Sarah McMaster

From: Michael Prior <Michael.Prior@melbournewater.com.au>
Sent: Wednesday, 16 August 2017 9:59 AM
To: Mat Garner
Cc: Sarah McMaster; Matthew Rogers
Subject: Update on discussions with Villawood (Redstone Hill, Sherwood Heights)

Hi Mat,

Aaron and I met with Jonathon McLean (and Adam Davidson) to discuss the comments provided on the functional design in Redstone Hill and Sherwood Heights (Racecourse Road). We made progress with the technical elements of design, but there are two issues you should be aware of.

1. **Redstone Hill Estate:** Western Water pump station: At the moment the Alluvium functional design of the Melbourne Water (WI-15) asset is very unlikely to include space for the proposed Western Water asset. The impression I got was that Western Water will need to make a formal approach to acquire the land – at which point Villawood will consider it. If the DSS asset design complies with Melbourne Water's requirements, we would accept it with or without space for a pump station.

2. **Sherwood Heights** (Racecourse Rd): The technical (functional) design of the DSS treatment assets is well on the way to being resolved. The major point of contention for the application is the geomorphic waterway which is shown on the updated preliminary DSS.

Any questions please give me a call.

Regards,
Michael

Michael Prior | Precinct Structure Planning Coordinator, Catchment Strategies and Services, Development Services | **Melbourne Water**
T: (03) 9679 6629 | 990 La Trobe Street, Docklands VIC 3008 | PO Box 4342 Melbourne VIC 3001 | melbournewater.com.au

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Sarah McMaster

From: Michael Prior <Michael.Prior@melbournewater.com.au>
Sent: Friday, 18 August 2017 2:37 PM
To: Tessa D'Abbs; Matthew Rogers
Cc: Sarah McMaster; Mat Garner; Greg Tobin
Subject: Melbourne Water formal response - Kingfisher Estate 96A application
Attachments: Draft_MW_WinCityPermitConditions_Final.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Tessa and Matthew,

Melbourne Water has reviewed the amended plan submitted for the Kingfisher Estate – 170 Lancefield Road, Sunbury (P18855). Melbourne Water formally withdraw the objection to the proposed subdivision in our previous letter of 10th February, 2017.

The amended plan is in accordance with the Oldbury Development Services Scheme. Melbourne Water would have no objection to the proposal, subject to the attached conditions. If you have any further questions, please call me on 9679 6629.

Regards,
Michael

Michael Prior | Precinct Structure Planning Coordinator, Catchment Strategies and Services, Development Services | **Melbourne Water**
T: (03) 9679 6657 | 990 La Trobe Street, Docklands VIC 3008 | PO Box 4342 Melbourne VIC 3001 | melbournewater.com.au
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Draft Permit Conditions – Melbourne Water
Kingfisher Estate, Sunbury

Property Address: 170 Lancefield Road, Sunbury (Kingfisher Estate)
Application Ref: P18855
Plan Ref: Job No. 08618 Panel 1; Date: 14 AUG 2017; By: AGT

Melbourne Water has reviewed the amended plan (see above) which was submitted under Section 96A of the Planning and Environment Act (1987). The subdivision layout plan is in accordance with the Oldbury Development Services Scheme (DSS). Melbourne Water is satisfied the proposed layout provides sufficient confidence that the objectives of the Development Services Scheme can be achieved.

Melbourne Water **does not object** to the proposal, subject to the following conditions:

1. Prior to the issue of a Statement of Compliance, the Owner must enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

2. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

3. Prior to Certification of any Plan of Subdivision associated with the subdivision, a stormwater management strategy must be submitted and approved by Melbourne Water and Hume City Council. The strategy must demonstrate the following:

    a. The proposed alignment for any 1 in 5 year Average Recurrence Interval (ARI) drainage infrastructure and any associated overland flow paths directions for the 1 in 100 year ARI flood event;

    b. The details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 100-year ARI storm event within the property

4. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.

5. All new lots must achieve a minimum of 300mm freeboard above the 1 in 100 year (ARI) flood levels associated with any existing or proposed Melbourne Water pipeline.

6. All new lots must achieve a minimum of 600mm freeboard above the 1 in 100 year (ARI) flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.

7. Prior to the issue of a Statement of Compliance for each stage of the subdivision, a Certified Survey Plan (CSP) prepared by or under the supervision of a licensed land surveyor, showing finished lot levels reduced to the Australian Height Datum, must be submitted to the satisfaction of Melbourne Water. The CSP must clearly show the 1 in 100 year flood levels (ARI) and contain a table which demonstrates that each lot has achieved the required freeboard.

8. Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. Engineering plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event.

9. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

10. Prior to the issue of a Statement of Compliance for the subdivision, a Site Management Plan (SEMP) detailing pollution and sediment control measures must be submitted to Melbourne Water.

11. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.

12. The subdivision must make provision for overland flows from the upstream catchment utilising roads and/or reserves to the satisfaction of Melbourne Water.

13. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual.

14. Local drainage must be to the satisfaction of the responsible authority.

15. All new lots must achieve appropriate freeboard in relation to local overland flow paths to the satisfaction of the responsible authority.

16. Easements or reserves must be created over existing and proposed Melbourne Water assets on the Plan of Subdivision to the satisfaction of Melbourne Water and the responsible authority.

17. Any temporary outfall must be arranged to the satisfaction of Melbourne Water and the responsible authority.

18. Prior to the issue of a Statement of Compliance for the subdivision, a separate application, direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

19. Prior to Certification, provision for alternative water must be addressed, in accordance with any approved integrated water management plan to satisfaction of Melbourne Water and Western Water.

APPLICATION FOR PLANNING PERMIT P18855:

170 Lancefield Road, Sunbury (Lot 4 on Plan of Subdivision 208321M)

Draft assessment as at ~~exhibition / submissions, July 2017~~ panel hearing, August 2017

N.B. formatting and syntax corrections are not tracked.

Consistent with the provisions of Section 96A of the *Planning and Environment Act 1987*, this report is prepared to inform the planning authority's determination as if the Hume Planning Scheme has been amended in accordance with Amendment C208. This report should be read in conjunction with the Explanatory Report for Amendment C208.

Application Number:	**P18855** (Hume Planning Scheme)
Precinct Structure Plan/Amendment No.:	Lancefield Road PSP – Hume C208
Proposal:	Residential subdivision, subdivision for a town centre and associated works including: • ~~419~~ 472 individually serviced residential lots • ~~Four~~ Two multi-unit sites • ~~Two~~ Three large lots for a town centre • Land for a municipal community facility • Land for a government primary school • Reserves for local roads, local parks and drainage • A large lot containing undeveloped land.
Municipality:	City of Hume
Responsible Authority:	Hume City Council
Applicant:	Mr Greig Donnelly, Wincity Development Pty Ltd
Zoning:	Urban Growth Zone 10 Rural Conservation Zone
Overlays:	Environmental Significance Overlay 10 Incorporated Plan Overlay 3 and 4 Public Acquisition Overlay 1
Incorporated documents:	Lancefield Road Precinct Structure Plan, November 2016 (PSP)
Under what clause(s) is a permit required?	*Clause 37.07 Urban Growth Zone* A permit is required to subdivide the land under Clause 37.07-10. *Clause 35.06 Rural Conservation Zone* A permit is required to subdivide the land under Clause 35.06-3. * The Incorporated Plan Overlay applies to land in the Rural Conservation Zone requiring any permit to be generally in accordance with the PSP; and, in the case of IPO3, unless otherwise agreed by the Department of Environment, Land, Water and Planning. *Clause 42.01 Environmental Significance Overlay* A permit is required to subdivide the land under Clause 42.01-2.

	Clause 45.01 Public Acquisition Overlay A permit is required to use land for a road. A permit is required to subdivide land. A permit is required to construct and carry out works. A permit is required to demolish and remove works. A permit is required to destroy and lop vegetation. *Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a PAO for a Category 1 Road* A permit is required to create and alter access to Lancefield Road. A permit is required to subdivide land adjacent Lancefield Road. ~~*Clause 64.03 Subdivision of land in more than one zone*~~ ~~If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone.~~ ~~Permit Requirement~~ ~~A permit may be granted to create one lot smaller than specified in the scheme if all of the following are met:~~ ~~☐ The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.~~ ~~☐ The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes:~~ ~~☐ To comply with the requirements of the Urban Floodway Zone.~~ ~~☐ To provide access to a road.~~ ~~☐ The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.~~ * Clause 52.17 provides for removal of native vegetation without a permit.
Restrictive covenants on title:	A notice stating that a Growth Areas Infrastructure Contribution may be payable on the land.
Application Received:	12 June 2015 and amended on: 18 November 2015, ~~and~~ 9 December 2015 14 August 2017.
Current use and development:	Farmland - grazing.
Has a CHMP been approved under the *Aboriginal Cultural Heritage Act 2006?*	Yes: CHMP No. 11818, notice of approval by Wurundjeri Tribe Land & Compensation Cultural Heritage Council signed by Stephen Fiyalko, Chief Executive Officer.
Conflict of interest:	None
Recommendation:	N/A

1. THE LAND

The site comprises a 109.2 hectare lot fronting the western side of Lancefield Road opposite Rolling Meadows Drive. The vast majority of the lot is west of Emu Creek with a small portion located east of Emu Creek. The Urban Growth Boundary of Sunbury is located at the site's eastern boundary.

The lot has an irregular boundary with rectilinear boundaries in the west adjacent Lancefield Road and boundaries following the Emu Creek in the east.

Ephemeral tributaries of Emu Creek traverse the land from its northwest corner at Lancefield Road through the centre of the site to the creek. The tributaries are somewhat incised. An existing rural home with gardens and associated outbuildings occupies a small area either side of a planted driveway opposite the intersection of Lancefield Road and Rolling Meadows Drive.

A small dam is located at the southern boundary of the site near Lancefield Road with a second dam along one of the tributaries in the northwest of the site.

The Lancefield Road reserve is approximately 28.5 metres wide at the site boundary. The Public Acquisition Overlay 1 allows for approximately a further 12 metre wide strip of land to be acquired on the subject site to facilitate the widening of Lancefield Road.

Otherwise the site presents a gently rolling landscape sloping from Lancefield Road towards the Emu Creek and its tributaries.

Aboriginal cultural heritage

In compliance with s 52(2) of the *Aboriginal Heritage Act 2006*, the VPA has received a copy of approved Cultural Heritage Management Plan No. 11818 for the subdivision. The received plan is approved under Part 4 of *that Act*. A planning permit must not be granted unless the subdivision is consistent with that plan.

Most aboriginal places are in the and around the Emu Creek and surrounding tributaries and will not be impacted. Some low density artefact scatters on the plateau will be impacted. Some of potential impacts envisaged in the CHMP are now unlikely to occur and vice versa. Where the likelihood of disturbance of a place is unclear the CHMP provides for management options in the case of disturbance or non-disturbance.

As the CHMP is an enforceable statutory approval under the *Aboriginal Heritage Act 2006*, there is no need to reproduce its requirements in any permit for subdivision. It is sufficient here to note that the subdivision complies with the CHMP and will not prevent the undertaking of relevant management actions. A summary of the aboriginal places, impacts and actions is provided below.

Aboriginal place	**Within development footprint?**	**Summary of management action required or harm permitted under the plan**	**Is the subdivision consistent with the plan?**
Kingfisher artefact scatters 1, 2, 3, 4 and 5 VAHR 7822-3682 VAHR 7822-3683 VAHR 7822-3681 VAHR 7822-3684 VAHR 7822-3680 Kingfisher Crest 1, Mid Slope 1 and Alluvial Flat 2 VAHR 7822-3685 VAHR 7822-3723 VAHR 7822-3714	No	Must be fenced for protection against subdivision construction activity to standards specified in CHMP (see recommendation 5 at p 206 of CHMP).	The subdivision is consistent with the approved CHMP. The CHMP allows the proposed subdivision subject to conditions. The subdivision and associated works are permitted to impact on Aboriginal places that are within the proposed development area. All artefact scatters at those

Draft permit application assessment as at ~~exhibition/submissions~~ panel hearing
170 Lancefield Road, Sunbury ('Kingfisher') P18855

Aboriginal place	Within development footprint?	Summary of management action required or harm permitted under the plan	Is the subdivision consistent with the plan?
Gellies 1 IA VAHR 7822-1454 Beer artefact scatters 1 AS, 2 As, 4 AS and 5 IA VAHR 7822-1455 VAHR 7822-1456 VAHR 7822-1458 VAHR 7822-1459			Aboriginal places may be locally relocated with appropriate care. Protection of those Aboriginal places at risk of impact during construction must be fenced. Those places considered not at risk, must not be impacted but are not subject to physical protection conditions.
Low density artefact scatter VAHR 7822-3687-1-37	Yes – 3 of 24 places containing artefacts No – 21 of 24 places containing artefacts	If impacted: Salvage and recording (see recommendation 3 at p 205 of CHMP). If not impacted - Must be fenced for protection against subdivision construction activity to standards specified in CHMP (see recommendation 5 at p 206 of CHMP).	
Kingfisher Crest 2 VAHR 7822-1896	Potentially	If impacted: Salvage and detailed recording (see recommendation 2 at p 203 of CHMP). If not impacted: Must be fenced for protection against subdivision construction activity to standards specified in CHMP (see recommendation 5 at p 206 of CHMP).	

~~The approved Cultural Heritage Management Plan No. 11818 ('the CHMP') describes artefacts of low to medium scientific value on the land as follows:~~

- ~~*Low density scattered artefacts VAHR#7822-3687*: Eight areas of low density scattered artefacts on the site described in the CHMP. Overall there are 37 artefacts across 24 locations representing an extremely low density and interpreted as incidentally discarded and highly disturbed. There is not enough material or density in this scatter to provide any reliable scientific insight and hence the CHMP attributes them a low and very low scientific value (both level of significance are described in the report for this scatter).~~

  ~~Of the 24 locations, two are in the works area for this application: at the existing home and outbuilding complex; and one on the southern edge of the westernmost Emu Creek tributary.~~

~~The CHMP recommends collection of these artefacts prior to development and reburial after development finishes in a location unlikely to be disturbed. This can occur without any changes to the application or requirements in the permit.~~

- ~~*Kingfisher Crest 2 VAHR#7822-3703*: This is a 4 x 3.5m site populated with 83 underground artefacts. Ploughing of the land has resulted in artefacts being distributed beyond their original location. It is thought to have been a short term hunting position at which stone tools were crafted. Its medium significance results from the higher density of artefacts that allows greater certainty in interpreting past aboriginal use of this place.~~

  ~~This place is located at the edge of the proposed development. It is unclear whether it will be impacted by works. The CHMP recommends that this place be protected in its current state where it is not within the development area. Given it is likely that with careful management during construction it can be preserved as it is, the permit should include conditions for protection of the place during construction.~~

- ~~*Kingfisher Alluvial Flat 2 VAHR#7822-3714*: The site is described as having an area of 130 x 50m (p124) and 250 x 60m (p126) and containing 27 artefacts. The site is of moderate significance in light of its rarity and research value.~~

  ~~This site is located within an area to be developed for drainage including the construction of retarding basins an associated works. However the CHMP anticipates a "likely minimal impact" on the place by the development and recommends that only 'beaching' and 'shoring' associated with the drainage works occur on the edge of the place. The CHMP mandates that no earthworks take place within the area.~~

  ~~However the application plans show a retarding basin with an overall area of 8,672sqm including 4,000sqm of water storage. It seems unlikely that the retarding basin works would not require significant engineered earth movement to create the required water retarding shape. Therefore the proposed development outcome for this site appears to be inconsistent with CHMP recommendation.~~

- ~~*Beer 1 AS 7822-1455*: This is a 30 x 10m site on the northern bank of the Emu Creek tributary on the site. It comprises 15 artefacts and is considered of low scientific significance as it is a common example of the casual discard of tools or tool making material which has been highly disturbed by subsequent management of the land.~~

