

PSP 1078 & 1080

# Plumpton PSP & Kororoit PSP

**Closing Submission - C146 & C147**  
Amendment to the Melton  
Planning Scheme

15 December 2016

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## 1. Introduction

1. These closing submissions are made on behalf of the Victorian Planning Authority (VPA), as Planning Authority for Melton Amendment's C146 and C147.
2. The general background and strategic basis of the Amendment are set out in the VPA's Part A submissions. This was expanded in the VPA's Part B Submission, which also addressed individual unresolved submissions.
3. A total of 19 submitters have appeared before this panel and filed evidence on economic, traffic, planning, urban design, ecology, drainage, and quantity surveying matters. The submissions and evidence generally demonstrate a high level of co-operation and narrowing of issues between the parties.
4. The structure of this closing submission is as follows:
  - a. Response to Panel questions arising in the hearing, including:
    - i. Delivery of Hopkins Road;
    - ii. Infrastructure Contribution Plan (ICP);
    - iii. Landlocked parcels;
    - iv. Triangular shaped land east of the Aquatic Centre;
    - v. Strip of land to the south of Taylors Road, adjacent to the Sports Reserve, in Kororoit; and
    - vi. Dealing with the Urban Floodway Zone.
  - b. Response to issues raised by multiple submitters, including:
    - i. Treatment of land within the Pipeline Measurement Length; and
    - ii. Residential zones and densities.
  - c. Finally, response to issues raised by individual submitters, in order of presentation.

## 2. Response to Panel questions arising in the hearing

### 2.1 Delivery of Hopkins Road

5. The Panel asked the VPA and Council whether consideration was given to how to achieve the early delivery of Hopkins Road.
6. The VPA has considered the issue of the timely delivery of Hopkins Road in the preparation of these Precinct Structure Plan (PSPs).
7. During the preparation of the PSPs, the VPA and Melton Council officers did discuss and consider the application of a Public Acquisition Overlay (PAO) to land within the proposed alignment of Hopkins Road. However, the VPA and Council did not believe that a PAO over the alignment is necessary at this early stage as:
  - Although fragmented, most of the land required for Hopkins Rd is under the control of developers or owned by landowners who are in negotiation with developers. At this stage the only gaps appear to be at properties 19, 22-R, 23, 13-R and 25 (Kororoit) and property 14 (Plumpton).
  - Securing the land from developer proponents through Infrastructure Contribution Plan (ICP) works-in-kind early subdivision and provision of the land through ICP works-in-kind is the most efficient, simplest way for Council to secure the land.
  - Should the remaining properties not wish to develop for some time, landowners may still wish to subdivide the Hopkins Rd part of the land and sell this to Council.
  - Should the remaining properties not wish to subdivide to allow access to Hopkins Road for some time, then Council could apply a PAO over relevant short stretches of the road alignment at that time.
8. By way of example, the VPA understands that Council is already in discussions with relevant landowners to secure the alignment of Hopkins Road between Neale Road and the Kororoit Creek.
9. The VPA considers that the orderly and early delivery of Hopkins Road will be achievable with the PSP as exhibited.
10. The VPA does not seek any particular recommendation from the Panel in relation to this issue.

### 2.2 ICP

#### Items to be included within the ICP

11. The Panel asked the VPA to make clear whether it is seeking that the Panel recommend that certain items be "Included in the ICP"; or whether the VPA is seeking that the Panel simply make a finding that certain items are strategically justified.
12. The VPA requests that the Panel does make recommendations that the items are both:
  - Strategically justified; and
  - Should be included in the ICP.

13. The VPA anticipates that for the majority of items included within the relevant Table 9, this will not give rise to any difficulty.
14. There are a limited number of particular items which have been raised by submitters, and which will therefore require closer attention from the Panel – namely:
- the proposed aquatic centre;
  - Sinclairs Rd widening;
  - Bridges 1 and 3;
  - Pedestrian bridges PBR-02, PBR-03 and PBR-08;
  - Two proposed new intersections to access the Kororoit Local Town Centre (LTC);
  - New pedestrian signals on Hopkins Rd close to CU-05;
  - Arterial roads over pipeline easement;
  - Beattys Rd roads and landscaping works; and
  - The shared path in powerlines easement.

In relation to these items, the VPA requests that the Panel make recommendations both that these items are strategically justified, and also, that they should or should not be included in the ICP (where this was VPA's submission in respect of a particular item).

15. For the assistance of the Panel, VPA has created a table to provide a “ready reckoner” for each item:

<b>Item</b>	<b>Raised by Submitter</b>	<b>VPA’s position</b>
Aquatic Centre	Council, which wants the Aquatic Centre included in the ICP “In part”	The Aquatic Centre land can be included in the ICP “In part” The construction of the Aquatic Centre cannot be included in the ICP as it is not in the list of “Allowable items” in the ICP Guidelines (Table 1, p45)
Sinclair’s Road widening	Villa World, which wants this item included in the ICP	This should be developer works, and not an ICP item.
Bridges BR-01 and BR-03	Moremac, which wants these bridges excluded from an ICP	These items should be recommended for inclusion in the ICP.
Pedestrian bridge PBR-02	Dahua Dacland seeks to delete as developer works	This item should be recommended for inclusion in the ICP.
Pedestrian bridge PBR-03	Council	This item no longer required as connector road and local park have moved north.
Pedestrian bridge PBR-08	Moremac, which wants this bridge excluded from an ICP	This item should be recommended for inclusion in the ICP (apportioned 40/60 (Mt Atkinson/ Plumpton and Kororoit) as per Mt Atkinson Panel recommendation).

Two new intersections to access the Kororoit Local Town Centre (LTC)	Coles, which wants these intersections included in an ICP	These items should be recommended for inclusion in the ICP.
New pedestrian signals on Hopkins Road close to CU-05	Council, which wants this item included in the PSP and in an ICP	This item is unnecessary and should not be included.
Arterial roads over pipeline easement	Council, which wants this item included in an ICP	This item can be included in the ICP as part of the project description – with costings to be determined at the ICP stage.
Beatty’s Road and landscaping works	Numerous submitters queried delivery. Villawood seeks as ICP item.	Refer Part B submission – not an ICP item
Shared path in powerlines easement	ID Land seeks possible consideration as ICP item Villawood seeks as ICP item	Refer Part B submission – not an ICP item

16. Should the Panel be of the view in relation to a particular item, that it would benefit from further consideration at the ICP stage when costings are known (in the case of items triggering a supplementary levy), then the **VPA requests that the Panel make a recommendation** that the particular item be listed in Table 9 as "For consideration in the ICP".
17. The VPA does not seek recommendations on whether an item will be covered by a supplementary or standard levy as this can be considered as part of the ICP process.
18. The VPA submits that the above approach would be of assistance in enabling a clearer path forward for the preparation of the ICP, and would be a similar approach to that adopted by the C162 Panel.
19. The VPA notes that in relation to the process of the ICP amendment from here, it will refer to the recently released Ministerial Direction and Guidelines.

#### Process relating to the ICP

20. The Panel has asked numerous submitters to provide views about whether the PSPs should proceed to gazettal before an ICP is finalised – or whether gazettal should be delayed until an ICP is finalised.
21. The **VPA seeks a recommendation** from the Panel that the PSPs **not** be delayed until an ICP is finalised – for the reasons set out in the VPA’s Part B submission. The interim arrangements will suffice for the period of time for these areas in which the ICP is being resolved. It is undesirable to “hold up” the amendments until the ICP is resolved.
22. The VPA notes that this course has support from SJB, Dahua Dacland, and Moremac, (noting that Council is opposed to this course, as is Failli).
23. In the meantime, the Panel is able to make recommendations on the items listed as “Included in ICP” in the PSP, either by way of a clear recommendation of inclusion or

exclusion, or, adopting the suggested course above, by stating that the item be listed as “For consideration in the ICP”.

24. The VPA observes that these Amendments are in a fairly unique situation. There will be very few amendments which have these circumstances.
25. The Panel suggested that any ideas for a ‘compromise’ ICP solution from submitters, could be made to the Panel.
26. In response, the VPA suggests that the Panel could recommend an alternative interim arrangement for the ICP to that exhibited, (given the ICP Directions have now been released. This alternative proposal would be as follows:
  - Introduction of an ICP concurrent with the gazettal of the PSP, but which ICP relates only to the items the subject of standard levies as per the ICP Ministerial Guidelines for a standard ICP. This would comprise all ‘standard’ items, i.e. roads and intersections, community and recreation infrastructure, and land (up to the value to the standard levy rate). It would exclude all ‘supplementary’ items i.e. bridges, culverts and land over the value of the standard levy rate.
  - A second planning scheme amendment could then be pursued to introduce the required supplementary levy to deal with supplementary items, once further costings have been undertaken to clarify the extent of these items which do not fit within the standard ICP.
  - Council has held preliminary discussions with Council and DELWP but not agreement has been reached.
27. The ICP Guidelines (p. 55) provide guidance regarding estimates of value for public land included in the ICP. As per these guidelines, any disputes about estimates of value are referred to the Valuer-General Victoria rather than referred to the PSP or ICP planning panel.

