

PSP 74 & 75 Sunbury South & Lancefield Road



Amendments C207 and C208 to the Hume Planning Scheme

Part B Submission – Site-specific issues

August 2017

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1. Introduction

This submission comprises the second part of the VPA's Part B submission.

The first part provided the VPA's response to matters raised in direction 28 of the Panel's directions dated 12 July 2017 and key issues raised in submissions.

This part responds to additional matters raised in submissions, by individual submitters or that relate to specific sites. It adopts the same definitions and abbreviations used in the first part.

2. Zones, overlays and land uses

570-600 Sunbury Road, Bulla

Sunbury South PSP (C207) – Submission 57 (Hume City Council); 61 (Hi-Quality Quarry Products Pty Ltd and Trantaret Pty Ltd)

Lancefield Road PSP (C208) – Submission 54 (Hume City Council)

Issues

Council submitted that the Sunbury South PSP should provide for 100 rather than approximately 47 hectares of employment (industrial zoned) land on the eastern side of Sunbury Road, adjacent to the Hi-Quality quarry and landfill. Council noted that this location and quantum are identified in both the Growth Corridor Plan and the *Sunbury Hume Integrated Growth Area Plan (Sunbury HIGAP)*¹. Council expressed concern that the retarding basin shown on this site in the PSP would reduce the availability and function of the land for employment.

Hi-Quality submitted with respect to its land that certain parts designated within the PSP as:

- 'industrial', 'industrial-light', 'regionally significant landscape values' and 'retarding basin' should instead be designated as 'residential';
- 'industrial' should instead be designated as 'employment & commercial'; and
- 'regionally significant landscape values' should instead be designated as 'industrial'.

Hi-Quality further submitted that an area located in the Rural Conservation Zone (**RCZ**) and Special Use Zone – Schedule 1 (Earth and Energy Resources Industry) (**SUZ1**) should be located in the UGZ and designated as both 'landfill/quarry' and 'residential investigation area'. Hi-Quality has indicated that it intends to fill a number of gullies zoned RCZ within the next five to 10 years, to make the area suitable for urban development.

¹ Sunbury HIGAP is a Council project to plan for the future growth of Sunbury. It includes the *Sunbury HIGAP Spatial Strategy*, which was adopted by Council on 9 July 2012, following the Growth Corridor Plan.

The changes proposed by Hi-Quality are now reflected in the 'Hi-Quality Concept Plan' prepared by Taylors and dated August 2017, included in each of the expert witness reports on behalf of Hi-Quality by:

- Matt Ainsaar of Urban Enterprise in relation to economics;
- Michael Barlow of Urbis in relation to planning;
- Allan Wyatt of Xurban in relation to landscape and visual amenity;
- Henry Turnbull of Traffix Group in relation to traffic;
- Slavko Kacavenda of GHD in relation to geotechnical; and
- Stuart Cleven of Alluvium in relation to drainage.

Hi-Quality has also sought the removal of the retarding basin, on the basis that it would not be required if Hi-Quality's preferred drainage scheme is adopted.

VPA submissions and response to evidence

Provision of industrial and employment land

The background reports commissioned by the VPA in the preparation of the PSPs included a *Retail and Economic Assessment* by Hill PDA (October 2014) (**Hill PDA report**). The Hill PDA report had regard to both the Growth Corridor Plan² and Sunbury HIGAP³.

The Hill PDA report assessed the demand for industrial land in the greater Sunbury area at full residential capacity to be approximately 118 hectares.⁴ The consideration of 'industrial' land did not include:

- mixed use commercial land or land for bulky goods;⁵ or
- land for showrooms and motor vehicle retailing and services.⁶

The Hill PDA report identified a 'Proposed Sunbury South Employment Area' on the Hi-Quality site, recommended to provide:⁷

- 100 hectares of 'industrial or employment land';
- bulky goods along the Sunbury Road frontage; and
- showrooms (mainly motor vehicle related) along the Sunbury Road frontage.

The VPA circulated a 'Clarification of industrial land supply – Sunbury/Diggers Rest Growth Corridor' on 24 July 2017, in response to a query at the Panel directions hearing.⁸ This document summarises the process that determined the total industrial land supply proposed in the exhibited PSPs including and following the Hill PDA report. It confirms as follows:

- The total industrial land supply (existing and planned) for Sunbury, accounting for the exhibited PSPs, is 133.4 hectares.

² Page 12.

³ Pages 15-16.

⁴ Page 48.

⁵ Page 49.

⁶ Page 47.

⁷ Pages 63-64.

⁸ Tab 7 in the 'Part A submission and previously circulated documents' folder.

- Of that, 49.4 hectares is proposed on this site.

This would satisfy the total demand for approximately 118 hectares as assessed in the Hill PDA report.

In his expert evidence for Hi-Quality, Mr Ainsaar:⁹

- adopts the estimated demand for industrial land in Sunbury in the Hill PDA report;
- calculates the minimum area of industrial land required on the Hi-Quality site to meet this demand to be 41.96 hectares; and
- calculates the area of industrial land shown in the exhibited Sunbury South PSP on the Hi-Quality site to be 47.87 hectares, comprising:
 - 42.92 hectares of 'industrial'; and
 - 4.95 hectares of 'industrial – light'.

Mr Ainsaar concludes that the industrial land proposed on the Hi-Quality site in the exhibited PSP would meet demand, except that the Hill PDA report separately proposes bulky goods and showroom uses in this location to meet retail need. Mr Ainsaar calculates that to accord with the Hill PDA report, the Hi-Quality site should additionally provide:¹⁰

- 6.5 hectares for bulky goods; and
- 9 hectares for showrooms.

Mr Ainsaar notes that if this 15.5 hectare provision is removed from the 47.87 hectares of industrial land proposed for the Hi-Quality Site, the resulting supply of 32.37 hectares would not meet demand.¹¹

Notwithstanding the minor discrepancy between the VPA and Mr Ainsaar's figures in relation to industrial land on the Hi-Quality site, the VPA accepts the evidence that the exhibited PSP represents a potential under-provision of total 'employment' land in this location, having regard for the need to accommodate bulky goods and showroom uses. The VPA also accepts that the Hi-Quality site, with its location across from the future Redstone Hill Major Town Centre, represents a strategically appropriate location to realise this bulky goods/showroom land use, and that this land use should be more specifically defined on the Future Urban Structure.

Mr Ainsaar states his support for the Hi-Quality Concept Plan on the basis that it provides 59.1 hectares of employment land, including 43.6 hectares for industrial use and 15.5 hectares for bulky goods and showroom uses.¹²

The provision of additional employment land in the Hi-Quality Concept Plan is reliant on achieving an increase in the net developable area on the site by:

- significant filling and drainage works;
- removing the retarding basin on account of the proposed alternative drainage solution; and

⁹ Pages 11-12.

¹⁰ Pages 12-13.

¹¹ Page 13.

¹² Page 13.

- reducing the area of land depicted as ‘regionally significant landscape values’ and ‘quarry/landfill’.

The planning evidence of Mr Barlow for Hi-Quality supports the merits of creating this additional net developable area.¹³ The VPA does not dispute this in principle, but has a number of concerns with the Hi-Quality Concept Plan, outlined below.

Filling and drainage works

The Hi-Quality Concept Plan involves the filling of a gully area to create developable land. This is proposed as a five to 10 year project.

The proposal is the subject of expert geotechnical evidence from Mr Kacavenda, whose opinion includes as follows:¹⁴

- Filling would be required up to a depth of 35 metres to prepare ‘development platforms’.
- A central drainage corridor would discharge stormwater flows to Emu Creek.
- There a number of technical challenges associated with this work and in this location, but these can be accommodated through construction strategies.

The VPA is open to this proposal, subject to:

- the receipt of Mr Kacavenda’s evidence;
- consideration of appropriate controls; and
- the area being identified ‘for investigation’ only.

The VPA does not object to the landscape and visual amenity aspects of the proposal, which are the subject of Mr Wyatt’s evidence.

The VPA will update the Panel on this issue at an appropriate time during the hearing or in closing following the presentation of Hi-Quality’s case. The VPA is not presently satisfied, however, that this aspect of the Hi-Quality Concept Plan provides sufficient certainty to justify the full extent of other changes proposed to the exhibited PSP.

Retarding basin to residential

In relation to the retarding basin, the VPA notes that the location and size of stormwater quality treatment assets has been determined by Melbourne Water as part of the preparation of the draft DSSs in the Sunbury area.

Hi-Quality relies on the expert drainage evidence of Mr Cleven, which explains the proposed drainage strategy for the site. This is considered further below.

¹³ Page 37. Mr Barlow calculates the increase to be from 114.91 hectares to 162.15 hectares, resulting in an additional 47.24 hectares of net developable area.

¹⁴ Page 2.

Regionally significant landscape values and quarry/landfill area

Section 3.6 in the first part of this Part B submission provides an explanation of the categories of land described as having ‘regionally significant landscape values’ in the exhibited Amendments and the review the VPA has subsequently undertaken.

In relation to this site, the VPA would support a reduction of the ‘regionally significant landscape values’ area to above the break of slope as depicted on the revised plan for the Sunbury South PSP titled ‘Potentially Developable Land – Land not serviced by Development Services Scheme’.¹⁵

The VPA does not, however, support the reduction of the SUZ1 area on the material currently before it. The VPA does not consider justification to have been provided as to why this area is no longer required as part of the extractive industry use of the site. Mr Barlow acknowledges that his planning evidence in relation to this aspect of the proposal is premised on the assumption that the parts of the site not being quarried or used for landfill can be brought forward for urban development.¹⁶

Location of bulky goods and showrooms

Mr Ainsaar describes the Hi-Quality site as:¹⁷

- an ‘excellent location’ for bulky goods, having regard to its exposure to Sunbury Road and proximity to the town centre; and
- an ‘ideal location’ for showroom/motor vehicle uses due to its Sunbury Road frontage.

The VPA agrees that the Hi-Quality site represents an appropriate location for these uses. However, the VPA considers the reasons Mr Ainsaar has cited in fact provide greater support for the exhibited location of the ‘industrial-light’ area than the location of employment land in the Hi-Quality Concept Plan. The exhibited location also has Sunbury Road frontage, but is closer to the Redstone Hill Major Town Centre.

Mr Barlow recommends that a ‘softer’ zone than the Industrial 1 Zone be included along the Sunbury Road frontage to ensure support these uses.¹⁸ The VPA would support the application of a strip of Industrial 3 Zone (the applied zone for ‘industrial-light’) in this location, in principle and subject to its other concerns in relation to the Hi-Quality Concept Plan.

Staging

While the VPA is open to the concept plan put forward by Hi-Quality, or at least key aspects of it, the VPA has concerns in relation to the staging of the proposal, particularly having regard to the filling and drainage works required. This concern includes that the site will first be developed for residential and bulky goods uses towards the Sunbury Road frontage where land is currently available, before industrial land is provided on areas requiring extensive engineering works.

¹⁵ Circulated to the parties on 31 July 2017 and provided at tab 4 in the ‘Part A submission and previously circulated documents’ folder.

¹⁶ Pages 40, 43.

¹⁷ Pages 12-13.

¹⁸ Page 44.

At this stage, the VPA is not satisfied that the Hi-Quality Concept Plan provides sufficient certainty and ensures appropriate staging to justify the extent of changes proposed from the exhibited Sunbury South PSP.

