

# PSP 74 & 75 Sunbury South & Lancefield Road

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**Closing Submission to Panel**

19 October 2017



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# 1 INTRODUCTION

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These closing submissions are made on behalf of the Victorian Planning Authority (**VPA**) to the Panel hearing considering Amendment C207 and C208 to the Hume Planning Scheme, the Sunbury South and Lancefield Road PSPs.

The Panel is in receipt of over 30 expert testimonies and submissions in respect of discrete matters concerning the amendments. There is strong support for the amendments and their general form. These closing submissions highlight areas where:

- There exists outstanding further information;
- Further information is required to supplement or alter the position of the VPA following receipt of evidence and submissions; or
- New issues or positions have emerged.

## 2 PANEL QUERIES ARISING THROUGH THE HEARING

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Throughout the Panel hearing the Panel have made a number of queries to the VPA. Most of these are addressed through responses to submissions later, however there are a number of discreet matters that we will address below.

### Restrictive Covenants

The Panel has requested that the VPA provide confirmation that Development Victoria do not oppose the removal of the restrictive covenants in Stockwell Drive in the Balbethan estate.

Enclosed in the Panel's materials is written confirmation of this fact. The VPA now considers that the Panel is in receipt of sufficient information concerning the strategic justification and the interests of affected persons to found a recommendation by it that the covenants ought to be removed.

A letter from Development Victoria is contained in Appendix 1 which confirms their position that they have no opposition to the removal of the restrictive covenants from these Titles.

### Infrastructure Contributions towards existing facilities

The Panel queried whether the Infrastructure Contributions Plan framework allows for the delivery of sports fields outside of the precinct.

The VPA confirm that the ICP does have the ability to fund the improvement of sports fields outside of the precinct if there is a nexus shown between the facility and the new community. In other words, works on sporting fields outside the precinct can be funded through the ICP, provided there are clear plans for the scope of such works, and a clear nexus between those works and the new community within the precinct that the ICP will apply to.

In the instance of the East Sunbury sporting grounds at Goonawarra, it is understood that these have been substantially developed, and that Hume City Council do not propose further improvements to service the new community in the Lancefield Road PSP. It is therefore not proposed to fund improvement works through the ICP.

### Town Centre Concept Plans – Mixed Use

The Panel queried the use of the term 'mixed use' on a number of the town centre concept plans, and queried whether this implied that mixed use zoning would be applied to these sites.

The VPA clarify that the intent of these areas is to show where it is envisaged that residences will be appropriately located above commercial and retail uses at the ground floor. The applied zone will be Commercial 1 Zone, consistent with the rest of the town centre.

The VPA will amend the town centre concept plans for the legend to read "Residential above commercial / retail" rather than "mixed use".

### Terramatrix Bushfire Report

The VPA and Hume City Council have jointly engaged Terramatrix to undertake a Bushfire assessment of the two precincts. The VPA had been hopeful of being able to provide this assessment to the Panel during the hearing, however it is not yet finalised.

The VPA's position on bushfire risk is still as outlined in Section 10 of the Part B Submission – Site Specific Issues, and do not consider that the report will have any impact upon the requirements and guidelines within the PSP.

The VPA is accepting of the recommendation that the ultimate report is received and considered prior to gazettal.



## 3 KEY ISSUES

### 3.1 Northern Jacksons Creek Crossing

The Panel has heard a range of submissions in relation to the Northern Jacksons Creek Crossing, and the VPA provided a supplementary submission on the Northern Crossing on 21 September 2017 (Tabled Document 110). This supplementary submission specifically addressed the strategic transport need for the crossing, visual impact considerations, and the refinement of the preliminary design to minimise impact on the Racecourse Road 96A subdivision application.

The VPA do not intend in closing to revisit all of the matters addressed in this document and opening submissions, but rather to address a number of matters as they relate to the Northern Crossing that have been raised over the latter part of the Panel Hearing.

#### Gradient of Bridge

The Hume City Council has expressed a concern regarding the gradient on the proposed northern crossing of Jackson's Creek.

Mr Steve Hunt of Ratio Consultants provided traffic evidence in relation to the gradient on the bridge. It was his evidence that the gradient on the bridge is acceptable from both the perspective of cyclists and of public transport needs. The question before this Panel is not one of whether the detailed design is acceptable for there is none. This Panel must determine whether or not there are any matters that would entirely stop or render inappropriate the northern crossing. It was Mr Hunt's clear evidence that none exist on the material available and that safety implications associated with gradient is a matter for detailed design in the future when this long-term infrastructure item is in fact delivered.

#### Visual Impact

Various submitters have expressed concern regarding the visual impact of this infrastructure. The Panel has the benefit of evidence from Mr Czarny and Mr Murphy concerning assessment of the visual impact of the bridge on the Jacksons Creek environments. The Panel now also has the benefit of the work undertaken by GTA (Document III) to identify the proposed crossing location which indicated clearly that in selecting a crossing point visual impact has been considered.

Both Mr Czarny and Mr Murphy agree that the time for undertaking a visual impact assessment is the time when there in fact exists a proposed bridge structure that can be assessed and its environs. Both also agree that the appropriate environs is the environs at that time which the VPA submits will include the Sherwood Heights estate.

The VPA maintains its position that it is not necessary for the PSP to include requirements or guidelines concerning the need for a visual impact assessment of the bridge when designed as the PSP does not include design parameters for other funded ICP items and in the context the need for a sensitive design and visual assessment thereof is fundamentally self-evident.

#### Settlement Road Creek Crossing

Mr Trevor Dance submitted that the Northern Crossing may not be a strategically necessary part of the growth area transport network, on the basis that a creek crossing already exists at Settlement Road to the north.

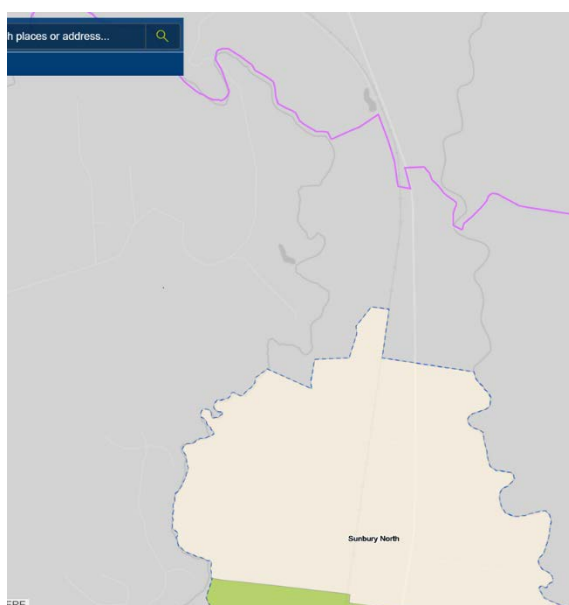
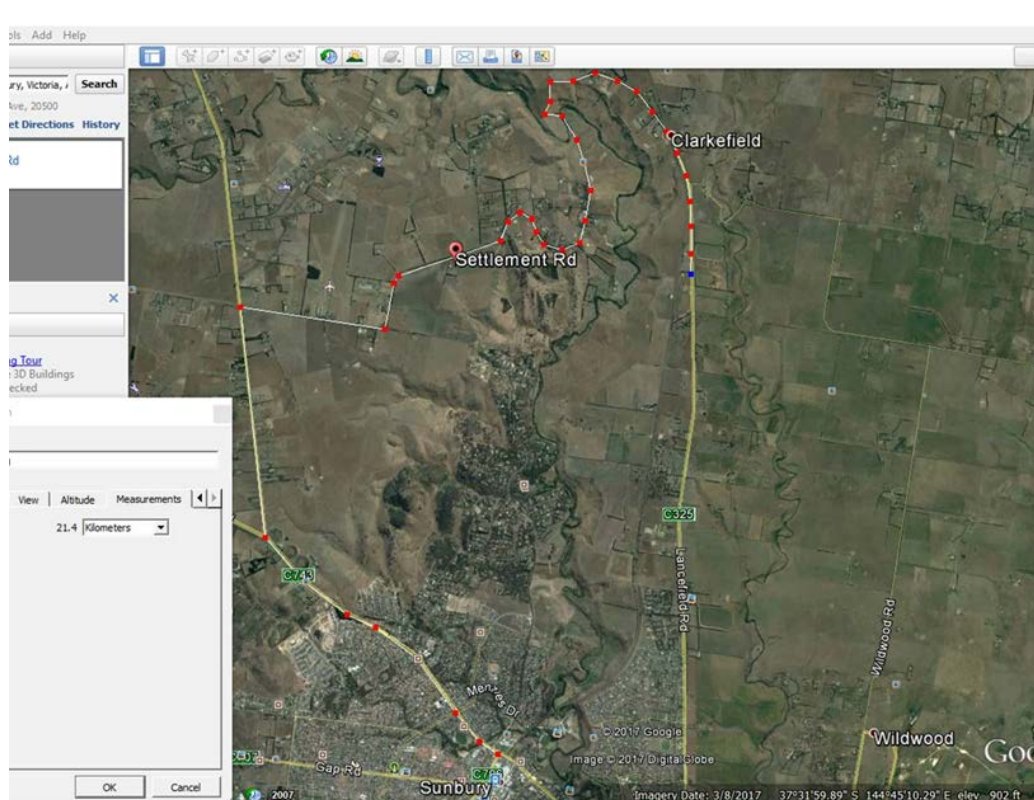
The Jacksons Creek bridge at Settlement Road is a single lane structure, and the road itself leading up the bridge is a crushed rock, rural road. It would require expensive upgrades to accommodate any increase in traffic volumes.