### 2.3 Landlocked Parcels

28. The Panel asked whether there are any parcels in the Amendment areas that may be landlocked in any future development, and how these were dealt with in the PSP.
29. The VPA has reviewed the two PSPs in relation to this potential issue, has discussed the matter with Council, Dahua Dacland, BPD and UDM, and makes the following observations noting that a formal response from UDM has not been received..
30. **Firstly, both PSPs already contains the following requirement:**

**R98 (Plumpton):** Convenient and direct access to the connector street network must be provided through neighbouring properties where a property does not otherwise have access to the connector network or signalised access to the arterial road network as appropriate.

**31. On further review, the VPA contends that there is no need for additional wording/ requirement in the PSP as:**

- Council already has a basis on which to negotiate with developers as they seek planning permits (i.e. R98 - Plumpton; noting Kororoit is not affected)
- Land is not actually 'landlocked' – rather, a temporary (sacrificial) road would need to be built to access the developable part of the parcel. For example, in Wollert PSP area BPD is currently progressing interim works to allow access to a parcel otherwise landlocked. This is a negotiated outcome between Council and landowners.
- Following discussion with Melton City Council officers, VPA considers that further detail on temporary access to properties is a matter best handled by Council rather than through the PSP. There are a not a great number of affected properties, and VPA is confident that Council will be able to resolve these issues at the stage of implementation.

## 2.4 Triangular shaped land east of the Aquatic Centre

32. The Panel asked how the land east of the Aquatic Centre might be developed.
33. The VPA provides indicative concepts of how this land might be developed at Appendix 1, and provides further detail in the response to Mondous' submission in this closing submission. These provide an indication of how the land may be developed at a range of lot sizes, noting that drawings are preliminary and that other uses may also be proposed in accordance with the PSP and the UGZ.
34. The VPA has no concerns about the proper and orderly development and use of the land in this way. The VPA notes there is a separation between the relevant parcel and the Aquatic Centre land – and that further, there is ample land to strategically place infrastructure upon the Aquatic Centre land to minimize impacts, for example, noise on future residents to the north, east and west.

## 2.6 Dealing with the Urban Floodway Zone

35. Dacland made a submission in relation to land it has an interest in which is currently zoned Urban Floodway Zone (UFZ), and which is proposed to be rezoned Urban Growth Zone. Dacland agreed that the current delineation of the UFZ boundary should not remain (especially in circumstances where it is seeking agreement to alter the waterway), but also had concerns about the Growth Areas Infrastructure Contribution (GAIC) implications of re-zoning the land. ID Land also then raised this issue.
36. The Panel raised a question about whether it is desirable to seek that once development occurs, flood mapping is once again assessed, and any consequential necessary flood risks are mapped into the Scheme. This assessment and rezoning process occurs as a matter of course after the precinct is developed in accordance with the PSP and translation from the UGZ to standard VPP provisions occurs, in accordance with the UGZ practice note.

37. The VPA considers the Amendments on their face are appropriate, especially insofar as it is not appropriate to retain the UFZ in its current location with the expected urban development, and expected changes to the drainage regime. Plan 2 of each PSP marks the location of the 1 in 100 year flood location as it currently exists, and this acts as a notification of the locations where flooding may currently occur. Plan 10 being the integrated water management and utilities plan and accompanying section 4.0 of the PSP outlines the requirements to address necessary drainage infrastructure to service development of the land, which to a degree is somewhat flexible provided there is agreement with the relevant water authority being Melbourne Water.
38. The VPA also reiterates that Melbourne Water is supportive of the proposed amendments, as it is consistent with the approach adopted for Melton C145 (Rockbank PSP).
39. The VPA also says that GAIC implications are an issue that follows from the application of provisions that sit alongside this Amendment process. The strategic planning questions of whether the land needs to remain UFZ, and what the best planning strategy is for land currently the subject of flooding risk, but where that may change, should guide the Panel – rather than whether or not there are GAIC implications.
40. It is noted that the UFZ land in question is identified in the PSP to be used as ‘service open space (drainage)’ that will not attract the infrastructure contribution levy as it is considered undevelopable land, similar to land where traffic and community infrastructure is identified yet will be also be zoned UGZ. Therefore, the VPA considers it fair and equitable to attract GAIC for land that will service the future urban development to the land.
41. The VPA accepts that the Panel’s approach of revisiting flood risk once development is underway has merit, but says that this does not need to be imposed on the land by way of the PSP. To clarify matters, VPA supports the option in Melbourne Water’s response as follows:
- Plan 2 – ‘Precinct Features’ currently shows the location of the pre-development 1 in 100 year flood extent. The legend on this map could be changed to read ‘Pre-development 1 in 100 year flood extent’.
42. Refer Melbourne Water response on this matter at Appendix 2.

### 3. Response to issues raised by multiple submitters

#### 3.1 Treatment of land within the Pipeline Measurement Length

44. A number of parties made submissions about the treatment of land within the Pipeline Measurement Length (PLM).
45. The VPA made submissions in its Part B submission that the exhibited Amendments were appropriate, save for the addition of a number of permit triggers and notice requirements requested by APA. The two outstanding issues were considered to be in respect of accommodation (in part) and retail premises.
46. Council made submissions seeking:
- That APA's desired permit triggers be added;
  - That APA be made a recommending referral authority; and
  - Changes to the wording of O24 (Plumpton), O21 (Kororoit), G20 (Plumpton) and G21 (Kororoit)
47. APA made submissions seeking:
- That permit triggers be added, including in respect of "accommodation (other than single dwelling on a lot or dependent persons unit)" and "retail premises"; and
  - That APA be made a recommending referral authority.
48. Coles and Moremac supported the VPA's submission in respect of the question of whether a permit trigger should be imposed for retail premises within a Commercial Zone.
49. There are a number of matters that the VPA wishes to respond to following from these submissions.

#### Accommodation

50. First, in relation to the issue of accommodation the VPA accepts that a permit trigger and notice to APA ought to exist for the use of "*accommodation (other than dwelling or dependent persons unit)*". Upon review, there is a slight change needed to VPA's Part B submission on this point, to add a permit trigger to the Kororoit Schedule, to ensure that all accommodation uses within the Commercial 1 Zone (C1Z) would be captured. The VPA had already agreed that this use should be added in the "*notice*" provision. This means that for all categories of accommodation, except for dwellings and Dependent Persons Unit (DPU), a permit is triggered, and notice will be given to APA.
51. Note that the position of the VPA in respect of the use of "*dwelling*" is slightly different to that in relation to "*accommodation*" more broadly – and that the position on dwellings also differs as between the VPA and APA.
52. In relation to the use of "*dwelling*", APA has sought that a permit trigger be added for, in effect, two or more dwellings on a lot (i.e. anything other than a "*single dwelling*"). Note that this means that any attempt to draw a line higher than this – for example, by way of

setting a dwelling density of above 30 dwelling per Net Developable Hectare (NDH) – is of no utility. It is not clear whether in fact APA wants notice of all applications for more than one dwelling – however if the APA “Part A” wording is adopted, APA will receive notice of all applications for more than one dwelling. APA submitted that its density trigger was about “*subdivision*”. The VPA respectfully submits that it does not, on its face, get triggered by a subdivision permit application. Note “subdivision” is defined in the PE Act as “*development*” and not “*use*”. How this provision will operate in practice is unclear.

53. The VPA’s position in respect of this category of “*more than one dwelling*” is found in the “Notice” provision in the Urban Growth Zone (UGZ) schedules. The VPA proposes that notice be given to APA of any applications for “*a residential development of four or more storeys*”. There is already a buildings and works trigger for such development in all relevant zones. Hence, the effect will be that notice of applications involving dwellings in a building 4 storeys or above will be provided to APA.
54. This is the “threshold” which the VPA submits is going to be readily workable in practice, and appropriate in terms of giving notice of applications that might be of interest to APA.
55. The VPA submits that, like for retail premises, there is no support found for APA’s submission in respect of dwellings, in the relevant AS. The “primary location” class for “T2” refers to “high density” use which “applies where multi storey development predominates”. Note too that the May 2016 ESV submission to the Major Hazards Facility Advisory Committee also refers to uses in buildings over three storeys. VPA therefore submits that its position is a sensible one, as it picks up on the actual higher density uses involving dwellings.
56. To the contrary, there is no support in the AS for “lesser” densities of dwellings requiring a permit trigger and notice.
57. The VPA therefore requests that the Panel recommend that its approach on accommodation ought to be accepted.