Craiglee and Ben Eadie Properties

Sunbury South PSP (C207) – Submissions 57 (Hume City Council); 65 (P and D Carmody)

Lancefield Road PSP (C208) – Submission 54 (Hume City Council)

Amendment C207 proposes to rezone the land at 785 Sunbury Road, Sunbury and 108 Brook Street, Sunbury from RCZ to Special Use Zone and apply a new Schedule 10 (Craiglee and Ben Eadie Properties) (**SUZ10**).

These properties are subject to the Environmental Significance Overlay – Schedule 10 (Rural Conservation Area) (**ESO10**) and Heritage Overlay (**HO396**¹⁹ and **HO58**²⁰), both proposed to be retained.

The properties are located outside the precinct boundary of the Sunbury South PSP to its north-west, as shown on the exhibited zone map below:

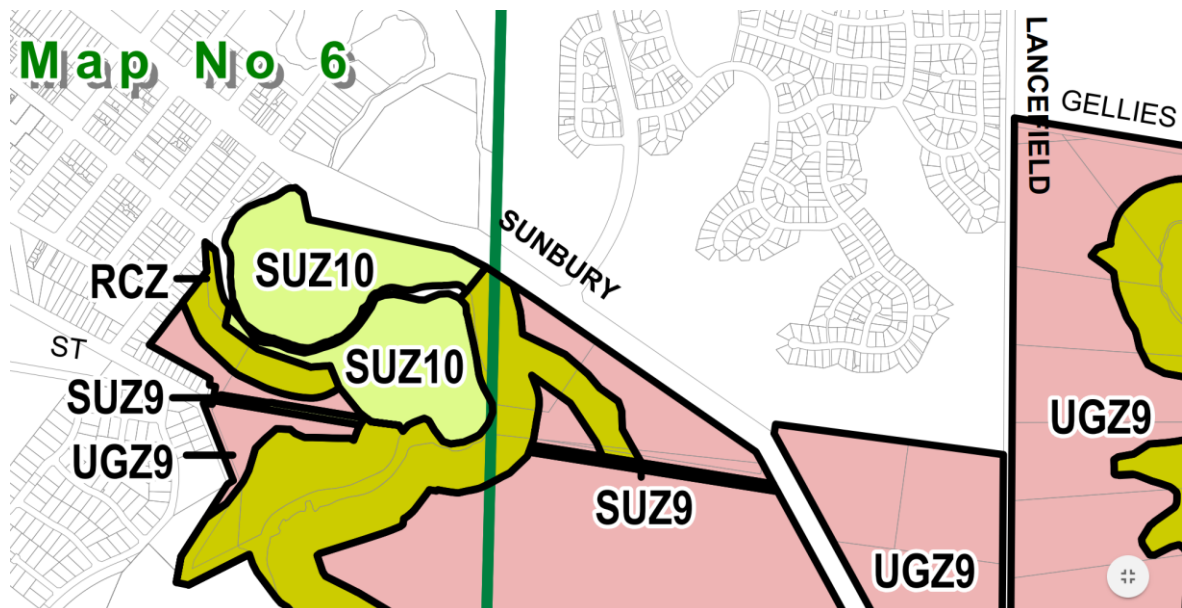


Figure 1: extract from exhibited zone map showing Craiglee and Ben Eadie Properties as SUZ10

The properties are used as a vineyard and winery. As noted in the VPA's Part A submission, this land was originally proposed to form part of the PSP area, but was removed from the precinct prior

¹⁹ The Craiglee property, including the bluestone winery building.

²⁰ The house on the Craiglee property.

to exhibition of the Amendments to recognise its tourism rather than urban development purpose and to apply a suite of site-specific controls.

The rezoning is nevertheless proposed as part of Amendment C207, as the planning assessment and consultation in relation to this land was undertaken as part of the preparation of the Sunbury South PSP.

The Craiglee and Ben Eadie properties are owned by P and D Carmody, submitters 65 to Amendment C207. This submission supports the rezoning and purpose as expressed in SUZ10 generally, but submit that a number of provisions in the Schedule ‘unreasonably constrain the future use and development’ of the land.

The VPA has agreed to a number of amendments to the provisions reflected in the submission register and post-exhibition version of the Schedule, at Appendices 1 and 5 to the VPA’s Part A submission.

The following changes sought remain unresolved submissions:

- *Better recognition of the ongoing right to use and develop the land for agricultural purposes.*

The VPA considers the purpose of SUZ10 is to enable a range of tourism uses, preferably in association with the winery operation on the site. The Schedule allows for agricultural uses, but the VPA does not consider it appropriate to specifically recognise this in the purpose provisions, noting the land will be surrounded by urban development.

- *Limitation of the permit and application requirements generally, to achieve a level of control more comparable with the Farming Zone that applies to most wineries in Victoria.*

The VPA considers the permit and application requirements within the Schedule to be appropriate and that these site-specific controls are warranted having regard to the particular context of the Craiglee and Ben Eadie properties. This context includes the location of the properties immediately between the Sunbury town centre and Sunbury South PSP area, and abuttal to Jacksons Creek and its associated conservation area.

- *That restaurant, conference centre, museum and reception centre be made section 1 uses, subject to the condition that they ‘Must be located within the ‘Potential Development Area’ in the Craiglee and Ben Eadie Concept Plan, November 2016’.*

The VPA considers these to be uses that may have significant off-site impacts. The VPA notes these are not section 1 uses in any zones within the Victoria Planning Provisions. The VPA does not consider this proposed change to be strategically justified in this location.

- *Removal of the application of the Victorian Biodiversity Conservation Strategy (BCS), on the basis that the relevant Ministerial approvals relate only to urban development, which is not permitted on this land.*

It is the VPA's view that the BCS does apply to the Craiglee and Ben Eadie properties and that it is accordingly appropriate to include provisions within SUZ10 to implement the BCS. Some of the potential uses contemplated for the site will likely constitute 'urban development' and accordingly trigger the requirements of the BCS.

- *Removal of ESO10 from the land.*

The VPA does not agree that ESO10 should be removed entirely, but agrees it may be scaled back to apply only to the land shown as 'creek environs' on the concept plan in SUZ10. The VPA considers that removing the ESO from the 'potential development area' to address the substance of the submitters' concern.

- *Removal of Conservation Area 21 from the land or reduction of its extent, deletion of the conservation interface plan requirements from the Schedule, removal of DELWP as a referral authority and deletion of the decision guideline requiring consideration of Conservation Area 21.*

As the submitters note, Conservation Area 21 (Sunbury South and Lancefield Road) is subject a condition in the Ministerial approval that:²¹

Persons must not take any actions that would cause, or otherwise facilitate, a net loss of area of the conservation areas numbered ... 18, 20, 21 ... unless agreed by the Minister.

The VPA is in discussions with DELWP regarding potential modifications to the Conservation Area 21 boundary. The VPA intends to formally apply for those modifications before any adoption of these Amendments. The modifications include a reduction of the area as it applies to the Craiglee and Ben Eadie properties. This is reflected in the concept plan in the SUZ10. The VPA considers this would address the substance of the submitters' concern.

The VPA does not agree to remove the provisions from the Schedule that relate to Conservation Area 21. DELWP has requested the retention of these provisions to ensure the protection of the conservation area.

- *Amendment of HO396 to allow prohibited uses to be permitted within the overlay area.*

The VPA does not consider it appropriate to amend the Schedule to the Heritage Overlay to permit uses that would otherwise be prohibited. The submitters have not put forward justification for this change to existing controls having regard to heritage matters.

- *Deletion of the 40 hectare subdivision minimum*

²¹

Approval by the Commonwealth Minister for the Environment for all actions associated with urban development in the north-east corridor, 5 September 2013.

The submitters seek the deletion of this require to 'facilitate estate planning and or future business requirements. The VPA does not support this change. The VPA notes the submitters have elsewhere requested controls comparable to the Farming Zone, which includes this requirement.

Council has also made submissions in relation to the Craiglee and Ben Eadie properties. Council has indicated its support for rezoning the land outside of the PSP and its overall satisfaction with the SUZ10, subject to a number of changes.

The VPA has addressed those changes, save for two that remain unresolved submissions:

- *Removal of the second purpose provision, which reads 'to provide for the use and development of land for tourism purposes', on the basis that the first purpose provides for a wide range of land uses including tourism.*

The VPA considers it appropriate to include a specific reference to the use and development of the land for tourism purposes in SUZ10. This purpose is specifically identified on the Growth Corridor Plan, which includes as note 4: 'Craiglee Winery – Existing winery & tourism businesses, potential for expanded tourism & commercial activities'.

- *Reinstatement of an application requirement for site plans showing 'the extension of the existing Jacksons Creek shared path through the site'.*

The VPA acknowledges the merit in extending the shared path along Jacksons Creek. However, as a matter of equity and having regard to the limited type and scale of allowable development on the Craiglee and Ben Eadie properties under SUZ10, the VPA does not consider it appropriate to trigger the requirement for the construction of a public path on this land.

700 Sunbury Road, Sunbury

Sunbury South PSP (C207) – Submission 88 (Charles Lloyd Property Australia Pty Ltd)

Charles Lloyd Property Australia is a prospective purchaser of 700 Sunbury Road.²² This land is designated on the Future Urban Structure in the Sunbury South PSP as predominantly residential, with a small area of 'credited open space' and 'service open space / retarding basin' in its north.

The submitter seeks provision in the PSP for a local convenience centre on the land, to accommodate a range of non-residential land uses, including service station, takeaway/fast food, supermarket with speciality shops, restricted retail/bulky goods, and medium to high density residential development abutting non-residential uses.

²² Property no. 76 in the Sunbury South PSP.

In response, the VPA invited the submission of a concept plan and economic justification for the proposal. The submitter has now circulated an expert witness report by Nicholas Brisbane of Essential Economics.

Mr Brisbane considers that the proposed uses will fulfil a gap in the PSPs and will not impact the viability of other planned centres.²³

Mr Brisbane also considers the characteristics of successful bulky goods precincts, which he lists as including 'sufficient size to accommodate a critical mass of retailers/business'.²⁴ Mr Brisbane notes that the subject site is 6.3 hectares and, excluding the area required for open space and drainage, could provide 5.3 hectares of land for bulky goods development. Mr Brisbane estimates that this could accommodate more than 20,000 sqm of bulky goods floorspace, which would be sufficient.²⁵

This is a significantly higher provision of bulky goods than indicated in discussions between the VPA and the submitter and differs from the proposal outlined in the submission, which refers to a range of land uses.

The VPA would not support a bulky goods precinct of this size in this location. The VPA considers that would be contrary to the State planning policy objective to 'manage out-of-centre development' and the supporting strategy to:²⁶

Ensure that proposals or expansion of single use retail, commercial and recreational facilities outside activity centres are discouraged by giving preference to locations in or on the border of an activity centre.

The VPA considers the Hi-Quality site further south-east along Sunbury Road to be a more appropriate location for a bulky goods precinct having regard to its proximity to the proposed Redstone Hill Major Town Centre.

On the basis of Mr Brisbane's evidence that a smaller provision of bulky goods floorspace would be unlikely to result in a successful precinct, the VPA concludes that this would not be appropriate on the site.

The VPA remains open to considering other concepts for a local convenience centre in the vicinity of this site. However, the VPA considers the parcel to the immediate north to represent a more central and accessible location, due to the connector road that will bisect it.