  ~~This site is located within an area to be developed for drainage including the construction of retarding basins an associated works. The CHMP anticipates the artefact scatter is unlikely to be impacted by the development. In any event the CHMP recommends that either the artefacts be collected and reburied if development disturbs the site or that the area be fenced off and protected from construction works in the event that the site is not to be impacted by the final form of the development. The relevant recommendation can be addressed during the detailed design construction phase. The issue of a permit for the development without specific reference to the site would not be inconsistent with this recommendation.~~

~~It appears that no other identified Aboriginal heritage places described in the approved CHMP will be impacted by the development proposed in the application.~~

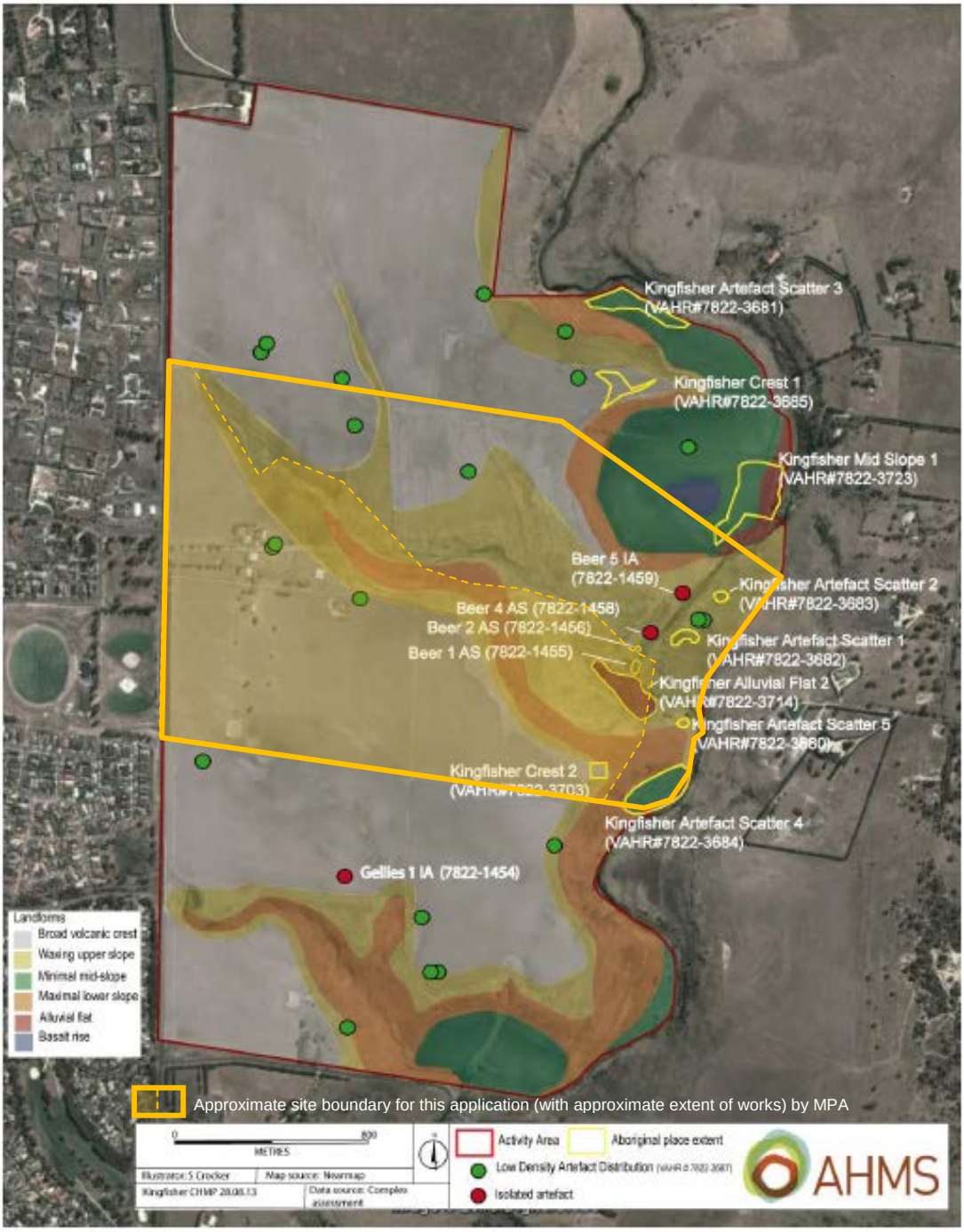


Figure 86: Location of Aboriginal place extents referred to in the Management Recommendations
Source: Approved Cultural Heritage Management Plan No. 11818

Table 52: Management requirements for registered Aboriginal places located within the activity area. The location and extent of each Aboriginal place is shown on Figure 86.

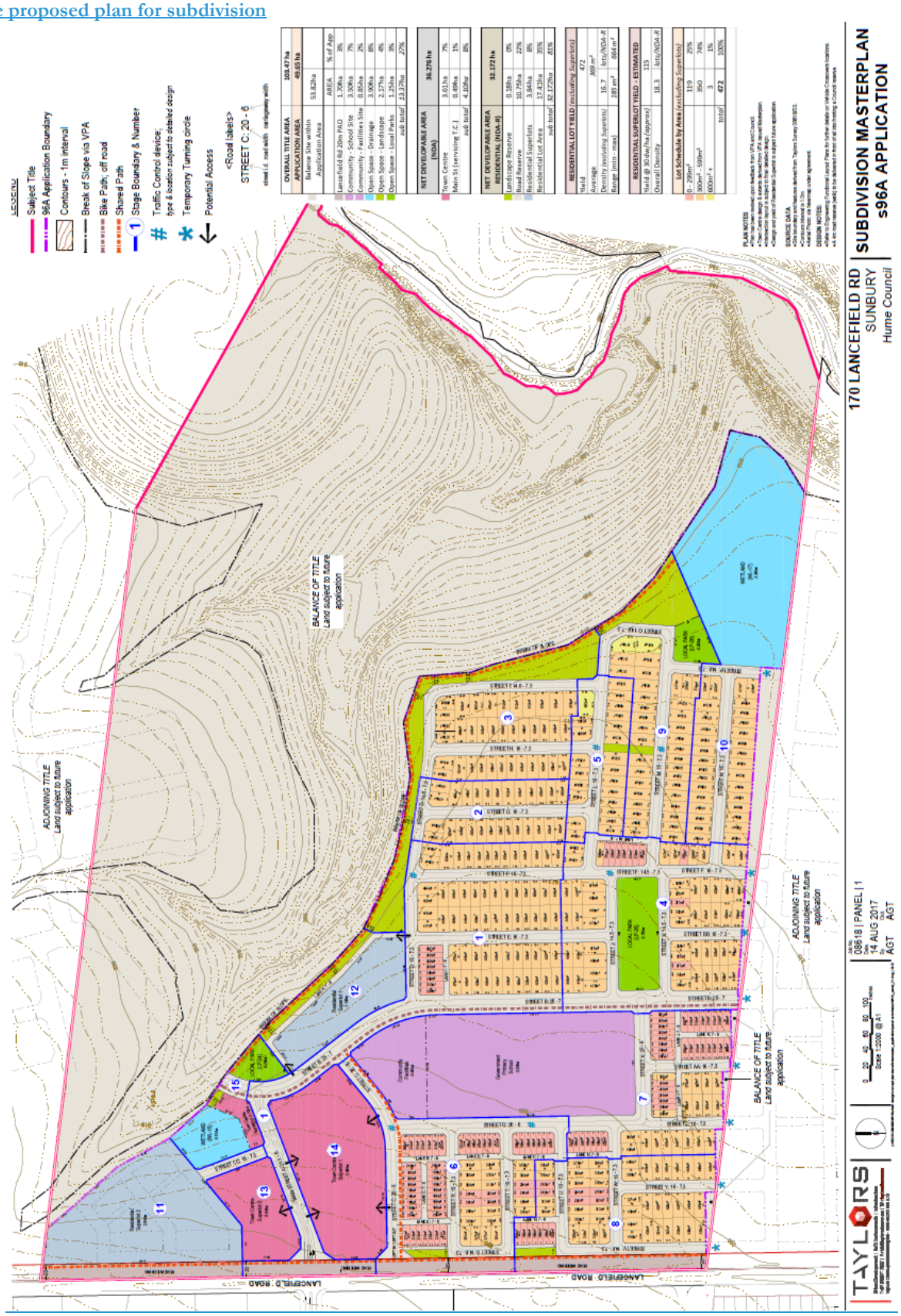
Aboriginal place (VAHR name and number)	Scientific significance	Impact Likelihood	Requirements if impacted	Requirements if not impacted
Kingfisher LDAD (VAHR 7822-3687-1-37)	Low	Definite	Recommendation 3	NA- Definite impact
Kingfisher Crest 1 (VAHR 7822-3685)	Moderate	Likely	Recommendation 2	Recommendation 5
Kingfisher Crest 2 (VAHR 7822-3703)	Moderate	Unlikely	Recommendation 2	Recommendation 5
Kingfisher Mid slope 1 (VAHR 7822-3723)	Moderate	Likely	Recommendation 2	Recommendation 5
Kingfisher Alluvial Flat 2 (VAHR 7822-3714)	Moderate	Likely minimal impact	NA- Minimal impact	Recommendation 5
Kingfisher Artefact Scatter 1 (VAHR 7822-3682)	Moderate	Unlikely	Recommendation 4	Recommendation 5
Kingfisher Artefact Scatter 2 (VAHR 7822-3683)	Low	Unlikely	Recommendation 4	Recommendation 5
Kingfisher Artefact Scatter 3 (VAHR 7822-3681)	Moderate	Unlikely	Recommendation 4	Recommendation 5
Kingfisher Artefact Scatter 4 (VAHR 7822-3684)	Moderate	Unlikely	Recommendation 4	Recommendation 5
Kingfisher Artefact Scatter 5 (VAHR 7822-3680)	Low	Unlikely	Recommendation 4	Recommendation 5
Gellies 1 IA (VAHR 7822-1454)	Low	Likely	Recommendation 3	Recommendation 5
Beer 1 AS (VAHR 7822-1455)	Low	Likely	Recommendation 3	Recommendation 5
Beer 2 AS (VAHR 7822-1456)	Low	Unlikely	Recommendation 4	Recommendation 5
Beer 4 AS (VAHR 7822-1458)	Low	Unlikely	Recommendation 4	Recommendation 5
Beer 5 IA (VAHR 7822-1459)	Low	Unlikely	Recommendation 4	Recommendation 5

~~Source: Approved Cultural Heritage Management Plan No. 11818~~

~~The CHMP and application documents appear to be inconsistent with each other. For example the drainage plan (Dwg No CG140997 – CI-SK02 Rev A, by Cardno, dated 12-05-2015), shows areas marked 'AHMS – ARTEFACT SCATTER EXTENT', 'AHMS – AREAS OF POTENTIAL', 'AHMS – VAHR LOCATIONS', 'AHMS – ISOLATED ARTEFACTS'. The areas as marked on the drainage plan need to be accurately mapped to reflect the approved CHMP. This will enable an informed determination of the application's consistency with the approved CHMP.~~

2. THE APPLICATION

The proposed plan for subdivision



Draft permit application assessment as at ~~exhibition/submissions~~ panel hearing
170 Lancefield Road, Sunbury ('Kingfisher') P18855

The application is to subdivide the land into:

- ~~419~~ 472 individually serviced residential lots
- ~~Four~~ Two lots likely to be further developed with multiple dwellings on each lot
- ~~Two~~ Three lots to accommodate the future development of a town centre
- A lot for a municipal community facility
- A lot for a government primary school
- Reserves for local roads, local open space and drainage
- A large lot containing undeveloped land.

The newly proposed lots and associated works are generally located within the southwest half of the site. They border the south side of the heavily incised drainage line that fans out as it travels between the site's northwest and southeast corners to join Emu Creek. ~~The drainage line will be subject to reshaping so as to accommodate increased surface water flows via a system of sediment basins, retarding basins and wetlands.~~

To facilitate the use of the land once subdivided, the application shows a 24m wide connector street entering the site opposite Rolling Meadows Drive. The street would form a fourth leg to the existing T-intersection of Rolling Meadows Drive and Lancefield Road. The street extends east/northeast some 200m into the site to form the main street of the proposed town centre. It then turns southeast to become a 25.5m wide connector street along a gentle arc so that it is heading south by the time it intersects the site's southern boundary.

From this central connector street arrangement extend 20m and 16m local roads servicing two small residential neighbourhoods south and southeast of the town centre including the school and community facility and future development sites to the north and east of the town centre. All streets on the plan are through-streets.

The open space and drainage land at the eastern edge of the site is bordered by a street for the majority of its boundary with the residential development area; the exception being the land shown to be developed in future which directly abuts the open space ~~and drainage land~~. Drainage of the land is to be managed through the directing flows through the street network to two major wetlands at the northwest and southeast of the subdivision respectively.

The residential lots range in size from ~~210sqm~~ 185sqm to ~~855sqm~~ 663sqm with around approximately ~~70%~~ 74% of lots having an area of between 300 and 500sqm.

Application documentation – submitted 12 June 2015

- Application form
- Registered Search Statement for Lot 4 on Plan of Subdivision 208321M
- Copy of Plan of Subdivision 208321M
- Copy of GAIC notice
- The prescribed fee

~~* the application is not a leviable application~~

Accompanying plans and reports – submitted 12 June 2015

- Lancefield Road PSP 1075 - Traffic and Transport - Cardno - 5 June 2015 (superseded)
- Storm Water Management Plan - 2 June 2015 - PSP 1075
- Services Report - TPG - 5 June 2015 (superseded)
- Kingfisher Town Centre - Economic Assessment - 3 June 2015 (superseded)
- Approved CHMP - 10 June 2015 - PSP 1075
- Wincity Planning Report - Final - TPG - 10 June 2015 (superseded)
- Landscape Masterplan - 1 June 2015 - PSP 1075
- Housing Typology plan - drawing - Housing Type C - 4 June 2015 - PSP 1075
- Housing Typology plan - drawing - Housing Type B - 4 June 2015 - PSP 1075

- Housing Typology plan - drawing - Housing Type A - 4 June 2015 - PSP 1075
- Town Centre Concept Plan - TPG - 10 June 2015 (superseded)
- Open Space Typology and Movement Plan - 4 June 2015 - PSP 1075
- Road Hierarchy Plan - 4 June 2015 - PSP 1075
- Land Budget and Staging Plan - 4 June 2015 - PSP 1075
- Design Response - TPG - 4 June 2015 (superseded)
- Subdivision Masterplan - TPG - 4 June 2015 (superseded)
- Overall Plan - 4 June 2015 - PSP 1075
- Site Analysis - 4 June 2015 - PSP 1075
- Application Area Plan - 4 June 2015 - PSP 1075

Accompanying plans and reports – submitted 2 July 2015

- Biodiversity - Biosis - 1 July 2015 - PSP 1075

Amended application – 18 November 2015

- town centre plan - amended November 2015
- site analysis - amended - November 2015
- master plan - amended November 2015
- design response - amended November 2015
- context plan - amended November 2015

Amended accompanying plans and reports – 8 December 2015

- traffic and transport - amended December 2015
- town centre economics - amended December 2015
- services - amended December 2015
- planning - amended December 2015

Further revisions to accompanying plans and reports following submissions and during the panel hearing – 14 August 2017

The following material was present by way of 'expert evidence' reports to the panel to which the VPA referred submissions on Hume C208 and this permit application:

- Urban design evidence statement, Lancefield Road PSP & application for planning permit P18855: by Andrew Tamme of Taylors Development Strategists 14 August 2017
- Town planning evidence statement, Lancefield Road PSP & application for planning permit P18855: by Nick Hooper of Taylors Development Strategists 14 August 2017
- Engineering (drainage) evidence statement, Lancefield Road PSP & application for planning permit P18855: by Andrew Matheson of Taylors Development Strategists 14 August 2017
- Hume Amendment C208, Expert Evidence Statement (traffic and transport) CG140997: by Chris Butler of Cardno 14 August 2017
- Expert Witness Report - Services Infrastructure: Kingfisher Estate, CG140997, by Nick Glasson of Cardno 11 August 2017

The application was not accompanied by the following as required by UGZ7:

- A Public Infrastructure Plan (PIP): the application material contains a reasonable description of higher level infrastructure that can form the basis of a PIP to be provided as part of a permit condition.
- A Phase II Environmental Site Assessment: the applicant has been requested to provide this assessment.
- Subdivision and Housing Design Guidelines: the applicant has been requested to provide this assessment.