#### Retail premises

58. In relation to the issue of retail premises, the VPA submits that nothing the Council or APA presented to the Panel provides a strong basis upon which to find that “retail premises” are “sensitive uses”. To the contrary, it appears that “retail premises”, whilst desired to be added by APA, are not in fact considered a “sensitive use” by the AS or any other authoritative source.
59. The VPA therefore requests that the Panel recommend that retail premises does not require the addition of a permit trigger.

#### Recommending referral authority

60. In relation to the question of whether APA ought to be a recommending referral authority, the approach which was adopted in Donnybrook/Woodstock (p. 93) and in Wollert (p. 57) should be followed. In these matters, there was also submissions that

APA ought to be made a referral authority. The Panels did not endorse such an approach.

61. It is desirable that all PSP areas be treated consistently where possible.
62. Further, to add a party as a referral authority is a significant step. Referral authorities are given a significant statutory role. One of the considerations of Practice Note 54 is whether referral authorities have resources and processes in place to ensure timely and effective advice and to comply with the duties and requirements of the PE Act. The capacity of APA to take on this statutory role is in fact unknown. The manner in which APA will judge whether an application is appropriate, or not, is also unknown.
63. Practice Note 54 also says, under the heading “Give notice rather than require referral”:  
*Consider whether giving notice of the application under s 52(1)(c) of the Act would meet the referral authority’s requirements instead of referring the application under section 55. If the referral authority needs to be made aware of an application but does not need to always receive a copy of the application or direct the outcome of the application, a section 52(1)(c) notice may be appropriate.*
64. The above statement is met by a notice regime, which will enable APA to learn of applications and judge whether their further involvement is appropriate.
65. The Practice Note also states that a referral authority should not be specified in the planning scheme simply because they may be useful in assessing certain types of applications or be used as a substitute for the responsible authority’s own assessment of the application.
66. The VPA submits that the “notice” regime that has been set up is adequate. APA will have sufficient ability to receive information, make submissions, and appeal to VCAT if desired.

#### In reply to matters raised by Council and APA

67. Further, the VPA makes the following specific submissions in reply to matters raised in Council and APA’s submissions.
68. There is a Local Town Centre that includes Commercial 1 applied zoning within a pipeline measurement length in the Wollert PSP. The UGZ Schedule for Wollert does not include permit triggers for retail use on land within the Pipeline Measurement Length (PML), and only provides notice provision to pipeline owner and operator not referral.
69. Council’s submission at [103-104] is incorrect. The VPA did not “conflate” the sensitive use definition in the Planning Scheme, with that in the AS. The VPA in fact acknowledged that the planning scheme definition of sensitive use was not a particularly helpful definition in the context of the PML and the Australian Standard (AS), and went on to separately consider the AS definition.
70. Further, the VPA did not “jump to” the secondary classifications including the definition of “sensitive” without overlooking the primary classifications. All parties agree in this

case that the primary classification of the land will be “T1”. That is not in issue. What is in issue is whether the use of “retail premises” are a “sensitive use” such that a permit trigger is required. That is the basis of the submission of APA that there ought to be a permit trigger. The VPA is directly responding to the issue raised by APA.

71. Note further that the consequences of being in “T1” in terms of the planning scheme, are unclear. APA has not submitted that all “T1” uses ought to be referred – the submission has been framed around “sensitive uses”.
72. The VPA did not submit that you ought await the outcome of the Advisory Committee, or simply “kick the can down the road”. We accept that the Panel must decide what is appropriate in these Amendments. However it remains true that a statewide approach would be the best way to provide consistency and clarity to what the approach should be. The VPA doesn’t ask the Panel not to decide what is appropriate in this case. Rather the VPA asks you to closely consider whether APA have made out their case in support of the permit trigger for retail premises, as a “sensitive use”.
73. Also, it is not at all surprising that the VPA and Coles have engaged with APA. In the circumstances of this amendment, where APA have made a submission, it is simply prudent.
74. The VPA submits that it is most helpful to consult with authorities such as APA early to, minimise the risk while weighing up all the planning considerations, and get the strategic planning right. VPA states that it has done this and that therefore there is no further notice required to APA regarding the central question of whether retail use is appropriate.
75. APA submitted that it would not necessarily approve an application for retail premises within the Kororoit Local Town Centre (LTC). They further submitted that they had not had the opportunity to say that the LTC should be located outside of the PML. This latter statement is simply incorrect – The VPA has been engaging with APA regarding the Future Urban Structure plan. In a more formal sense APA could have submitted at the PSP public exhibition that the LTC location was not supported, or that retail uses were not supported, but it did not.
76. As retail is a Section 1 use and the main purpose of the applied C1Z, the strategic planning stage (i.e. the PSP) is the most efficient stage at which APA should comment regarding use.
77. Further, the SMS was undertaken on the draft Future Urban Structure Plan, such that changes could be made if major risks were identified. They were not. The SMS did not list as an action to move the retail use out of the PML.
78. That APA now says it might seek to prohibit an application is of concern to the VPA especially given the chosen zoning applied to areas is done so in order to realise the future urban structure of the precincts.

79. The VPA notes the Panel’s question to APA, to provide the form of wording of recommendations that APA might seek in respect of it being made a referral authority; and/or there being a State-wide Overlay added which provides notice to APA. The VPA submits that the Panel ought to be cautious before making any recommendations that seek to go beyond the Amendments at hand particularly given there is currently an advisory committee convened to advise specifically on this issue.
80. In planning these precincts the VPA has not ignored the risk presented by pipelines. The VPA submits that it has appropriately planned these PSP’s and tailored the Schedules to the UGZ in response to the SMS therefore requests the Panel recommend in favour of the provisions put forward by the VPA.

### 3.2 Residential zones and densities

81. A number of submissions were made to the Panel in relation to residential zonings and densities.
82. The VPA continues to submit that its proposed zones and densities, as set out in the Part A and B submission, are appropriate we note receipt of a letter from DEDJTR related to supporting VPA’s approach in the Plumpton and Kororoit PSP’s. (See Appendix 13)
83. The VPA makes the following further submissions in relation to specific issues raised.
84. The VPA maintains that it is appropriate to employ the Residential Growth Zone (RGZ) in the areas identified in the Part A plans. These are the areas which are appropriate for the future highest densities in these PSP areas. As described by ID Land’s representative, developable land in these growth areas is a “precious jewel”, and should not be wasted by under-zoning of the land. The RGZ sets appropriate expectations to enable future continued densification of RGZ land.
85. The VPA maintains that the 20 dwellings per NDH in the RGZ is appropriate in the context of this case. Importantly, the figure is a *minimum*. Note that the evidence of some submitters considered 25 dwellings was an appropriate target (Battaglia, Woodland), whereas others considered this might be difficult to achieve or was too restrictive (Lancashire, Lawport and ID Land). The VPA submits that this range of views around that figure demonstrate that in fact the proposal for 20 dwellings is a reasonable requirement, particularly for land within a 5-10 minute walk of amenities.
86. The VPA also notes (including in response to submissions from Lawport, ID Land and Mondous) that the 20 dwellings is an average minimum, which does not require uniform delivery across a site. There is the possibility to set aside super-lots for development later when the market has matured (refer updated R13 Kororoit in VPA Part A: “... *Where a subdivision proposal represents a single stage or limited number of stages, proponents should demonstrate how the subdivision will contribute to the eventual satisfaction of this guideline through further stages of development.*”) The VPA encourages diversity of housing product and expects some parts of these areas to be delivered at lower densities, and some at significantly higher densities.