The VPA has considered the alternative northern crossing proposed by Mr Dance. Settlement Road is in the far north of the area and traverses an area within the Green Wedge Zone. Using Google Earth the VPA has undertaken a rudimentary assessment of the distance from Lancefield Road to the Sunbury town centre via

Settlement Road. It is noted that there is no direct extension between Racecourse Road and Settlement Road and that therefore it is necessary to travel some way north west to reach Settlement Road.

The Settlement Road crossing is located approximately 4km from the northern boundary of the Sunbury North PSP (and hence from the UGB). Further it is located over 7km north of the proposed Yellow Gum local town centre, and in excess of 10km north of the current Jacksons Creek crossing at Sunbury Road. A journey from the northern boundary of the Sunbury North PSP to the Sunbury Town Centre via Settlement Road would be approximately 21km. This analysis is depicted on the diagrams below.

The VPA do not consider that the Settlement Road creek crossing can provide any reasonable transport utility for future residents within the Sunbury growth area.



### Sunningdale Avenue/Francis Boulevard connection

Mr Neil Isles submitted the VPA Supplementary Submission on the Northern Jacksons Creek Crossing misrepresented the existing road network, as an alternative shorter connection between north-eastern Sunbury and the Sunbury Town Centre already exists.

The VPA agrees that this connection, via Sunningdale Avenue and Francis Boulevard, would represent a logical 'short cut' between the north-eastern part of the Sunbury growth area and the Sunbury town centre under current conditions, as it is approximate 1.5km shorter than the equivalent journey via the Lancefield Road/Sunbury Road intersection.

The VPA submits however, that both Sunningdale Avenue and Francis Boulevard are 'connector roads'. They are not designed to accommodate the traffic volumes that can reasonably be expected with the development of the Lancefield Road and future Sunbury North precinct. Nor would it be appropriate to expect these volumes to be accommodated, given their role in providing local access to existing communities.

The strategic transport modelling undertaken by GTA Consultants on behalf of the VPA as part of the preparation of the PSPs indicates that Francis Boulevard is currently experiencing daily volumes of around 8,000 vehicles immediately north of Sunbury Road, and around 6,000 vehicles immediately south of Sunningdale Avenue. These figures already approach the theoretical capacity of a connector road, and the VPA considers that as connector roads, there is limited additional to accommodate the planned growth to the north-east of Sunbury.

## 3.2 Southern Jacksons Creek Crossing

The Panel has heard from a range of submitters as to the strategic importance of the delivery of the southern crossing to the Jacksons Creek.

The VPA agrees with these submitters, and much of the evidence before the Panel, that the early delivery of the southern crossing (as part of a package of works providing a connection between Sunbury Road and the Calder Freeway) provides critical network capacity to support the earliest stages of development. This is particularly true if the Bulla Bypass and associated upgrades to Sunbury Road are not delivered over the short term.

The VPA is also satisfied that, having regard for the likely development staging and associated roll out of ICP-funded projects, there should be sufficient capacity to deliver that part of the Southern Link connecting Sunbury Road to the Calder Freeway within 25% build-out of the two precincts. It is appropriate that the PSPs appropriately reflect this strategic objective.

The VPA also agrees with Council, however, that the relative strategic priority of the southern creek crossing will shift in the event that an early commitment to Bulla Bypass/Sunbury Road upgrades is made. Whilst the southern crossing will still form a critically important connection within the Growth Area, the regional network capacity it provides may not be required prior to 25% development of the precincts in the event that this additional capacity is provided in the Sunbury Road corridor. The PSPs should equally reflect the potential for circumstances regarding the delivery of this project to change.

### PSP Recognition of Priority for the Southern Crossing

In their further submission to the Panel of 17 October 2017, Capitol Projects set out a package of PSP changes to give strategic recognition to the potential need to prioritise early delivery of the Southern Link (at section 2.6 of the submission).

The VPA has not been able to fully review these proposed additions to the PSP. Based upon a preliminary assessment, however, they seem to be a relatively measured and clear way of illustrating the strategic importance of the early delivery of this project, having regard for the potential for priorities to shift through the early delivery of the Bulla Bypass/Sunbury Road upgrade.

The VPA would question the statutory effect of the proposed new Requirement (R61), given the principle role of the PSP in providing guidance to Council in the consideration of planning permit applications. In any event, the VPA would urge caution in adopting these provisions without further consideration, particularly given the need for mandatory compliance with Requirements within PSPs.

The VPA submits that the Panel should recommend that the principle of greater priority for the early delivery of the Southern Crossing should be expanded within the PSP, and that the VPA should engage with Hume City Council and relevant landowner stakeholders to define an appropriate package of PSP additions.

### 3.3 Racecourse Road Controls

In response to submissions and to assist the assessment of housing design guidelines required under the Urban Growth Zone, the VPA tabled proposed design controls on 2 August 2017 for the land on Racecourse Road west of Jacksons Creek. The controls generally sought a development outcome that would ensure a suitable response to the site's setting and its high visibility from adjacent open space areas. The controls envisaged the application of conventional development management techniques including setbacks, height and site coverage controls and landscaping.

On 21 September 2017, the owner of the land and permit applicant, Villawood Properties submitted an analysis and response of VPA's proposal and proposed their own changes as well as a draft 'Sherwood Heights Design Guidelines, September 2017'.

The VPA considers Villawood's response, informed by an analysis of the practical implications of the VPA proposed controls, to be generally acceptable with some exceptions. Noting that a further meeting is to be held today between VPA and Villawood Properties' designers to refine the controls, the VPA currently suggest the following changes based on the Villawood Properties response:

- Maintain a maximum building heights of 8m, with up to 9m on >5% slope;
- On lots 18m or greater in width increase the 1.2m side setback to 1.5m to achieve, when combined with the 3m setback on the other side, a possible 4.5m setback between some dwellings maximising the potential for the establishment and growth of canopy trees between buildings;
- On lots less than 18m in width increase side setbacks to 1m on one side and 2m on the other side to maintain visual separation between buildings.
- On lots less than 18m in width some provision for building insets from side setbacks to provide spaces open to the sky e.g. no more than a certain percentage of a side wall may extend to the nominated setback.
- The 50% site coverage maximum remains in place so that on lots less than 18m in width will not take up all of the setbacks.

The VPA acknowledges that the outcome of these controls will result in the appearance of urban residential street where dwellings sit adjacent each other. The generous spaces to the front and rear of buildings and the ability for tree planning in side setbacks will provide opportunities for tree planting; albeit the VPA acknowledges that it is neither desirable or practical to mandate and enforce on lot planting. However, when combined with the street layout and the ability of contour aligned streets to provide screening tree cover, the development will provide for a site responsive outcome and provide a cohesive design character for the neighbourhood.

The VPA is cognisant that garages may abut some side boundaries. This is an acceptable outcome as garages must be setback behind dwelling walls, will form part of the overall building design, and in some instances are likely to be reduced in visual prominence through being located as an undercroft to the dwelling.

VPA also notes that the site while visually exposed will still be set beside a very large expanse of dramatically formed open space of the Jacksons Creek valley. The valley will still dominate the visual landscape on this area. As the site is transformed into a new neighbourhood, it will undergo physical alternations that detract from its appearance. However, the VPA is satisfied that, when completed, the proposal in the current permit application development including public landscaping and open spaces will settle acceptably into the landscape.