705 Sunbury Road, Sunbury

Sunbury South PSP (C207) – Submission 54 (M and C Samararatna)

²³ Page 5.

²⁴ Page 6.

²⁵ Page 6.

²⁶ Clause 17.01-2 in the Scheme.

The Samararatnas are the owners of 705 Sunbury Road.²⁷ This land is designated on the Future Urban Structure in the Sunbury South PSP as predominantly residential, with a portion required for ‘service open space / retarding basin’ and a connector boulevard.

The submitters seek provision in the PSP for a medical centre and ancillary uses on the land, either as-of-right or with a higher floor area threshold before a permit is required.

The VPA considers that such uses would be more appropriately located within the Redstone Hill Major Town Centre, approximately one kilometre from this site.

The VPA notes that the applied residential zones allow a small medical centre under 250 sqm as-of-right, or a larger centre with a permit. Given the potential off-site amenity impacts associated with a larger facility, the VPA does not consider it would be appropriate to specifically exempt this permit requirement in the Schedule to the UGZ.

The submitters also sought to explore options available to reduce the size of the retarding basin shown on the land. The VPA recommended contacting Melbourne Water to discuss this.

60 Gellies Road, Wildwood

Sunbury South PSP (C207) – Submission 38 (Trantaret Pty Ltd)

Trantaret owns 60 Gellies Road.²⁸ This site is located within the Sunbury South PSP in the north-east of the precinct, to the east of Emu Creek.

The land is presently zoned RCZ, which was not proposed to be changed by Amendment C207. It is located within the Urban Growth Boundary (UGB), which defines the site’s northern and eastern boundaries. The Future Urban Structure in the Sunbury South PSP shows the site as ‘non urban land (existing)’ and ‘service open space in conservation area’.

The submitter sought for a flat 6.5 hectare area of the land fronting Gellies Road to be identified as ‘residential’ in the PSP and for the balance to be identified as ‘service open space in conservation area’.

The VPA was concerned that this site is physically separated from future urban development within the precinct by Emu Creek and that residential development in this location would come at significant cost, including the upgrade of the single lane bridge on Gellies Road over Emu Creek. The VPA did not consider the submission received in response to exhibition of Amendment C207 to satisfactorily address these matters or set out a potential statutory planning process for them to be further considered.

The submitter has now circulated expert evidence by:

- Nick Hooper of Taylors in relation to planning; and
- Henry Turnbull of Traffix Group in relation to traffic engineering.

²⁷ Property 60 in the Sunbury South PSP.

²⁸ Property 85 in the Sunbury South PSP.

Mr Hooper provides his opinion that the land should not be designated for residential purposes, but should be designated as 'land not serviced by DSS – potentially developable land'.²⁹ This is a new category proposed by the VPA and Melbourne Water following exhibition of the Amendments.³⁰

Mr Hooper considers that it would be possible to develop and service the land, but this may not be feasible in isolation from a cost perspective.³¹

Mr Turnbull provides his opinion that there is no engineering reason to preclude future residential development on the land.³² In relation to the bridge over Emu Creek, Mr Turnbull considers that future traffic demand will warrant duplication of this bridge or other traffic control measures.³³ In the meantime, Mr Turnbull identifies a range of interim treatments, increasing from speed limit reduction and signage to signalised control of the bridge.³⁴

The evidence in support of this submission has provided additional information on potential strategies to address the VPA's concerns in relation to the development of this site. However, the relative isolation of this site from the existing and planned community and commercial services, and the potential future need to deliver costly infrastructure upgrades to support a small and isolated community remains a concern for the VPA. The VPA will consider the evidence provided in relation to this as it is presented to the Panel, and will present its final position in closing, or earlier if appropriate.

20, 26, 30 & 40 Buckland Way, Sunbury

Sunbury South PSP (C207) – Submission 56 (SB Capital)

SB Capital is a potential developer of 29, 26, 30 and 40 Buckland Way.³⁵

Its submission raises a number of concerns that are addressed on an issue-by-issue basis in the VPA's Part B submission. These include a submission that the 'flood way' area on Plan 2 in the Sunbury South PSP (Precinct features) should be realigned with the Urban Floodway Zone (**UFZ**). Following further discussions, the VPA understands this submitter to be seeking a reduction in the width of the waterway as shown in the PSP.

The VPA notes that this waterway has been narrowed in the draft DSS prepared for the area since exhibition of the Amendments, shown in the 'Draft DSS Water Quality Assets and Waterway Corridors over Exhibited Future Urban Structure'.³⁶

²⁹ Pages 4 and 17.

³⁰ Circulated to the parties on 31 July 2017 and provided at tab 4 in the 'Part A submission and previously circulated documents' folder.

³¹ Pages 4 and 17.

³² Page 1.

³³ Pages 1 and 11.

³⁴ Page 11.

³⁵ Properties 31, 30, 29 and 28 in the Sunbury South PSP respectively.

³⁶ Sent to affected submitters on 27 June 2017 and provided at tab 8 in the 'Part A submission and previously circulated documents' folder.

The VPA would support reducing the width of the UFZ to reflect this. However, the VPA understands it would be Melbourne Water's preference to review the full alignment of the UFZ, including consultation with all relevant landowners, rather than considering realignments on a piecemeal basis.

The VPA acknowledges that the alignment of the UFZ has broader implications for landowners, including in relation to the Growth Areas Infrastructure Contribution, and this is a matter that requires proper consultation.

3. Retail provision

Size of the Yellow Gum Town Centre

Lancefield Road PSP (C208) – Submission 56 (295 Lancefield Road JV Pty Ltd)

295 Lancefield Road JV opposes the imposition of a soft cap on retail in the Yellowgum Town Centre on the basis that there is capacity in the future for a significantly larger town centre.

The Hill PDA report indicates that this centre has the capacity to grow beyond the soft cap of 10,000 sqm identified in Schedule 10 to the UGZ.³⁷ The exhibited Lancefield Road PSP describes the centre as 'Located central to the precinct on a key north south arterial with bus capability. Include a full range of community uses, business and residential. Potential to expand retail offer in the longer term, subject to economic justification'.³⁸

The VPA agrees with this assessment, but notes that reaching the greater retail capacity will require the Sunbury North PSP to come on line and an extent of capture of retail escape from other areas, such as the Sunbury main centre.

In the PSP context, there is greater capacity to influence the development of retail centres compared to other commercial zonings. The key levers in this regard are the ability to impose caps on retail and shop levels, concept plans and the urban design frameworks built into the PSP documents.

The VPA proposes using all of these tools. The Panel is already provided with a copy of the town centre plan for the Yellowgum Town Centre. It is a requirement of the PSP that land use and development 'respond' to this plan.³⁹

The concept plan and associated wording for the new Yellowgum Town Centre requirement call for an urban design framework before commercial uses extend north beyond the connector road. The urban design framework must, among other matters, be 'generally consistent with the role and function of the town centre as set out in Table 4 in the PSP'.⁴⁰

³⁷ Pages 76 and 87.

³⁸ Page 22.

³⁹ Requirement R19.

⁴⁰ Page 22.

Finally, the use of land for the purpose of a shop has a soft cap in Schedule 10 to the UGZ, which will require a use permit before 10,000 sqm of 'shop' is exceeded.

This soft cap will assist in the balancing of growth between the centres and the retention of the existing town centre in the retail hierarchy. A development permit will not allow consideration of use. A use permit will require the justification of the further floorspace usually in the form of an economic impact assessment of the further proposals. An economic impact assessment will (as the name suggests) look at the impacts of any such proposal over 10,000 sqm on the retail hierarchy and whether the new floor space would undermine the role and function of the centre. Clause 21.07 of the Scheme also provides as follows:

Retail capacity and economic impact assessments

Council will require proposals for retailing and activity centres to be supported by a retail capacity and economic impact assessment if the amount of retail floorspace proposed will result in a total retail floorspace in the centre in excess of that indicated in the Default Centre Profiles in the Hume City Retail Strategy, Final Report, 2009. The retail analysis must be to the satisfaction Council and address:

- *The primary catchment of the centre.*
- *Whether the primary catchment has sufficient population (residents and workers) to support the centre.*
- *Whether the centre will result in the closure of other existing centres or preclude the development of future centres identified within the Activity Centre Hierarchy, a Precinct Structure Plan, a Local Structure Plan, Structure Plan or Development Plan within the catchment of the centre.*

Retail development decision criteria

Council will consider the following criteria (as appropriate) when assessing activity centre development proposals:

- *The retail capacity of the catchment to support the proposed retail space without compromising the ability of other existing or planned centres to operate viably.*
- *The capacity of the centre/site (excluding regional bulky goods centres) to provide a suitable mix of non retail uses including housing, offices and community facilities.*
- *The capacity of the centre/site to be serviced by public transport including bus services in addition to quality road access for private vehicles.*
- *The provision of dedicated off-road walking and cycling facilities into centres and sites, and into their catchments (excluding regional bulky goods centres and established areas).*

Given a permit is already required for development, the additional use trigger cannot be said to be particularly onerous in the context of a centre that would, by that stage, have a significant footprint. The soft cap simply recognises that there is a point in the development cycle where it is prudent to consider the impact of retailing on other centres and, in particular, the realisation of other activity centres. This is important to support the principle that PSPs are endeavouring to facilitate timely provision of infrastructure in the growth areas.

Supermarket cap

Sunbury South PSP (C207) – Submission 62 (235 Old Vineyard Road, Sunbury)

Submission 62 relates to 235 Old Vineyard Road, Sunbury.⁴¹ This site is located at the intersection of Old Vineyard Road and Watsons Road in the south-west corner of the Sunbury South PSP.

The submitter seeks the removal of the 500 sqm cap on supermarket in the applied Commercial 2 Zone (**C2Z**) in Schedule 9 to the UGZ, so that the 1,800 sqm cap in the C2Z applies.

The VPA notes that this land is proximate to the Harpers Creek Local Town Centre, which is envisaged to have an as-of-right shop floor space of 5,000 sqm.⁴²

The VPA is concerned that establishment, as-of-right, of an 1,800 sqm supermarket on the land would have a negative impact on the local town centre. The local town centre will accommodate both retail and community needs.

The VPA does not support the proposed change. The VPA forms this view for the following reasons:

- The cap is a ‘soft’ cap. It does not prevent a supermarket from establishing, but operates to require a permit for use. This important distinction allows the responsible authority to consider more broadly the strategic implications of approving a supermarket of a larger size. This includes consideration of any impact that the larger supermarket would have on a nearby town centre. In the event a permit applicant could adequately demonstrate that the impacts of the supermarket were acceptable, then a supermarket could proceed. These considerations could not reasonably arise in respect of an application triggered by a buildings and works permit requirement only.
- It was parliament’s intent that the UGZ would operate as the exception to the revised commercial zones introduced by Amendment VC100.⁴³ This is made clear in Advisory Note 52, which states:⁴⁴

Floor space caps from other controls

Overlays (such as the Incorporated Plan Overlay and the Development Plan Overlay) which include floor space provisions will be amended to delete those provisions throughout 2013, in consultation with local government (except for the Urban Growth Zone where floor space provisions will remain).

- There is good reason for the maintenance of floorspace caps in growth areas. In areas of such substantial change and where it is critical that infrastructure and services are delivered in a timely manner, the order of development is important.