87. The VPA maintains that the 800m distance from the Plumpton Major Town Centre (MTC) is appropriate. It ought be observed that most of the witnesses in this hearing consider 800m to be a walkable distance – for example Mr Woodland expressly said this, as did Mr Day.
88. Council refers to various documents to seek to support its submission, but none of the documents it refers to provide express support for its position. Planning Practice Note 78 would support the application of the RGZ around centres. Plan Melbourne echoes PPN78. Work in relation to the existing residential areas of Melton is of little utility to the Panel in respect of this growth area. The future is supposed to be more efficient with land than the past. To the extent that Council submits that it would be appropriate to extend the methodology adopted in House Smart to the PSP areas (see [181]) the VPA submits the Panel should not adopt this approach. The extract of the Residential Zones State of Play report (referred to at [173]) merely highlights the importance of incentivizing density.
89. The VPA has also prepared some additional diagrams to assist the Panel to understand the distances employed in the maps (refer Appendix 11 and 12).
90. Note that the approach that the VPA has taken to schools and sports reserves is generally that if most of the school or sports reserve was in the ‘walkable catchment’, then it was included in the ‘catchment’ line. If most of the school was outside the ‘walkable catchment’, then it was excluded. It is important to have a single applied zone applying to the community uses (i.e. not have the walkable catchment line going through the middle of the school).
91. Lawport, Moremac and Mondous queried the extent of RGZ on their land in the revised RGZ in VPA’s Part B, compared to the area shown as ‘medium density’ or ‘high density’ on the exhibited Plan 5.
92. A comparison is provided in the table below, which demonstrates that in fact the revised proposed RGZ does not create an additional onerous requirement on developers and in fact requires a reduced number of dwellings be delivered on these properties, as the requirement is extended over a larger area. This will enable developers to implement more of a ‘salt and pepper’ approach to density within their subdivision. The RGZ requires higher density than the surrounding GRZ areas, and sets the expectation of higher densities in these areas in future.

	High density residential area as exhibited (Plan 5)	Total dwellings in high density area @ 30 dpha	Medium density residential area as exhibited (Plan 5)	Total dwellings in medium density area @ 25 dpha	Total dwellings in medium and higher density area	Revised RGZ extent (as per VPA Part A)	Total dwellings in RGZ @ 20 dpha
Lawport	0	0	9.066 ha	227	227	6.988 ha	140

ID_Land	0	0	6.311 ha	158	158	5.149 ha	103
Mondous	21.607 ha	648	4.390 ha	110	758	25.997 ha	520

93. Council was critical of the VPA’s use of the phrase “walkable catchment” as the areas for which RGZ was designated. The VPA submits that this is an appropriate phrase, because it is intended to convey that these distances are those that people will in fact walk to access the corresponding services. It is within this walkable catchment that higher densities ought to be encouraged.
94. At this stage Council has not provided analysis of its proposed revision to the RGZ extent, so VPA cannot comment on any implications with respect to overall population proposed.
95. In respect of the submissions of ID Land on this point, the evidence of Mr Woodland is really supportive of the underpinning rationale of the exhibited PSPs. Mr Woodland’s evidence was that he supports the densities in the PSP – Mr Woodland did not consider there was a policy basis for the numbers to be mandatory: that guidelines would suffice. The VPA submits that achieving the minimum densities is of such importance that a mandatory overall minimum is justified. We also note the evidence given in cross examination that a superlot could be “parked” effectively on the ID Land parcel, until the market warrants medium density in the Local Convenience Centre (LCC).
96. The submissions made by both ID Land and Lawport in relation to the designation of the RGZ around the sports reserve and the school ultimately are not persuasive. The densities can readily be achieved, and the convenience centre is an appropriate location for this pocket of encouragement for higher built form. ID Land is not precluded from the placement of higher density housing on other areas of their land also.
97. In respect of the submissions of Urban Design and Management (on behalf of Failli), the VPA notes the submission that it is logical to expect that there will be medium density housing near facilities.
98. Note that Luzon Holdings were satisfied with the residential zoning and densities identified for their land.
99. The Mondous Group raised a number of landholder specific issues, but overall in fact supported the residential zoning and revised dwelling densities. In response to the Mondous Group’s observation that for the Specialised Town Centre of Mt Atkinson a 600m walkable catchment was applied, the VPA notes that the Specialised Town Centre (STC) is a lower order provision in terms of retail and services. The Plumpton MTC has additional features of a library, waterway, and aquatic centre in close proximity.
100. The VPA seeks that the Panel recommend support for the residential zones and densities set out in the Part A Submission.

## 4. Response to submissions made at the hearing (in order of presentation)

### 4.1 Submissions 20 & 32 (Plumpton) –Urban Design and Management (on behalf of Cagrier Investments P/L)

**Address:** 1259-1265 Plumpton Road, Plumpton / #38  
313-337 Beattys Road, Plumpton / #29  
339-363 Beattys Road, Plumpton / #30

101. The VPA submits that the Panel ought not recommend adoption of the UDM proposed reconfigurations, for the reasons set out in the Part B submission.

### 4.2 Submission 20 (Kororoit) – ID Land

**Address:** 905 & 961 Taylors Road /#67 & #68

102. The VPA notes that no further information has been received from ID Land in relation to Melbourne Water’s position, or any form of revised wordings for local parks or residential requirements.

103. The VPA submits that the Panel ought to recommend the retention of the exhibited intersection. The traffic evidence was that the exhibited location was in fact “preferable” and the evidence as to loss of yield was not compelling. Loss of profits alone is not a compelling strategic planning reason.

- The retention of the exhibited location for the local park. The requirement is flexible enough in terms of being able to relocate the park. It would be inappropriate to reduce the amount of unencumbered open space. Play equipment would be limited in the easement; and
- No further change to the residential zoning, densities, or applicable requirements and guidelines.

### 4.3 Submission 12 (Plumpton) –Mondous Group

**Address:** 20-388 Beattys Road / #12, #13 and #15

104. The VPA submits that the Panel ought to recommend no change to the configuration of uses on the Mondous Land. The VPA observes that no planning evidence was called by the Mondous Group in support of the submission that there would be difficulties in developing the land. Ultimately, this submission was not taken very far. The VPA also notes that it would be possible to set aside a number of superlots and achieve conventional density housing now on portions of the Mondous Group land, if that is desired.

105. VPA notes that it has agreed revised extent of Major Town Centre with Mondous as per the Part B submission. Refer Appendix 14, which reflects this revised area.

106. VPA also submits the Panel ought to recommend no change to the zoning of land within the Plumpton Business and Industrial Precinct. VPA does note that it agreed to changes to the Business and Industrial concept plan which are included at Appendix 15.

#### Industrial land take

107. In terms of the Industrial land take up, the VPA submits an appropriate amount of land has been designated for Industrial use. In fact Mr Hrelja's evidence is there may be an undersupply over time.
108. The Panel should accept Mr Hrelja's evidence. Mr Hrelja gave evidence and was made available for cross examination. But as it stands, his evidence was unchallenged – despite the opportunity having been made available. Mr Hrelja's evidence was clear, considered, and based on a methodology that Mr Henshall accepted as "one way to do it". Mr Hrelja employed appropriate techniques to assess the amount of industrial land that could be supported. The "core" assessment of looking at future population numbers and corresponding ratios of need for industrial land in the area is a sound approach.
109. By contrast, the Panel should give very little weight to Mr Henshall's evidence. Mr Henshall did not do his own assessment of what the actual take up rates or demand would be. He did not say the land would never be used, just that estimates of time vary depending upon which rate you use. Mr Henshall's position to Mr Hrelja's evidence was not convincing – he criticized aspects of the report, but did not disagree with the core analysis undertaken by Mr Hrelja. He agreed in cross examination that this core analysis was "one way to do it". He also agreed in cross examination that there will be a change from past take up rates to future take up rates. He agreed that Mr Hrelja had factored in the difference between likely take up rates for State significant industry as compared with local, in this PSP.
110. In fact, with respect, Mr Henshall concluded Mr Hrelja's evidence was optimistic without really explaining why. Two reasons were given: one related to the use of "pipeline" figures and the other was that other industrial areas exist in the region. But there was no hard analysis around these things. Therefore the evidence was lacking.
111. When asked by the Panel what is the downside of oversupply – Mr Henshall said industrial land takes longer to absorb. VPA submits this is not a true downside – it is undesirable to have to retrofit for industrial land. He also said that land will lie vacant. This is not an issue in itself: there ought to be room to expand inside the UGB in coming decades. These were the only downsides he could point to.
112. The VPA notes the Panel's question, that if the Panel accepts evidence that job densities are overestimated, surely more employment land is required, rather than less, and that if this is correct then Mr Hrelja conclusions about land conservative. VPA submits this question from the Panel raises a very good point.
113. As the Panel is aware, the amount of industrial land was based on work done, and still supported by, Department of Economic Development, Jobs, Transport and Resources for

the West Growth Corridor Plan. The amount of land represents good, prudent, long term planning.