### 3.4 Redstone Hill District Park

View Grange Pastoral (Villawood Properties) submitted to the Panel that the exhibited Sunbury South PSP did not sufficiently reflect the important strategic future role of the proposed Redstone Hill Regional Park, and sought a number of additional changes to the PSP which they submitted would better provide for the activation of the Redstone Hill.

This suite of controls comprised three key components, as follows:

- An Incorporated Document, providing for the preparation of a Development Plan, and allowing for a range of uses to occur 'as of right'.
- Inclusion of a Concept Plan for the hilltop in the PSP
- Recognition in the Open Space table (public land contribution) and the PIP table (funding for embellishment) of part of the Redstone Hill parkland (an open space area of approximately 2.5-3ha).

The VPA's response to each of these elements is, as follows:

#### Incorporated Document

The VPA consider that the existing Rural Conservation Zone makes provision for a range of uses (either 'as of right' or subject to a planning permit) that are considered consistent with the collective vision for the future role of the Redstone Hill District Park. The VPA do not consider that there is a need for a re-zoning or an incorporated document to deliver a district park, and therefore do not support the inclusion of an Incorporated Document as part of Amendment C207.

#### Redstone Hill District Park Concept Plan

The VPA support the notion of including a concept plan for Redstone Hill District Park within the Sunbury South PSP to provide strategic guidance for the future development of the hilltop. This would be a high level concept plan, which would serve to outline in very general terms the part of the hilltop that would be developed, and for what purposes. This would likely include a playground, amphitheatre, restaurant/café and other uses permitted under the RCZ and as agreed by all parties. The concept plan will be accompanied by a note which foreshadows the intention to prepare a future master plan for the hilltop, which may include potential for compatible commercial uses.

Should Villawood and Hume City Council determine in the future that there is strategic merit in pursuing uses on the hilltop which are not permissible under the RCZ, a subsequent approvals process (i.e. a planning scheme amendment) would be required.

Uses which are not permissible under the RCZ (such as other general uses that fall under place of assembly definition) would not be provided for in the Concept Plan in the PSP.

#### Sports Reserves and Open Space Delivery Guide (Table 6)

The VPA support Villawood's request to recognise the utility of the hilltop as district open space, and to recognise a defined area of approximately 2.5 – 3ha as 'public land'.

#### Precinct Infrastructure Plan and ICP funding for works

The VPA support the inclusion of identification of the Redstone Hill Park in the Precinct Infrastructure Plan, and support the funding of land for 'local park' component of the site between the connector road and Jacksons Creek, as well as a 0.75ha portion of open space on the hilltop itself, within the Infrastructure Contribution Plan (ICP). The VPA do not support the provision of ICP funding for embellishment of the hilltop park, as the VPA does not consider that this is an allowable item under the ICP guidelines.



## Further changes proposed by VPA

The VPA propose the inclusion of an additional Requirement at 3.6.3 Subdivision Works (under the heading of Open Space Delivery) defining the extent of works required for the Redstone Hill. The VPA proposes to work with Hume City Council and Villawood to determine the agreed content for this Requirement.

## Recommendation sought from Panel

That the VPA work with Hume City Council and Villawood to:

- Identify amendments to the vision/objectives within the PSP to appropriately reflect the future strategic role of the Redstone Hill District Park
- Prepare a concept plan for inclusion within the PSP, consistent with this strategic role
- Identify the appropriate scope of preliminary improvement works consistent with this strategic role, to form the basis of a new requirement in the PSP.
- Amend the Sports Reserves and Open Space Delivery Guide (Table 6) to include the Redstone Hill District Park
- Amend the Precinct Infrastructure Plan to include reference to the Redstone Hill District Park and foreshadow the inclusion of the funding of a portion of the land within the ICP.

## 3.5 Hi Quality site – Buffers

A prominent issue in the conduct of the Panel hearing has been the application of various buffers surrounding the existing Hi Quality quarry and landfilling operations. Included within these buffer issues has been the appropriate treatment thereof of the Veolia composting buffer associated with the green waste facility. The VPA has previously addressed its position on buffers for these facilities in all of the Part A submission, the Part B submission, and a supplementary submission provided to the panel on 4 September (Tabled Document 48). Largely the position of the VPA is unchanged and can be summarized as thus:

- the VPA accepts that the land within the buffer areas can be zoned within an applied zone appropriate to its end use notwithstanding that where this end use is a sensitive use it is necessary that the ordinance place constraints on the end use in the short to medium term.
- The VPA submits, supported by evidence from in particular Mr Barlow, that the appropriate repository for controls upon the end use of land within buffers is within the schedule to the UGZ rather than within an overlay under a separate control such as, for instance, the environmental significance overlay.
- The weight of evidence before the Panel does not support the EPA's conclusion that the Veolia buffer should be 1400 m as opposed to the unanimous position of experts at 1300 m.
- Consistent with the advice of the EPA's landfill gas specialist a section 53V environmental audit can be completed at any time after the closure of the cells most proximate to the sensitive uses and it is not necessary for the audit process to wait until closure of all landfill cells and final rehabilitation. It follows that the order of progression of landfill cells within the Hi-Quality will influence the availability of land.
- The weight of evidence before the Panel confirms that it is not possible to reliably undertake a section 53V environmental audit of composting odour absent the participation (in the sense of the provision of information) of Veolia. It is necessary that the planning scheme ordinance address the reality that Veolia may elect not to actively participate in an audit process, thus frustrating strategic intent of the PSP.

- It is the evidence of Mr Assal that there exists current technology that if applied to the Veolia site would reduce the applicable buffer and that notwithstanding the written evidence he prepared there has been no planning cost benefit analysis of the application of this technology to that site. Absent a comprehensive assessment of these issues it is reasonable for the Panel to conclude that even in circumstances of Veolia's ongoing operation for the term of its leasehold or longer there is a real possibility that some of the land currently affected by buffer can be used for sensitive and uses. This is of course subject to appropriate analysis and risk assessment.

## 3.6 Gas Pipeline Measurement Length

### Housing Density

The planning controls proposed to address gas pipelines has represented a vexed issue in growth area planning over the last few years. The Panel in this matter has indicated that it is concerned, based on its experience in previous panels, to reconcile the previous position of APA (the pipeline distributor) which has been to oppose development at a density greater than 30 dwellings per hectare within a pipeline measurement length. APA's submission to these amendments appropriately noted that the RGZ intersecting with the pipeline measurement length contains only a minimum but no maximum density control.

In order to address this issue the VPA has examined the position put and accepted by previous panels in other instances. What is evident from these previous panels is that there exists no consistent approach and that there is an absent of any coherent density control for development. A density control is difficult to draft and administer when (adopting the level of 30 dwellings per hectare) even a triple occupancy would on a site-specific basis represent development potentially far in excess of 30 dwellings per hectare. It is noted that in previous matters the VPA has contended for a height control in lieu of a raw density control but that this is not found support.

In this matter the VPA has gone back to APA to discuss how these issues could potentially be managed. The VPA understands that it is APA's position (APA did not make a request to be heard) it is not seeking to limit standard medium density accommodation and that where medium density or greater accommodations proposed it regards many of these applications to be capable of approval subject to design conditions. Such design conditions may include consideration of orientation of buildings, access points, and materiality size. With this in mind the VPA has sought to design a control that would at once facilitate the APA's participation in relevant permit applications for buildings and works (it is not intended that APA would be in a position to challenge underlying land-use assumptions except to the extent already exhibited) and thereby address the panels concerns about the open ended nature of its response and the PSP controls.

The proposed arrangements that the VPA has put to APA following these discussions are as follows:

- APA receive notice of all planning permits for buildings and works for multiple dwellings above a dual occupancy. This would concern the buildings and works i.e. the design rather than the underlying use. The VPA is not concerned if APA would prefer to nominate a higher occupancy level for example four, five or six dwellings on a lot. We invite this in your response to this email.
- APA receive notice of planning permits for subdivision for lots of less than 300 square metres (or an alternate number nominated by APA) unless it is the subdivision of existing buildings (which would have already been notified).
- APA would then have the opportunity to review the buildings and works or subdivision application both individually and where relevant, cumulatively, in the local context.
- APA could then object to the grant of a permit or more likely based on our conversation, provide advice on design considerations that relate to risk associated with the gas pipeline. The VPA understands that this design advice might constitute advice on materiality, orientation, or points of access.