⁴¹ Properties 13E and 13R in the Sunbury South PSP.

⁴² Requirement R21 in the Sunbury South PSP.

⁴³ Gazetted on 15 July 2013.

⁴⁴ *Advisory Note 52: Reformed Residential Commercial and Industrial Zones for Victoria* (July 2013), Page 4.

- The proposed cap allows retailing to establish at a local convenience level as-of-right, but prevents competing centres without appropriate consideration.

The VPA considers, having regard to this submission and the provision for retail floorspace in this area more generally, that there is some justification for a further local convenience centre adjacent to the Sunbury South Railway Station.

Significant Landscape Overlay and Environmental Significance Overlay

Sunbury South PSP (C207) – Submission 57 (Hume City Council)

Lancefield Road PSP (C208) – Submission 54 (Hume City Council)

Significant Landscape Overlay

The Council submission expressed general support for the importance attributed to the landscape within the PSPs. However, Council submitted that the landscape values of the Jacksons Creek, Emu Creek, Harpers Creek and Redstone Hill areas would be best protected through the application of the Significant Landscape Overlay (SLO). Council considered that a benefit of the SLO would be its ability to include provisions relating to heritage, as well as significant geological and hydrogeological values.

The VPA has had significant regard to the unique landscapes within these PSP areas as foundational to their preparation. The VPA's consideration has included visual impacts, environmental protection, Aboriginal and post-contact heritage, water quality treatment and drainage.

The VPA is satisfied that the controls proposed as part of the Amendments, including the Schedules to the UGZ and the PSP documents themselves, provide appropriate and adequate protection. The VPA is open to considering any additional or amended provisions Council considers necessary, but does not consider an additional instrument in the form of the SLO required to achieve strong protection.

Environmental Significance Overlay

Council further sought the retention of the ESO1 to recognise the landscape significance of the areas to which it applies.

ESO1 relates to 'rural waterways and environs'. The VPA does not consider it appropriate to be applied to the PSP areas in the future as this land will be developed as part of an urban context. The VPA considers the PSPs and BCS to provide adequate protection for Jacksons and Emu Creeks. The provisions within the PSPs have been specifically prepared in the context of ESO1 being removed.

High voltage electricity easements

Sunbury South PSP (C207) – Submission 57 (Hume City Council)

Lancefield Road PSP (C208) – Submission 54 (Hume City Council)

Council submitted that the high voltage electricity easements in the Sunbury South PSP should not be subject to a separate zone, but should instead be included within the same zone as adjoining land.

Amendment C207 proposes to apply the Special Use Zone – Schedule 9 (Sunbury South – Electricity Easements) (**SUZ9**) to these areas. This is consistent with the approach in other PSP areas including the following recent examples that have been considered by Planning Panels: Plumpton PSP (Melton C146), Kororoit PSP (Melton C147), and Mt Atkinson and Tarneit Plains PSP (Melton C162).

The VPA is satisfied that the SUZ is an appropriate planning control to apply to these areas.

The Council submission included a suite of recommended changes to the Schedule, in the event the VPA did not support its proposed alternative approach. The VPA has agreed to these changes and they are reflected in the post-exhibition version of the Amendment C207 ordinance.⁴⁵

4. Sunbury Infrastructure Co-ordination and Delivery Strategy

Sunbury South PSP (C207) – Submissions 26 (Oliver Hume Property Funds); 57 (Hume City Council); 71 (Villawood Properties); 75 (Capitol Property Group)

Lancefield Road PSP (C208) – Submissions 28 (Oliver Hume Property Funds); 54 (Hume City Council); 71 (Villawood Properties)

Council's submission states that it does not support the *Sunbury Infrastructure Coordination and Delivery Strategy (SICADS)*.⁴⁶ The draft SICADS was prepared by the VPA to coordinate the orderly delivery of infrastructure required to facilitate the growth of Sunbury. It proposed four infrastructure stages from the short term (Sunbury to 50,000) to ultimate build-out (Sunbury at 125,000).

As noted in the first part of this submission, the intended status of SICADS has been amended since exhibition. The exhibited PSPs describe it as a reference document, but it is now proposed to be a background report only.

The draft SICADS is also currently undergoing review and the VPA expects the final version to incorporate a range of changes. These will include acknowledgement that infrastructure priority will be reviewed as development progresses and that distribution and rate of growth will be the key driver for the provision of infrastructure, as opposed to any specified timing.

The VPA expects these changes to address concerns raised by:

- Villawood in respect of the timing of community infrastructure at Redstone Hill, by ensuring an appropriate degree of flexibility for early delivery;

⁴⁵ Appendix 5 to the VPA's Part A submission.

⁴⁶ Draft, November 2016.

- Capitol Property Group, which sought recognition of population growth as the mechanism to confirm progression from one stage to the next and clarity on the calculations supporting the proposed population thresholds; and
- Oliver Hume Property Funds, which sought the removal of specific references to the timing of development within the future Sunbury West PSP, including to acknowledge the precinct could be reasonably expected to develop earlier than indicated in the draft SICADS.

5. Schools

Sunbury South PSP (C207) – Submissions 4 (Catholic Education Melbourne); 53 (Hongfengshi International Property Investment Pty Ltd); 56 (SB Capital); 57 (Hume City Council); 59 (Sunbury Realty Pty Ltd)

Lancefield Road PSP (C208) – Submissions 53 (owner of 280 Lancefield Road) 54 (Hume City Council); 60 (potential developers of 280 Lancefield Road); 70 (Catholic Education Melbourne)

A number of submissions related to the provision of schools within the PSP areas, including their appropriate number, location and designation.

Schools in the Sunbury South PSP

The Sunbury South PSP as exhibited provides for three government primary schools and one government secondary school.

Secondary school – Harpers Creek

The Council submission notes that a pre-exhibition agency-consultation version of the PSP provided for a second secondary school in the Harpers Creek Centre. Council submitted that this location had been discussed between Council and the Department of Education and Training (DET) and was supported by *Community Infrastructure, Social Services and Open Space Needs Assessment* prepared as a background study for the PSPs.⁴⁷ Council sought its re-insertion into the PSP.

The Sunbury South PSP removed the second secondary school from Harpers Creek Centre in response to advice from DET that it was not required.

In response to Council's submission, the VPA sought further confirmation from DET as to this position. Included as submission 91 to the Sunbury South PSP is a letter from DET to the VPA dated 20 April 2017 responding specifically to Council's comments regarding the provision of government schools across the PSP area. This letter confirms that:

- the number of schools proposed 'will meet future demand for government school education within that network'; and

⁴⁷ May 2015, K2 Planning.

- DET ‘generally supports the proposed distribution of school sites across the two Precinct Structure Plan areas’.

Primary school – Harpers Creek

SB Capital submitted that the Future Urban Structure should be amended to show the primary school in the Harpers Creek Centre on the west side of Buckland Way, associated with other proposed changes to this town centre.

The town centre concept plan for the Harpers Creek Centre has now been revised, but the primary school is proposed in the same location. The VPA notes that DET did not support moving the school due to land fragmentation concerns and the presence of the gas pipeline to the west of Buckland Way. There is a marginal adjustment to the location of the school so that it sits across two properties (numbered 27 and 28) only rather than three.

Primary and secondary schools – Redstone Hill

Hongfengshi International Property Investment (**Hongfengshi**) is the owner of property 69 in the Sunbury South PSP, on which one of the primary schools is proposed to be located. Hongfengshi’s submission objected to the location of the school on its land.

This primary school is located in close proximity to the secondary school, shown on the Future Urban Structure as P-12. The depiction of the P-12 school in the exhibited PSP was an error. At the time, this was intended to be a 7-12 secondary school.

However, following further discussions, DET has advised that the opportunity for this to become a P-12 school should in fact be identified within the PSP. The VPA has proposed a re-orientation and increase in size of the secondary school to support its P-12 designation. The currently proposed location is shown as follows:⁴⁸

⁴⁸ A number of further changes are depicted in this map, including alterations to the road network, which are not the subject of unresolved submissions.



Figure 2: proposed location and alignment of P-12 school in the Sunbury South PSP

This change has involved removing the primary school from the location depicted on Hongfengshi's land as requested, but instead locating part of the P-12 school on that land.

Sunbury Realty is the owner of property 70 in the Sunbury South PSP, on which the secondary school is proposed to be located. Its submission sought the relocation of the school to a more central location within the PSP area. The VPA notes that this general location of the secondary school is supported by DET, but that the VPA has since proposed a re-orientation and increase in size to support its P-12 designation.

Sunbury Realty has circulated an expert witness report by Robert Panozzo of ASR Research titled 'Review of government secondary school requirements within the Sunbury South Precinct Structure Plan'. Mr Panozzo describes his area of expertise as social research and planning, specialising in community infrastructure assessments. Mr Panozzo provides his opinion that the secondary school should be relocated to the north-west within the precinct, to the location presently identified for the northern-most primary school.

The VPA would not support this re-location. The VPA's position in relation to the location of schools within the Sunbury South PSP is informed by advice from DET.

Sunbury Realty has also expressed concern at the level of infrastructure attributed to its property.

The distribution of infrastructure can be a difficult issue, with competing objectives and interests. Modern structure planning is premised on the co-location of facilities, which promotes benefits such as shared facilities, reduced trip numbers and times and the creation of community hubs. Co-location inevitably draws multiple uses with 'land take' accumulated in a manner that is more likely to affect a smaller number of land holders. It is also a principle of infrastructure and land provision that the number of properties affected by a single item should be minimised as locations across multiple holdings reduces deliverability.

The ICP system seeks to address the impacts of provision of facilities through the collection and effective redistribution of funds to affected parties. There are other intangible benefits of the provision for facilities including the resulting level of service housing product enjoys from the remaining land.

The VPA endeavours to accommodate reasonable requests for the relocation and sharing of facilities across land where it will not offend well-founded planning principles. The VPA has endeavoured to reduce the burden on this property through the partial relocation of the school facility, reflected in Figure 2 above.

Schools in the Lancefield Road PSP

The Lancefield Road PSP as exhibited provides for two government primary schools and one government secondary school.

The government secondary school is located on 280 Lancefield Road. Both the owner (submitter 53) and potential developer (submitter 60) submit that the school should be re-oriented to run east-west along the northern property boundary, abutting Lancefield Road to the west and the connector boulevard to the north.

Lancefield Road is a primary arterial road. DET advises that ‘it is a Department objective to minimise the impact of busy roads on future school sites and to improve the amenity and safety of schools, and that the Department does not support locating schools on arterial roads’.⁴⁹

Provision and designation of Catholic schools

The Future Urban Structures at Plan 3 in each PSP identify a number of ‘potential non-government schools’. The PSPs also contain a series of requirements and guidelines that apply to the provision of schools.⁵⁰ The Sunbury South PSP Precinct Infrastructure Plan (**PIP**) identifies a Catholic Primary School, with the lead delivery agency as the Catholic Education Office.⁵¹ The Lancefield Road PSP PIP identifies both a Catholic Secondary School and a Catholic Primary School, each with the Catholic Education Office at the lead agency.⁵²

The VPA notes that the Panel considering the Rockbank PSP (Melton C145) considered the issue of whether schools should be identified as being Catholic schools or non-government schools. This is a matter that has been raised at several Panel hearings. The Panel in that matter had the benefit of evidence called on behalf of the Catholic Education Office. The Panel concluded as follows:⁵³

To come to a position on this issue, the Panel considers it appropriate to first set out some bases for its position:

⁴⁹ Submission 88 to the Lancefield Road PSP.