### Mixed Use Zone

114. In terms of the proposal to expand the Mixed Use Zone (MUZ), the VPA submits that the submission this will lead to more jobs is overstated. Mr Henshall said the expanded MUZ will create more jobs. VPA says this is due to removal of INZ land which is inappropriate. VPA also notes that Mr Henshall used a “rule of thumb” industrial figure. The VPA submits its job figures, whilst long term, are achievable (VPA relies on Mr Hrelja’s evidence). Note Mr Henshall immediately referred to City of Melbourne’s Census of Land Use and Employment (CLUE) when responding to re-examination questions from Mr Cicero about trends in job densities in industrial precincts, despite having earlier questioned Mr Hrelja’s use of them in Mr Hrelja’s evidence.
115. The VPA also submits that there is no need to take the “more nuanced approach” that was urged by the Mondous Group. The VPA exhibited PSP represents a sufficiently “nuanced approach”. Insofar as Mr Cicero has an idea of people “living and working on the same dirt” the VPA has endeavoured to provide opportunity for this.
116. Further, there would be concerns about extending the MUZ.
117. First, there is a risk that will be pressure for more housing rather than employment uses (Mr Hrelja said use usually follows the strongest land use, i.e. housing – refer Brimbank example) – and we know employment uses will be important.
118. Second, it is unclear how any “buffer” will be suitably achieved. No form of words has been provided to the VPA from the Mondous Group. The VPA notes Mr Henshall’s evidence that extending residential closer to industrial would need some form of “buffer”. Note for the existing PSP there are buffers shown in Figure 9 on page 35. The Panel has raised, and the VPA agrees, that there is concern about how any more “tailored” MUZ would be translated in future. Section 173 agreements would be undesirable to achieve buffers in this way. The VPA also notes that the Mondous Group have a higher amount of “interface” edge on their proposal than on the exhibited PSP. The Mondous Group proposal is undesirable because in fact it brings more residents closer to industrial uses.

### Aquatics centre

119. VPA submits the Panel ought to recommend no change to the location of the Aquatic Centre. The VPA submits that Mr Henshall’s evidence demonstrated that, using his criteria, the exhibited location is preferable. The Aquatic Centre’s current location is on the proposed future PPTN – this is a key, and the VPA submits, decisive, factor in this case. The VPA also notes that there are urban design disadvantages to the Mondous Group’s proposed locations. Introducing a ‘big box’ type of building (i.e. the aquatic centre) will result in a larger, open area with car parking directly adjacent the MTC, and will make walking in to the MTC less inviting from the north. The benefits of higher density housing immediately adjacent the MTC and the liveliness that can bring to the MTC over the longer term will be reduced. The VPA also notes the evidence of Mr Day

and Mr Gnanakone that there are benefits to the Beatty's Road civic spine interface; and dis-benefits to having an arterial road interface which may be restricted in terms of access and therefore constraining layout.

#### 'Triangle of land' on Beattys Rd adjacent aquatic centre

120. In response to the Panel's queries, the VPA has sketched three options for subdivision configurations to demonstrate that the land can be developed.
121. The VPA notes the Panel's concerns regarding noise from the future operations of the aquatic centre, but notes that this does apply only to the triangular land parcel, but to the land north and west of the proposed aquatic centre also.
122. The aquatic centre is indicatively around 4-5,000sqm on a 4 hectare site. Therefore the design of the aquatic centre can be such to minimise proximity to dwellings, and relevant detailed design undertaken in terms of access and egress and location of 'noisier' parts of the centre to the south, along Beattys Road for example.
123. Ms Sharp, in Submission 19 (Plumpton) for Dahua Dacland, preferred the exhibited PSP which showed no local roads along Beattys Road reserve north of property 29.
124. However the VPA notes it is more than likely that there would indeed need to be a local road along part of Beattys Road (residential loop/ frontage road) to provide an address for the triangle of land east of the aquatic centre (noting that this will be resolved through subdivision permits).

### 4.4 Submission 12 (Kororoit) – Lawport Holdings

**Address:** 855-903 Taylors Rd / #69

125. The VPA has addressed the residential designation above and does not seek to make any further submissions in response to this submitter.

### 4.5 Submission 8 (Kororoit) – Spiire (on behalf of Villa World Development)

**Address:** 1053 Taylors Rd / #63

126. The VPA submits that the Panel ought recommend:
- Adoption of the VPA's proposed wording in respect of access to Sinclairs Road; and
  - 25m typical connector width on Sinclairs Road.
127. The VPA notes that 66kv power poles will now run along Western Freeway further west, before heading north (i.e. not along Sinclairs Road) so that the exhibited 27m width is no longer necessary.
128. The VPA does not accept a further reduction in the width of Sinclairs Road as proposed by Villa World.

129. Mr Walsh presented expert evidence on traffic matters including widened Sinclairs Road.
130. He stated it 'was not fair' that Sinclairs Road is widened to the east onto the Villaworld land.
131. The VPA submits that the widening to the east is due to the presence of Conservation Area 1 to the west of Sinclairs Road. The criteria for changing a boundary of this CA for purposes of urban infrastructure is "where no feasible alternatives are available" (p15 Guidance Note: Implementing the Biodiversity Conservation Strategy (BCS)), which is not the case here.
132. VPA also submits that the Panel ought to recommend retention of the cycle path along Sinclairs Road. The retention of the path is desirable to link with the other cycle paths along Sinclairs Road. Further, the easement only provides a shared path. Also, the shared path in the easement does not extend longer than the Sinclairs Road path: cyclists would need to come back to Sinclairs Road at the north and the south. To the extent that cyclists will choose to remain on the road, as the more direct route, without cycle infrastructure, this is not a desirable option.

## 4.6 Submission 29 (Plumpton) & 32 (Kororoit) – Melton City Council

### Address: Agency

133. This includes a response to Melton City Council's submission to Panel in relation to both Plumpton and Kororoit PSPs.
134. The VPA's response on the issues of the ICP, the gas pipeline and the residential zones have all been set out above.
135. The VPA requests Panel to adopt the VPA and Council's agreed position in relation to:

### Small Local Enterprise Precincts

136. VPA and Council agree with the specific wording to be included in the PSPs that provides further guidance on what type of uses should be located in these areas.
137. Proposed revised Requirement as follows:  
*Development proposals within Small Local Enterprise Precinct (SLEP) areas must:*
- *Provide for a range of floor space sizes from 100m<sup>2</sup> to 900m<sup>2</sup> that facilitate a diverse range of enterprise and employment opportunities including:*
    - *Small offices / workrooms*
    - *compact warehouses*
    - *small service industries such as printers, motor repairs, dance studios, art and craft centres.*
  - *Have landscaped and built form interfaces that respond to surrounding land uses.*

138. VPA and Council are still in discussion on the specific provisions in the schedules to the UGZ to implement permit triggers for the uses that are permissible in these areas and will advise the Panel when wording is resolved.

#### Powerline Easement Tables

139. The VPA agrees to update descriptions of active recreation as requested by Council.

#### Development Staging

140. The VPA support Council's wording proposed at 257.1, as agreed in the Part B submission.
141. The VPA continues to not support Council's wording at 257.2. This wording is unnecessary as the update at 257.1 already requires developments to demonstrate how they will provide relevant infrastructure. The additional wording at 257.2 does not assist with any further clarity and may impose significant burdens on development delivering ICP items out of sequence before they are needed, depending on interpretation.
142. The wording at 257.1 has been agreed through Panels at Rockbank and Mt Atkinson and Tarneit Plains and therefore provides a consistent approach.

#### Primary Arterial

143. The VPA notes Mr Pelosi's evidence that the revised the VPA primary arterial cross section is 'acceptable', with the 0.5m separation between pedestrian path and bicycle path – noting it would be preferable to have a narrow strip of planting in between. The VPA agrees to this change.

#### Plumpton MTC floor space cap

144. The VPA submits that there ought to be no change to the exhibited MTC floor space cap.
145. There is a need to provide jobs and services in the area to support the future population to the extent possible. Lack of jobs and services is a critical issue in growth areas. Planning strategies and controls should strive for jobs / service opportunities within reason and not, without any specific basis, seek to put the brakes on.
146. If a cap is to be used, as the VPA has agreed, a cap should be tailored to each centre's specific catchment.
147. The VPA submits that the "soft cap" of 45,000 is appropriate. Council has no evidence or basis to support its submission that there ought be a cap at 35,000. The Council's Retail Strategy is a more generalised apportionment of municipal demand and in any case states that no caps should apply to the Major Town Centre level in the hierarchy. We note that Council did not submit evidence on this matter.
148. Further there is no justification for Council's recent proposal of a control at 80% build-out. Council's concern relates to the potential impact of the Plumpton MTC on other centres. However Mr Hrelja gave evidence that he had no concern about these kinds of

impacts – he said he did not see a risk of closing or stymying other centres and Council did not provide any specific evidence that this would occur.