3. BACKGROUND

Permit/site history
There is no relevant permit history for the land. It has historically been used for farming with a focus on grazing.

Consultation and external review
November 2016 prescribed exhibition and notice
On 18 November 2016, the VPA directly notified the following persons of Amendment C208 and this permit application in: Ministers, public authorities and Hume City Council as prescribed under s 96C of *the Act;* and to the owners and occupiers of land who may be materially affected by the permit. The Minister for Planning granted an exemption from the need to provide each notified person a copy of the explanatory report for the amendment, the planning permit application and the draft permit – this material was at the time and remains exhibited on the VPA's website. Notices were also published in a local newspaper on 22 November 2016 and in the government gazette, being the last notice 24 November 2016.

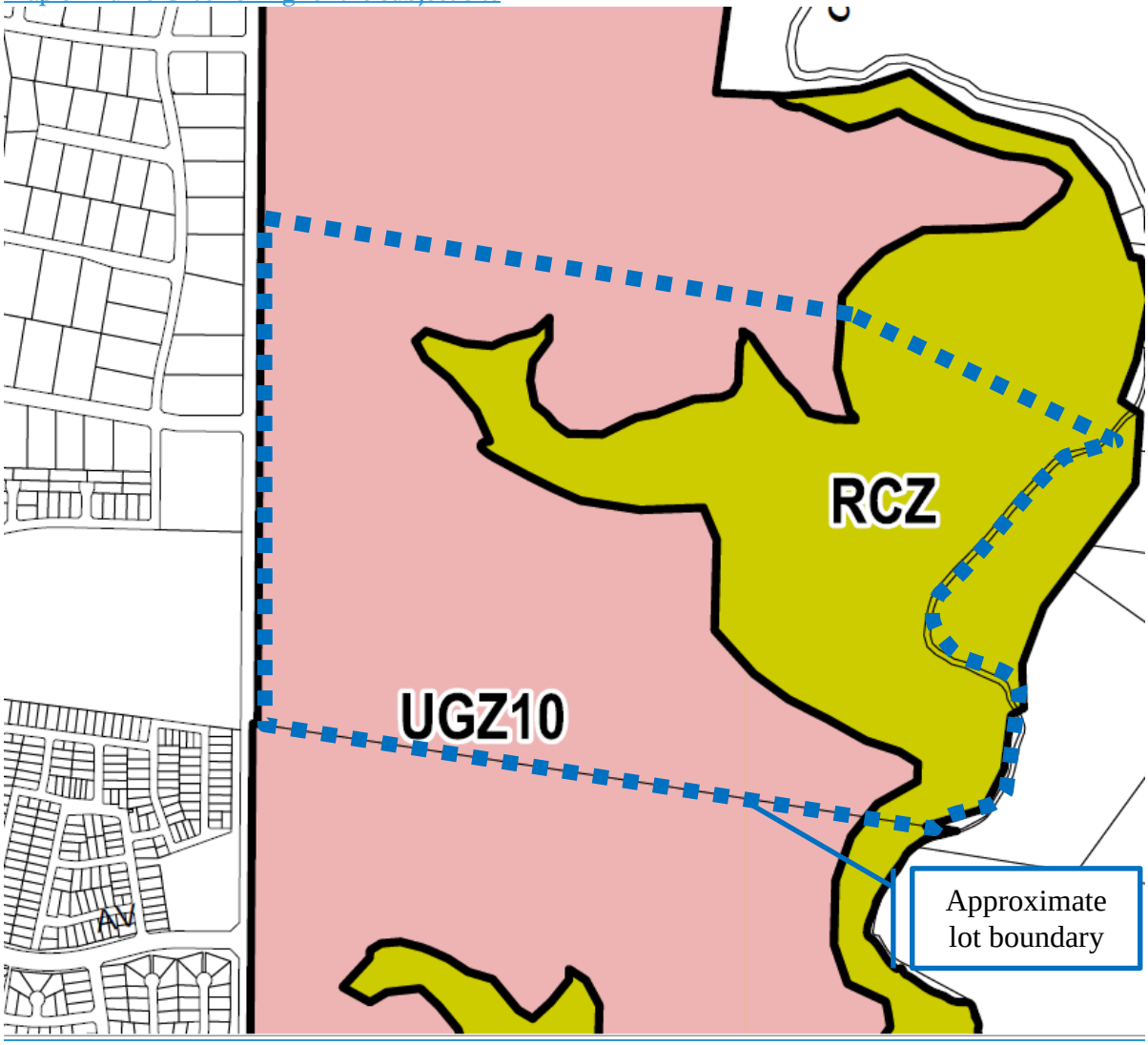
Submissions were received from:

- Hume City Council – noted additional assessment material required and improvements required generally to comply with amendment.
- Department of Economic Development, Jobs, Transport and Resources (public transport and roads) – standard conditions provided.
- ~~Villawood Properties~~Wincity (the applicant) – detailed comment on permit conditions included requests for clarification, amendment and deletion.
- Melbourne Water – objected to development basis of non-compliance with drainage requirements and planning policy.

See separately VPA's response to submissions at Panel.

4. STATUTORY CONTROLS

Map of Hume C208 zoning for the subject site



Draft permit application assessment as at ~~exhibition/submissions~~ panel hearing
170 Lancefield Road, Sunbury ('Kingfisher') P18855

The land is shown on the planning scheme zone maps as UGZ10 and RCZ. The Lancefield Road reserve is shown as RDZ1.

The frontage of the land, to a depth of 20m into the site, is shown as PAO1 on the planning scheme overlay maps. Land shown as RCZ is also shown as ESO10. Land shown as RCZ is shown as IPO3 and IPO4 to ensure the PSP applies to this land.

Permission is required for the application as follows:

Clause 37.07 Urban Growth Zone Purpose To manage the transition of non-urban land into urban land in accordance with a precinct structure plan. To provide for a range of uses and the development of land generally in accordance with a precinct structure plan. To contain urban use and development to areas identified for urban development in a precinct structure plan.	Clause 37.07-10: A permit is required to subdivide land. Any requirement in the schedule to this zone or the precinct structure plan must be met. A permit granted must: Be generally in accordance with the precinct structure plan applying to the land; Include any conditions or requirements specified in the schedule to this zone or the precinct structure plan. Schedule 10 to Clause 37.07: The use, subdivision and buildings and works provisions of Clause 32.07 General Residential Zone apply to the land under sub-clause 2.2 of Schedule 10 to the UGZ.
Clause 35.06 Rural Conservation Zone	A permit is required to subdivide the land under Clause 35.06-3. Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares. *Note: No lot area is specified in the RCZ schedule.* A permit may be granted to create smaller lots if any of the following apply: The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase; or, The subdivision is by a public authority or utility service provider to create a lot for a utility installation.
Clause 42.01 Environmental Significance Overlay Purpose: To identify areas where the development of land may be affected by environmental constraints. To ensure that development is compatible with identified environmental values.	A permit is required to subdivide the land under Clause 42.01-2.

Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a PAO for a Category 1 Road Purpose: To ensure appropriate access to identified roads. To ensure appropriate subdivision of land adjacent to identified roads.	A permit is required to create and alter access to Lancefield Road. A permit is required to subdivide land adjacent Lancefield Road.

Other relevant provisions of the planning scheme are:

Clause 43.03 Incorporated Plan Overlay Purpose: To exempt an application from notice and review if it is generally in accordance with an incorporated plan.	A permit granted must: • Be generally in accordance with the incorporated plan, unless a schedule to this overlay specifies otherwise. • Include any conditions or requirements specified in a schedule to this overlay. The *Lancefield Road Precinct Structure Plan* is the incorporated plan under Schedules 3 and 4 to Clause 43.03. The Schedule allows a permit to be other than generally in accordance with the incorporated plan with the written agreement of the Department of Environment, Land, Water and Planning. A number of environmental management conditions are listed for inclusion on permits.
Clause 52.17 – Native Vegetation Purpose: To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach: • Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity. • Minimise impacts on Victoria's biodiversity from the removal of native vegetation. • Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed. To manage native vegetation to minimise land and water degradation. To manage native vegetation near buildings to reduce the threat to life and property from bushfire.	A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply: • If the table to Clause 52.17-7 specifically states that a permit is not required. • To the removal, destruction or lopping of native vegetation specified in the schedule to this clause. • To an area specified in the schedule to this clause. An area specified in the schedule is land within the *Lancefield Road Precinct Structure Plan* area represented by the UGZ10, IPO3 and IPO4 on the planning scheme maps with the following description of native vegetation which may be removed: Native vegetation shown as 'native vegetation that be removed' on Plan 8 in the incorporated Lancefield Road Precinct Structure Plan where the removal, destruction or lopping is carried out in accordance with the 'Final approval for urban development in three growth corridors under the Melbourne urban growth program strategic assessment, 5 September 2013' pursuant to section 146B of the Environment Protection and Biodiversity Conservation Act, 1999 (EPBC Act) And Any native vegetation not shown on Plan 8 in the incorporated Lancefield Road Precinct Structure Plan.

Clause 52.36 To ensure development supports public transport usage. To ensure that easily accessible public transport networks, which are appropriate to the scale of the development, and high quality public transport infrastructure are provided as part of new development. To ensure that development incorporates safe, attractive and convenient pedestrian access to public transport stops. To ensure that development does not adversely affect the efficient, equitable and accessible operation of public transport.	As the application is a residential development for 60 or more lots, it must be referred to the Public Transport Development Authority under Clause 52.36-1.
61.05 Effect of this scheme	Land may be used or developed only in accordance with this scheme. Land must not be developed unless the land as developed can be used in accordance with this scheme. If this scheme allows a particular use of land, it may be developed for that use provided all requirements of the scheme are met.
64.03 Subdivision of land in more than one zone	A permit may be granted to create one lot smaller than specified in the scheme if all of the following are met: • The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme. • The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes: • To comply with the requirements of the Urban Floodway Zone. • To provide access to a road. • The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.

ASSESSMENT

The assessment process under Division 5 of Part 4
Sections 96I(5), 96I(6) and 96M(3) prescribe the provisions of *the Act* to be used in determining a permit application concurrent with an amendment. They relevantly state:

96I(5) Section 60(2), (4) and (5) apply to the consideration of a decision to grant a permit under this section as if any reference to the responsible authority were a reference to the Minister.

> Sections 60(2), (4) and (5) prohibits an authority granting a permit to remove or vary a restriction unless it is satisfied of certain matters. There is no application to remove or vary any restrictions, nor does the recommended permit P18854 propose granting permission to remove or vary any restrictions.

96I(6) Section 62(2) to (6) apply to a permit granted under this section by the Minister as if a reference to the responsible authority in section 62(2) (where first occurring), 62(4), 62(5) and 62(6) were a reference to the Minister.

Section 62(2) allows the Minister to place any condition the Minister sees fit on the permit. This section is the basis for the proposed permit conditions recommended to the Minister by the VPA, acting as a planning authority, for this permit.

Section 62(3) has been repealed.

Section 62(4) prohibits conditions that contravene the *Building Act 1993*, Building regulations and determinations by the Building Appeals Board. There are no such conditions proposed for this permit.

Sections 62(5) and (6) prescribe how conditions requiring works, service or facilities to be provided or funded may be imposed.

There is no development contributions plan or infrastructure contributions plan (ICP) in Amendment C208 or currently applying to the land. However, the amendment has been prepared in anticipation of an infrastructure contributions plan being approved concurrently should the amendment be approved. The Lancefield Road PSP includes 'Section 3.6 Precinct Infrastructure Plan & Staging' that details a number of infrastructure items to be included in and funded by an approved infrastructure contributions Plan. Therefore, a permit condition should be included that anticipates approval of an infrastructure contributions plan and levies the contributions accordingly.

Apart from the ICP levy, permit conditions have been included pursuant to section 62(5)(c)(i) requiring the applicant to provide conventional subdivisional works including roads, drains and landscaping, signs and the like required as a result of the development and as required under provision R87 of the incorporated *Lancefield Road Precinct Structure Plan.*

96M(3) Except as provided in this Division, Divisions 1 and 2 do not apply to an application or permit under this Division.

Division 2 allows for appeals to the tribunal and is not relevant to this assessment. However, the relevant parts of Division 1 that do not apply are Section 60(1) which would otherwise mandate the consideration of the following matters in determining an application:

(a) the relevant planning scheme; and
(b) the objectives of planning in Victoria; and
(c) all objections and other submissions which it has received and which have not been withdrawn; and
(d) any decision and comments of a referral authority which it has received; and
(e) any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and
(f) any significant social effects and economic effects which the responsible authority considers the use or development may have.

In essence these types of matters are considered through addressing proposed Amendment C208 and its strategic assessment. They will further be considered through the exhibition, notice, submissions and panel process for C208 and the permit application. Various parts of this report address these matters in any event. Even though these provisions do not strictly apply, s 60(1A) confers a broad discretion under which they may, and this report suggests they should, be effectively applied.

and Section 62(1) which requires the authority to:

(a) include any condition which the planning scheme or a relevant determining referral authority requires to be included; and
(aa) if the grant of the permit would authorise anything which would result in a breach of a registered restrictive covenant, include a condition that the permit is not to come into effect until the covenant is removed or varied; and
(b) not include additional conditions which conflict with any condition included under paragraph (a) or (aa).

> Similarly the inclusion in a permit of condition mandated by the planning scheme or authorities who would ordinarily be referral authorities is not prevented but becomes a discretion under s 62(2) subject to the limitation found in other parts of s 62. Hence the exhibited permit includes the conditions that would ordinarily be mandated for such permits by the planning scheme and the relevant determining referral authorities.

Assessment under the Urban Growth Zone and Incorporated Plan Overlay

Are the application and draft permit generally in accordance with the precinct structure plan?

Whether an application or permit is generally in accordance with the *Lancefield Road Precinct Structure Plan* is determined with reference to the natural meaning of the words 'generally in accordance'. The following principles for assessing generally in accordance have been established by the Tribunal:

> "General accordance is a question of fact, to be assessed on the facts and circumstances of each case.
>
> The less precision there is in the primary document/s, the more flexibility is given by the phrase "generally in accordance with".
>
> "Generally in accordance" does not require the proposed development to be identical to that described in the development plan or incorporated plan.
>
> It is appropriate to read the development plan or incorporated plan as a whole when making this assessment, and to have regard to the objectives, responses and plans comprising the approved plan."[1]

The *Future Urban Structure in the PSP* shows the land as accommodating a town centre opposite the current intersection of Rolling Meadows Drive and Lancefield Road. The town centre sits astride the Rolling Meadows Drive extension, with a municipal community facility and government primary school to the south.

The key themes arising for this site from the PSP Outcomes are:

- Creating well designed and integrated neighbourhoods that provide for housing choice.
- The importance of Lancefield Road as a central public asset both functionally and visually.
- Providing logical connections to the existing road network.
- Subdivisional layout that responds to the landform and creates memorable views of the surrounding landscape.
- The provision of a town centre at a scale that can cater for the existing population in the 'Goonawarra Estate' and the projected additional local population in the southern part of the PSP.
- Protection of the physical, cultural and visual quality of Emu Creek and creation of access to the creek.

The application achieves all of these outcomes as relevant to its site.

Opposite the school to the east, across the abutting connector street, is a 1.03ha local park. A significant proportion of the site is described as open space. This comprises Growling Grass Frog habitat along Emu Creek, land required to drain this site, and the site in the same ownership to the north, and land described as 'regionally significant open space' comprising the steep slopes and gully that form the north-eastern part of the site. The remainder of the site is set aside for residential neighbourhoods.

The application essentially mimics the layout in the PSP. Land areas of 0.86ha and 3.56ha assigned for the community facility and government primary school respectively are consistent with the areas nominated in the PSP. At 1ha the local park is with 300sqm of the 1.03ha park shown in the PSP or around 3% less. The developer will need to make up the difference via a cash payment under Clause 52.01 of the scheme or increase the amount of open space.