⁵⁰ Page 37 in the Sunbury South PSP and page 29 in the Lancefield Road PSP.

⁵¹ Page 61.

⁵² Page 51.

⁵³ Page 30.

- *It is acknowledged that the Catholic Education system is a very significant education provider in Victoria.*
- *The role that CEM plays in planning in growth areas is understood, and is not matched by other non-government providers who understandably appear to operate and plan in a more fragmented manner.*
- *Because CEM is a large provider, Catholic schools have much smaller catchments than other non-government providers whose catchments may extend over many PSPs and indeed over suburbs and municipalities. In this respect, other non-government providers are more 'footloose', and as demonstrated by the Bacchus Marsh Grammar School example, can purchase sites effectively planned for the Catholic system.*
- *This Panel is not in a position to comment definitively whether this is a legal or policy question, but there is every indication that it is indeed a policy issue.*

The Panel further comments that the MPA does appear to have made considerable effort to ensure that the planning needs of CEM are met through the PSP process, albeit not as far as the CEM considers necessary to give it the certainty it desires.

The Panel agrees that the current approach does not give the CEM the certainty which it is entitled to given the significance of the role it plays as an education provider in Victoria. Indeed, as the Bacchus Marsh Grammar case demonstrates, no certainty is provided to CEM. The Panel is of the view that this issue will continue to be raised in the context of future PSPs and that there are clear grounds for further work to try and resolve the policy dilemma which exists.

The Panel considers that there is a fundamental tension between the understandable wish of the MPA not to identify particular non-government providers in a PSP, and the need of CEM to gain the benefit of greater certainty from its appropriate participation the planning process.

The Panel accepts that identifying individual providers is not the role of a PSP. The problem appears to be in part that the Catholic education system is effectively defined as a private sector operator, despite educating almost one quarter of students in the state and being majority funded by government.

The Panel agrees with the Panel for Amendment C66 to the Surf Coast Planning Scheme that it is not the role of the Panel to address this policy dilemma in a one off manner, but rather to urge the MPA to further address this policy issue. The Panel is of the view that more certainty needs to be provided to ensure that where CEM appropriately participates in the PSP planning process, it can be given greater certainty about its ability to purchase the site identified as meeting its needs. Other more 'footloose' private education providers should be discouraged from acquiring sites identified in the planning process when they have not been involved in that process.

While the Panel understands the anxiety of CEM to have this issue resolved, there was no evidence provided that in this particular instance that there is an immediate threat from another provider to acquire the site in the Rockbank PSP effectively identified for CEM.

The position in the exhibited materials is not consistent with the position expressed above. The VPA has determined to remove references to the Catholic Education Office and the denomination of the affected schools from the PIPs.

The Catholic Education Office is a significant provider of education facilities in the growth areas and beyond. The VPA has worked with the Catholic Education Office pursuant to a memorandum of understanding productively over a lengthy period of time and intends to continue that relationship. The change pursued by the VPA brings the Amendments into line with recent Panel findings and represents a realistic and accurate representation of the non-government school designation. PSPs, including those before this Panel, do not secure particular providers, nor do they secure land tenure. This is a process of negotiation that occurs during and after the PSP process.

On 10 August 2017, the VPA wrote to the Catholic Education Office to advise generally of a policy decision to cease including any reference to a provider of schools in PSPs and that this would be the position adopted by the VPA in respect of the Sunbury South PSP and the Lancefield Road PSP. The VPA position on this matter is as follows:

- Non-government schools in PSPs will not be identified by provider.
- Background reports will identify situations where a non-government school (including the Catholic Education Office) has provided strategic justification for the provision of schools.
- The relevant Growth Area Authority information sheet, dating from September 2013, will be revised with input from providers.
- The VPA will continue to actively work with the Catholic Education Office in the preparation of future PSPs.

The VPA recognises that this position has altered significantly in respect of the interests of the Catholic Education Office, late in the amendment process. The VPA communicates its acceptance of any reasonable indulgence sought by the Catholic Education Office that is required to permit that body to present its case appropriately as a consequence of the changed VPA position.

6. Biodiversity Conservation Strategy and Conservation Areas

Sunbury South PSP (C207) – Submissions 24 (E Brogan); 83 (T Dance); 87 (Parks Victoria)

Lancefield Road PSP (C208) – Submissions 17 (E Brogan); 20 (D Manning); 27 (A Menhennit); 37 (Jacksons Creek EcoNetwork, Friends of Holden Flora Reserve, Friends of Emu Bottom Wetlands); 52 (295 Lancefield Road JV Pty Ltd); 53 (owner of 280 Lancefield Road); 55 (Jinding United Sunbury Pty Ltd); 60 (potential developers of 280 Lancefield Road); 84 (T Dance); 91 (Foschia Family)

Sections 4.1.3 through to 4.1.7 in the VPA's Part A submission address biodiversity policy and conservations areas. The submission explains the process established between the state and Commonwealth for the creation of assets that will operate on the protection of biodiversity in growth corridors and meet the requirements of state and federal legislation. This is a matter reflected within the PSP, but not determined by the PSP process.

Several submitters expressed concern with the identified conservation areas and a desire to either remove or alter the identified conservation areas. Other submitters are concerned that the amendments do not adequately protect biodiversity.

The variation of biodiversity assets and corridors is a matter that has been addressed by Panels in a consistent manner. Recently, in relation to the Plumpton and Kororoit PSPs (Melton C146 and C147), the Panel summarised the VPA's position as follows:

The VPA submitted that the Panel Hearing is not the appropriate forum in which to seek resolution of the concern in relation to the boundary. The appropriate process to amend the boundary is to apply to DELWP, which in turn would liaise with the Commonwealth in respect of boundary changes. The VPA submitted that the planning scheme follows the boundaries determined by DELWP in conjunction with the Commonwealth, and this is appropriate. The submitter has lodged a previous application for boundary amendment with DELWP. VPA submitted that any boundary amendment ought follow the outcome of that process.

The VPA noted that other Panel reports have dealt with the issue of the designation of CA boundaries in a consistent manner, and in the same manner that VPA requests of this Panel in these Amendments. The VPA referred to the June 2016 Whittlesea Amendment C188 Report, in which the Panel stated, in respect to a submission to amend a GGF CA boundary, that it was beyond the scope of the Panel, and the submitter ought take the issue up with DELWP.

The VPA submitted that "the location of the boundary is well supported by scientific and strategic work undertaken over a long period of time. The work underpinning the boundary has been extensive, thorough, and informed by relevant experts. The work includes the BCS, the SRSS and the 2012 Biosis study – the first two of which have been approved by DELWP and the Commonwealth". The VPA submitted that the onus was on the landowner in this case to go through the proper process, and if a change to the CA boundary is approved by the Commonwealth, the PSP can be amended accordingly.

The VPA repeats and adopts these submissions in the current matter and endorses the finding of that Panel as follows:

The Panel agrees with the submission of the VPA and the findings of previous Panels that the appropriate forum for resolving the boundaries of the CA is via application to DELWP, including obtaining approval from the Commonwealth. The Panel is not prepared to consider recommending that DELWP vary the boundaries of the CA as requested by Mrs Natale. The Panel does not believe that it is appropriate for it to intervene in that process.

Notwithstanding this, the VPA acknowledges that an application currently before the Commonwealth to reduce the area of the of Conservation Area 18 in the northern part of the Lancefield Road PSP would have potential future urban structure implications if it were to be approved in the form recommended by DELWP. This will be particularly true for the community hub to the west of the rail line, which might best be reconfigured if the conservation area were to be reduced.

The VPA would look to work with Salesian College (as the only landowner significantly affected by any reconfiguration of this hub), DET, the Catholic Education Office and Council in relation to this, should the conservation area boundary be amended prior to the adoption of the Lancefield Road PSP. The VPA acknowledges that the changes to the conservation area boundary will have implications for other submitters in the form of land which is currently shown as conservation area reverting to residential land. This is considered to be a positive change for these landowners and in line with their preferences.

In respect of the submissions that the PSPs do not adequately address or appropriately protect biodiversity, the VPA observes:

- The Panel is in receipt of detailed evidence about the care and diligence with which Melbourne Water has prepared the underlying DSSs in a manner that will protect the natural characteristics of waterways to the extent that is reasonable. This maintains or improves the ability of these waterways to accommodate biodiversity.
- The process set out above satisfies the relevant legislative requirements.
- The PSPs secure a substantial area for non-credited open space, being approximately 1,300 hectares. This land is to be removed from agricultural practice and other uses and most likely vested in the community (via agencies). This will promote biodiversity.

The Jacksons Creek EcoNetwork has raised a number of concerns in respect of the Holden Flora Reserve. This reserve is located in the south of the Sunbury South PSP area. Broadly, the VPA considers the views of this group to align with its own. However, the group holds specific concerns that the controls within the Sunbury South PSP do not sufficiently protect this areas. The VPA observes that the PSP contains:

- plans for the conservation area at pages 40 to 43;
- Requirements R53 to 56 which concern compliance with the strategic assessment, cross-sections, and the siting and design of infrastructure to avoid or minimise impacts on fauna; and
- measures such as baffling on lighting.

The VPA agrees that it is important to identify ultimate control for these areas. The VPA is continuing to engage with relevant parties about future land management responsibilities for the two creek corridors. Whilst ultimate management responsibilities are outside the scope of what the PSPs can resolve, the VPA acknowledges that this is an important issue, particularly given the status of the Jacksons Creek corridor as a future regional park in Plan Melbourne.

Parks Victoria has made a number of comments on the management of conservation assets, including the Holden Flora Reserve, and these comments have been adopted by the VPA.

7. Traffic

570-600 Sunbury Road, Sunbury

Sunbury South PSP (C207) – Submission 61 (Hi-Quality Quarry Products Pty Ltd and Trantaret Pty Ltd)

Hi-Quality submitted that the existing full-directional, uncontrolled access to the quarry, landfill and organics waste facility at the eastern edge of the precinct should be identified within the PSP and integrated into the strategic road network of the precinct. It further submitted that the intersection should be considered for signalisation and sought the provision of a connector road through the industrial land identified on the site, connecting to the proposed signalised intersection to the north-west.

Hi-Quality has circulated expert traffic evidence by Mr Turnbull in support of its submission. Mr Turnbull's evidence outlines that both the volume and character of vehicles accessing the Hi-Quality site require retention of full movement access from the existing access point, and that the intersection should be signalised upon duplication of Sunbury Road.

The VPA agrees that the PSP should acknowledge the continued operation of this intersection as the key, single access point to the quarry, landfill and organics waste recycling site. The PSP does not, however seek to introduce any land use changes on this site (indeed, by reason of its SUZ zoning, the PSP has no statutory effect over the site). This intersection would continue to provide access only to the existing operations in the SUZ, and is therefore not a strategically important part of the network supporting development of the precinct.

The ultimate form of this intersection following the duplication of Sunbury Road should therefore be determined by VicRoads in association with the landowner at the time of this duplication, rather than through the Sunbury South PSP.

605 Sunbury Road, Sunbury

Sunbury South PSP (C207) – Submission 45 (RCL Group)

RCL Group submitted that there should be a left-in, left-out access provided from 605 Sunbury Road to Sunbury Road.