One concern expressed by the Panel is that it does not wish to see planning permit applicants unnecessarily put the cost through Tribunal proceedings on account of APA's intervention in the planning system and the difficulties associated with density provisions. The VPA agrees with this concern in principle but observes that some testing of new controls is inevitable when they are introduced but that also such testing is self-limiting.

That is once matters are tested before the Tribunal themes emerge and both permit applicants and bodies such as APA the council and the VPA moderate their activities accordingly. To this end the VPA is satisfied that the proposed controls do not place an un-necessary or inappropriate impost on the development community.

The VPA has sought APA's written feedback to this proposal and will table that response which sets a lower notice level of 5 dwellings on a lot.

### Safety Management Study

The VPA, in conjunction with APA GasNet, Hume City Council and other agency and service providers have undertaken a Safety Management Study (SMS) workshop for the APA gas pipeline that traverses the Sunbury South Precinct during the course of the hearing.

The VPA had aspired to provide a copy of the completed SMS report to the Panel prior to the closing of the hearing, however the final document is still awaiting sign off from other stakeholders and unfortunately is not yet available.

The VPA will provide a copy of the SMS to the Panel as soon as possible. The workshop and subsequent draft report have not revealed any unexpected risks, and the VPA does not expect that the final SMS report will have any material bearing on the Sunbury South Precinct Structure Plan.

## 3.7 Walkable Catchment/Residential Growth Zone

The panel has requested that the VPA respond to it on two issues concerning the proposed 'walkable catchment' and the associated application of the residential growth zone (RGZ).

Specifically the two issues that the panel has sought further advice upon are:

- Whether it is appropriate that the walkable catchment extend 600 m from the principal public transport network (PPTN) as it applies in the growth areas-through premium buses.
- What does the VPA consider the appropriate nomenclature for identification of what is currently termed the walkable catchment is and how the current walkable catchment should be described on the future urban structure and associated plans.

The VPA's response follows.

In the Plumpton and Kororoit PSP Panel report the Panel recommended [emphasis added]:

- 1. Amend Schedules 11 and 12 to the Urban Growth Zone to include a plan (or change to the Future Urban Structure) showing the applied Residential Growth Zone to residential areas that are generally within:**
  - 400 metres of the Plumpton Major Town Centre
  - 200 metres from the Principal Public Transport Network
  - 200 metres from the Local Town Centres, and
  - 100 metres from co-located community hubs, sports reserves and local convenience centres.

In some respects the Plumpton and Kororoit case study was similar to areas within the PSP's before this Panel insofar as the PPTN in that instance was a premium bus service rather than a fixed rail service (or indeed tram). The Panel in that instance did not accept the argument from the VPA that a premium bus service warranted a 600 m application of the RGZ as a default position before topographical and other constraints are considered. The VPA has considered the findings of the earlier Panel and the questioning of this Panel concerning the relevance of premium bus services and walkable catchments. Having undertaken this consideration it remains the view of the VPA that a default 600 m is appropriate around the premium bus service.

The DEDJTR website states:

*The Principal Public Transport Network (PPTN) is a key component of Plan Melbourne, and is reflected in planning schemes across Victoria.*



*The PPTN is a statutory land use planning tool that supports integrated land use and transport planning by providing certainty to planners and the community about locations that are, or will be, served by high-quality public transport.*

*The PPTN is an incorporated document (PDF 2995.24 KB) under Clause 81.01 of the Victoria Planning Provisions and must be taken into account by responsible authorities in decision-making. Incorporated documents can only be amended by the Minister through a planning scheme amendment process.*

*The PPTN reflects the network of current and committed high-quality public transport services. It is designed to support integrated transport and land use planning, by encouraging more diverse and dense development near high-quality public transport to help support public transport usage.*

The characteristics of premium bus services within the PPTN are not explicitly defined, but the VPA considers that they most closely align with the operations of high-frequency, direct regional connections currently provided under the 'Smart Bus' branding.

The Public Transport for land use development describe Smart Bus as:

*SmartBus is a premium bus service that offers more frequent services and longer operating hours. Buses operate along major arterial roads, connecting activity centres and interchanging with the train and tram networks. They also provide passenger information displays at selected locations, providing passengers with up-to-the-minute information on bus arrival times. Improved passenger information is also given at every stop with a local area map and service timetable (refer to Figure 28). SmartBus services receive extensive levels of on-road bus priority treatments, such as bus lanes, queue jump facilities and the ability to request green light priority. This helps to ensure a timely and reliable service is provided. SmartBus orbital routes are shown in Figure 29. Development proposals and traffic management devices should enhance and not prejudice bus operations and travel times. Any delay created must be mitigated to ensure that the service travel time remains unchanged. Guidance on the selection and design of bus priority measures for the SmartBus can be found in Austroads' Road-Based Public Transport and High Occupancy Vehicles and VicRoads' Bus Priority Guidelines. New or upgraded intersections should allow for the future inclusion of bus priority measures, eg. bus lanes, in the design, if they are not provided initially.*

In order to compare the SmartBus service and tram services the VPA has considered the scheduling of various SmartBus and tram routes. It is observed that the tram system offers a different spatial transport service it being one predominantly oriented towards cross city centre travel while the SmartBus service incorporates similar outer to inner routes as well as orbital routes. To this extent it is observed that the service areas of smart buses are greater than those offered by the tram network.

In general it is the case that SmartBus services operate half hourly until 6:30 AM from which time they operate on approximate 20 minute basis. Half hours services then resume in the evenings after the peak period. Tram timetabling is more variable and route dependent. Routes are scheduled from between 30 minutes in off-peak periods to 20 made to 20 minutes or even greater frequency during peak periods. Within the materials provided to the Panel are copies of two example SmartBus service timetable is and the summary pages from two tram services. Accordingly it can be observed that trams offer a narrower but marginally more frequent service while smart buses offer a marginally less frequent service over a broader range of routes.

The average walking speed for an individual is between 3 and 5 km/h. Adopting a speed of 4 km/h a full kilometre would take 15 minutes to traverse and a 600 m distance (that is the outer extent of the proposed application of the RGZ) would take nine minutes to traverse. It follows that during the hours of approximately 6 AM through to 8:30 PM all persons within the proposed default 600 m catchment could walk from the house and assuming that they just miss a service and have to wait for the next service, be on their mode of transport within 30 minutes. Of course those persons closer to the PPTN or those persons who do not just miss a service will receive a demonstrably higher level of service. In real terms this is an excellent level of public transport service. In real terms this is also a reasonable time for transport to high-quality public transport services.

It is accepted that after the first day of gazettal of these PSP's the service may not reflect this ideal. A valid question for this Panel to consider is whether in planning it is planning for the Sunbury of 2020 or the Sunbury of 2045. It is not possible nor indeed is it appropriate to adopt a 'suck it and see' approach to zoning of land that of course being the key output of the walkable catchment policy. Once zones are applied there will undoubtedly be resistance to change this much is known from the inner urban experience. The VPA requests this panel to

acknowledge the link between high-quality public transport services and surrounding land use and to endorse the default position of 600 m for the walkable catchment from the SmartBus PPTN.

The next issue concerns how the walkable catchment should be described within the PSP. The position adopted by the Panel in the Mount Atkinson PSP and in the Plumpton and Kororoit PSP's has been to adopt the notion of walkable catchments. Firstly it is submitted that some delineation whether it be called the walkable catchment or something else must be included within the PSP. This is because the walkable catchment represents the defining boundary between the applied GRZ and the applied RGZ. Once this is accepted the question that then arises is whether or not the term walkable catchment is appropriate or should be replaced with an alternative description.

Having considered this question since it was raised by the Panel the VPA has determined that the term walkable catchment remains the appropriate descriptor. The reason for this is that the walkable catchment and the associated land use implications of a walkable catchment in practice and in policy are the primary drivers of the application of the RGZ within the growth areas. The VPA does not consider that there is any particular purpose served by adopting a different title for what is effectively the same matter. The walkable catchment approach has not only been adopted by Panels it has also been endorsed by the Department and it communicates the underlying link or rationale for inclusion on the future urban structure. An alternative term will not communicate so clearly the same intent. The depiction of the walkable catchment on the FUS does not render the urban structure incoherent on the plan. Planning within the growth areas and the planning scheme should be reasonably accessible but this does not mean that the planning scheme should be overly simplified. In the case of the Sunbury and Lancefield PSP is, the FUS legibility could be improved through the use of alternative colours but this does not mean the walkable catchment should not be delineated.