Land is shown as 'wetland and RCZ land' in the area set aside in the PSP for drainage and regionally significant open space. The boundary of this land is defined by the top of slope above the gully which it seeks to protect. Between 90 and 30m of open space is set aside between the top of the gully slope and the conventional residential

[1] *Fabcot Pty Ltd v Whittlesea CC* [2014] VCAT 600, 12, following numerous other cases as cited.

development overlooking plateau. The higher density lots between the town centre and the top of the gully slopes sit between 0 and 20m from the top of the gully slope.

The location of these lots is not such a gross intrusion into the sloped landscape as to warrant a description of not being generally in accordance with the plan. It is located over 800 metres from Emu Creek near the top of the gully and comprises a small part of one of the three planned high density lots. The lot itself will support higher density housing forms adjacent a town centre, a strategy with significant planning policy support.

The road network is shown as two connector streets facilitating the main street and its extension to the north and a main north-south road through the residential neighbourhood. The roads are capable of accommodating buses and larger service vehicles.

The application generally accords with the incorporated *Lancefield Road Precinct Structure Plan.*

~~Are t~~The requirements in the UGZ and IPO schedules ~~to the zone~~ and the precinct structure plan ~~met?~~

There are 92 requirements in the *Lancefield Road PSP*. They are addressed in the following table. For completeness the guidelines in the PSP are also addressed. There are no requirements in Schedule 10 o the UGZ or Schedules 3 and 4 to the IPO.

Many requirements are recommended for translation into permit conditions as they form detail that do not affect the primary subdivision permission. Others go to the quality and composition of the subdivision itself.

Should be managed via a permit condition/secondary consent

Application is acceptable or provision is not applicable

Application is unclear or unacceptable

Provision ID	Provision	Assessment
	Image, & character	
R1	All public landscaped areas must be planted and designed to the satisfaction of the Responsible Authority.	Permit condition
R2	Street trees must be provided on both sides of all roads and streets (excluding laneways) at regular intervals appropriate to tree size at maturity, unless otherwise agreed by the Responsible Authority.	Permit condition
R3	Trees in parks and streets must be: Suitable for local conditions. Planted in modified and improved soil as required to support tree longevity.	Permit condition
R4	Subdivision of land adjacent to a sensitive visual interface, as set out in Plan 5, must provide for an interface outcome consistent with those set out in the *Regionally Significant Landscape* cross sections at Appendix 4.2, to the satisfaction of the Responsible Authority	The layout of the subdivision adjacent the escarpment of the Emu Creek tributary is consistent with the 'Regionally Significant Landscape: Escarpment top – visually sensitive' cross section. The subdivision provides residential lots bordered by a 16 metre wide road reserve and open space. The landscape master plan accompanying the application shows a 3 metre wide shared path

		through the open space and a row of trees along each side of the roadway. Consistent with objective O7 this layout will minimise the visual impact of new development on the sloping landscape between the development and the creek by substantially setting back home lots from the escarpment. This design combines with the sheer scale of the escarpment and creek landscape to suitably minimise visual impact of development. Some provision for space between buildings on the super lots at the eastern edge of the town centre should be requirement to provide for views to the gully.
R5	Street tree planting must use locally appropriate species and be consistent with any guidance provided on the relevant cross section within this Precinct Structure Plan unless otherwise approved by the Responsible Authority.	Permit condition as per R3.
R6	Tree rows identified on Plan 2 must be incorporated into the subdivision, unless otherwise agreed with the Responsible Authority.	No tree rows are shown on the land in Plan 2.
R7	Landscape features which include, or are likely to include, Aboriginal cultural heritage must be sensitively incorporated into the subdivision.	~~The interaction of the development with recorded aboriginal heritage item – *Kingfisher Crest 2* is not clear – the item is on the edge of the development and its precise location should be shown against the CHMP to ensure the development is consistent with the CHMP.~~ See assessment against approved CHMP above. There are no readily identifiable landscape 'features' affected by the subdivision beyond those identified in the PSP, and to which the subdivision already responds.
G1	Subdivisions should respond to the topography and enhance the landscape features and view lines identified on Plan 5.	The subdivision protects the escarpment and only occupies the plateau on the land. Revegetation and managed drainage within the regionally significant landscape on the land will assist in enhancing the resilience of the escarpment to erosion in its new urban context. See also R4 above.
G2	Street networks within subdivisions should be designed to maximise the number of connections and direct views to landscape features and public open spaces, with significant landscapes and built form elements used as focal points for view lines along streets, having consideration to the need for a legible and well circulating road network. • Views towards Mount Holden and the Macedon Ranges for areas west of the rail line. • Views towards the Dandenong Ranges for areas east of Lancefield Road	The site benefits from an abundance of open space on its western flank, and focal points such as the new town centre, school and community facility in the eastern part of the site. The existing ovals and surrounding park on the west side of Lancefield Road also provide an opportunity for a visual reference. The street network successfully embeds the new neighbourhood in its setting both in terms of landscape and new public spaces. In the eastern part of the neighbourhood all east-west aligned streets take in views of the school at their western end and the existing ovals and park across Lancefield Road at their eastern end.

		Streets in the central area of the neighbourhood have views to the new local park and glimpses of the school site and Emu Creek valley from selected locations. The western part of the subdivision is highly exposed to the Emu Creek valley whose scale in relation to the neighbourhood will provide dramatic views and is likely to facilitate a strong connection to the local environment. The north-south streets in the southwest corner of the neighbourhood are the only streets without direct views to a significant public element of the neighbourhood. The wording of the guideline appears to seek to retain views Dandenong Ranges, however on this site the height of the escarpment on the east side of Emu Creek prevents views to the Dandenong Ranges.
G3	Street trees should be used consistently across subdivisions and the wider precinct to reinforce movement hierarchy and local character.	Permit condition – require landscape masterplan to demonstrate coherent tree selection.
G4	Subdivision design should preserve the opportunity for more intensive landscaping in existing wider road reserves.	The subdivision layout will allows for additional planting with the Lancefield Road reserve. Minor re-design of the open space 'wedges' between residential lots/streets and Lancefield Road is likely to be required so as to create spaces capable of sustaining screening planting.
G5	Significant trees, where possible, should be retained and located within the public domain, including parks and road reserves, unless otherwise agreed by the Responsible Authority.	There do not appear to be any significant trees on the site. Some garden and driveway planting is present. However, when compared against the taller and more robust trees in the Council reserve on the west side of Lancefield Road the trees have little visual significance and are not recorded as having any historical significance.
G6	A consistent suite of lighting and furniture should be used across neighbourhoods, appropriate to the type and role of street or public space, unless otherwise agreed by the Responsible Authority.	Permit condition.
G7	Buildings should avoid protruding above significant ridgelines and trees.	I take this guideline to include consideration of the tops of escarpment on the land as a type of ridgeline. As noted above there are no significant tress on the site. The Emu Creek tributary valley on the land and its intersection with the plateau in the eastern part of the land form a significant landscape feature of the area, particularly when viewed from the north and east. The valley becomes wider as it approaches the Emu Creek and, viewed as a whole, covers an area of land roughly equivalent to the area of proposed residential subdivision. The subdivision as a whole is located atop the plateau on the eastern part of the land. The residential development stops short of the slopes

		of the Emu Creek tributary by between 20 and 50 metres in various parts. This layout allows for most of the conventional residential development facing the tributary to avoid incursions into views to and from the valley. This will be reinforced as trees planted along the road between lots and the escarpment mature over time. The lots marked 'residential superlot' are closer to the plateau edge, and, in light of their strategic location adjacent the town centre, have the potential to accommodate larger buildings. These building will be more prominent with regard to the tributary valley. Allowing for potentially larger buildings on these lots is an acceptable outcome. The lots are located at the top of the valley away from the confluence of the tributary and the Emu Creek which forms the focus of this landscape. The valley is both steeper and shallower adjacent these lots with a level difference between the lots and the base of the valley of approximately between 4 to 14m. In this location, the scale of any potentially larger buildings will be balanced by the equally substantial scale of the valley landscape. Further the buildings act as a signal with regard to their location adjacent the town centre. Allowing for high amenity intensive development in this location, encouraged by policy, must be balanced against the objective of landscape protection.
	Heritage	
R8	Any subdivision and/or development of land adjoining a heritage site identified under the Heritage Overlay in the Hume Planning Scheme and/or of post-contact cultural heritage significance, must have regard to the heritage significance of the site and provide a sensitive interface.	The development does not adjoin any Heritage Overlay sites or sites of post-contact significance.
R9	Development of parks, streets and shared paths within or adjacent to a heritage site identified under the Heritage Overlay in the Hume Planning Scheme must be developed in accordance with the objectives of the overlay.	There is no development proposed with or adjacent to any Heritage Overlay sites or sites of post-contact significance.
G8	Any subdivision and/or development of land surrounding a possible heritage site as identified in Plan 5 should look to preserve the site as part of urban development, and where possible, integrate through adaptive re-use.	There are no heritage sites within the urban portion of the site.
G9	Where possible any heritage features not shown on the PSP maps, including stone walls, should be retained and integrated into surrounding development.	There are no heritage features within the urban portion of the site.
	Housing	

R10	Subdivision of land within walkable catchments shown on Plan 3, which typically comprise residential land within: • 400m of local town centres • 200m of community hubs • 100m of local convenience centre • 800m of train stations • 600m of the Principal Public Transport Network must create lots suitable for delivery of medium or high density housing as outlined in Table 2, and achieve a minimum average density of 17 dwellings per net developable hectare (NDH). Applications for subdivision that can demonstrate how target densities can be achieved over time, to the satisfaction of the Responsible Authority, shall be considered.	~~Additional material is required from the applicant showing residential densities in the walkable catchment.~~ ~~The current application shows a residential density of 14DPH.~~ The residential parts of the subdivision anticipate an eventual density of 18.3 dwelling per hectare. The subdivision at completion would produce an average of 16.7 residential lots across the residential part of the subdivision. It can reasonably be assumed that a limited amount of further subdivision, such as unit development, may occur over time to increase this amount. The application assumes a density of 30 dwelling per hectare on the two 'super' lots to be further developed either side of the town centre. These lots may or may not achieve 30 dwellings per hectare. However, their dual exposure to the town centre and open space and easy access to the arterial road network is realistically amenable to higher density living at these densities, noting that 30 dwellings per hectare may be achieved at lot size ranges as large as 200-250sqm, similar to the terraced lots shown in the southern parts of the subdivision. Future applications on these lots will need to have regard to the PSP and this requirement. Policy settings would also encourage further residential development in the town centre. On the whole, the application describes a subdivision capable of delivering a community that will add to the vibrancy of the town centre and surrounds through the provision an urban place that is differentiated from surrounding more conventional residential streets. It should be noted, that this is aided by a street network that provides suitably easy walking and cycling connections to the town centre and open spaces. The application
R11	Subdivision layout and lot diversity must respond to the natural features of the area, including topographical and landscape features identified on Plan 5.	The defining natural feature of the site is the escarpment and creek valley. The plan shows conventional lots and multi-unit sites along the open space at the top of the escarpment. The multi-unit sites are located above the shallower eastern end of the escarpment and at the edge of the escarpment. They take advantage of views down to Emu Creek without impacting on the more dramatic middle and western ends of the escarpment. The conventional lots are set back from the escarpment and located atop the middle and western parts of the escarpment.
R12	Subdivision in an area nominated as a 'sensitive residential area' on Plan 5 must be generally consistent with any relevant concept plan for the area.	N/A

R13	Subdivision must consider the future design of areas identified for higher density or integrated housing, and provide for: • active interfaces with adjacent streets, open space and waterways • safe and effective internal vehicle and pedestrian circulation • dwelling and lot size diversity • appropriate servicing arrangements.	The application shows four 'residential superlots' of between 0.59ha and 2.68ha adjoining the town centre and suitable for higher density residential development. Each has a boundary interface to a main road or connector street and a secondary interface to open space. Access to each is directly via the connector road network with the larger lot having access via a short local street leg through the town centre. The lots, through their generous dimensions and long frontages to a connector street demonstrate a capability of the outcomes sought by the requirement.
R14	In areas which contain slope in excess of 10% as identified on Plan 5 development must minimise landscape scarring and avoid the need for large amounts of cut and fill, to the satisfaction of the Responsible Authority.	N/A – no slope greater than 10% on developable land.
R15	Subdivisions which retains larger lots around existing dwellings must be designed to ensure that the future subdivision of these larger lots appropriately integrates with the surrounding subdivision layout.	N/A – the existing dwelling is to be demolished.
R16	Lots must front (in order of priority where a lot fronts multiple elements): • Conservation areas • Public open space • Landscape areas • Local access streets • Connector roads • Arterial roads	Lots are appropriately oriented throughout the development. Superlots are capable of delivering dwellings that front the landscape open space, effectively creating dual-fronted lots. Alternatively the super lots could accommodate back to back single dwelling lots with a frontage road to the gully should this option be pursued.
R17	Any subdivision abutting a 'fire threat edge' as defined on Plan 5 must be designed to minimise the impact of potential bushfires, including: • The provision of appropriate development setbacks from the break of slope, or other potential sources of threat • Building guidelines	There is no 'fire threat edge' shown on Plan 5 on the land. However the development is appropriately set back from the escarpment which comprises an ongoing low-risk grassfire threat. The area is a Bushfire Prone Area under the Building Regulations. The regulation require fire resistant construction techniques for dwellings in these area. There is no need to replicate the regulations through the planning system.
R18	As informed by a Bushfire Management Assessment, to the satisfaction of the Responsible Authority and the CFA Any buffer established to minimise fire threat must be functional and be able to be managed appropriately and cost effectively, to the satisfaction of the Responsible Authority and the CFA.	There is no fire specific buffer proposed in the subdivision. Open space areas as local parks and open landscape at the edge of the development are to be handed to Council. These areas will effectively form a fire buffer and will be managed by Council.

G10	Specialised housing forms, such as retirement living or aged care should: • Be integrated into the wider urban structure, • Be located in close proximity to community hubs and town centres, • Be accessible by public transport, • Not present a barrier to movement through the surrounding road network.	N/A – there are no specialised housing forms proposed.
G11	Any retaining structures (with the exception of those which are part of a building) should be: • No more than 1.0 metres in height between a dwelling and a street or public space, or where visible from a street or public space. • Set back at least 1.0 metres from any building envelope. • Staggered, with a minimum 0.75 metre distance between each stagger to allow for the inclusion of landscaping where cutting and filling is deeper than 1.0 metres. • Positioned so that associated drainage infrastructure and structural foundation are fully located within the same lot. • No more than 2.0 metres in overall height to avoid unreasonable overshadowing of secluded private open space and habitable room windows.	No retaining structures are proposed in the application. The relatively flat nature of the developable area of the site is unlikely to result in any substantial requirement for cut and fill. Subdivisional construction plans are to form part of the permit under conditions and will need assessment against the PSP where any cut and fill detail is necessary.
G12	Subdivision on sloping land should incorporate larger lots sizes and frontages to minimise the need for retaining walls and excessive excavation.	N/A – there is no sloping land on the developable area of the site.
G13	Dwellings should front or side: Waterways and the open space network (including local parks). Arterial roads and connector streets. Melbourne-Bendigo rail corridor (with a frontage road), unless otherwise agreed by the Responsible Authority.	There are no permissions required for dwellings under the current application. In any event proposed lots are cable of accommodating dwellings that front main roads and open space.
G14	Subdivision in areas of significant slope, as identified in Plan 5, should be designed based on the relevant cross sections in Appendix 4.2, or any variation that is generally consistent with the associated principles, to the satisfaction of the Responsible Authority.	N/A – no significant slope on developable areas of site.
G15	Lots capable of supporting conventional and lower density housing are encouraged in areas with more challenging topography, in particular areas in excess of 10% slope in the vicinity of the Jacksons and Emu Creeks.	N/A – no significant slope on developable areas of site.
G16	Lots on south facing slopes with a gradient greater than 5% (>2 .9 degrees or >1 in 20) should ensure dwellings or building envelopes are setback at least 2.0 metres from the northern boundary.	N/A – no > 5% slopes on developable areas of site.