149. If a cap is in operation and works to limit or slow development of demanded retail space in a location such as Plumpton, the ‘escape spending’ from Plumpton does not necessarily flow to other centres in the City of Melton.
150. A probable outcome would be for such escape spending to leave the municipality – to locations such as Watergardens, Highpoint and the CBD - and be lost to the City of Melton.
151. Secondary Trade Area: Council state that HillPDA say that 1 in every 3 dollars from the secondary trade area is assumed to be captured by Plumpton. That is an incorrect interpretation by Council. The analysis actually says 20% may be captured from the secondary trade area and an additional amount of capture would be made from other unspecified areas beyond the secondary trade area (equivalent to 20% of the secondary dollar value). ‘Beyond trade area spending’ is allocated by all retail economic analyses to reflect real world conditions to account for passing trade, including spending captured from beyond the City of Melton.
152. The VPA disagrees that HillPDA’s analysis is overly optimistic. There are many examples of sub-regional retail centres (which equate to Major Town Centres) that operate around the 60,000 sqm to 80,000 sqm retail floor space (e.g. Camberwell Junction in the east and Broadmeadows in the north).
153. In response to the question from the Panel: Caroline Springs is in a Comprehensive Development Zone (CDZ) and does not have a floor space cap for shop. There is no permit required for shop if “the site is identified for the use in a precinct plan approved by the responsible authority.”
154. Refer Appendix 3 to clarify the VPA’s calculation of ‘shop’ use compared to ‘retail’ use in the MTC and LTCs, which the VPA has previously provided to Council.

### Secondary Arterials

155. The VPA submits the Panel ought to recommend no change to the treatment of secondary arterials.
156. The VPA submits that there is both a connectivity benefit and a safety benefit to having cycle lanes on road. The VPA submits that the Panel ought to follow the approach of the Amendment C162 Panel. Mr Pelosi’s evidence relied upon conversations, in relation to which there is no direct evidence before the Panel.
157. Todd Road is an unhelpful example as it is a very different context. Mr Pelosi also gave evidence that cyclists will continue to ride on the road. The VPA agrees with this, noting that many cyclists will choose a continuous, smooth path of travel along the road in preference to riding along an off-road path which needs to cross onto and off the path at cross roads, whereas an on-road bike lane does not. If this is the case, it is highly

undesirable to have them unprotected by a cycle lane. It is safer overall to have a cycle lane on the road.

#### Town Centre Main Street Cross Sections

158. Cross section width of carriageways in Plumpton and Kororoit PSPs do not in fact require further consultation with PTV for reasons outlined below. There are slightly differing cross sections which apply in Plumpton and Kororoit PSPs.
159. Plumpton MTC: Plan 8 identifies a ‘town centre connector’ which runs east-west through the MTC (refer Section 9, p107). As this is a proposed future PPTN route the PSP exhibited carriageway widths at 3.5m
160. Plumpton MTC: Plan 8 identifies a ‘feature main street’ which runs north-south through the MTC (refer Section 10, p108). This is not a connector so is not required to be ‘bus capable’ and carriageway widths are 3m to send message to traffic to slow down and provide reduced asphalt and closer connection between the two sides of the road, for better urban design/amenity outcomes.
161. Plumpton LTC: Plan 8 identifies a ‘feature main street’ which runs east-west through the LTC (refer Section 11, p109). This is not a connector so is not required to be ‘bus capable’ and carriageway widths are 3m to send message to traffic to slow down and provide reduced asphalt and closer connection between the two sides of the road, for better urban design/amenity outcomes.
162. Kororoit and Deanside LTCs: Plan 8 identifies a ‘town centre main street’ in each of these LTCs (refer Section 18, p109). These are not connector roads so are not required to be ‘bus capable’ and carriageway widths are 3m to send message to traffic to slow down and provide reduced asphalt and closer connection between the two sides of the road, for better urban design/amenity outcomes.

#### Plumpton West Community Hub

163. VPA submits the Panel ought to recommend no change to the exhibited location of CI-04. The VPA submits a school is less likely to provide an appropriate urban design interface for the corner.

#### Re-wording of Clause 4.2 of Schedule to UGZ

164. VPA agrees to the proposed simplified re-wording of Clause 4.2 of the Schedule to the UGZ as per Council’s request, as follows:

***Conditions for subdivision or buildings and works permits where land is required for community facilities, public open space and road widening***

*The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by permit holder.*

*Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.*

## 4.7 Submission 19 (Kororoit) – Andrew Booth

165. The VPA submits that the Panel ought to recommend no changes to the Amendments as a result of Mr Booth's submission.
166. Whilst the VPA commends the work of Mr Booth in drawing attention to the matters that he has, the VPA submits that it is undesirable to add further areas of conservation to the PSPs, when significant areas have already been set aside for conservation by way of the Melbourne Strategic Assessment (MSA).
167. The VPA also notes that in relation to CA2 Conservation Concept Plan (Figure 9), that it seeks to retain the designations related to conservation in the interface areas on this plan.
168. Mr Booth seeks to conserve approx. 0.6ha of grassland on Property #66. The VPA does not support this as this type of 'herb-rich grassland', at a high quality, is already present in Conservation Area 2 (refer Appendix 4 for survey of grassland state mapping).

## 4.8 Submission 18 (Kororoit) – Coles Property Group Developments

**Address:** 624 – 648 Neale Rd / #48

169. The VPA submits that the Panel ought recommend substitution of the Kororoit Local Town Centre Concept Plan (Figure 3) with the revised Plan now agreed between Coles, the VPA and Council (refer Appendix 5), noting that Council's agreement is subject to resolution of the retail use in the pipeline measurement length.
170. The VPA confirms that VicRoads has agreed to the intersections, and that VPA would support including the intersections in the ICP.
171. The VPA, Council and Coles have also agreed a number of updates to the PSP to reflect the updates to the Kororoit LTC concept plan.
172. Agreed new Requirement after R20:  
*'The design of the built form must provide an attractive interface to the surrounding residential neighbourhood and Small Local Enterprise area, and must include landscaping along street edges and screening of loading areas'.*
173. Agreed updates to 'Place-making and Design Elements notes (which accompany Figure 3 on p24 of the exhibited PSP) as follows:  
Dot point 5: remove as it is now a Requirement  
Dot point 6:
  - Change from : *Opportunities for mixed uses such as office, childcare and medical uses either side of the northern east-west street*
  - Change to: *Opportunities for a range of uses such as office, retail and medical uses to activate either side of the northern east-west street*

## 4.9 Submission 7 (Kororoit) – Town Planning Group (on behalf of landowners)

**Address:** 149 - 258 Clarke Road; 274 Clarke Road; 276 Clarke Road; 402 Clarke Road (properties within the Kororoit Part 2 PSP)

174. The VPA submits that the Panel ought not to make any recommendations for change arising from the Town Planning Group submission.
175. The proposed location of the Regional Park to the south of the Creek was established through the Growth Corridor Plan and the BCS – though noting its boundaries will be revisited through the “Part 2” amendment process. The VPA agrees that the BCS stated that the boundaries should be finalised. This was outlined in Section 2.4 of VPA’s Part B submission to the Panel.
176. The submitters have not established a sufficient basis for the Panel to recommend re-location of the park to the northern side of the Kororoit Creek. The VPA is satisfied that the proposed location for the Regional Park as identified in the West Growth Corridor Plan and the BCS is appropriate, for the reasons outlined in the VPA’s Part B submission in response to Submission 7.
177. The VPA notes that to relocate the park to the northern side of the Creek would constitute a transformation of the Amendment which would require notice to the landowners on the northern side of the Creek.
178. The compensation process is under discussion – the frustrations of the submitters are noted but it is not the role of this Panel to determine this issue.
179. The VPA accepts that it is possible to make changes if the Commonwealth and State agree – but this has not happened in this instance.
180. The VPA does not agree that it separated PSP 1080 into two parts to confine the issues related to the park to a future amendment. VPA in fact separated the PSP into two parts for the reasons outlined in its Part B submission to the Panel (Section 2.4).
181. In response to the question from the Panel: the VPA has confirmed with DELWP that there is no finalised version of the ‘*Defining the Boundaries*’ report.
182. The VPA will continue to work with DELWP to finalise the boundary of the proposed Regional Park and DELWP will seek Commonwealth approval for a change if required. VPA will seek comment from affected landowners as part of this process.

