <p>The MPA supports an additional Guideline which states: "Subdivision design adjacent to the high pressure gas pipeline corridor should ensure road crossings are at 90 degrees to the pipeline".</p> <p>Landscaping treatment would be triggered by the subdivision process to the satisfaction of the responsible authority where a construction management plan is required.</p>	<p>APA does not support that this would result in a poor urban design outcome. This pipeline easement is first and foremost utilised for gas transmission purposes. Thus reducing the risk to the asset is priority during urban planning stages. Not implementing this recommendation could potentially result in a poor urban design outcome surrounding the APA pipeline asset. A poor design outcome surrounding the high pressure gas transmission pipeline would increase the risk to the pipeline asset and subsequently the adjacent community.</p>	Unresolved
		<p>15) Include an additional Requirement that reads: No sensitive land uses as defined under AS 2885- Gas and Liquid Petroleum are to be located within 590 metres of the existing high pressure gas pipelines unless otherwise approved by the pipeline licensee.</p>		<p>The MPA does not support this recommendation.</p> <p>The SMS workshop conducted at the MPA on 11 March 2016 concluded that the risks associated with land uses within the 590m Measurement Length is ALARP. The MPA request that APA formally withdraw this submission as a result of the SMS workshop findings.</p>	<p>The SMS is currently in draft format. Once this document has been completed it is essential that all actions set out in the document are implemented appropriately.</p> <p>APA recommends that this provision is still incorporated</p>	Unresolved
34	Friends of the Merri Creek	<p><b>Conservation areas</b></p> <p>1) The adjoining conservation areas in the north of the precinct contain biodiversity values of national and state significance, and protect the Merri Creek corridor. They are an important component of the Greater Wallan-Merri State Park, proposed by Friends of Merri Creek, Merri Creek Management Committee and Wallan Environment Group (see attachment).</p> <p>There is considerable uncertainty about the tenure and management of BCS conservation areas, and the timing of any transfer to public ownership. Ongoing active management of these areas is necessary to maintain ecological and recreation values and to reduce fire risk. Contiguous conservation areas along the Merri Creek corridor should be managed in an integrated manner, as suggested in the Greater Wallan-Merri State Park proposal.</p> <p>We are concerned that the boundaries of the areas designated 'conservation open space' in the Biodiversity Conservation Strategy are subject to review by DELWP, which may result in a reduced area being protected. As noted in our January 2015 submission on the Consultation Draft PSP, there is a substantial area of high quality endangered native vegetation immediately to the north of the conservation area (see extract of Fig. 38 BCS, below) which is not protected. This vegetation can be removed according to Plan 8, current draft PSP.</p> <p><b>Recommendations</b></p> <p>2) Protect more of the high-quality endangered native vegetation adjoining the northern edge of conservation area 22, west of Patterson Drive.</p>		<p>The amendment identifies areas that have biodiversity values and provides for both public and private delivery of conservation outcomes consistent with the current Biodiversity Conservation Strategy. Any necessary acquisition of land for conservation areas will be considered in the context of the overall delivery of conservation outcomes in the growth areas that will be directed by DELWP. Open space provision in this precinct is consistent with best practice current policy in open space planning and the Victoria's Precinct Structure Planning Guidelines.</p> <p>The review of BCS Open Space Conservation Area 22 is currently being reviewed by DELWP through survey work. There will be an opportunity to submit on additional data to DELWP prior to the finalisation of the boundaries of that conservation area. The amendment adopts the current Victorian planning policy and the Biodiversity Conservation Strategy unless they are approved prior to the adoption of this PSP.</p> <p>The MPA has passed on this concern to DELWP.</p>		Unresolved
		<p>3) In any review of conservation open space boundaries, ensure that land with significant State or metropolitan conservation values, landscape, recreation or cultural heritage values is protected.</p>		<p>Conservation Area 22 of the Biodiversity Conservation Strategy has the remit to only protect areas of land with national or state significance where it achieves the outcomes of:</p> <ul style="list-style-type: none"> <li>-Growth Grass Frog,</li> <li>- contributes to the 80% grassy eucalypt woodland retention,</li> <li>- contributes to ensuring no substantial change to curly sedge grass populations.</li> </ul> <p>Landscape, valuation and cultural values are not protected through the BCS, but are protected through other means in the PSP planning process. Landscape values and recreation are considered in the design of the PSP, with respect of both aboriginal and post-contact heritage values.</p>		Unresolved

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		<p>5) Conservation areas along the Merri Creek corridor should be acquired by the State, and reserved and actively managed for conservation as part of a Greater Wallan-Merri State Park.</p>		<p>Provision for conservation along Melbourne's Growth corridor creeks and rivers has been the subject of significant investigation, review, contest and regulation over the past 5 years. The submitter was part of this process. The process resulted in statutory decisions by the Commonwealth, supported by both current and former governments under the Environment Protection and Conservation Act 1999 (Cth). These decisions are designed to provide the long-term conservation through a range of measures including the protection of land and the creation of habitat amongst others. This regulatory regime is a first in Australia to fulfil national conservation outcomes alongside urban development. The program is being implemented through the PSP program through protecting the entire length of the creek with land either side in all growth areas. The MPA considers there are sufficient areas of open space in both passive and active recreation within the PSP.</p>		Unresolved