G17	The cutting of land should not result in sunken houses where the top of windows or eaves of the dwelling are at road height. Windows should be clearly visible from the street.	N/A – no significant slope on developable areas of site.
G18	Earthworks exceeding 1.0 metre depth in cut or 1.0 metre depth in fill should be avoided within 1.0 metre of any side, rear or front boundary. Minor changes in gradient are acceptable within 1 metre from outside the property boundary to ensure footpaths in the road reserve have an appropriate grade or cross-fall.	See G11 above.
G19	Where a lot has a cross-fall greater than 12%, the crossover for the driveway should be located on the lower side of the lot.	See G11 above.
G20	Roads should be designed to avoid repetition in extended lengths of road (180 metres or greater) running up and down the slope.	N/A – no significant slope on developable areas of site.
G21	Commercial and retail uses should only occur in residential areas where: • The use will not detract from the residential amenity of the area • The use has appropriate access to the higher order road network, and will not cause congestion on local roads Preference will be given to locations adjacent to nominated Local Town Centres and Local Convenience Centres.	N/A – no commercial or retail uses are proposed in residential areas.
	Local town centres	
R19	Land use and development within the local town centres must respond to the concept plan in Figures 2 and 3 and address Appendix 4.1.	The land contains the Emu Creek local town centre. The subdivision of land and proposed street network in and around the town centre site are highly consistent with Figure 3 of the PSP. The design meets the relevant principles of Appendix 4.1 by locating and orienting the centre with regard to its setting – the centre: • Is located on the intersection of two connector streets; • Has an excellent interface and access to the Lancefield Road; • Directly and positively interfaces the open landscape area to the east; • Provides a secondary street access to Lancefield Road at its southern edge. The lot area set aside for the town centre is 3.54ha which is likely capable of accommodating at least 12,000sqm of floor space at ground level based on the rule-of-thumb 2:1 ancillary space to floor space ratio. Significant circulation space is already built into the centre via the proposed street network reducing some of the need for internal vehicle circulation routes. While

		12,000sqm is substantially more than the retail space envisaged for the centre in the PSP, the town centre guidelines envisage a range of other uses establishing in the town centre including office, residential and community uses. The subdivision of the town centre is responsive to the 'Local town centre design guidelines' at Appendix 4.1 of the PSP. The design allows for excellent vehicle and non-vehicle access and is well connected to the surrounding neighbourhood and its natural setting.
G22	Design of buildings in the local town centres should provide visual interest at the pedestrian scale, with active and activated façade treatments. Long expanses of unarticulated façade treatments should be avoided.	N/A – no buildings are proposed in the town centre.
	Local convenience centres	
R20	The Local Convenience Centre must have direct vehicular access to a connector road, with any access to an arterial road to the satisfaction of VicRoads.	N/A – no convenience centre on land.
R21	The Local Convenience Centre must be oriented towards the arterial road and connector road and manage the relationship and interface with surrounding uses, including the existing rural-residential development.	N/A – no convenience centre on land.
G23	The Local Convenience Centre should be located as illustrated on Plan 6.	N/A – no convenience centre on land.
G24	The Local Convenience Centres should provide for a range of tenancies suitable for a mix of local convenience retail, health, community and other services to meet local needs.	N/A – no convenience centre on land.
G25	The design of the Local Convenience Centre should consider inclusion of two storey built form and ensure that all buildings are well articulated and of a high quality urban design that reflects their location in key community hubs within the precinct.	N/A – no convenience centre on land.
G26	The Local Convenience Centre should feature a high degree of permeability and clear circulation to ensure that key destinations within the centre are easily accessible by walking or cycling.	N/A – no convenience centre on land.
	Town centre transport, access and connectivity	
R22	Heavy vehicle movements (loading and deliveries) must not front the main street/s and should be located to the rear and/or side street and sleeved or screened.	The centre is capable of accommodating large vehicle movements for loading and delivery on development lots.
R23	Main streets must be designed for a low speed environment of 40km/h or less, so vehicles and cyclists can share the carriageway safely and pedestrians can safely cross the road.	The main street consists of two short legs bookended by traffic signals at Lancefield Road and a roundabout internally. This design combined with generous pedestrian and parking areas in its cross section will contribute to a low speed pedestrian-friendly environment.

R24	Pedestrian movement must be prioritised in the design of main streets while supporting local traffic to assist access and activity.	The main street consists of two short legs bookended by traffic signals at Lancefield Road and a roundabout internally. This design combined with generous pedestrian and parking areas in its cross section will contribute to a low speed pedestrian-friendly environment.
R25	Pedestrian entrances must be located on main streets and be visually prominent, well-lit and accessible to all people in the community.	N/A – no buildings are proposed in the town centre.
R26	Safe and easy access for pedestrian and cycle trips must be provided to the town centre through the layout and design of the surrounding street network.	The new subdivisional network is highly interconnected providing for safe and direct walking routes on local streets and as well as dedicated cycle routes on connector streets and the landscape open space. The centre is also located to make access easy from the western side of Lancefield Road.
R27	Transport hubs, stops and routes must be located to facilitate access to key destinations and generate activity in town centres.	N/A – no transport stops are proposed, however the subdivision and street network are capable of accommodating suitably located stops.
R28	Car park entrances must not be provided directly from the main street, access should be provided from side streets.	N/A – no car parks are proposed in the application. Note this requirement conflicts with PSP Figure 3 concept plan which shows car park entries from main street.
G27	Bicycle parking should be provided at entry points in highly visible locations at key destinations, to the satisfaction of the Responsible Authority. Weather protection, passive surveillance and lighting should be provided to the satisfaction of the Responsible Authority.	N/A – not proposed in application.
G28	Pedestrian movements should be prioritised by providing links between the key destinations within town centres.	The subdivision provides a well-connected street network with continuous path networks. The likely locations for major buildings e.g. supermarkets and high-patronage stores are located at either end of the main street providing main street links for pedestrians.
G29	Car parking efficiencies should be provided through use of shared, consolidated parking areas.	On-street car parking along the mains street and its intersecting connector street is shown on cross sections. No on-lot car parks are proposed, however plenty of space is provided within lots for future car parks.
G30	Safe pedestrian access should be provided through all car parking areas.	N/A – no on-lot car parks are proposed.
G31	"Filtered" pedestrian permeability, accessibility, safety and walkability through centres should be encouraged.	The proposed street network is easily navigable and provides good visibility from adjoining streets and places. Further development of lots in the town centre is capable of providing through connections for pedestrians.

G32	Pedestrian priority should be provided across all side roads along main streets and all car park entrances.	This traffic management measure is capable of implementation by Council as the local road authority.
	Open space, community facilities and education	
R29	Open space must be provided generally in accordance with Plan 7 and Table 6 of this PSP.	LP-24 (0.25ha), LP-25 (0.75ha), LP-26 (0.25ha) and the landscape open space associated with the escarpment and conservation area are shown on the land on PSP Plan 7. ~~The application provides a 0.22ha local park (labelled town square) consistent with the location of LP-24 and a 1ha space consistent with the location of LP-25.~~ ~~LP-23 is also shown but this is likely to be developed as part of the subdivision north of the escarpment open space.~~ ~~The central local park should be reduced in size to more closely accord with the size guidance of 0.75ha in the PSP and from the municipal council. The application shows it as 33% larger than planned.~~ The application shows all three parks at exactly the same size as the PSP and consistent with the locations shown in the PSP.
R30	The open space network must: Provide flexible recreational opportunities that allow for the anticipated range of sporting reserves and local parks required by the community. Maximise the amenity and value of encumbered open space through the provision of shared paths, trails and other appropriate recreation elements.	The open space on the site has ample capacity to accommodate a range of low impact recreational activities such as walking/cycling trails, informal exercise and nature appreciation. The PSP does not describe any specific functions for the local parks shown on the land. However, each specified local park is sufficiently sized and shaped to accommodate the ordinary variety of uses expected of a local park.
R31	All landscaped areas to be designed in accordance with relevant guidelines, and to the satisfaction of the responsible authority, including the use of recycled water and stormwater where possible	It is not clear what is referred to as the 'relevant guidelines'. A permit condition is recommended to provide details on the composition and specifications landscaping.
R32	All local parks must be located, designed and developed in accordance with the relevant description in Table 6 and any local open space strategy to the satisfaction of the Responsible Authority. An alternative provision of land for local parks to that illustrated on Plan 7 is considered to be generally in accordance with this plan provided the local park: • Is located so as to not reduce the walkable access to local parks demonstrated on Plan 7. • Does not diminish the quality or usability of the space for passive recreation. • Is equal to or more than the passive open space provision within the ICP.	~~Additional clarity as to the relationship of the requirement to R29 is required.~~ ~~The two local parks shown in the application vary from the sizes shown on Plan 7. However they meet the criteria for variation in that they remain in the same positions as on Plan 7 and retain their intended setting or qualities and their functionality for informal recreation.~~ ~~There is a small reduction in size of the townside park from 0.25ha to 0.22ha but also an increase from 0.75ha to 1.0ha in the central neighbourhood park resulting in an overall increase in the area of land provided for public open space.~~ ~~It is notable that a significant length of open space is provided along the top of the~~

		~~escarpment with plans for it to be landscaped and provided with recreational facilities.~~ ~~The 0.25ha LP-26 shown in the southeast of the land in the PSP is not shown on the plan. However this area of the application requires revision as a result of changes made to the PSP shortly before exhibition; changes to which the applicant was afforded an opportunity to respond.~~There are no material difference between the location and size of open space in the PSP and in the application. While LP-25 would appear to be located further west that the PSP, it is s trifling difference. It is more a case of the adjacent connector street moving east towards the park. In any event, when viewed in the context of the proposed street network the park remains highly on foot for this and the future neighbourhood to the south.
R33	Where a local park as shown on Plan 7 spans across multiple properties, the first development proponent to lodge a permit application must undertake a master plan for the entire park. A proponent delivering a master plan for a local park that traverses multiple property ownerships should consult with the landowners of parcels covered by the park to ensure an integrated design.	N/A
R34	Applications with areas nominated as Passive recreation nodes are to include a concept plan showing the contours, recreational elements to be included and area required for the node, including playgrounds, shelters, landscaping, paths and accompanying seating areas to Council's satisfaction.	There is no clear indication of a 'passive recreation node' in the PSP or in the application. In any event, such detail can be suitably described via a detailed landscape plan submitted under permit condition which must considered with regard to the PSP.
R35	Lots directly fronting open space must provide for a primary point of access from a footpath or shared path proximate to the lot boundary.	All lots fronting open space can be accessed without crossing into the relevant open space. The super lots for future subdivision are proximate to a planned 3 metre wide shared path along the top of the escarpment.
R36	In exceptional circumstances, any lots backing onto open space, whether encumbered or unencumbered, must be low scale and visually permeable to facilitate public safety and surveillance.	There are no lots 'backing onto open space'. The super lots are capable of fronting dwellings to the open space. A condition requiring a restriction on title for those lots may be appropriate to ensure this requirement is met.
R37	Land designated for local parks must be finished and maintained to a suitable standard, prior to the transfer of land, to the satisfaction of the Responsible Authority.	Permit condition – landscape plan.
R38	Appropriately scaled lighting must be installed along all major pedestrian thoroughfares traversing public open space and cycling network to the satisfaction of the Responsible Authority.	Permit condition – construction plan.

G33	Subject to being compatible with Table 6, parks and open space should contain extensive tree planting.	Permit condition – landscape plan.
G34	Passive parks should cater for a broad range of users by providing a mix of spaces and planting to support both structured and unstructured recreational activities and play opportunities for all ages and abilities.	Permit condition – landscape plan.
G35	Any pedestrian link through a drainage reserve or adjoining the road network should include a provision of park seating at appropriate intervals to the satisfaction of the Responsible Authority.	The application shows paths in the landscape open space between the residential development edge and the conservation areas along and adjoining the creek corridor. A further path is shown through the east-west drainage corridor. Both paths connect to Racecourse Road. Permit condition – landscape plan – include seating requirement.
G36	Open spaces should have a road frontage to all edges except where housing fronts open space with a paper road to the satisfaction of the Responsible Authority.	The super lots do not have a road frontage to the landscape open space. However they are capable of incorporating an appropriate frontage under a future buildings and works application.
G37	Where fencing of local parks and sporting reserves within parks is required it should be low-scale and be designed to guide appropriate movement and access rather than as a barrier. Design and materials should complement the park setting.	Permit condition – landscape plan.
G38	Principles of Universal Design and Crime Prevention Through Environmental Design should be applied to encourage best practice thinking in the design and functionality of these open spaces and associated infrastructure.	Permit conditions – landscape plan including reference to *Safer Design Guidelines for Victoria.*
G39	Path networks associated with open space should include way finding signage which clearly identifies key destinations and communicates necessary information to all users.	Permit condition – landscape plan.
G40	Water- sensitive urban design principles should be used to direct water for passive irrigation in parks where appropriate and to the satisfaction of the Responsible Authority rather than being diverted to drains.	Permit condition – landscape plan, drainage plan.
	Community facilities & education	
R39	Where the Responsible Authority is satisfied that land shown as a school site is unlikely to be used for a school at ultimate development of the PSP, that land may be used for an alternative purpose which is generally consistent with the surrounding land uses and the provisions of the applied zone.	The PSP school site on the land is shown as a school lot in the application.
R40	Where the Responsible Authority is satisfied that land shown as a potential Tafe/Hospital site is unlikely to be used for that purpose at ultimate development of the PSP, that land may be used for an alternative purpose which is generally consistent with the surrounding land uses an d the provisions of the applied zone.	N/A – no tafe/hospital site shown on land in PSP.

R41	Schools and community facilities must be designed to front, and be directly accessed from a public street with car parks located away from the main entry.	N/A – no school or community buildings/works proposed.
R42	Any connector road or access street abutting a school must be designed to achieve slow vehicle speeds and provide designated pedestrian crossing points as required by the Responsible Authority.	The connector adjacent the school is wide with and has a gentle arc as it passes the school. It design is unlikely to reduce vehicle speeds albeit a 40kph school speed limit would be in place when the school commences operation. Roundabouts at the northern and southern ends of the school site are shown on the submitted road hierarchy plan which will reduce traffic speeds. Crossing points would be more usefully installed once the configuration of the school site is known and should not be required at this stage given there is no known timeframe for the opening of the school.
G41	Community facilities, schools, and active recreation reserves which are collocated should be designed to: • Maximise efficiencies through the sharing of car parking and other complementary infrastructure. • Maximise direct access and permeability for pedestrians and cyclists through and between facilities. • Apply a user centred approach to ensure these spaces are accessible, flexible, safe, intuitive and will create overall positive experiences for the community	N/A – there are no buildings and works proposed for the collocated school and community facility.
G42	Schools should be provided with three street frontages where practicable.	The school land has four road frontages.
G43	The indicative layout of community facilities, schools, and open space as illustrated in Plan 3 may be altered to the satisfaction of the Responsible Authority, in consultation with the Department of Education as appropriate.	N/A – the application proposes no material changes to community facility or school layouts.
G44	Any educational, community, or civic infrastructure not shown on Plan 3 must be located within or proximate to a Local Town Centre, Local Convenience Centre or an existing community hub, as appropriate.	N/A – the application proposes no additional facilities.
G45	Any private childcare, medical, or similar facility should be located proximate to the Local Town Centres, Local Convenience Centres or nominated community hub, as appropriate.	N/A – the application proposes no such facilities.
G46	Where a community centre is located within a town centre, efficiency of land use should be maximised through the sharing and overall reduction of car parking and consideration of a multi-storey facility where practicable	N/A – No community centre is proposed in the town centre.
	Biodiversity and threatened species	
R43	Native vegetation may be removed as illustrated on Plan 8 and in accordance with the 'Final approval for urban development in three growth corridors under the Melbourne urban growth program strategic assessment,	See assessment under Clause 52.17 schedule.