## 4.10 Submission 29 (Kororoit) – Luzon Holdings

**Address:** 80-120 Gray Court/ #38; 1205 Taylors Rd / #10; 650-674 Neale Rd; #47

183. The VPA submits the Panel ought make the following recommendations in respect of the submissions of this submitter:

- G11 currently: “Sites in prominent locations, such as the Local Town Centres, and at major intersections such as Neale Road and Hopkins Road, should be developed to respond to their strategic location and have greater height, density and architectural quality (refer Appendix C).”
- Add to the end of the sentence.... “and may be built to the edge of the property boundary”.
- New Guideline G12: “Uses such as place of assembly, office and hotel are encouraged to locate along the Hopkins Road frontage opposite the Kororoit LTC.”
- The VPA understands that Council agrees to this update.

184. Regarding Gray Court site (prop 29) VPA submits no change is necessary to achieve the submitter’s vision because the densities are minimum densities. The local park can be moved at permit stage.

185. The VPA supports Council’s counter-proposal to the revised plan prepared by Luzon Holdings (refer Appendix 6) (although the VPA notes that the owners of Property 11 are not a submitter to this Panel and the VPA has not been able to make contact with this landowner.)

186. Luzon Holdings agrees that Council’s proposal PSP version is appropriate.

187. In response to the question from Panel, the VPA notes that the distance between the northern part of the sports reserve (SR-08) and Taylors Rd is 69m. This is sufficient to provide a residential loop road (or service road of width 12m); two lots of 20.5m depth each; and a local road or 16m width abutting SR-08.

#### Property #10, Taylors Road

188. In his evidence for Luzon holdings, citing a negative of the exhibited version, Mr Battaglia stated it is 700m between community facility and LTC, but conceded that at its closest it is 450m from community centre to LTC.

189. The VPA agrees there is some merit in re-locating the community centre to be adjacent (south of) the sports reserve, although this takes it further from the residential areas to the west which extend to the OMR.

190. The exhibited PSP has co-located these facilities in most other locations, depending on local circumstances.

191. The VPA does not consider that indoor courts in the indoor recreation facility (which is likely to house 4 – 6 courts) on the south side of the connector would provide sufficient replacement for outdoor hard courts (8 – 10 courts).

## 4.11 Submission 6 (Plumpton) – Urban Design & Management (on behalf of L&G Failli)

**Address:** 1056 Taylors Road /#48

192. Refer responses regarding the ICP and residential zones in general sections above.

## 4.12 Submission 19 (Plumpton) – Gadens Lawyers (on behalf of Dahua Dacland Plumpton P/L)

**Address:** 235-311 Beattys Road (#28); 365-389 Beattys Rd (#31); 391-413 Beattys Rd (#32)

193. The VPA submits the Panel ought to make the following recommendations in respect of the submissions of this submitter.

### Re-configuration of community hub

194. The VPA supports revised Dahua Dacland community hub proposal (re-drawn by the VPA in Appendix 7). The VPA notes the Panel's question whether the community centre could be moved further west to collocate with the town centre. VPA submits this would not be appropriate as it would not service communities to the east as conveniently.

- VPA notes that the Panel queries whether the connector road ought to continue straight up to east of aquatic centre, to provide a further north-south connection. VPA does not object to this.

### Alignment of Hume Drive

195. VPA does not support Dahua Dacland's proposal to realign this. The VPA supports slight re-alignment proposed by Failli (refer Appendix 8) as this removes the undevelopable "triangle" of land left remnant on Falli land. There is very little impact of this on the Dahua Dacland land – it does not leave an undevelopable triangle and it is fair that landowners contribute to ICP land. There are no traffic implications of either option.

### Gas pipeline easement interface – Appendix H

196. The VPA submits Panel should adopt recommendation of Dacland to introduce reference to trees but not hard landscaping (i.e. street furniture). This reference would be added to G48 (Plumpton) and G40 (Kororoit) by way of a second dot point as follows:

- hard landscaping (e.g. street furniture) and small trees may be included provided sight lines between signs indicating the location of the pipe are not obscured and compliance with mandated pipeline clearances is achieved (APA agrees to this wording).

### Local park text

197. The VPA agrees to the local park wording which adds to R42 the words 'generally' before in "accordance with". The VPA does not support wording to add 'approximately' to the local park area, as the intent of this part of the requirement is that the local park area should not be reduced. Mr Day agreed that there is flexibility in the location of the local park. He had not undertaken an assessment of the 400m walkable catchment. In the circumstances the Panel ought not recommend any change to the location proposed by VPA.

### Beatty's Road

198. We note that Mr Day's evidence for Dahua Dacland supports the VPA's approach to Beattys Road linear reserve, including that removal of local parks is acceptable. Mr Day stated that the real value of Beatty's Road is in a linear trail connection for walking and cycling.

### Width of drainage reserves

199. The VPA does not agree to reduction of drainage reserve width from 60m to 45m as proposed by Dahua Dacland, but does note that further detailed design is to satisfaction of Melbourne Water may reduce widths (as per note on Plan 10).
200. The VPA does not agree to update the note wording on Plan 10 as requested by Dahua Dacland. Melbourne Water does not support this change and is satisfied that the existing wording provides the required design flexibility for developers whilst maintaining a robust Development Services Scheme (DSS) which can be applied to stormwater assets across the entire catchment (PSP).
201. Urban Floodway Zone treatment – Refer to Section 2.6 Dealing with Urban Floodway Zone.

### Bridge PBR-02

202. The VPA does not agree to delete this bridge. Bridge provides access to local park LP-10 and connects residents west of creek to the school and community centre to the east.
- 203.
204. VPA notes that Table 7 also states criteria about location of LP-10 (which states under attributes that: "Located adjacent to waterway. Includes a pedestrian bridge across the waterway to increase its accessibility"). VPA thus recognises that the park may have a flexible location but emphasises in the PSP as exhibited that the bridge connection/location is intrinsically linked to the local park location.
205. Mr Day agreed under cross examination that LP-10 services demand from people on both sides of the creek.
- 206.
207. Note Dacland did not raise any issues in their submission in relation to residential zones and densities.
208. Dacland supports the VPA view that the approval of the PSP should not be delayed until a full ICP has been prepared.

## 4.13 Submission 9 (Kororoit) – Moremac Property Group P/L

**Address:** 624-648 Neale Rd (#48); 139 Gray Crt (#43); 140-182 Gray Crt (#39); 130-138 Gray Crt (#35); 104-192 Deanside Dve (#33); 46-102 Deanside Dve (#37); 2-44 Deanside Dve (#40); and, 61-99 Deanside Dve (#32)

209. The VPA submits the Panel ought make the following recommendations in respect of the submissions made by this submitter:

- 210. There is insufficient basis to require retention or interpretation of heritage features so this will now be proposed in the PSP as a local road (level 1). Council and Moremac support this.SR-09 to be 10 ha extending from Deanside Drive to north-south connector, as per Moremac submission.
- 211. The VPA will update Plan 10 - Integrated Water Management to indicate overland flow path (> 1 in 100 year) across western edge SR-09.
- 212. Retain pedestrian/ cyclist bridge PBR-08 as an ICP item
- 213. Update Clause 4.2 as per the VPA and Council agreed wording
- 214. Retain R26 regarding non-government schools as per Rockbank and Mt Atkinson and Tarneit Plains PSPs

#### Overland flow path (north of SR-09)

- 215. Melbourne Water does not agree to the reduction in width of the greater than 1 in 100 overland flow from 30m to 10m (refer Melbourne Water letter in Appendix 9).
- 216. The VPA supports this 30m width being located across the western edge of SR-09, and submits that this could be incorporated with the sports reserve as per Document #87. Note that the VPA does not propose to include this precise configuration in the PSP as there could be other configurations which better suit local recreational needs in future.
- 217. The Panel asked the VPA to advise how WI-13 would connect to this overland flow path. The overland flow path would connect to the northern end of WI-13, with no residential area between. Melbourne has indicated that it is possible that through detailed design this can be relocated to abut Deanside Drive.

#### Pedestrian/ cyclist bridge PBR-08

- 218. The VPA notes that this is designed to be a 4m wide bridge, providing for both pedestrians and cyclists.
- 219. Cyclists' 10 minute cycling catchment to the proposed future Mt Atkinson station (based on a conservative 15kph) is shown in Appendix 10.
- 220. The pedestrian/ cyclist bridge is also a connection for prospective secondary school students from Mt Atkinson and connects to the Kororoit Creek open space network (refer plan in Appendix 10).
- 221. The VPA notes that the Kororoit PSP area south of the Creek is not in the Plumpton MTC main trade area in Hill PDA's analysis, and that therefore many of these residents will travel to the Mt Atkinson STC.