Having considered the panels question about the appropriateness of the term walkable catchment, the VPA submits that this phrase and its identification on the FUS should remain.

### 3.8 Employment Land Requirements

Hume City Council has submitted that a total of 100ha of Industrial zoned land is required at the Sunbury Road employment area, based upon the requirements of the Sunbury-Diggers Rest Growth Corridor Plan, and the Sunbury Hume Integrated Growth Area Plan (HIGAP).

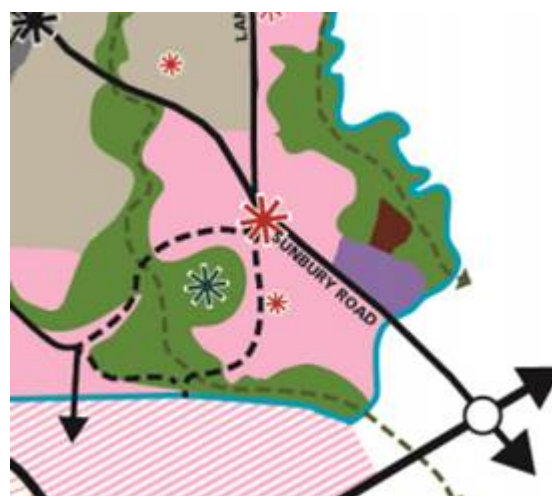
The VPA believe that this is a misinterpretation of the intent of the Growth Corridor Plan which, although unclearly worded, sought the provision of an additional 100ha of employment land across the Sunbury-Diggers Rest Growth Corridor.

Notwithstanding the fact that both the Growth Corridor Plan and the Sunbury HIGAP strategy are high level documents, the VPA submit that neither of these documents defined spatially an industrial outcome anywhere near approaching 100ha of land. The depiction of industrial land in each generally reflects the extent of Industrial zoned land in the exhibited Sunbury South PSP.

**Sunbury-Diggers Rest Growth Corridor Plan**



**Sunbury HIGAP Spatial Strategy**



The VPA commissioned Hill PDA to undertake an assessment of industrial land requirements as part of the preparation of the Sunbury South and Lancefield Road PSPs. The *Retail and Economic Assessment Report for PSP74 and PSP75* report identified the need for a total provision of 118ha of industrial land across the Sunbury-Diggers Rest growth area.

The exhibited amendments are only required to deliver a portion of the approximately 133ha of land that will be available for future industrial use across the growth area (as set out in the VPA's 'Clarification of Industrial Land Supply – Sunbury/Diggers Rest Growth Corridor', Tabled Document 3, circulated in response to a Panel direction on July 24, 2017).

The VPA submits that the PSPs as exhibited provide for the demonstrated future industrial land supply needs, and that no change to the Sunbury South PSP to provide additional land at Sunbury Road employment area should be supported.

This view was supported by the expert evidence of Matt Ainsaar who provided economic evidence on the industrial land supply in Sunbury on behalf of Hi Quality. In his evidence Mr Ainsaar concluded that the planned supply of industrial land across the Sunbury Growth Area would exceed forecast demand by nearly 6 hectares (p12). Upon presentation of his evidence, Mr Ainsaar indicated that the Sunbury industrial land supply should rightly be pitched population-driven demand, and that the state significant industrial areas to the north and west of Melbourne held a competitive advantage over industrial land supply in Sunbury, and that in any event these areas were relatively accessible to Sunbury residents as potential places of employment.

The VPA has reviewed the Regionally Significant Landscape Values where they extend above the break of slope into the industrial precinct and have determined that these areas are developable. These areas represent a logical extension to the employment precinct, so will be shown as Industrial 1 Zone within the PSP. This represents an additional 10.37 hectares of industrial land above that exhibited.

The VPA submit and that no change to the Sunbury South PSP to provide additional land at Sunbury Road employment area should be supported, beyond those previously identified as landscape values but sitting above the break of slope.

### Response to Economic Assessment for Sunbury, September 2011

On 27 September 2017, Hume City Council tabled a report prepared by AEC Group on its behalf as an input into the Sunbury HIGAP strategy, which defined land requirements for a range of different employment outcomes across the Sunbury growth area (Tabled Document 120). The report '*Economic Assessment for Sunbury – September 2011*', recommended the following provision for employment land at section 5.4 (page 37)

- 95-100ha of additional light industrial land
- 70,000-75,000sqm of additional commercial space
- 100,000sqm of additional retail space
- 85,000-90,000sqm of additional community health and education facilities.

The VPA considers that, of these uses, the last three are overwhelmingly provided outside nominated industrial areas. A proportion of the additional commercial space might be delivered in industrial areas, however the majority of this space, and the retail uses, are best delivered in activity centres. Community health and education uses will be delivered in centres as well as nominated community hubs across established areas and new growth precincts.

The VPA submits that this report, recommending the provision of a total of 95-100ha of additional light industrial land across the growth area, is generally consistent with the Hill PDA assessment, and supports the Sunbury South PSP as exhibited.

### Appropriate Zone to support Industrial Uses

Some of the 'employment land' supply across the Growth Area, including that provided at the Diggers Rest PSP, and that proposed on Vineyard Road within the Sunbury South PSP, is currently (or is proposed to be) subject to a Commercial 2 Zone.

The VPA has undertaken a review of the permissible uses within the Commercial 2 Zone compared with those across the Industrial 1 Zone and Industrial 3 Zone, to determine whether that zone can reasonably be considered to contribute to the industrial land supply across the growth area.

The table below illustrates possible uses across these three zones. It is clear that whilst there is some greater capacity to deliver retail uses within the Commercial 2 Zone, all three zones provide the capacity to support a range of employment generating uses, including industry and warehousing. The Panel should also note that the exhibited amendment proposes more restrictive caps on retail floor space in the Commercial 2 Zone than is typical within the zone, to preserve the integrity of the planned town centre network.

The VPA therefore submit that a holistic consideration of the future industrial land use potential of the growth area need also have regard for the ability for this demand to be met within the Commercial 2 Zone in addition to the Industrial zones. The VPA submit that the PSP as exhibited makes appropriate provision for the demonstrated future industrial land supply needs, and would submit that the Panel should not recommend a change to the amendment to provide additional industrial land supply at Sunbury Road.

#### Comparison of Key Commercial Uses – C2, IN1 and IN3

	Commercial 2	Industrial 1	Industrial 3
<b>Industry</b>	Section 1 (threshold distance condition)	Section 1 (threshold distance and amenity condition)	Section 2
<b>Warehouse</b>	Section 1 (threshold distance condition)	Section 1 (threshold distance and amenity condition)	Section 2
<b>Supermarket</b>	Section 1 (1800sqm and RDZ)	Section 3	Section 1 (1800sqm and RDZ)
<b>Shop</b>	Section 1 (supermarket related)	Section 3	Section 1 (supermarket related)
<b>Retail Premises</b>	Section 2	Section 2	Section 2
<b>Restricted Retail</b>	Section 1	Section 2	Section 2
<b>Trade Supplies</b>	Section 1	Section 2	Section 2
<b>Food and Drink Premises</b>	Section 1 (max 100sqm)	Section 2	Section 2
<b>Office</b>	Section 1	Section 2 (schedule cap)	Section 2 (schedule cap)
<b>Accommodation</b>	Section 3	Section 3	Section 3
<b>Place of Assembly</b>	Section 2	Section 2	Section 2

## 3.9 Sunbury South Secondary Schools

### Redstone Hill

A number of submissions were received from parties in relation to the preferred location for the government secondary school in the vicinity of the Redstone Hill Major Town Centre. As part of the VPA response to these submissions, we have engaged with the Department of Education and Training (DET) to seek confirmation of their preferred location.

DET have advised that they remain committed to the concept of a P12 campus model, co-located with active open space, but have not been able to formalise their position on their preferred location ahead of the close of the Panel Hearing.

DET anticipate being able to formalise their submission over the coming fortnight, and the VPA will provide correspondence to confirm this position to the Panel as it comes to hand.

### Harpers Creek

Hume City Council submitted that provision should be made for a secondary school within the Harpers Creek area of the Sunbury South PSP, as a 'contingency' on the basis that it is possible that no secondary school site will be nominated within the master plan currently under preparation for Jacksons Hill.