		<p><b>Habitat network</b></p> <p>6) As stated in our previous submission to the consultation draft PSP, the Donnybrook-Woodstock district provides valuable habitat for native ecological communities, including resident fauna. In addition, fauna (particularly birds) move across the district in regular seasonal migrations or nomadic movements in search of food and drought refuge. The Upper Merri Biodiversity Network Plan (Merri Creek Management Committee 2009) provides for a network of habitat links throughout the catchment, to provide connections for fauna to move between larger habitat nodes. Map 2 from the Network Plan (below) shows a major corridor along the Merri Creek, and two other corridors across the precinct. These corridors utilize areas of native vegetation, largely endangered grassland, as shown in the timestamped data map below. Parts of these two corridors appear on the PSP as conservation areas, local parks or waterway corridors, but these do not constitute continuous links. Continuity is essential if they are to function as corridors for terrestrial fauna such as Echidna, Eastern Long-necked Turtle, and Swamp Wallaby. We are pleased to note that the PSP shows a waterway corridor along the upper western branch of Darebin Creek which connects with the conservation area in the northeast of the precinct; this has the potential to function as a habitat corridor link. The gas pipeline easement has some potential to provide for north-south fauna movement.</p> <p><i>Recommendations</i></p> <p>The PSP should better reflect and implement the proposed habitat network (MCMC 2009), thereby protecting endangered grassland vegetation and providing continuous movement corridors for fauna across the precinct.</p>		<p>Disagree that the MPA should go any further by implementing the MCMC habitat network, particularly as there is an opportunity for three key conservation corridors throughout the PSP that would allow for fauna habitat links in both an east-west and a north-south direction. These are the gas easement, the Merri Creek and along the Darebin Creek.</p>		Unresolved
		 <p>The map shows the Donnybrook area with various colored zones representing different habitat and conservation areas. A major corridor is highlighted along the Merri Creek, and other corridors are shown across the precinct. The map includes labels for 'Donnybrook' and 'Merri Creek'.</p>				Unresolved
		<p>8) Protect the full extent of endangered Grassy Eucalypt Woodland near the central southern boundary of the precinct.</p>  <p>The map displays the extent of Grassy Eucalypt Woodland near the central southern boundary of the precinct. It includes a legend for 'Conservation Area', 'Native Open Space', 'Grassy Eucalypt Woodland', and 'Extent of Grassy Eucalypt Woodland'. A color scale for 'Native Vegetation Health Score' is provided, ranging from 0-10 (Low) to 71-100 (High).</p>		<p>The woodland and stony knoll has been retained as an open space in the PSP and therefore the grassy eucalypt woodland will be retained as far as practicable. Since the City of Whittlesea have an 80% tree retention policy, most of the trees will look to be retained.</p>		Unresolved

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		<p><b>Open space delivery</b>            10) Requirement R99 Open space delivery refers to the “finishing” of public open space prior to transfer. The requirement for “Clearing of rubbish and weeds, levelled, topsoiled and grassed with warm climate grass” is inappropriate and potentially damaging if there is indigenous vegetation in the park or reserve, or if natural rock formations are present.            A number of other provisions are problematic. Instead:</p> <ul style="list-style-type: none"> <li>● Levelling must not impinge on natural rock formations (e.g. stony knolls) or native vegetation</li> <li>● Weed control in open space with native vegetation should avoid soil disturbance (i.e. not use mechanical or physical ‘clearing’)</li> <li>● Levelling must not impact on natural drainage patterns</li> <li>● Warm climate grasses must not include Couch, Brown-top Bent or Kikuyu where the reserve has native vegetation, as these are highly invasive species</li> <li>● Planting of trees and shrubs: indigenous species are preferred in a local park with native vegetation. Exotic deciduous trees can cause die-off through shading and the impact of smothering and disturbed nutrient cycling. These have downstream impacts as well on creeks when this material enters stormwater drainage.</li> </ul> <p><b>Recommendation:</b>            All parkland or open space containing indigenous vegetation and/or natural features such as rocky areas should be managed to enhance these natural values and the abovelisted guidelines be implemented.</p>		<p>Many of the stony knolls have been strategically located within areas of open space in the PSP. R47 could also be reworded to specifically reference stony knolls: 'If parks interface or are located on a drainage corridor, heritage site, stony knoll or encompass remnant native vegetation, the design of that open space must demonstrate that it has integrated the relevant environmental and heritage constraints and features into the design of the park.'</p> <p>The MPA does not however, agree with all the other points, as each open space will have its own character and purpose, some which will be more formal than others, and some used for recreation purposes, where these may not be practicable.</p>		Unresolved