#### Clause 4.2

222. The VPA supports Council’s proposal to simplify and clarify this clause to its intent to capture the transaction costs of land transfer, as follows:
223. *Conditions for subdivision or buildings and works permits where land is required for community facilities, public open space and road widening*
224. *The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by permit holder.*
225. *Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.*

#### Non-government school – Requirement 26

226. The VPA agreed with Council and the Catholic Education Office (CEO) to change R26 to be consistent with the agreed wording in the Rockbank Panel (refer Part B submission: changes matrix item 52).
227. The VPA is unclear what community benefit would accrue from adopting Moremac’s proposed changes to R26. If the preferred school site as shown in the exhibited PSP reverts to residential use early in the development of the area, then a sub-optimal outcome in terms of the school’s location will result.
228. The VPA has shown a non-government school on this site in response to CEO strategic planning identifying a school as necessary. Therefore the issue of whether the site is strategically justified is already covered and the VPA does not believe this requires re-justification in the near-term.
229. In essence, the VPA considers Moremac’s proposed wording too conservative. It considers it will lead to a scenario where the land may be “tune over” to a non-school use in the short term, which is undesirable given demand.

## Submission 15 (Kororoit) – Saviour and Lucy Debrincat

**Address:** 103 Vere Crt / #9

The VPA submits the Panel ought recommend as follows:

- No change to LP-26
  - o The proposed local park is very small and is located on a raised promontory which will be an attractive place for an outlook over the Creek for future residents (refer VPA Part B submission). There is no certainty (and indeed it is quite unlikely) that playground type facilities will be able to be located within the GGF Conservation Area, as its prime focus is indeed conservation of frogs. VPA notes that the park location could be varied to Council satisfaction at subdivision stage.

- That the bridge BR-01 remains in its proposed location
  - o BR-01 is listed in Table 9 as 'L' for long term delivery
  - o In the background Aboriginal heritage study (refer p183, Figure 39) – it demonstrates that there is a potentially sensitive site ('areas containing basalt') located immediately east of Property 9. VPA considers it too high risk to locate the bridge further east and this would lead to reduced certainty for future construction.
  
- That the boundary of the RCZ and UGZ is located as agreed by DELWP and Melbourne Water (as per Document 48)
  - o VPA has worked extensively with DELWP and the landowner in preparation of the PSP and to reach this stage of DELWP supporting the proposed boundary change. This still needs approval from the Commonwealth and needs to meet the criteria outlined on p 11 of the Guidance Note (Document 36 circulated to Panel) for changing the GGF boundary. Adding the LP-26 to the GGF CA and reducing the CA elsewhere on the land does not meet these criteria.

VPA notes that Mr Cicero submitted that BR-01 should be an ICP funded item.

## 5. Notes regarding submitters who did not appear

### 5.1 Submission 7 (Plumpton) – Urban Terrain

**Address:** 519 Beattys Road /#39

230. Noted that this submitter withdrew from appearing at Panel and confirmed this in writing by letter dated 29 November 2016.

### 5.2 Submission 10 (Plumpton) – SJB Planning (on behalf of Landeq Pty Ltd)

**Address:** 1015 – 1041 Melton Highway, Plumpton / #20

231. Noted that this submitter withdrew from appearing at Panel and confirmed this via email on 1 December 2016.

#### Flexibility in location of local parks

232. SJB Planning sought to clarify its client's position as it felt this was not accurately represented in VPA's Part B submission.
233. SJB Planning submits that the PSP (as exhibited) provided a distribution of public open space within a 200m (or less) neighbourhood catchment on its client's land - rather than the generally accepted 400m neighbourhood catchment - and that there were alternatives in terms of distribution and fair/proportional provision that would meet the accepted 400m catchment. A rough plan was provided that sought to show that the same amount of public open space could be more equitably distributed in half hectare (rather than 1 hectare) parks.
234. Whilst the VPA understands the spatial distribution suggested by the applicant, it however retains its position that the distribution of open space assets as per the exhibited version is appropriate and caters to anticipated populations. The VPA and Melton City Council have resolved to locating local parks on one parcel only to reduce implementation issues which may arise from siting across two parcels such as different timelines for development and refinement of its location through subdivision layout. LP-07 may be relocated at the subdivision stage as long as the distribution of open space is as per the requirements in the PSP (refer R42), to the satisfaction of the responsible authority. Requirement 42 in the PSP ensures this flexibility in terms of the location and distribution of open space within a parcel, provided it can be demonstrated that its residential catchment of 400m can still be achieved. Refer also to Section 3.3 of this Part B submission
235. In response, Landeq agrees to the retention of LP-07 on its land as outlined.
236. Landeq requested that the Panel not delay approval of the PSP until an ICP is adopted. Instead, Landeq would support either of:

- A Section 173 Agreement (or similar) dealing with Development Contributions as an interim arrangement until such time as an ICP is prepared and approved; or
- Introduction of an ICP now with standard levies implemented via a Section 20(a) Amendment (acknowledging that there could be the need for a supplementary levy to deal with some items). If it is then determined that the required infrastructure cannot be accommodated within the Standard Levy (once full costings have been done), a second ‘conventional’ Amendment could then be pursued to introduce the required supplementary levy to deal with this. An interim

### 5.3 Submission 24 (Kororoit) – Select Group (on behalf of Aldi)

#### Address: General

237. The VPA does not support any changes to the amendment in response to Select’s further written submission to the Panel.

#### Local Town Centres

238. The VPA does not support the recommendation put forward in relation to Local Town Centres, and reiterates its position that supermarket uses should be located within town centres. The rationale for designating Small Local Enterprise uses in areas where the applied zoning is Commercial 2 that will be tailored to have a permit trigger specifically for a shop use, is to provide land for supporting services and ancillary uses which are typically on the periphery of, or near, Local Town Centres in traditional inner and middle ring areas in Melbourne. This being the reason why the PSPs are specific with regards to the types of uses encouraged in the Small Local Enterprise areas and the reason for tailoring the applied Commercial 2 Zone to these areas to trigger a permit for shop.

#### Commercial 2 zoned land forming part of designated business areas

239. The VPA does not agree with the recommendation to review the extent of Mixed Use or Commercial 2 applied zoning west of Hopkins Road, nor provide a conceptual layout for the business area west of the Western Freeway interchange. The VPA submits that accessibility and exposure for future retail will be subject to further subdivision layout and design at the permit application stage. In addition, the PSP does not typically designate network of local access roads. Particularly in the case of the business area west of the Western Freeway interchange as this area is expected to be developed after the OMR is delivered.
240. The extent of applied Mixed Use Zone is appropriate as the VPA submits there is adequate land within the PSP to cater for a supermarket use to establish as-of-right (i.e. Commercial 1 and Commercial 2 zoned land), therefore it is appropriate for the responsible authority to exercise its discretion as to whether or not a supermarket is appropriate in the Mixed Use zoned land.

#### Local Convenience Centres

241. The intent of including a soft floor space cap is to guide the size of local convenience centres so as not to impact the hierarchy of town centres. The VPA submits that it is

reasonable for the responsible authority to exercise its discretion in determining the appropriateness of shop uses beyond the soft cap, which will be guided by an assessment of the necessity for such uses amongst other decision guidelines.

242. Select Group states that the PSP is too prescriptive in “particular reference to the provision of top-up groceries as referenced on pages 26 of the Kororoit PSP and page 32 of the Plumpton PSP”. The VPA has agreed to delete ‘Table 4 – Town centre hierarchy’ from each PSP, which is where the reference to ‘top-up groceries’ is included.

#### Sequential test

243. The VPA does not consider it necessary to include wording in the PSP to reference the sequential test considerations where permit triggers apply, as the VPA considers that the decision guidelines of the relevant Planning Scheme provisions are adequate in determining the merits of a planning application to use land for a supermarket.

### 5.4 Submission 27 (Plumpton) – Zoran Trimcevski (on behalf of Mirjana Mihaljevic)

**Address:** 39-51 Saric Court / #54

244. Noted that this submitter withdrew from appearing at Panel and confirmed this in writing by email to Panel.

### 5.5 Submission 14 (Kororoit) – Tract (on behalf of Sekhon)

**Address:** 68-88 Sinclairs Rd / #24

245. Noted that this submitter withdrew from appearing at Panel and confirmed this in writing.

### 5.6 Submission 16 (Kororoit) – Breese Pitt Dixon (BPD) (on behalf of landowner)

**Address:** 1053 Taylors Road / #63

246. Noted that this submitter did not present any further submission to Panel.



**Plumpton PSP & Kororoit PSP** - Amendment to the Melton Planning Scheme  
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