The draft of the master plan is nearing completion, and it will be subject to a consultation process in coming months.

The VPA has subsequently met with officers of the DET who have advised that they and the Victorian School Building Authority have been actively engaged in discussions with the VPA and Victoria University in relation to the preparation of a master plan for the Jacksons Hill hilltop precinct. On the basis of these discussions, DET advised the VPA that:

- The Department is satisfied that there is an opportunity to accommodate a secondary school at Jacksons Hill, and that this will be reflected in the draft plan.
- In the event that a secondary school is required to service future growth in the communities to the south-west of Sunbury (including Diggers Rest), Jacksons Hill represents an ideal location for a secondary school and would be preferred over any potential sites within Sunbury South (west of Jacksons Creek).
- On the basis of the above, DET does not wish for an opportunity for an additional secondary school site to be nominated in the Sunbury South PSP (in the 'Harpers Creek' area).

The VPA submits that Panel should therefore recommend no change to the Future Urban Structure to incorporate an additional government secondary school in the western part of the Sunbury South precinct.

## 3.10 Drainage

The VPA's submissions in this matter have encompassed the position of Melbourne Water.

A number of parties have sought that the future urban structure and Plan 11 Integrated Water Management be updated to accommodate potential revised drainage configurations for sites. Drainage is a complex issue and carries significant risk to life, property and community infrastructure, and environmental values if it is not considered in a high level of detail. In addition, the drainage for these PSPs is particularly complex on account of the topography and other environmental factors (as explained by the experts called). Melbourne Water has adopted a position (supported by experts) that in order to vary the proposed drainage scheme designs, Melbourne Water requires a functional design level of detail.

These submissions appear to misconstrue the relationship between the PSP and the relevant development (drainage) services schemes. In effect, they seek that the 'tail wag the dog'. The drainage services schemes is prepared under separate legislation by Melbourne Water and are subject to a separate consultation process. The development services schemes constitute an input into the layers of the PSP. The VPA, as planning authority, does not exercise discretion over what is represented in the PSP arising from the drainage services schemes.

It is common practice, that notwithstanding the content of a DSS, Melbourne Water will accept at permit application stage, or before, proposed variations to the drainage services scheme where the alternate scheme still satisfies its functional and cost requirements. A limited number of parties in the context of this matter have prepared functional design standard plans which Melbourne Water has considered and either adopted or adopted subject to condition (as in the case of Villawood). Ultimately the schemes will be approved/amended to ensure consistency between the PSP at gazettal and the final scheme design.

The change matrix of the VPA identifies proposed text that Melbourne Water supports/approves, to be included in the relevant drainage plan (Plan 11) that ensures that the notion of general accordance will not inhibit this practice. The proposed new note will read:



*Note: Stormwater quality treatment and use of the regional stormwater harvesting scheme as an alternative water source is subject to detailed design to the satisfaction of Melbourne Water, Western Water and Hume City Council. The stormwater quality treatment assets are subject to refinement through detailed design, to the satisfaction of Melbourne Water and Hume City Council.*

*Land shown for stormwater quality treatment assets that Melbourne Water confirm are not required for drainage can be considered for development as part of a planning permit application provided they are subject to the Urban Growth Zone, to the satisfaction of Melbourne Water and the Responsible Authority.*

*This plan is subject to change to align with the Integrated Water Management Requirements as stipulated by Western Water and Melbourne Water*

This approach is not unique to these PSPs having been adopted in a series of previous matters. Accordingly, the VPA does not support any requests for reconfiguration of drainage assets which have not been approved by Melbourne Water at this time. However the operation of the PSP and the permit process would not preclude the approval of the same when and if they are progressed to an appropriate level of design and if they satisfy the functional and cost requirements of the DSS. The future urban structure in the gazetted PSPs will reflect the final DSS' approved by Melbourne Water, which final DSS' will include those functional design changes already accepted by the Authority.

It is not uncommon in the context of PSP Panel hearings that this particular drainage issue arises. Ultimately, the agitation for changes being sought to a future urban structure informed by an underlying drainage services scheme diverts time in hearings and incurs significant cost through the calling of experts. The VPA considers that save for the limited instances where actual designs have been progressed and changes to the DSS have been agreed by Melbourne Water, there is little utility in the expenditure of these resources. The VPA and Melbourne Water invite the Panel to acknowledge the relationship between drainage services schemes and the PSPs and endorse the approach utilised in this Panel (and others) to provide clear future guidance.

Melbourne Water observes that it called three witnesses in this matter.

Of those witnesses only Mr Blackham was cross-examined and then only by Villawood in respect of the waterway that flows through the land at Racecourse Road. A number of parties have made submissions which by implication seek to challenge the position of Melbourne Water for example the submission by insight planning on behalf of the owners of 280 Lancefield Road. That submission challenged the designation of a waterway on the land. The relevant waterway described as site 130 is considered at page 26 of the Blackham evidence. This Panel should place great weight on the evidence presented by Melbourne Water. This is because the evidence was presented for cross examination all parties enjoyed the opportunity to challenge the expert opinions and as a result of either limited questioning or the absence of questioning those conclusions are unchallenged.

### 3.11 Break of Slope

A number of submitters have expressed concern with two issues concerning the break of slope. The first grouping of submissions concerns the definition of the break of slope and, inter alia, whether or not the break of slope has been correctly identified. The second issue identified by submitters is the appropriateness of the response to the break of slope. This section of the VPA's closing submission addresses these two matters.

The identification of break of slope is important in the planning of these PSP areas. It is important because planning must be site responsive and in this case that means responding to the unique physical landforms of the area. The identification of break of slope provides a point of reference between developable and non-developable areas and in particular areas from which setback treatments are appropriate. The VPA proposes two setback treatments through the PSP: a visually sensitive setback treatment that includes an additional reserve distance over and above road formation of 25.2 metres and a non-visually sensitive interface which is a discretionary control which includes an additional reserve cross-section of 12.5 metres over and above land required for road formation.

As the Panel is aware the VPA has revised the application of the visually sensitive setbacks with the effect of moderating their application to a more limited number of areas. The VPA does not support the visually sensitive setback becoming a discretionary tool. On account of the variation to the application of this tool, the imposition of this mandatory control is reasonable and limited to areas of greatest import. This is appropriate. Making this

a discretionary tool will simply invite an argument at the point of each permit application and inevitably an erosion of the outcomes sought. The Panel is reminded of the consistent theme throughout both professional, developer, and lay person submissions that there are special attributes of Sunbury which ought be protected and maintained.

The identification of the break of slope represents the subjective application of discretion which is informed by objective fact.

Break of slope cannot be routinely defined by a particular gradient. This was highlighted by the evidence of Mr Matheson for Asia-Pacific properties where his arbitrary application of 17.5% was found to have no basis outside of the PSP and no relevant basis within the PSP. The plan Mr Matheson referred to in the PSP for 'support' of this notion is a plan that concerns development on steep land and which clearly illustrates development across the entirety of the slope and does not mention the term break of slope in any way whatsoever. Mr Matheson ultimately agreed that break of slope is a subjective determination, a point to which Mr Murphy called by the View Grange properties readily agreed.

Inevitably as more information becomes available or previously and access parts of land are accessed there may be minor refinement of the break of slope detail. In the case of Asia-Pacific for whom Mr Matheson was called this change represented modest changes (generally less than those depicted in his expert evidence reports). The VPA intends to undertake further assessment of the areas where break of slope has been identified as an issue by submitters. This consultation will include the landowners the Council and the VPA. Where appropriate the VPA will amend the final break of slope prior to gazettal. Accordingly the VPA seeks a recommendation that it in consultation with affected landowners and the Council review the identification of break of slope across identified properties within the PSP areas. It is observed that the panel is not in receipt of any evidence that would undermine the propositions put by the VPA about the importance of retaining landscape values of the area and of limiting views from key waterways to urban development. What the Panel has before it are assertions concerning loss of developable land but those assertions are not supported by empirical analysis.

The VPA rejects the assertion that the break of slope treatments are unduly land hungry. The treatments, found at for example page 73 of the Lancefield Road PSP and page 75 of the Lancefield Road PSP generally include an additional 20 m of setback to what might be expected absent the break of slope control in visually sensitive areas. This is reduced to approximately 7.5 m (discretionary) in non-visually sensitive areas. Put in context this is not an unreasonable response and it is important that the Panel carefully filter the statements about '40 m setbacks' in the context that much of this area is standard road cross-section and vegetation.