The VPA does not agree that this is required. This situation is common and there are many properties within the PSPs that are not shown as having direct access to arterial roads.

The VPA notes that there will be numerous left-in, left-out local access points delivered to properties such as this that are not shown in the PSP. The PSP only reflects those intersections that are considered to be critical to the broader movement networks, rather than all access points to local subdivisions. As per usual practice, the landowner will need to engage in discussions with VicRoads to arrange for a left-in, left-out access to the property.

This submission also sought for the PSP to show the Principle Public Transport Network (**PPTN**). The PPTN is defined in the Growth Corridor Plan, and the PSP has defined the walkable catchments based on the PPTN. The VPA does not agree that it is necessary to show the PPTN within the PSPs.

607 Sunbury Road, Sunbury

Sunbury South PSP (C207) – Submission 18 (Marantali Pty Ltd)

Marantali sought the relocation of the connector road on the north-west boundary of this parcel, but wholly within the neighbouring parcel, to avoid the potential need for development to interface with a road to be delivered by a third party.

Marantali subsequently sought the relocation of the connector road to the south-west, within the subject parcel, and away from the property boundary.

The VPA has considered this second request in the context of a number of changes to the connector road network in this part of this precinct, in support of a reconfiguration of the proposed government secondary school (including upgrading this to a P-12 school site as discussed below). The VPA understands this change to have satisfactorily resolved this submission.

615 Sunbury Road, Sunbury

Sunbury South PSP (C207) – Submission 59 (Sunbury Realty Pty Ltd)

This submission relates to the same connector road discussed above. Sunbury Realty sought the relocation of the connector road away from the parcel boundary, so that development of the parcel could support lots on both sides of the connector road.

The VPA has considered the potential to relocate the connector road entirely onto the neighbouring property. The VPA understands that the submitter is still considering this potential change and will provide a response shortly. The VPA will continue to engage with the submitter in relation to this during the Panel hearing.

725 Sunbury Road, Sunbury

Sunbury South PSP (C207) – Submission 75 (Capitol Property Group)

Left-in/left-out intersection mid way between Francis Boulevard and IN-04

The submission by Capital Property Group sought the designation of a future left-in, left-out intersection at a point between Francis Boulevard and IN-04 to provide local street access to the subject site.

As with other sites where similar requests have been made, the VPA considers that left-in, left out access from arterial roads to the local street network within the precinct (where this road network does not comprise a connector road to arterial road connection) does not form part of the strategic road network to support movement within the precinct. It is therefore not appropriate to designate a left-in, left-out intersection in this location. This position is consistent with the advice of VicRoads, which has confirmed it is appropriate to consider the capacity for left-in, left out access (either interim or ultimate) to the local street network as part of a subdivision application process. This will allow consideration of such requests in the context of other access arrangements to the arterial road network.

Capital Property Group has also circulated expert evidence by Chris Butler of Cardno in relation to traffic arrangements for the site. This evidence has flagged the likely need to ultimately signalise the existing Francis Boulevard/Sunbury Road intersection upon duplication of Sunbury Road. It

identifies the opportunity to provide access to the local road network within the site via a fourth, southern leg to this signalised intersection.

The VPA will consider this evidence as it is presented, and will discuss with VicRoads its longer term planning for any upgrade of this intersection. The VPA intends to respond to this matter in its closing submission.

PAO for southern connector road

The submission sought the introduction of a Public Acquisition Overlay (**PAO**) to the alignment of the Southern Boulevard Connector Road to strengthen the opportunity to deliver this road, given its strategically important role supporting development within the precinct, and in the broader road network within the growth area.

The VPA does not consider it typical to introduce a PAO in support of infrastructure projects on land that is planned to be developed and in so doing deliver that infrastructure (or the opportunity to deliver that infrastructure). A PAO would need to be introduced nominating Council as the acquiring authority, and Council has indicated it does not support the introduction of a PAO. The VPA do not support this submission.

Updated functional designs, particularly RD-04 and IN-03

Capitol Property Group submitted that although generally satisfied with the alignment and configuration of RD-04 and IN-03 in relation to the subject site in the exhibited PSP, the concept designs prepared by Parsons Brinckerhoff and exhibited alongside the PSP reflected an alternative configuration that represented a number of development constraints for the subject site.

The VPA acknowledges that these plans are inconsistent with the PSP. The exhibited PSP reflects refined design work undertaken on behalf of Capital Property Group and provided to the VPA in advance of the exhibition of the PSP. The VPA was comfortable that these designs reflected an appropriate outcome in relation to these items, and exhibited the PSP to reflect those.

Accordingly, the VPA considers this matter resolved.

165 and 175 Vineyard Road, Sunbury

Sunbury South PSP (C207) – Submission 37 (Andraos & Salem Families)

This submission identified the impact of the proposed alignment of the southern boulevard connector on the subject site, and in particular a small portion of the site on its southern boundary. The alignment as exhibited would render that portion of the site a challenging development site, and the submission sought a re-alignment of the road such that it followed the southern boundary of the parcel.

The VPA considers a realignment of the road in this location problematic, given the significant topographical constraints associated with the alignment to the west of the rail line. Accordingly, the VPA does not support the realignment of the road as requested.

Melbourne Water has advised, however, that it has no in-principle objection to the reconfiguration of the proposed water quality asset to the south of the property, such that it incorporates the

constrained land to the south of the connector road. Melbourne Water has encouraged the submitter to provide this input as part of the Melbourne Water consultation process associated with the draft Fox Hollow DSS. The VPA considers this an appropriate outcome.

The submission also sought the introduction of a PAO to the land identified in the future urban structure as being required to support the future potential railway station at Sunbury South. A PAO is not typically applied as part of a PSP process to protect the future protection of transport infrastructure.

Transport for Victoria has advised that it does not support the introduction of a PAO to the land. Ultimate acquisition of the land will need to be subject to negotiations with the land owner, and a PAO may be applied in the future if deemed necessary.

235 Old Vineyard Road, Sunbury

Sunbury South PSP (C207) – Submission 62

The submission by Australian Property Partnership in relation to this property supported the location of intersections in the exhibited PSP, and in particular the location of IN-07, however noted an inconsistency between the timing of the intersection between the PIP table in the PSP and in SICADS.

In relation to IN-07 in the exhibited PSP, VicRoads submitted that it did not support an intersection in this location given the potential impact on the existing Calder Freeway interchange, and recommended the relocation of the intersection to the north at Moore Road/Old Vineyard Road.

The VPA understands that this submitter had intended to circulate traffic evidence in support of the exhibited intersection location, however ultimately did not do so. The VPA will consider any submission put to the Panel in relation to this matter, and respond to this in closing.

20, 26, 30 & 40 Buckland Way, Sunbury

Sunbury South PSP (C207) – Submission 56 (SB Capital)

SB Capital, as the prospective purchaser of four properties on Buckland Way, submitted in relation to the timing of a number of transport projects in that part of the Sunbury South precinct. Specifically, it was submitted that Projects RD-05, RD-07 and BR-03 should be brought forward as short-term infrastructure projects, given the likely early development within the area.

The VPA supports the view that early development within this part of the precinct is strategically desirable, given the capacity for such development to provide important transport connections to the benefit of the broader precinct, and to justify the early delivery of the potential train station at Sunbury South. However, topographical and land fragmentation constraints are likely to influence the timing of development in this location. The VPA proposes to change the timing associated with these projects to 'short-medium', in acknowledgement of the relative lack of certainty associated with the timing of development in this location.

The submission also sought amendments to the constructed waterway interface cross section, specifically in relation to the 3m vegetated buffer (incorporating a shared path) on either side of the drainage reserve.

The VPA proposes that this cross-section now be applied to all waterways (constructed or otherwise) and consider the provision of a shared path on either side of the creek corridor as appropriate, particularly given the heavily incised nature of many waterways across the precinct, and likely limited opportunities for crossing. The VPA is engaging with Melbourne Water in relation to the relationship of this cross section to the revised waterway corridors defined through Melbourne Water's updated draft DSSs, and will update the Panel on the outcomes of such discussions with relation to this cross section.

60 Buckland Way, Sunbury

Sunbury South PSP (C207) – Submission 85 (I, D, N and L Kolceg)

The submission in relation to the property at 60 Buckland Way, Sunbury sought the deletion of PSP Requirement (R99) requiring development of land bounded by Harpers Creek and the Jacksons Hill estate to provide access to Fox Hollow Drive or Buckland Way from the commencement of development.

This is an important requirement that reflects the capacity constraints on the local road network through the Jacksons Hill estate, and the fact that this local road network would not be able to support the additional traffic movements likely to be generated by development within the precinct, without the opportunity for a southern 'relief' connection across Harpers Creek. The VPA does not support this change.

The submission also sought changes to the proposed timing of a number of transport projects within this part of the precinct. The VPA has proposed a number of minor changes to these discussed elsewhere.

The submission sought the deletion of the interim Jacksons Creek road link from the Precinct Infrastructure Plan, with the ultimate connection (RD-09) to be delivered as a short-term project.

The VPA does not support this change. The interim Jacksons Creek connection is a long planned connection between Yirrangana Way in Jacksons Hill and Buckland Way, proposed to provide relief to the internal local road network within Jacksons Hill (via a more direct connection to Vineyard Road and the Calder Freeway). Delivery of this connection is a shared responsibility between Council and Development Victoria. Its delivery is not based on supporting development in this part of the precinct.

For engineering and implementation reasons, it cannot be provided on an alignment that can form part of the ultimate strategic road network of the precinct. RD-09 meanwhile will be delivered in support of development within the precinct. It is anticipated that this will be delivered later than the Jacksons Hill Link, even if it is delivered early in the development of the Sunbury South precinct.

280 Lancefield Road, Sunbury

Lancefield Road PSP (C208) – Submission 60 (potential developers of 280 Lancefield Road)

This submission sought the introduction of a left-in, left out intersection to support access to a future local street network through the site. As discussed above, neither the VPA nor VicRoads support identifying this form of intersection unless it provides access to the strategic road network as defined within the PSP. The VPA considers that it is appropriate that these opportunities to connect to the arterial road be considered in the context of a planning permit application.

Balbethan Drive and Stockwell Drive, Sunbury

Lancefield Road PSP (C208) – Submission 59 (QOD Property Group Pty Ltd)

This submission sought changes to the staging as set out in the PIP table to nominate the upgrade of Stockwell Drive as a ‘short term’ project, rather than ‘medium term’.

The VPA considers that this part of the precinct is heavily fragmented, and such fragmentation may ultimately prove to be a constraint to development. The VPA acknowledges that this is an existing road, and development within this part of the precinct may proceed more quickly than anticipated, in which case Stockwell Drive in its current form may not be able to satisfactorily accommodate the increase in traffic movements.

The VPA accordingly proposes to nominate this project as a ‘short-medium term’ project in the PIP table.

35-60 Fox Hollow Drive, Sunbury

Sunbury South PSP (C207) – Submission 44 (Asia-Pacific Property Pty Ltd)

The submission by Asia-Pacific Property identified concerns with the alignment of the southern boulevard connector through its site, particularly in terms of the impact on the development potential of that part of the site between the Jacksons Creek and Harpers Creek.

The developable area in this part of the precinct is relatively narrow, and the exhibited alignment bisected this land, creating two problematic bands of potential residential development.