	5 September 2013' pursuant to section 146B of the Environment Protection and Biodiversity Conservation Act 1999 (Cth).	
R44	A 20m buffer zone must be provided around all edges of conservation areas 18, 19 & 20. The buffer zone must exclude buildings but may include roads, paths, nature strips, public open space and drainage infrastructure. A frontage road must be provided between the conservation area and adjacent development in accordance with the relevant cross section in the Conservation Area Interface Plan.	N/A - There are no development areas adjacent the conservation at the eastern end of the site in the PSP.
R45	Development within any Conservation Area must be in accordance with the Conservation Area Concept Plan and Interface Cross Section in Figure 3 & 4, to the satisfaction of the Department of Environment, Land, Water and Planning.	N/A – no development is proposed in a conservation area.
R46	Any public paths or infrastructure located within Conservation Area 21 must be designed and located to avoid /minimise disturbance to vegetation and Growling Grass Frog habitat. Public paths are to be generally located in accordance with the Conservation Area Concept Plan.	N/A – no development is proposed in a conservation area.
G47	Street trees and public open space landscaping should contribute to habitat for indigenous fauna species, in particular arboreal animals and birds, where practical.	Permit condition – landscape plan.
G48	The layout and design of the waterways, wetlands and retarding basins (including the design of paths, bridges and boardwalks and the stormwater drainage system) within Conservation Area 21 should integrate with the biodiversity and natural systems to the satisfaction of the responsible authorities.	See mandatory permit condition in UGZ Schedule – ensure land is under s 69 agreement or otherwise bound by conservation design and management covenant.
G49	Planting in streetscapes and parks abutting waterways should make use of indigenous species to the satisfaction of the responsible authorities.	Permit condition – landscape plan.
	Conservation area concept plan	
G50	Where appropriate, public open space areas should be co-located with conservation areas and waterways to assist with their buffering.	Significant areas of open space are located between the conservation area as shown in the PSP and the development area.
G51	Planting adjacent to the conservation area, waterway corridors and retained indigenous vegetation should be indigenous species.	Permit condition – landscape plan.
G52	Where located adjacent or nearby to each other, local parks should be designed and constructed to maximise integration with the conservation area.	There are no local parks near the conservation area.
G53	Street trees and public open space landscaping should contribute to habitat for indigenous fauna species, in particular animals and birds that use trees as habitat.	Permit condition – landscape plan.

G54	Drainage of stormwater wetlands should be designed to minimise the impact of urban stormwater on the biodiversity values of the conservation area.	~~Further assessment required against drainage scheme.~~All storm water flows generated by the site will be treated atop the plateau quite some distance from the conservation area along Emu Creek. There are no available measures for what constitutes an impact of urban storm water on biodiversity values, and no doubt it varies with each element of the ecology. Melbourne Water's acceptance of the proposed treatment regime is sufficient reassurance of an acceptable outcome. Notably, in addition to drainage management, Melbourne Water is charged with and actively carries out maintenance of the ecological health of rivers and creeks under its management,
G55	In general, trees should not be planted within 10m of native grasslands or wetlands.	Permit condition – landscape plan.
	Street network	
R47	Subdivision layouts must provide: • A permeable, safe and low speed street network that encourages walking and cycling. • Convenient access to local points of interest and destinations. • For the effective integration with neighbouring properties.	The streets network is laid out as a grid which maximises the number of routes available to move around and through the neighbourhood.
R48	The connector street network must provide a safe low speed environment.	The connector road network is consistent with the PSP. It provide a long north-south connector with a gentle arc. With traffic management devices including roundabouts it will provide and appropriate speed environment allowing for both safe through traffic and local movements.
R49	At least 30% of local streets (including connector streets) within a subdivision must apply an alternative cross section to the 'standard' cross section for these streets outlined in Appendix 4.2. Examples of potential variations are provided in Appendix 4.2, however others are encouraged including but not limited to: • Varied street tree placement, • Varied footpath or carriageway placement, • Introduction of elements to create a boulevard effect, • Varied carriageway or parking bay pavement material and • Differing tree outstand treatments. Alternative cross sections must ensure that: • Minimum required carriageway dimensions are maintained to ensure safe and efficient operation of	The main street connector and neighbourhood connector are appropriately differentiated in composition to reflect their differing functions and context. The neighbourhood connector is likely to be differentiate along the school frontage to provide a wider footpath and drop off area. Local access streets (level 1) are not differentiated in the application. However, there is opportunity to differentiate these streets at the detailed level via the construction and landscape plan permit conditions.

	emergency vehicles on all streets as well as buses on connector streets. • The performance characteristics of standard cross sections as they relate to pedestrian and cycle use are maintained. • The proposed location of services are shown and achieve the dedicated off road and shared path network in Plan 10. • Relevant minimum road reserve widths for the type of street (illustrated in Appendix 4.2) are maintained.	
R50	Where a single street spans across multiple properties that street may consist of multiple cross sections so long as a suitable transition has been allowed for between each. Where that street has already been constructed or approved for construction to a property boundary, the onus is on the development connecting into that street to adopt a consistent cross section until that suitable transition can be made.	N/A
R51	In areas of slope greater than 10%, streets must run generally with the contours where practical and include canopy street trees to minimise the visual impact of development.	N/A – no slopes greater than 10% on the site.
R52	Convenient and direct access to the connector road network must be provided through neighbouring properties where a property does not otherwise have access to the connector network of signalised access to the arterial road network, as appropriate.	N/A – the property will provide its own connector road access.
R53	Vehicle access to lots fronting arterial roads must be provided from a local internal loop road, rear lane, or service road to the satisfaction of the Responsible Authority, and provide a widened road reserve for car headlight glare barrier planting in accordance with VicRoads and the responsibility authorities requirements.	Lots fronting Lancefield Road are provided with access via loops roads.
R54	Ensure that the important Jacksons Creek Crossing responds sensitively to landform and amenity of the Jacksons Creek Corridor.	N/A
R55	Development must positively address all waterways through the use of frontage roads or lots with a direct frontage to the satisfaction of Melbourne Water and the Responsible Authority.	All lots front the landscape open space/Emu Creek tributary or have an intervening road.
R56	Streets must be constructed to property boundaries where an inter-parcel connection is intended or indicated in the PSP, by any date or stage of development required or approved by the Responsible Authority. Provision must be made for temporary vehicle turning until the inter-parcel connection is delivered.	This can be managed through approval of a staging plan under permit condition.
R57	Where determined that roundabouts are required at cross road intersections, they must be designed to slow vehicles, provide for pedestrian visibility and safety, and	Detailed design to be managed through construction plan permit condition.

	ensure connectivity/continuity of shared paths and bicycle paths.	
R58	Frontage streets are to be the primary interface between the development and rail easement shown on Plan 9, as reflected in the relevant cross section in Appendix 4.2.	N/A
R59	Where a connector street crosses a waterway on Plan 9, the developer(s) must construct a connector street bridge prior to the issue of a statement of compliance for the first stage of residential subdivision on the second side of the waterway to be developed, whether of whether that residential subdivision directly abuts the waterway.	N/A
R60	The design and construction of any crossing of the Jacksons Creek must be consistent with the 'Design and construction standards for Growling Grass Frog passage structures' (DELWP 2016) to the satisfaction of the Department of Environment, Land Water and Planning.	N/A
G56	Where a lot is six metres or less in width, vehicle access should be via rear laneway, unless otherwise approved by the Responsible Authority.	N/A – the minimum lot width in the subdivision is 7.5m.
G57	Street layouts should provide multiple convenient routes to major destinations such as local town centres, sporting fields, creek/waterway crossings and the arterial road network.	The streets network is laid out as a grid which maximises the number of routes available to move around and through the neighbourhood.
G58	Street block lengths should not exceed 240m to ensure a safe, permeable and low speed environment for pedestrians, cyclists and vehicles is achieved.	The only block length exceeding 240m is the school site. This is appropriate given the need to accommodate this large use within the walking catchment of the neighbourhood.
G59	Cul-de-sacs should be avoided wherever possible, and not detract from convenient pedestrian and cycle connections. Where cul-de-sacs are provided they must provide for walkway connections through to adjoining streets.	There are no cul-de-sacs proposed in the application.
G60	All signalised intersections should be designed in accordance with the VicRoads Growth Area Road Network Planning Guidance and Policy Principles handbook, to the satisfaction of VicRoads and the Responsible Authority.	The intersections with Lancefield Road are consistent with the PSP. The application has been sent to VicRoads for review. The detailed design of the intersections can be determined via the construction plan permit condition.
G61	The frequency of vehicle crossovers on widened verges (i.e. a verge in excess of six metres) should be minimised through the use of a combination of: Rear loaded lots with laneway access Vehicle access from the side of a lot Combined or grouped crossovers. Increased lot widths	The neighbourhood connector street shows its wider verge on the western side to enable the bike track to be adjacent the school and town centre. The western side of this road has minimal crossovers due to the adjoining school, community facility and town centre. The orientation of lots on the residential block at the connector street's southern end minimises cross overs to the connector.
	Walking and cycling	

R61	Design of all streets and arterial roads must give priority to the requirements of pedestrians and cyclists by providing: • Footpaths of at least 1.5 metres on both sides of all streets and roads unless otherwise specified by the PSP. • Shared paths or bicycle paths where shown on Plan 10 or as shown on the relevant cross-sections in Appendix 4.2 or as specified by another requirement in the PSP. • Safe, accessible and convenient crossing points of connector roads and local streets at all intersections, key desire lines and locations of high amenity (e.g. town centres and open space). Refer to the Greenfield Engineering Design and Construction Manual for typical intersection treatments. • Safe pedestrian/cyclist crossings of arterial roads at all intersections, at key desire lines, and on regular intervals appropriate to the function of the road and public transport provision. • Widened footpaths on roads abutting schools. • Pedestrian/cyclist priority crossings on all slip lanes. • Safe and convenient transition between on and off-road bicycle networks. All to the satisfaction of the coordinating roads authority and the Responsible Authority.	The majority of the requirements are reflected in the plans or are more suitably managed at the detailed design level by council asset managers. A condition should ensure that wider footpaths are built along the northern and eastern school frontages to cater for high pedestrian and cyclist volumes. Subdivisional construction plans should be assessed against this requirement.
R62	Shared and pedestrian paths along waterways must: • Be delivered by development proponents consistent with the network shown on Plan 10. • Be above 1:10 year flood level with any crossing of the waterway designed to be above the 1:100 year flood level to maintain hydraulic function of the waterway. • Be constructed on each side of the waterway to an all-weather standard that satisfies the requirements of Melbourne Water. All to the satisfaction of the Responsible Authority.	The application provides for a 3 metre shared path along the top of the escarpment above the Emu Creek tributary.
R63	Bicycle priority at intersections of minor streets and connector roads with dedicated off-road bicycle paths must be achieved through strong and consistent visual and physical cues and supportive directional and associated road signs, as per the designs in the Greenfield Engineering Design and Construction Manual, and to the satisfaction of the Responsible Authority.	Detail construction can be addressed under the construction plan condition.
R64	Bicycle parking facilities including way finding signage are to be provided by development proponents in convenient locations at key destinations such as parks and town centres.	Include this requirement under the construction plan and landscape plan conditions.
G62	Lighting should be installed along shared, pedestrian, and cycle paths linking to key destinations, unless otherwise agreed by the Responsible Authority.	Detail construction can be addressed under the construction plan condition.

G63	The alignment of the off-road bicycle path should be designed for cyclists travelling up to 30km/hr.	The path along the northeast edge of the development has numerous long and relatively straight runs to facilitate higher speed cycling. Additionally the path is adjoining by open grassed areas on either side of its 3 metre width allowing for good passing space and safe run-off areas in the event of unexpected conflict.
G64	Shared zone design principles should be incorporated for areas across the precinct that will experience a high volume and mix of pedestrians, cyclists and cars to create a more flexible and equitable transport environment.	Better resolution of shared zone areas is required across the plan. These matters under the construction plan permit condition
	Public transport	
R65	Roads and intersections shown as bus capable on Plan 10 must be constructed to accommodate ultra-low-floor buses to the satisfaction of PTV and the Responsible Authority.	The carriageway widths shown on connector street in the application are suitable for bus carriage. Details of roundabouts and other carriageway treatments can be determined under the construction plan permit condition.
R66	Bus stop facilities must be designed as an integral part of town centres and activity generating land uses such as schools, sports reserves, and employment areas.	Bus stop locations have not yet been determined by the public transport authority. Note the mandatory permit conditions in the UGZ schedule requiring resolution of bus stop location and construction.
R67	The street network must be designed to ensure all households are able to directly and conveniently walk to public transport services.	The streets network is laid out as a grid which maximises the number of routes available to move around and through the neighbourhood.
R68	Subdivision design must provide active interfaces to the rail line by provision of edge streets with landscape buffers.	N/A
R69	Subdivision design must not provide connections over the rail line, except where crossing points are nominated on Plan 10.	N/A
R70	Provide acoustic and vibration mitigation for sensitive uses that would otherwise be unreasonably affected by rail noise and vibration. Any measure must be consistent with the following: • A front fence facing a road abutting the rail reserve must be no more than 1.2m high. • A side fence facing the rail reserve must be solid for no more than 50% of the length of the lot with the balance of the length of the fence being visually transparent no more than 1.5m high.	N/A
R71	Tree reserves and landscape trails abutting the rail reserve must be designed to ensure safe use of these areas and avoid facilitating opportunistic access to the rail reserve.	N/A
R72	Galvanised cyclone fencing to 1.2m in height, or otherwise agreed by the rail reserve land manager, must	N/A

<table>
<tr><td></td><td>be constructed by the developer along the shared boundary with the rail reserve.</td><td></td></tr>
<tr><td>G65</td><td>Development should provide a frontage road between new sensitive land uses and rail reserves.</td><td>N/A</td></tr>
<tr><td>G66</td><td>Where noise walls or mounds are proposed, these should be sited and designed to facilitate ongoing maintenance.</td><td>N/A</td></tr>
<tr><td>G67</td><td>Where noise walls or mounds are proposed, they should be designed to contribute to an attractive neighbourhood. Alternative uses, such as open space, car parking or play areas should be provided to minimise the need for noise walls or mounds, where practical.</td><td>N/A</td></tr>
<tr><td></td><td>Street and slopes table</td><td></td></tr>
<tr><td></td><td><table>
<tr><th>STREET / ROAD TYPE</th><th>DESIRABLE MAXIMUM SLOPE</th><th>ABSOLUTE MAXIMUM SLOPE</th></tr>
<tr><td>Access</td><td>10</td><td>20</td></tr>
<tr><td>Connector</td><td>8</td><td>12</td></tr>
<tr><td>Connector (bus capable</td><td>6</td><td>9</td></tr>
<tr><td>Arterial</td><td>5</td><td>7</td></tr>
</table></td><td>The developable areas of the site does not exceed any of the desirable maximum slopes.</td></tr>
<tr><td></td><td>Street cross sections table</td><td></td></tr>
<tr><td></td><td><table>
<tr><th>NAME</th><th>WIDTH</th><th>DESCRIPTION</th></tr>
<tr><td>Connector Street - Standard</td><td>25.5m</td><td>Connector road cross section where no road reserve currently exists</td></tr>
<tr><td>Arterial Road (Sunbury Road)</td><td>60.0m</td><td>Arterial road cross section where the road reserve currently exists, with opportunities for median and/or verge planting in expanded reserve.</td></tr>
<tr><td>Arterial Road (Lancefield and Vineyard Road) - Standard</td><td>40.0m - 42.0m</td><td>Arterial road cross section where the road reserve currently exists (including existing provision for widening)</td></tr>
<tr><td>Boulevard Connector - (Sunbury Ring Road extension)</td><td>34.0m</td><td>Boulevard connector cross section where no road reserve currently exists</td></tr>
<tr><td>Rural style connector (Racecourse Road)</td><td>20.0m</td><td>Connector Road cross section option which draws on the character of rural roads with a swale on both sides rather than kerb and channel.</td></tr>
</table></td><td>The subdivision provides for the road reserve widths described in this table.</td></tr>
</table>