The VPA request that the panel endorse its approach to visually and non-visually sensitive setbacks subject to the further work required to identify break of slope in discreet locations.

### 3.12 Designation of non-government schools in Precinct Structure Plans

The VPA reaffirms its position on the designation of Non-Government schools in Precinct Structure Plans, as advised by letter dated 10 August 2017, to Mr Stephen Elder Executive Director, Catholic Education Melbourne, (Letter attached).

#### How Schools are planned

The State of Victoria, via various departments, agencies and authorities is obligated to plan for and provide education on behalf of the people of Victoria. This is regulated and undertaken under through the auspices of The Education and Training Reform Act 2006, (The Act).

The purpose of the Act states:

*The main purpose of this Act is to reform the law relating to education and training in Victoria by providing for a high standard of education and training for all Victorians.*

*In particular this Act makes provision for or with respect to...*

*(c) the establishment and regulation of Government schools and the regulation of non-Government schools and home schooling; (emphasis added)*

PART 2.7 of the Act, discusses various matters pertaining to non-government schools and defines a non-government school as:

*"non-Government school" means a school, other than a Government school, that is registered or required to be registered under Part 4.3;*

While the this Panel is not specifically about the definition of what is a government school and what is non-government school, it would seem to be logical that the VPA, as the State's Planning Authority would use wording that is consistent with that used in the Education and Training Reform Act 2006 in the Structure Planning process. The Education and Training Reform Act 2006 is the relevant legislation in connection with the planning for all schools whether government or non-government in Victoria.

The school sector is essentially divided into the government and non-government providers. Government schools are differentiated not only because they are public in nature but also because public schools are not bound by planning provisions.

Public schools are shown on the Future Urban Structure plan (FUS), because it is good practice to show such facilities and much planning also occurs around such schools including the colocation of facilities. The identification of government school sites in a PSP is important for two reasons; first it identifies the location of the school site in the broader plan and secondly it signals that the school and the land is not subject to the usual regular planning controls.

The FUS is the logical part of the PSP to indicate various types of land uses. Mr Wren in his submission on behalf of CEOM pointed out that government and non-government school is not in the table of Land Use Terms as listed in section 74 of the VPP's and that as the State is the only provider of government schools then by default that identifies the user and not the particular use.

The FUS in the Sunbury South PSP, as with FUS plans used in most, if not all PSPs use terms for uses of land that do not strictly adhere to the land use terms in section 74 of the VPP's these include:

- Residential
- Local convenience centre
- Employment & commercial
- Industrial
- Industrial - light
- Community facilities
- Conservation area
- Non-urban land (existing)

These are designations of general land uses that make it easy at a glance to see what type of uses are intended or preferred for different areas within a PSP.

For a planner assessing a town planning application for the Responsible Authority, or in fact anyone who may be contemplating purchasing land in a PSP area, the FUS provides a simple overview, or quick reference for land uses intended in various parts of the PSP area.

To gain a more in-depth understanding of the various agencies that may be providing different land uses the Background Report is the appropriate document for these agencies to be listed.

As has been stated by Mr Wren the VPA has recently changed the wording in the PSP Note *VPA Standard Approach for Non-Government School Sites in Precinct Structure Plans* (attached). The wording in this document which was discussed with CEOM, states the following:

*Background Reports will note a situation where a relevant school provider or education sector (for example, the Catholic education sector, or the independent schools sector) has provided strategic justification for the provision of any relevant non-government school sites that are shown in a PSP.*



The VPA is aware of and sympathetic to the issue faced by CEOM in regard to other non-government school providers acquiring sites, where CEOM has engaged extensively in the PSP planning process, and has provided strategic justification for an individual school site.

To that end the VPA has worked with and consulted CEOM post Amendment C145, Rockbank Precinct Structure Plan to revise the wording to the PSP Note: *Development of Non-Government School Sites for an Alternative Purpose*, (attached) to strengthen the justification for land identified for a non-government to be subject to a change of use.

The VPA acknowledges the important role that Catholic schools provide in educating Victorian school children, and the robust strategic work that the CEOM has undertaken in identifying future demand for Catholic schools in growth areas, including the Sunbury South and Lancefield Road PSP.

At the heart of the matter are the difficulties associated with acquiring land from private land holders to construct a non-government school. To acquire land for the provision of a school is dependent on the landowner selling the land to the CEOM or other non-government education provider.

There is therefore little certainty over the future use of the land for a school, provided either by the State, the CEOM, or other non-Government school provider.

The State through, the DET often finds itself in a similar situation, when purchasing future government school sites on the open market.

While the State does have other planning tools at its disposal i.e. placing a Public Acquisition Overlay over land, for a future Government School, in practice this provision is rarely if ever used, and so the State finds itself in similar situation to that of CEOM and other non-government school providers.

In summary the VPAs recommendation to the Panel is to continue the planning practice of identify government and non-government schools on the FUS. In-line with the draft revised PSP Note: *VPA Standard Approach for Non-Government School Sites in Precinct Structure Plans*, identify the specific non-government school provider in the Background Reports where a relevant school provider or education sector (for example, the Catholic education sector, or the independent schools sector) has provided strategic justification for the provision of any relevant non-government school sites that are shown in a PSP. In the event that a school site is purchased by an alternate provider the net result to the community will be broadly equivalent, that is there will be student places provided for within the catchment. It is observed that an alternate education centre can still establish in an alternate location subject to permit under the prevailing residential controls.

### 3.13 Local Convenience Centres

The Changes Matrix for the Sunbury South precinct submitted as part of the VPA Part A submission identified three additional local convenience centres (LCCs) to be defined across the Sunbury South precinct (rows 18, 30 and 31 of the Changes Matrix). These changes responded in each instance to specific submissions seeking the addition of an LCC on each property.

The VPA considered that the exhibited PSP had underprovided for LCC opportunities, and that significant residential areas would be outside the walkable catchments for those centres. The number and distribution of these additional centres was also broadly consistent with the Retail and Economic Assessment for PSP74 and PSP75 (October 2014), prepared by Hill PDA for the VPA. The location of these centres has been changed to respond to the urban structure.

The VPA Part A Submission did not nominate an 'as of right' shop floor space cap for each centre, and a number of parties have provided further submissions in relation to this, including submitter 37 and 48

The VPA support shop floor space caps for each of the centres as set out in the table below. The VPA note that these represent 'as of right' shop floor space only, and that provision for shop floor space above these levels can be considered as part of a planning permit process. These numbers are generally consistent with the scale of LCCs as recommended by Hill PDA (average size of 1,500sqm), and are at a consistent scale with LCCs the VPA typically plans for in growth area PSPs.

Property	Location	Exhibited or New	Floor Space Cap
59	Jacksons Creek Hub	Exhibited	1,000sqm
97E	Sunbury Road Employment Area	Exhibited	500sqm
3	Sunbury South Train Station	New	1,500sqm
75	Sunbury Rd (north-west of Lancefield Rd)	New	1,500sqm
70	South-east of Redstone Hill MTC	New	1,500sqm

Further site-specific details regarding these centres are outlined in the response to individual submissions in the following sections.

## 4 INDIVIDUAL SUBMITTERS

### 4.1 Hume City Council – Submissions 57 (C207) and 54 (C208) –see Appendix 2

Hume City Council provided the Panel with two tables which provided their position in relation to their outstanding submissions and their position on a number of matters raised by other submitters.

The VPA has provided responses to the submissions within a new column added to Hume City Council's tables. Please refer to Appendix 2 for these responses.

Other key matters of Hume City Council, such as the provision of employment land, have been addressed in Section 3 above.

### 4.2 Melbourne Airport – Submission 6 (C207)

#### Notification of applications within N-Contours

Melbourne Airport and VPA have reached an agreed position on the majority of the points raised by the submitter to the Panel. The agreed position includes:

- The VPA will not show the N Contours on Map 1 of the UGZ9 (or within the Sunbury South PSP). The N Contours are subject to change every 5 years. The PSPs are long term plans which require inherent flexibility in order to avoid the need for unnecessary future planning scheme amendments.
- The following provision will be added at Clause 6.0 of the UGZ9:

#### Notice of applications – Melbourne Airport N-Contours

In accordance with Section 52(1)(C) of the *Planning and Environment Act 1987*, notice of an application within the Melbourne Airport N-Contours as depicted in the Approved Melbourne Airport Master Plan under the *Airports Act 1996 (Cth)* must be given to the airport lessee company of Melbourne Airport in accordance with the *Airports Act 1996 (Cth)*.