In further information provided to the VPA by the submitter, and addressed in engineering evidence circulated by Mr Matheson of Taylors on the submitter’s behalf, an alternative alignment was defined to improve the development potential and urban form outcomes in this part of the site.

The VPA supports this realignment, and intends to reflect this within the future urban structure.

In addition, the submission sought the inclusion of a potential local street connection to the southern connector from the north, in that part of the site to the west of Harpers Creek. The land in this part of the precinct features a significant grade, and the capacity to deliver a local connection may prove challenging. However, the VPA supports the designation of this potential connection within the PSP, and both this and the revised alignment of the southern boulevard connector are reflected in the updated Harpers Creek Residential Concept Plan.

Crinnion Road, Watsons Road and Bulla-Diggers Rest Road

Sunbury South PSP (C2017) – Submission 9 (A Khairajani) and others

A number of submissions were received from landowners to the south of Watsons Road (outside the UGB) raising concerns with the potential traffic impacts on Watsons Road, Crinnion Road and Bulla-Diggers Rest Road.

These existing roads provide access between the western part of the Sunbury South precinct and the Calder Freeway, via an existing freeway interchange. They also provide the primary access for this existing rural residential community to the Sunbury town centre, via Watsons Road and Vineyard Road.

Given the existing network function of these roads, it is inevitable that traffic volumes on these roads will grow in the face of development within the precinct, as new residents seek a direct connection to the Calder Freeway. However, the VPA considers it would be inappropriate to seek to discourage this movement, as any network changes that sought to do this would also disadvantage the existing rural residential community in terms of access to established Sunbury.

In acknowledgement of the increase in traffic volumes on what are currently rural standard roads, the exhibited PIP table proposes upgrades to Watsons Road, Crinnion Road, and the Crinnion Road/Bulla-Diggers Rest intersection. The VPA considers that this is an appropriate response to manage the impact of this increase in traffic on existing roads.

8. Drainage and waterways

A number of submissions in response to exhibition of the Amendments raised matters relating to drainage and waterway infrastructure shown to be provided on specific sites, particularly within the Sunbury South PSP.

These include the following submissions in response to Amendment C207:

- Submissions 39 (J and L Ware) in relation to 670 Sunbury Road and 61 (Hi-Quality) in relation to 570-600 Sunbury Road, which refer to an alternative drainage proposal for the combined land, discussed in further detail below.
- Submission 45 (RCL Group) in relation to 605 Sunbury Road, which queried the location of a retarding basin. RCL Group has advised it is no longer calling drainage evidence.
- Submission 59 (Sunbury Realty Pty Ltd) in relation to 615 Sunbury Road, which queried the location of a retarding basin. This submitter is not calling drainage evidence.
- Submission 16 (Resi Ventures) in relation to 20-24 and 30 Watsons Road, which advised it would propose a more efficient design for the retarding basin shown on its land. The VPA is advised that Melbourne Water has not yet received a functional design package for review. This submitter is also not calling drainage evidence.
- Submission 41 (S Galdes) in relation to 65 Watsons Road, which queried the size of the linear drainage reserves and retarding basins on its land. This submitter has circulated an expert evidence statement by Nina Barich of Incitus in relation to drainage. Ms Barich recommends a number of changes to the Fox Hollow DSS as it relates to the waterway on the site.

- Submission 56 (SB Capital) in relation to 20, 26, 30 and 40 Buckland Way, which queried the width of a waterway and the extent of regarding basins within the Fox Hollow DSS. This submitter is not calling drainage evidence.
- Submission 84 (Kolceg family) in relation to 35 Buckland Way, which requested an alternative design for drainage infrastructure on its site. This submitter has also circulated an expert evidence statement by Ms Barich in relation to drainage. Ms Barich recommends a number of changes to the Fox Hollow DSS as it relates to the waterways on the site.
- Submission 85 (I, D, N and L Kolceg) in relation to 60 Buckland Way, which queried the size and location of a retarding basin on its land. This submitter is not calling drainage evidence.
- Submissions 44 (Asia-Pacific Property Pty Ltd) and 64 (Fox Hollow Drive vendors), which relate to 35 to 60 Fox Hollow Drive.

Submitter 64 contended that the retarding basin proposed on the land is overstated and inaccurate. This submitter is not calling drainage evidence.

Submitter 44 expressed general support for the stormwater planning within the PSP, but requested consideration of a proposal to co-locate wetland WI-27 within Conservation Area 21 to provide an extended foraging habitat for Growling Grass Frogs (**GGF**). Submitter 44 has circulated the following expert witness reports in support of this proposal:

- Andrew Matheson of Taylors in relation to engineering, which includes the revised concept for the wetland design at Appendix D;
- Aaron Organ of Ecology & Heritage Partners in relation to ecology, which considers the potential outcomes for GGF habitat associated with the proposal; and
- Gary Walsh of E2 Design Lab in relation to drainage, which compares the proposal with the exhibited PSP in respect of water level behaviour and health of aquatic vegetation for GGF habitat, and the management of the wetlands and conservation area.

The VPA sought review of this evidence by the Melbourne Strategic Assessment team at DELWP, which confirmed it had provided in-principle support for the location of stormwater asset WL-27 within the GGF conservation area to the submitter.

Submission 55 (Jinding United Sunbury Pty Ltd) in response to the Lancefield Road PSP additionally raised a drainage matter in relation to land at 330 Lancefield Road. Recognising that the PSP reflected a conceptual location of drainage infrastructure subject to further review, this submitter pre-emptively expressed its objection to a retarding basin on neighbouring land being moved to its land. In the event, the draft DSS shows a partial relocation of this retarding basin, with a small part extending into the submitter's land. It is not clear to the VPA whether the submitter's pre-emptive objection stands in these circumstances. This submitter is not calling drainage evidence.

Section 3.7 in the first part of this submission describes the overall approach to drainage and waterways within the PSPs, including the role of Melbourne Water and the preparation by Melbourne Water of DSSs for the PSP areas.

Of particular note is that Melbourne Water completed its review of the DSS infrastructure required within the PSP areas following exhibition of the PSPs. The differences between the draft DSSs and PSPs as exhibited were highlighted in correspondence to affected submitters on 27 June 2017. These changes affect matters that were the subject of submissions.

It is also particularly relevant when considering the site-specific submissions to appreciate that the DSSs represent a conceptual design and provide for flexibility at functional design, subject to demonstration that the DSS design objectives will be achieved.

It is not for the VPA to amend the drainage and waterway infrastructure depicted within the PSPs outside of the Melbourne Water DSS process.

If submitters to the PSP are not satisfied with the drainage infrastructure proposed to be provided on their land, it is open to those submitters to provide an alternative functional design of the relevant assets to Melbourne Water for review. That design would need to meet the intent of the DSS and be in accordance with relevant Melbourne Water policies and guidelines, including:

- *Design, Construction and Establishment of Constructed Wetlands: Design Manual* (Draft, 2016);
- *Principles for Provision of Waterway and Drainage Services for Urban Growth* (2003);
- *MUSIC Guidelines* (2016); and
- *Waterway Corridors – Greenfield Development Guidelines* (2013).

The VPA understands the exception to this would be the Hi-Quality proposal. The VPA is advised that Melbourne Water has reviewed the Hi-Quality proposal to fill and drain a gully area on its site to increase the net developable area. Melbourne Water has noted that this proposal would create a significant area of developable land in a location that Melbourne Water had deemed not to be developable. The proposal is not accounted for in the draft Daameeli DSS Melbourne Water has prepared for the area. This is not to say the proposal is unfeasible or inappropriate.

Melbourne Water has reviewed the drainage evidence by Stuart Cleven of Alluvium on behalf Hi-Quality. Melbourne Water has not yet formed a position on whether the proposal would be viable from a drainage perspective. As with other alternative drainage proposals, Melbourne Water would require the submission of a functional design package to assess this. However, in this instance Melbourne Water would not assess the proposal against the Daameeli DSS because no comparison would be possible. Melbourne Water would likely consider this area to be excised from the Daameeli DSS, with the drainage infrastructure to be fully funded by the developer. It would assess the proposal against best practice, Melbourne Water policies and guidelines.

9. Public open space

170 Lancefield Road, Sunbury

Lancefield Road PSP (C208) – Submission 46 (Wincity)

Wincity submitted that the proposed sporting fields located centrally within the Lancefield Road precinct (to the east of Lancefield Road itself) should be relocated further north, given the existing provision of sporting fields to the south-west, and the capacity to avoid overlapping catchments.

The VPA considers that the location defined in the exhibited PSP is appropriate. Whilst the sporting fields do not form a traditional ‘neighbourhood hub’ with allied community and commercial uses, they do have a relationship with the nearby Balbethan local convenience centre, are relatively accessible via the connector road network from Lancefield Road, and are located at the head of a significant waterway feeding into Emu Creek.

Additionally, the sporting fields are proposed to straddle parcel boundaries, equitably sharing the responsibility for delivering critical community infrastructure across landowners.

Adequacy of open space provision

Sunbury South PSP (C207) – Submission 24 (E Brogan)

Lancefield Road PSP (C208) – Submission 17 (E Brogan)

This submission contends that ‘sports reserves and small linear parks would not be sufficient for the amount of people coming to live in this new proposed development. There is a major need for a large natural regional park protecting the existing vegetation and historic areas’.

The VPA considers that both precincts as planned will support a vast array of open space forms, servicing a range of future needs. The planned sporting and local park network is part of the open space offer, complemented by expansive creek corridors and escarpments, conservation areas and hilltops. The status of the Jacksons Creek valley, in particular, as a potential regional park in Plan Melbourne is in large part an acknowledgment of its regional landscape and biodiversity values, and of the importance of this asset in supporting a growing regional population.

607 Sunbury Road, Sunbury

Sunbury South PSP (C207) – Submission 18 (Marantali Pty Ltd)

Marantali Pty Ltd submitted that the local park (LP-31) should be relocated east, on to the neighbouring property.

The VPA does not support this change. The property to the east is itself the eastern boundary of the precinct (and the Sunbury Growth Area). Such a location would see the local park with an undeveloped portion of its walkable catchment.

The VPA does propose, however, the relocation of the local park slightly west, and away from the property boundary, but remaining within the subject property. This will provide the landowner

with the opportunity to fully address the local park, and control interfaces between the park and development.

The VPA further proposes to relocate LP-30 (0.25ha) further east, to sit wholly within the neighbouring property, rather than straddling parcel boundaries as in the exhibited PSP.

615 Sunbury Road, Sunbury

Sunbury South PSP (C207) – Submission 59 (Sunbury Realty Pty Ltd)

Sunbury Realty submitted that the active open space on its site could be reconfigured to provide for greater integration with the residential community to the north, and that a master plan would be provided to demonstrate this.

Whilst a master plan has not been provided to date, the VPA notes that Sunbury Realty has circulated expert evidence in relation to an alternative location of the secondary school (now P-12) identified on the site, and that this evidence does not contemplate a relocation or reconfiguration of the sporting fields.

The VPA will review the evidence in relation to this matter, and will provide a response to this new evidence in our closing submission.

670 Sunbury Road, Sunbury

Sunbury South PSP (C207) – Submission 39 (J and L Ware)

The submission by J and L Ware outlined concerns in relation to the location of the proposed sporting fields on the site (AR-04), and the fact that this site would restrict road access and have compromised access itself.