	Integrated water management	
R73	Final design and boundary of constructed waterway corridors, retarding basins, wetlands, stormwater quality treatment infrastructure and associated paths, boardwalks, bridges and planting, must be to the satisfaction of Melbourne Water and the Responsible Authority.	Melbourne Water, by correspondence 15 August 2017, have indicated their conditional satisfaction with the subdivision application with regard to the storm water flow regimes, boundaries of proposed wetlands in the plan and their functional design generally. Conditions supplied by Melbourne Water will address the more detailed aspects of the requirements. ~~The applications does not accord with the drainage layouts shown in the PSP and requires revision following further consultation with Melbourne Water.~~
R74	Stormwater conveyance and treatment must be designed in accordance with the relevant development services scheme or drainage strategy, to the satisfaction of Melbourne Water and the Responsible Authority including: • Overland flow paths and piping within road reserves will be connected and integrated across property/parcel boundaries. • Melbourne Water and the Responsible Authority freeboard requirements for overland flow paths will be adequately contained within the road reserves.	See assessment under R73 above. ~~The applications does not accord with the drainage layouts shown in the PSP and requires revision following further consultation with Melbourne Water.~~
R75	Stormwater runoff from the development must meet or exceed the performance objectives of the Best Practice Environmental Management Guidelines for Urban Stormwater Management (1999) prior to discharge to receiving waterways.	See assessment under R73 above. ~~The applications does not accord with the drainage layouts shown in the PSP and requires revision following further consultation with Melbourne Water.~~
R76	Stormwater conveyance and treatment must ensure impacts to native vegetation and habitat for Matters of National Environmental Significance within conservation areas are minimised to the greatest feasible extent. Where practical natural or pre-development hydrological patterns must be maintained in these areas.	See assessment under G54 above. ~~The impacts of stormwater management on conservation area 22 is not clear. This issue will require assessment following revisions to the stormwater management system required above.~~
R77	The regional stormwater harvesting scheme designed to reduce the volume of stormwater discharge to receiving waterways and their tributaries must be nominated in the approved regional integrated water management plan for the precinct	N/A – there is no approved regional integrated water management plan for the precinct and so this requirement is inoperative at this time. ~~Not clear what this condition is seeking from the application or whether it is relevant to the application. If it seeks consistency with a regional plan by a water or drainage authority such a matter can be satisfactorily addressed under permit condition by those authorities.~~
R78	Development must have regard to the relevant policies and strategies being implemented by the Responsible Authority, Melbourne Water and Western Water,	N/A - The requirement refers to unknown documents and is incapable of assessment. As this is a subdivision application, if any such documents are relevant they will be addressed by

	including any approved integrated water management plan	the relevant authorities in their referral of municipal authority roles. ~~The applications does not accord with the drainage layouts shown in the PSP and requires revision following further consultation with Melbourne Water.~~
R79	Water management features proposed in conservation areas must accord with the relevant design requirements prepared by the Department of Environment, Land, Water and Planning (DELWP) for water management assets in conservation areas identified in the Biodiversity Conservation Strategy. Approval from DELWP is required for any additional water management features in conservation areas.	There are no proposed water management features in conservation areas. ~~The impacts of stormwater management on conservation area 22 is not clear. This issue will require assessment following revisions to the stormwater management system required above.~~
G68	Development should support and facilitate the use of alternative water supplies nominated in the approved integrated water management plan for the precinct.	N/A - there is no approved integrated water management plan for the precinct and so this requirement is inoperative at this time.~~It is not clear what plan or document is referred to as being the 'approved integrated water management plan for the precinct'.~~
G69	Maximise the potential for integration of stormwater management infrastructure with recreation and environmental uses in open space where this does not conflict with the primary function of the open space.	~~There is likely to be significant integration of stormwater management with the landscape open space to be set aside around the Emu Creek tributary.~~ ~~Assessment by Melbourne Water required~~Wetlands are located adjacent open space areas with the ability to provide integrated and complementary final design.
G70	In natural waterways: • Minimise earthworks and changes to the existing landform; • Retain existing vegetation; • Appropriate revegetation of the waterway riparian corridor to increase erosion resistance.	There are no proposed works, including native vegetation removal, in waterways. ~~The applications does not accord with the drainage layouts shown in the PSP as described above and requires revision following further consultation with Melbourne Water.~~ ~~However, this level of construction detail is most appropriately assessed by Melbourne Water at the permit condition stage.~~
G71	The design and layout of roads, road reserves, car parks and public open space should optimise water use efficiency and long-term viability of vegetation and public uses through the use of overland flow paths, Water Sensitive Urban Design initiatives such as rain gardens and locally treated storm water for irrigation.	~~The applications does not accord with the drainage layouts shown in the PSP and requires revision following further consultation with Melbourne Water.~~ The street network of the subdivision is capable supporting water sensitive urban design features. Final determination of these features is a matter for the municipal council in its drainage management role under construction/ engineering plan permit condition.
G72	Increase the use of fit-for-purpose alternative water sources such as storm water, rain water and recycled water.	~~No provision is made to use retained storm water for irrigation. Further review is required by Melbourne Water, Western Water and the Hume City Council.~~

		N/A - there is no approved regional integrated water management plan for the precinct and so this requirement is inoperative at this time.
G73	Integrated water management systems should be designed to: • Support and enhance habitat values for local flora and fauna species. • Enable future harvesting and/or treatment and re-use of stormwater.	The applications does not accord with the drainage layouts shown in the PSP and requires revision following further consultation with Melbourne Water. However, this level of construction detail is most appropriately assessed by Melbourne Water at the permit condition stage.
G74	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. Where lots with direct frontage are provided, they should be set back up to 5 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 development provides extensive street frontage to the Emu Creek tributary. Lots directly abutting the tributary are of a size that is capable of providing an appropriate interface through well designed buildings and works under a further permit application.
	Utilities	
R80	Trunk services are to be placed along the general alignments shown on Plan 12, subject to any refinements as advised by the relevant servicing authorities.	There are no trunk services shown within the land on Plan 12. The convention referral authority conditions should be used to resolve the location of services. Permit condition for referral.
R81	Delivery of underground services must be coordinated, located, and bundled (utilising common trenching) to facilitate the planting of trees and other vegetation within road verges.	The subdivision is capable of accommodating common trenching. Delivery of this requirement is highly reliant on the performance and cooperation of referral authorities whose assets are to be located in road reserves. S 14A of *the Act* is now in place requiring these authorities to consider the planning scheme which includes the PSP as an incorporated document and in turn this requirement. A permit condition should be included to reflect this obligation. ~~The application does not proposed to use common trenching.~~ ~~It is not clear how achieveable this is given the conflicting requirements and determining referral authority status of service authorities.~~
R82	All new electricity supply infrastructure (excluding substations and cables of a voltage greater than 66kV) must be provided underground.	Permit condition to satisfaction of electricity supply authority.
R83	Where existing above ground electricity cables of 66kV voltage are retained along road ways, underground conduits are to be provided as part of the upgrade of these roads to allow for future undergrounding of the electricity supply.	No upgrades are proposed to Lancefield Road beyond conventional intersection works associated with upgrading access to the site.

R84	Utilities must be placed outside of natural waterway corridors or on the outer edges these corridors to avoid disturbance to existing waterway values, native vegetation, significant landform features and heritage sites, to the satisfaction of Melbourne Water and the Responsible Authority.	No detail is provided as to the location of utilities. Include as permit condition.
R85	All lots must be provided with potable water, electricity, reticulated sewerage, drainage, gas and telecommunications to the satisfaction of the relevant servicing authority.	Permit conditions to satisfaction of relevant supply authorities.
R86	Any plan of subdivision must contain a restriction which provides that no dwelling or commercial building may be constructed on any allotment unless the building incorporates dual plumbing for recycled water supply for toilet flushing and garden watering use should it become available	Include requirement as permit condition.
G75	Above ground utilities should be located outside of key view lines and screened with vegetation, as appropriate.	Permit condition.
G76	Existing above ground electricity cables should be removed and re-routed underground as part of a subdivision (excluding cables greater than 66kV).	Permit condition.
G77	Design and placement of underground services in new or upgraded streets should utilise the service placement guidelines outlined in Appendix C.	Permit condition.
G78	Utility easements to the rear of lots should only be provided where there is no practical alternative.	Permit condition.
	Retarding basins table	
	WI-15 3.40 Retarding Basin Generally located as shown on Plan 11 Council WI-17 2.70 Retarding Basin Generally located as shown on Plan 11 Council	The application shows WI-15 and WI-17 in a location and configuration to the satisfaction of Melbourne Water as the drainage authority for the area. ~~WI-15 and WI-17 are shown on the land in the PSP. Neither of these assets are represented on in the application. The application requires revision following further consultation with Melbourne Water.~~
	Precinct Infrastructure Plan	
	The Precinct Infrastructure Plan (PIP) at Table 10 sets out the infrastructure and services required to meet the need of the proposed development within the precinct.	The application appropriately provides for the required items in the PIP including: - Land required for Lancefield Road widening - The intersection of the connector street and Lancefield Road - Land for a community centre The application also sets aside land for a government primary school.
	Subdivision works	

R87	Subdivision of land within the precinct must provide and meet the total cost of delivering the following infrastructure: • Connector roads and local streets (excluding any works specifically funded through the Lancefield Road ICP). • Local bus stop infrastructure (where locations have been agreed in writing by Public Transport Victoria). • Landscaping of all existing and future roads and local streets. • Intersection works and traffic management measures along arterial roads, connector streets, and local streets (excluding any works specifically funded through the Lancefield Road ICP). • Council/VicRoads approved fencing and landscaping (where required) along arterial roads, including glare planting. • Local shared, pedestrian and bicycle paths along local arterial roads, connector roads, utilities easements, local streets, escarpment top area and within local parks including bridges, intersections and barrier crossing points (except those included in the ICP). • Bicycle parking as required in this document. • Appropriately scaled lighting along all roads, major shared and pedestrian paths, and traversing public open space. • Basic improvements to local parks and open space (refer open space delivery below). • Local drainage system. • Local street or pedestrian path crossings of waterways unless included in the ICP or outlined as the responsibility of another agency in the Precinct Infrastructure Plan. • Infrastructure as required by utility service providers including water, sewerage, drainage (except where the item is funded through a Development Services Scheme), electricity, gas, and telecommunications. • Provision of water tapping, potable and recycled water connection points for any potential open space on the land located within the electricity transmission line easement. • Tree reserves along Lancefield Road to achieve boulevard treatments (refer to cross sections)	Integrate into permit conditions.
R88	OPEN SPACE DELIVERY All public open space (where not otherwise provided via the ICP) must be finished to a standard that satisfies the requirements of the Responsible Authority prior to the transfer of the public open space, including:	Permit condition.

	• Removal of all existing and disused structures, foundations, pipelines, and stockpiles. • Clearing of rubbish and weeds, levelled, topsoiled and grassed with warm climate grass (unless conservation reserve requirements dictate otherwise). • Provision of water tapping, potable and recycled water connection points. Sewer and gas connection points must also be provided to land identified as a sports reserve and community facility. • Planting of trees and shrubs. • Provision of vehicular exclusion devices (fence, bollards, or other suitable method) and • Maintenance access points. • Installation of park furniture including barbeques, shelters, furniture, rubbish bins, local scale playground equipment, local scale play areas, drinking fountains and kick about spaces and appropriate paving to support these facilities, consistent with the type of public open space listed in the open space delivery guide (Table 6). • Include boundary fencing where the public open space abuts private land, or as required by the Responsible Authority. • Remediated of any contamination.	
R89	Local sports reserves required as identified by a Infrastructure Charges Plan must be vested in the relevant authority in the following condition: • Free from surface/ protruding rocks and structures. • Reasonably graded and / or topsoiled to create a safe and regular surface (with a maximum 1:6 gradient). • Bare, patchy and newly graded areas seeded, top-dressed with drought resistant grass. • Consistent with the Lancefield Road ICP, where these works are not considered to be temporary works, these works are eligible for a works in kind credit against the landowner/ developers ICP obligation to the satisfaction of the collecting agency. Works associated with adjacent road construction (e.g. earthworks for a road embankment) are not eligible for a works in kind credit.	N/A – there are no sports reserves proposed on the land.
	Development and staging	
R90	Development staging must provide for the timely provision and delivery of: • Arterial road reservations. • Connector streets and connector street bridges.	The provision of the Lancefield Road arterial road reservation widening is under a Public Acquisition Overlay. As such it is subject to VicRoads purchase at subdivision. The vast majority of connector streets are shown as being delivered in Stage 1 of the development.

	• Street links between properties, constructed to the property boundary. • Connection of the on- and off-road pedestrian and bicycle network to key destinations within and outside the precinct from the early stages of development • Land for community infrastructure, active recreation and open space.	R59 of the PSP requires the connector road bridge to be delivered when development across the Emu Creek tributary commences and is not required for this subdivision. Land to the north and south are controlled by the owner of the subject site. In any event, connection to the adjoining southern parcel is planned at stage 4 of 16 stages. It is not clear how pedestrian and cycle connections will be made to the broader network. This should be further addressed. The community centre and school site are shown in an un-numerated stage. However, given their long timeframes for service delivery, land transfer is not time-critical. A detailed staging condition should be imposed requiring demonstration of the relevant outcomes.
R91	Streets must be constructed to property boundaries where an inter-parcel connection is intended or indicated in the structure plan, by any date or stage of development required or approved by the Responsible Authority.	Land to the north and south are controlled by the owner of the subject site. In any event, connection to the adjoining southern parcel is planned at stage 4 of 16 stages. Hume City Council should be consulted to determine any time-specific connection needs.
R92	Development viability and staging in this precinct will be determined largely through the availability and provision of local road infrastructure in order to access and service each development site. Within this context, development must: • Ensure safe and orderly vehicular access to the existing arterial network; and • Provide access from an arterial road to each new lot via a sealed road to service the development and constructed to an urban standard (unless specified elsewhere in the PSP), all to the satisfaction of the responsible authority.	The staging plan in the application demonstrates that proper sealed road access will be available to the arterial network at the first stage of development.
G79	Infrastructure projects identified in the Precinct Infrastructure Plan at Table 10 should be delivered as per the timing priority identified in the timing column of Table 10 as set out in the Sunbury Infrastructure Coordination and Delivery Strategy.	The PSP does not provide specific timeframes for the L, M or S 'indicative timing' in the PIP. They are assumed to be long, medium and short term. Land required for Lancefield Road widening – required long term – will be provide at subdivision. The intersection of the connector street and Lancefield Road – required short term – will be delivered at stage 1. Land for a community centre – required medium term – will be provided at subdivision although no stage timing is provided.

G80	Where infrastructure is proposed to be delivered outside of the sequence identified in Table 10, the onus is on the developer to fund the infrastructure works as 'Works In Kind'. Credit may not be available for reimbursement to the developer until such time as the Phase trigger identified in Table 11 is reached.	Any variations to infrastructure contributions are more appropriately agreed between the collecting agency and the applicant through an on-title agreement that can be entered into under a permit condition.

Conditions in the UGZ and IPO schedules and the precinct structure plan

There are a number of conditions shown in the UGZ and IPO schedules that would be mandatory if the permit was being considered under Division 1 of Part 4 of *the Act*; see s 62(1)(a). These conditions should be imposed on this permit as described in those schedules.

As there is no power in *the Act* to impose permit 'notes' as described in the IPO schedule, the note described in the schedule will not be included in the permit. However, it may be appended in correspondence accompanying the permit.

Commonwealth and Victorian biodiversity and native vegetation requirements

Commonwealth and state biodiversity approvals are reflected and implemented in Hume C208. The land is subject to a 'strategic assessment' action approval under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). The approval permits all actions associated with urban development subject to conditions. The outcome of the approval on this land is the creation or maintenance of parts of two conservation areas around Jacksons Creek either in private or public ownership and management.

Hume C208 implements the Part 10 approval through:

- Showing the conservation areas in the *Lancefield Road Precinct Structure Plan* as applicable to the land;
- Imposing mandatory conservation-related permit conditions through the Urban Growth Zone and Incorporated Plan Overlay;
- Providing an exemption from the requirement to remove native vegetation in the schedule to Clause 52.17 Native vegetation conditional on compliance with the relevant requirements of the Part 10 approval.

The layout of the subdivision preserves the opportunity to achieve the conservation outcomes in Hume C208.

Provisions specifically relating to the 'balance lot'

The land currently comprises a single 103.47 hectare lot. It is in the Urban Growth Zone and Rural Conservation Zone. Amendment Hume C208 would also see the land in two zones albeit with adjusted zone boundaries (See map above at Statutory Controls). One lot in the proposed subdivision, the 'balance lot' would be in the two zones.

The application described an 'application area' of 49.87 hectares; this area is really referring to the extent of proposed urban residential subdivision. The application describes the area of the lot to be created comprising the remainder of the 49.65 hectares.

The following matters are relevant:

Clause 35.06 Rural Conservation Zone

The scheme reads:

> "A permit is required to subdivide land.
>
> Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares."

The lot is greater than 40ha in area and so the pre-condition for subdivision is met. By retaining all of the conservation area and some landscape values area in one lot, the subdivision is an appropriate response to the Rural Conservation Zone. It will allow for the future development of the land for conservation uses.

Clause 42.01 Environmental Significance Overlay

A permit is required to subdivide land. Note that while vegetation will be removed as a result of the subdivision works, no vegetation is to be removed within the ESO10 area and so no permit is required to remove vegetation; see also assessment under 'Biodiversity and native vegetation across the site' above.

In substance the subdivision of land in the ESO10 area has no material effect when considered against the zone provision as no new lots are introduced to the zone and no lot boundaries are changed within the zone.

Clause 43.03 Incorporated Plan Overlay

See assessment concurrent with UGZ assessment above.

Clause 64.03 Subdivision of land in more than one zone

The scheme reads:

> "If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone."

The threshold question is whether this provision applies by creating a lot that breaches a minimum lot size requirement so as to trigger this provision.

The land currently comprises a single 103.47 hectare lot. Hume C208 proposed this lot to be zoned in various parts Urban Growth Zone and Rural Conservation Zone (See map above at Statutory Controls).

This application proposed one 49.65 ha lot that will be in more than one zone. The Urban Growth Zone impose no minimum lot areas. The Rural Conservation Zone has a minimum area of 40 hectares. At 49.65 hectares, the lot in two zones does not breach any of the minimum lot sizes in any of the relevant zones and there is no need for a permit under Clause 64.03.

Provisions relating to Lancefield Road

Clause 45.01 Public Acquisition Overlay

The land as it abuts Lancefield Road is under a Public Acquisition Overlay (PAO) for the widening of Lancefield Road. As it abuts the subject land, it appears that part of PAO affects the existing road reserve. So while the planning scheme maps dimension the whole overlay as '20m' wide, only 12-13m of that appears to affect the subject land.

A permit is required to: use land for a road, subdivide land (including associated works) and destroy and lop vegetation.

The application actually fulfils the aim of the overlay by creating the ultimate road reserve for Lancefield Road and upgrading the carriageway to allow for the new development. There is no significant vegetation in the PAO area. It is anticipated that transfer of the land will occur through subdivision. All the relevant permissions above should be provided.

Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a PAO for a Category 1 Road

A permit is required to create and alter access to Lancefield Road.

A permit is required to subdivide land adjacent Lancefield Road.

Transport for Victoria/VicRoads have provided submissions on the application. The application provides satisfactory access to and integration with Lancefield Road including:

- provision of a fourth leg to the intersection of Rolling Meadows Drive and Lancefield Road and signalisation of that intersection
- A second access to Lancefield Road to immediately south of the town centre which is limited to left turn in and left turn out movements.
- the use of loop roads to avoid direct property access from Lancefield Road.

Consideration of decision guidelines

The appropriate decision guidelines for this application under the Urban Growth Zone are:

- The decision guidelines under Clause 65.

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. There are no policies in state and local planning policies to this application that aren't already addressed in the PSP assessment.
- The precinct structure plan applying to the land, including the vision and objectives of the precinct structure plan.

Clause 65 decision guidelines
Clause 65 states:

> "Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause."

Consideration of the general decision guidelines at Clause 65 are appropriately covered in this case by the assessment against the *Lancefield Road Precinct Structure Plan* that takes into account the matters addressed in those guidelines with the exception of the matters set out in Section 60 of the Act.

While the matters at Section 60 are excluded by Section 97M subject to Section 96I as described above it is prudent to provide an assessment against those matters in Section 60 than are not addressed elsewhere in this report as follows:

The objectives of planning in Victoria
Grant of a permit for this application will fulfil these objectives. A permit would facilitate fair, orderly and sustainable development of land consistent with the planning scheme by ensuring:

- Provision of a fair share of public land and infrastructure required to service future users of the land by the developer,
- Essential services are installed up front to each proposed freehold title,
- The subdivision is laid out in a way that allows for integration with future development on adjoining land and has regard for the broader Sunbury township,
- The new community is sustained into the future with a high level of neighbourhood amenity and access to both local and regional economic opportunities & social facilities,
- Protection important natural assets on the land for the ongoing benefit of the Sunbury community, Victoria and in the case of conservation areas the national biodiversity asset.

All objections and other submissions which it has received and which have not been withdrawn

See VPA Part B submission to Panel. To be completed following consideration of panel report. ~~Objections and submissions are currently subject to review by an independent panel.~~

Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development

The development will have a significant effect on the environment as it will transform a rural landscape into an urban community. However, the enforceable conditions of the permit ensure that:

- Each occupiable lot is fully serviced with sewer, water and power so as to prevent water and ground of the area and provide efficient least cost and least impact energy by using the existing generation, transmission and distribution networks.
- Sufficient land is set aside specifically for the maintenance of natural systems including drainage and conservation processes,
- A comprehensive drainage system is to be constructed to manage increase surface water flows from the new development in a manner that will not unreasonably impact water and environment quality in Emu Creek,
- Construction process are manage in such a way as to prevent erosion, pollution and degradation of the land and its surrounds.

The environment is likely to provide some risk of bushfire encroaching on the development. This is managed through use of the higher fire protection building standards for occupiable buildings in the area as set under the

Building Regulations 2006. Further, the layout of subdivision provides for a substantial area of undeveloped and highly visible space between the bushfire threat, being the Emu Creek corridor, and the residential and commercial areas of the development. This will provide space to ensure radiant heat does not detrimentally affect new buildings and occupants. Additionally the grid-style layout of the development is such that it will afford fast and direct movement out of the area in the event of a more serious bushfire event.

Any significant social effects and economic effects which the responsible authority considers the use or development may have.

The introduction of a large new urban community will have significant social and economic effects. On the whole the new population will bring added economic benefits to the locality through increased consumption and economic interactions. These effects have been factored into the formulation of Hume Planning Scheme Amendment C208.

The development will have either neutral or positive social effects. While there will be additional demand on local social services, cash contributions tied to the provision of improved or new social services are to be made by the developer at a level that has been deemed to reasonably reflect the likely new demand generated by the prospective occupants of the neighbourhood. Additional rate revenue generated for the municipal council, and population based state and commonwealth funding models, will assist in providing services to the new community.

The neighbourhood will increase choice in shopping, services and recreation by facilitating a new local shopping centre and a significant amount of conveniently accessible open space connected to walking and cycle trails.

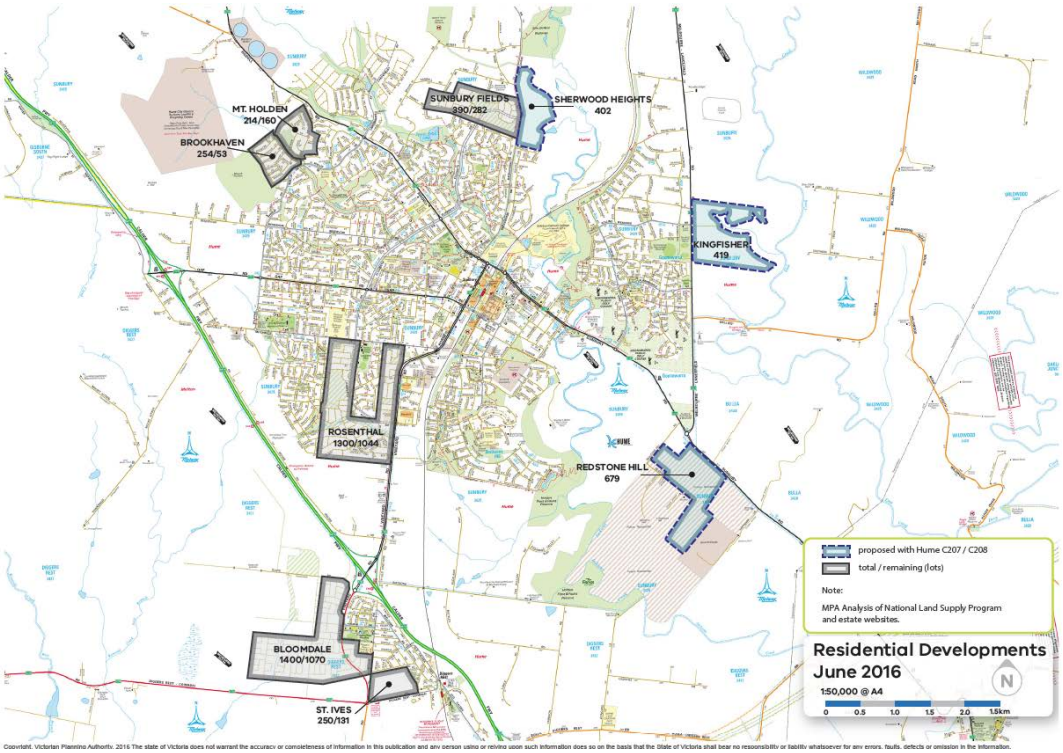
Subdivision decision guidelines at Clause 65 that are not explicitly considered through assessment with regard to the *Lancefield Road Precinct Structure Plan* appropriate to this application are:

The suitability of the land for subdivision

It can reasonably be assumed that this has been considered in growth a corridor plan and the precinct structure. Hence the land's position adjacent to the existing urban area of Sunbury and metropolitan Melbourne makes it highly suitable for intensive subdivision. Access to the range of urban services available in these areas make it a most efficient location for further urban subdivision.

Within that context, the land is to be subdivided in a manner that is suitable to its varying conditions. Broadly speaking, the flat land on the plateau in the southwest half will be developed intensively for urban uses. Its topography and excellent access to the Lancefield Road makes this part of the property highly suitable to intensive subdivision. The gully, slopes and Emu Creek in the central and eastern parts of the site will not be subdivided other than to create the appropriate reserves to delineate drainage, conservation and recreation areas as relevant.

The availability of subdivided land in the locality, and the need for the creation of further lots.



Sunbury-Diggers Rest - residential lot supply in major estates as at December 2016

Estate name	Total lots in estate	Lots remaining	Lots sold in year to December 2016
Bloomdale	1,400	957 (no stock currently for sale)	*209*
Brookhaven	245	26 (as at Feb 2017)	*23*
Mount Holden	214	158	*24*
Rosenthal	1,300	973	*126*
St Ives	250	0 (as at Feb 2017)	*199*
Sunbury Fields	390	229	*121*
TOTALS	**3,340**	**2,343**	***704***

Sunbury and Diggers Rest are a relatively self-contained land and housing market. As at December 2016 there was an estimated 89 vacant residential lots available for purchase in five estates in the two localities.[2] Based on the 704 lot sales in the year to December 2016[3] there is approximately 1.5 months supply of saleable land on the local market.

Existing supply

Approximately 2,343 planned lots remain in the area across the five major developments.[4] This represents around 3 years and 4 months supply based on the past year's sales rates. St Genevieve has recently sold out. Sunbury Fields has sold close to a third of its total stock in a little over a year, while Brookhaven has only 26 lots remaining to sell

[2] VPA analysis of *National Land Survey Program: Q1-2016, Q2-2016, Q3-2016, Q4-2016* by Research4 Pty Ltd. – Excludes Jacksons Hill Estate which has negligible remaining supply.
[3] *Ibid*.
[4] Jackson Hill as the sixth active estate has a negligible remaining supply.

with most sized at >1,000sqm. Mount Holden is proceeding slowly, while Bloomdale and Rosenthal have significantly increase sales in the last year as production ramps up.

In the absence of additional supply, by 2020 it is likely that only Bloomdale, Rosenthal and Mount Holden will remain active. This will decrease competition, may reduce quality and may increase prices as Bloomdale and Rosenthal obtain monopolies on greenfield lot production in their respective sub-markets of Sunbury and Diggers Rest. Given the 1-2 year lead times for the production of residential lots, it is prudent to commence facilitating additional supply now.

Projected need

The projected increase in population in Sunbury-Diggers Rest is just under 10,000 people in the ten years to 2026, increasing by a further 8,000 people in the succeeding five years to 2031. This equates to a need for around 5,000 new homes over the coming 15 years.[5]

Potential supply in the Lancefield Road Precinct Structure Plan area under Hume C208

There are three large developer holdings in the Lancefield Road precinct. All three holdings are at or near the existing urban edge of Sunbury. The remainder of the precinct is within private ownership that is either already developed for residential purposes, albeit low density, or some distance from the township edge.

Ensuring development of these holdings in a fair manner is key to facilitating a competitive land market in Sunbury so as to deliver on housing affordability policy and increase the quality of development. Facilitating competition in Melbourne's growth area land market has strongly contributed to the maintenance of stable retail land prices over the past five years and improved the quality of community outcomes. Development of these holdings is essential to facilitating development of the remaining private holdings in the precinct. The larger holdings will have the scale to extend essential trunk services into the precinct enabling the smaller holdings to then access these services.

Subdivision applications have been made on behalf of two of the major holdings concurrently with Hume C208. This application seeks to create 419 new residential lots. Concurrent application P18854 on Racecourse Road seeks to create 406 new residential lots. A further 689 lots to the south of Sunbury Road are concurrently proposed under Hume C207.

This application proposes a conventional range of lot sizes to service the largest part of the local market. It will add to the competition in the local market which will often lead to an increase in quality of residential neighbourhoods generally through promoting competition between sellers.

Overview

In essence, facilitation of the residential subdivision applications concurrent with C207 and C208 is likely to keep the Sunbury land market in approximately the same position as it currently stands into the medium term e.g. providing approximately 5 years of permitted lot supply delivered by between 6 and 7 developers. The greater advantage will be the increased diversity of product and location resulting from the new applications.

Conclusion

There is a demand for further urban residential lots and a town centre in the area. The application site is adjacent the existing township edge and can be adequately serviced.

The permit application for subdivision is substantially resolved.

Assessment of remediation requirements for the land and detailed design guidelines are to be provided.

The relevant application plans generally accord with the exhibited precinct structure plan.

~~Further work and resolution of drainage matters is required in consultation with Melbourne Water. However, there appear to be goodwill between the applicant and Melbourne Water to achieve as sustainable outcome on these matters.~~

Many matters of detail in the precinct structure plan can be suitably addressed through ordinary secondary consents and plans under permit.

[5] Victoria in Future 2016, home numbers assume 2.8 persons per new household with average 2.5 persons per household across the Sunbury VIFSA District as a whole.

Draft permit application assessment as at ~~exhibition/submissions~~ panel hearing
170 Lancefield Road, Sunbury ('Kingfisher') P18855

~~Subject to resolution of submissions and authority requirements the application appears likely to achieve an acceptable outcome with regard to the proposed planning scheme.~~

The application, as it stands, provides an acceptable development outcome for this site by:

- Protecting in perpetuity significant conservation and open space areas on the land including Emu Creek;
- Setting aside land for the improvement of Lancefield Road;
- Setting aside suitably located and configured land for local parks and drainage;
- Providing well-located and serviced lots for a school and a community facility;
- Integrating a functional and clear road network with Lancefield Road and the existing neighbourhood to the west;
- Providing a town centre that combines high accessibility to the broader area while integrating with its immediate surrounds;
- Allowing for further development of land to the south and north to be integrated in a fair and orderly manner
- Providing a variety of residential lot sizes and settings suitable for development of the accommodation needs of a wide range of household types.

Prepared by the Victorian Planning Authority