The VPA considers the exhibited location of this sporting reserve to be appropriate, having regard for the complex residential catchment to the north of Sunbury Road. This location is relatively central and accessible via the planned connector road network. The VPA considers that there is sufficient capacity to plan an efficient local street network around the sporting fields, and that at detailed design minor relocation and reconfiguration of the reserve may occur to support this. The VPA does not support a change in the location of the sporting fields.

65 Watsons Road, Sunbury

Sunbury South PSP (C207) – Submission 41 (Steven Galdes)

This submission contends that there is an over-provision of local open space in the area, and that LP-07 and LP-08 can be co-located for a more efficient local open space outcome.

The VPA acknowledges that the natural open space provided within the precinct based on waterways and landscape values is significant. The introduction of small 0.25ha local parks such as LP-07 is in large part acknowledgement of this fact. These small nodes provide an opportunity for basic local park facilities on unconstrained land, whilst still providing an opportunity to leverage off the open space values of the constrained land associated with waterways, escarpments and gullies.

LP-08 provides a more traditional open space offer, servicing the typical ‘local park’ needs of the surrounding catchment.

It should be noted that the total credited open space provision of each precinct is below the notional 10% target for PSPs, in response to the significant open space contribution that ‘uncredited’ open space will make towards these future communities.

10. Bushfire risk

Sunbury South PSP (C207) – Submissions 24 (E Brogan); 75 (Capitol Property Group); 83 (T Dance)

Lancefield Road PSP (C208) – Submissions 17 (E Brogan); 20 (D Manning); 84 (T Dance)

A number of submissions queried how the Amendments address the risk of bushfires.

The Sunbury South and Lancefield Road precincts are both within the designated Bushfire Prone Area, in which specific bushfire construction standards apply.

The VPA and Council have engaged Terramatrix to prepare a bushfire assessment for the precincts.

The early findings from this assessment identified areas that posed more significant risks. On the basis of those findings, the VPA included a ‘fire threat edge’ on Plan 5 (Image, Character, Housing and Heritage) in the exhibited version of the Sunbury South PSP, to indicate that additional controls may affect that land.

Clause 3.15 in the exhibited Schedule 9 to the UGZ and Clause 3.11 in the exhibited Schedule 10 to the UGZ further required:

An application to subdivide land which abuts the ‘Fire Threat Edge’ as shown on Plan 5 of the incorporated Lancefield Road Precinct Structure Plan must be accompanied by a Bushfire Assessment prepared by a suitable experienced and qualified consultant, which includes recommendations of measures required to mitigate the risk of bushfire for the proposed land uses. Any permit application must demonstrate compliance with the recommendations of the Bushfire Assessment, to the satisfaction of the Responsible Authority.

Having since received and considered a revised draft report from Terramatrix, including completed bushfire assessment, the VPA is satisfied that the building controls that apply as a result of the land being within a designated Bushfire Prone Area provide adequate protection. The Building Code of Australia was updated in May 2010 to apply bushfire residential building standards to the construction of new houses and alterations and additions to houses, where they are located in a mapped Bushfire Prone Area or Bushfire Management Overlay.

The VPA accordingly now proposes to remove the ‘fire threat edge’ from Plan 5 in the Sunbury South PSP and delete Clauses 3.15 and 11 from Schedules 9 and 10 to the UGZ respectively.

The VPA notes Capitol Property Group has circulated an expert witness report by Shannon LeBel of Ecology & Heritage Partners in relation to bushfire risk and does not dispute its findings.

11. Lot sizes on slope

Sunbury South PSP (C207) – Submission 85 (I, D, N and L Kolceg)

Submission 85 expressed concern in relation to the wording of Guideline G17 in the Sunbury South PSP, and specifically that lot sizes may be mandated. This submission proposed a change to the guideline, as follows:

Lots capable of supporting conventional and lower density housing are suitable encouraged in areas with more challenging topography, in particular areas in excess of 10% slope in the vicinity of the Jacksons and Emus Creeks.

The VPA notes that the Sunbury South PSP, consistent with other PSPs, is structured in terms of objectives, requirements and guidelines. At section 1.1, the PSP identifies that guidelines:

Express how discretion will be exercised by the responsible authority in certain matters that require a planning permit. If the responsible authority is satisfied that the application for an alternative to a guideline implements the outcomes the responsible authority may consider the alternative. A guideline may include or reference a plan, table or figure in the Precinct Structure Plan.

The PSP area in Sunbury South contains a number of topographic changes that will necessarily impose outcomes on development. This is neither surprising nor inappropriate. It is not possible for a document at the level of a PSP to prescribe particular outcomes on all sites. The guideline is accordingly included to encourage an appropriate outcome on challenging terrain. The substitution of the word 'suitable' in lieu of 'encouraged' does not reflect the objectives of the VPA or an appropriate outcome in terrain of this nature.

For this reason, the VPA does not support the request for amendment.

12. Lot frontages to waterways

Sunbury South PSP (C207) – Submissions 57 (Hume City Council)

Lancefield Road PSP (C208) – Submission 54 (Hume City Council)

Council submitted that Guideline G84 in the Sunbury South PSP and G70 in the Lancefield Road PSP should be deleted on the basis that Council does not support lots with direct frontage to waterways. Those guidelines provide as follows:

Streets should be the primary interface between development and waterways. Public open space and lots with a direct frontage may be provided as a minor component of the waterway interface only where necessary for logical subdivision design. Where lots with direct frontage are provided, they should be set back up to 5.0 metres from the waterway corridor to provide pedestrian and service vehicle access to those lots, to the satisfaction of Melbourne Water and the Responsible Authority.

The VPA agrees as a matter of principle that lots with direct frontage to waterways should be avoided. The VPA considers the PSPs to set a clear expectation that direct waterway frontages will

be rarely be accepted. However, Council considers that these guidelines are required to provide some flexibility for complex sites.

13. Possible heritage site at 725 Sunbury Road

Sunbury South PSP (C207) – Submission 75 (Capitol Property Group)

The submission by Capitol Property Group sought the removal of a ‘possible’ heritage site on property 59 in the Sunbury South PSP. Capitol Property Group has not provided heritage advice in support of its submission to the VPA or circulated expert evidence in relation to heritage as originally indicated.

The VPA’s position is informed by the *Post-Contact Heritage Assessment* for the Sunbury South PSP area prepared by Context for the VPA, which identifies the site as a potential ‘dry stone wall enclosure’.

The VPA will consider the submissions made at the hearing, in the absence of evidence, and advise the Panel of any changes in closing.

14. PSP boundaries

Sunbury South precinct boundaries

Sunbury South PSP (C207) – Submission 9 (A Khairajani)

Submitter 9 to the Sunbury South PSP sought an amendment to the precinct boundary to include land to the south of Jacksons Hill adjoining Watsons Road. This land is currently located outside the UGB. It is not within the control of this amendment process to include the relevant land. There would need to be a Victorian government decision to amend the UGB.

Lancefield Road precinct boundaries

Lancefield Road PSP (C208) – Submission 53 (owner of 280 Lancefield Road)

Submitter 53 to the Lancefield Road PSP is the owner of 280 Lancefield Road.⁵⁴

It seeks an amendment to the Lancefield Road precinct boundary to include all of 280 and 330 Lancefield Road. Those parcels include a significant feature where they meet that separates areas of land within the UGZ.

The land to east is intended to be included in the Sunbury North PSP. That land will come ‘online’ at an appropriate point in the future.

The land to the south-west can be developed in the meantime without compromising that future development potential. Planning for the Sunbury North PSP, with an area of approximately 850 hectares, has not commenced. The Lancefield Road PSP already comprises an area of 1095 hectares.

The VPA does not consider sufficient justification to have been presented to amend the PSP boundary to include this land. The VPA will consider the landholder's submissions at the hearing in respect of this request.

15. Community consultation

Sunbury South PSP (C207) – Submissions 24 (E Brogan); 83 (T Dance)

Lancefield Road PSP (C208) – Submissions 17 (E Brogan); 84 (T Dance)

Concerns have been raised regarding the community consultation that has occurred through the PSP processes. The consultation process was extended from one month to 10 weeks to meet the anticipated level of interest and to offset the Christmas period.

The PSPs have generated the greatest level of community interest that the VPA has seen from a PSP process and the greatest number of submitters presenting at Panel.

This itself is evidence that that community engagement process through the exhibition process has been successful. The VPA is pleased to see this high level of community interest in the amendment.

16. Proposed uses and sites in Sunbury

Sunbury South PSP (C207) – Submissions 24 (E Brogan); 83 (T Dance)

Lancefield Road PSP (C208) – Submission 17 (E Brogan); 84 (T Dance)

A number of submissions identified particular uses and developments that the submitters considered should be included in the PSP areas, such as emergency service facilities, medical services, cemeteries, courts, police stations, child care, aged care, a cultural centre, an Ashes centre, the Jacksons Hill centre, and a Landcare fauna and flora centre.

It is not the role of PSPs to mandate the delivery of such uses and developments. These may be delivered by government providers or private developers and the PSPs will not preclude this.

17. Noise associated with Melbourne Airport

Sunbury South PSP (C207) – Submission 24 (E Brogan)

Lancefield Road PSP (C208) – Submission 17 (E Brogan)

Concerns have been raised regarding noise from aircraft affecting residential amenity.

The Victorian planning system contains controls that relate to noise from aircraft. Specific controls have been implemented within the Scheme to address this and every five years the Melbourne

Airport undertakes a master planning exercise. Arising out of the master planning exercise, noise contours are prepared which reflect the noise anticipated from aircraft (ANEF contours). These ANEF contours are generally used to inform the application of appropriate planning controls, being the Melbourne Airport Environs Overlay.

Given the ongoing review of the airport masterplan, changes in technology and airport operations, the area affected by the Melbourne Airport Environs Overlay can fluctuate. At this time, the PSP areas are not affected.

In the event that this were to change, then the overlay would apply and have the effect of mandating certain building responses in relation to acoustic performance. Ongoing residential use is not incompatible with an overlay, in the event that contours were to change.

18. Vandalism

Sunbury South PSP (C207) – Submission 24 (E Brogan)

Lancefield Road PSP (C208) – Submission 17 (E Brogan)

Concerns have been raised about the future suburbs to be created and vandalism.

Social problems in the community exist whether or not new urban development occurs, though it is accepted that in some instances the nature of problems can change.

The VPA has sought to create communities where there is good connectivity, sound underlying urban design principles and town centres. These factors aid the creation and maintenance of safe and integrated communities.

The PSPs are consistent with the minimisation of vandalism and related issues, though cannot operate to avoid them.

19. Potential contamination

Sunbury South PSP (C207) – Submission 24 (E Brogan)

Lancefield Road PSP (C208) – Submission 17 (E Brogan)

Concerns have been raised about contamination and its management. Potentially contaminated land is the subject of policy within the Victoria Planning Provisions. It is important that contamination is appropriately managed and the proposed schedules to the UGZ place controls, in addition to the general discretion available to Council, to manage this.

In relation to sites where a known contamination risk exists, the UGZ schedules impose specific additional controls. This means that a purchaser or developer is aware of the issues and can make informed decisions about contamination and broader land management.

Development of contaminated land is a positive outcome for the community that arises through the remediation and management process, which must be undertaken before the commencement of a sensitive use.