- The following text will be included as a notation on Plan 5 of the PSP:

*“The land within the PSP area is partly affected by the Melbourne Airport N-Contours.*

*The effect of aircraft noise and the boundaries of the Melbourne Airport N-Contours can vary over time with changes to Melbourne Airport's operations, traffic volumes and types of aircraft using Melbourne Airport.*

*The most up-to-date information should be sought concerning aircraft noise and can be obtained from Melbourne Airport and its website, which can be accessed at: <http://www.melbourneairport.com.au/>.”*

- Clause 66.04 will be updated to include the relevant notification requirements to Melbourne Airport.

#### Decision Guideline in the UGZ9

It is considered that the outstanding unresolved matter between the parties for the Panel's consideration is the inclusion or otherwise of the requested Decision Guideline at Clause 7.0 of the UGZ9.

Melbourne Airport's submission requested the following text be inserted at Clause 7.0:

*“Development should have regard to the views of Melbourne Airport and the National Airport Safeguarding Framework (NASF) principles and guidelines (Department of Infrastructure and Regional Development, 2012).”*

The inclusion of the text is requested by Melbourne Airport to give stronger emphasis/weight to NASF. They are of the view that a separate decision guideline would elevate the importance of NASF and in turn allow for Melbourne Airport to be more proactive when assessing applications.

The VPA is of the view that this Decision Guideline is unnecessary due to the inclusion of the notice requirement for affected properties. Melbourne Airport will have the opportunity to ensure that their views, and the NASF principles, are captured when they respond to notice pursuant to s 60(1)(c) of the *Planning and Environment Act 1987*. Accordingly, the VPA submit that the Panel ought to recommend that the decision guideline is not necessary for inclusion in the UGZ9.

### 4.3 RCL Group – Submission 45 (C207)

RCL Sunbury Pty LTD (RCL) are the development interest in respect of property 72 within the Sunbury South PSP. The RCL submission is comprised of documents 59 and 60. These submissions in reply address the matters that remain in dispute between the VPA and RCL.

The first issue raised by RCL is its desire for plan 9 within the PSP to be amended to depict a left in left out access to the RCL land from Sunbury Road. The VPA continues to oppose this notation on the plan.

The road manager for Sunbury Road is VicRoads. At the time of a permit application it is entirely appropriate for RCL to demonstrate its proposed access arrangements whether interim or ultimate and to seek VicRoads approval of the same. At this time the panel is not in a position to evaluate the information for a permit application (there is none before the panel) and form a view on whether or not left in left out is required. At its heart the purpose of identifying the left in left out arrangement is to provide a leg up in discussions with VicRoads or to fetter the exercise of its discretion. This is not appropriate in circumstances of a planning scheme amendment in the absence of information describing how that permit application will in fact be formulated. The current amendment will not operate to defeat the existing access that this property takes from Sunbury Road. A right of review exists in the event that VicRoads does not appropriately assess the merits of any future detailed application.

The evidence of Mr Ganankone relied upon preliminary designs that were not included in the evidence itself and therefore unable to be tested. This amendment will not be approved for at a minimum another six months. There lies no disadvantage to RCL if it is in fact minded to immediately develop its land by not identifying the left in left out arrangement. The fact is that RCL can approach and determine an appropriate arrangement with VicRoads prior to gazettal of the PSP and based on actual information about how it intends to develop as land.

The VPA opposes the changes to plan 9 of the PSP.

RCL has raised concerns about the identification of break of slope on its land. The VPA has addressed its position on break of slope earlier in this submission. The VPA agrees with the comments at paragraph 34 of the RCL submission to the effect that identification of break of slope is subjective however informed by objective fact. The VPA agrees to consider how the break of slope has been identified on the RCL land between it, the Hume City Council and RCL. The VPA invites either a general recommendation to this effect or a specific recommendation to this effect in respect of the RCL land.

RCL has made submissions from paragraphs 76 onwards concerning the odour buffer associated with the composting facility. The VPA observes RCL is strong opposition to a requirement for a 53 V audit on the basis set out in paragraphs 82.1, 82.2, and 82.3. The VPA observes that this is consistent with the position expressed by it in response to the Veolia submissions. That is while a section 53 V audit remains an appropriate tool for variation of the composting buffer it should not be the only tool available to the development community.

RCL expressed a concern that the proposed sewer pump station for Western water ought be accommodated in the land required for the drainage reserve property. At paragraph 67 it notes that the VPA has referred this submission to Western Water. Western Water have indicated that the location as defined in the exhibited PSP is indicative only, and that they would support working with RCL to identify a mutually acceptable site, potentially co-located with drainage assets.

This addresses the matters raised by RCL in its submission of 6 September 2017.

#### 4.4 Sustainability Victoria – Submissions 33 (C207) and 35 (C209)

The submission from Sustainability Victoria is contained within document 65. To the extent that this submission indicates that organics processing facilities are important and embraced by existing waste policy, the VPA accepts this proposition. Of course this is not to derogate from the importance of other applicable policy specifically planning policy in Victoria and the need to realize land identified through the growth corridor planning processes for urban purposes. The VPA actively disagrees with some matters put by Sustainability Victoria concerning the appropriate ordinance required to protect and manage buffer interfaces. In particular the VPA has considered the matters outlined at paragraph 51 of the Sustainability Victoria submission which purports to provide support for the prohibition of sensitive uses within buffer zones.

The examples provided include:

- Mt Atkinson and Tarneit Plains PSP. This PSP concerned areas which the growth corridor plans identified for state significant employment and industrial areas. It is not an appropriate comparison.
- The VPA has been unable to identify what was intended by the reference to Werribee PSP.
- The VPA has considered the approved ordinance for the Mount Alexander Shire Castlemaine landfill being amendments C 56. The approved C 56 schedule to the ESO states:

*An environmental audit has been undertaken to assess the potential for areas identified for residential development in the Diamond Gully Structure Plan, July 2016 to be at risk from the potential migration of landfill gas from the existing and former Castlemaine Landfill cells.*

*The landfill gas risk for most of the areas concerned was identified as being very low.*

*However, before residential development proceeds in an area to the south of Diamond Gully Road and west of Sluicers Road, a further site specific audit must be undertaken for this area in accordance with the requirements of Section 53V of the Environment Protection Act 1970 to ensure that there is not an unacceptable risk of landfill gas migration.*

Accordingly it can be seen that rather than prohibiting residential development, it adopts the very approach that the VPA advocates to the panel in this instance that being no residential development until an appropriate section 50 3V audit is undertaken.

- Finally Kingston C 143 concerned a rezoning to green wedge zone which is not comparable on the facts.

It is submitted that the examples provided by Sustainability Victoria are not reasonable comparisons. Finally the VPA observed the evidence of Mr Barlow to the effect that it is not appropriate to apply an ESO in the current circumstances where the UGZ is in place and designed specifically such that it can accommodate variations needed to meet local conditions.

It is respectfully submitted that the Panel should not adopt the recommendations of Sustainability Victoria.

#### 4.5 Metropolitan Waste and Resource Recovery Group – Submission 69 (C207)

The Metropolitan Waste and Resource Recovery Group submission is constituted by document 66. To the extent that that submission provides an outline of waste policy and the Metropolitan Implementation Plan the VPA do not take issue with the submissions. However the VPA takes issues with a number of assumptions within the submission which ultimately render reliance the document unsound. In particular the assumptions at Paragraph 55 to the effect that the landfill site risks pose a barrier to sensitive use for 80 years appears inconsistent with the availability of Section 53V audits as advised by the EPA and the advice on landfill risks from Mr Clarke of Senversa. The Panel is referred to the VPA's response on Sustainability Victoria matters in respect of buffers and the ESO. The VPA has not received any proposed drafting for controls from the submitter.

## 4.6 Environment Protection Authority – Submissions 82 (C207) and 83 (C208)

### Landfill Gas Migration Buffer

The VPA refers to the submissions of the EPA as augmented by its response of 15 September 2017. The VPA acknowledges the EPA's confirmation that it considers it should be a determining referral authority within the relevant buffers. Based on the advice of the EPA's expert on landfill gas risk provided to the Panel the VPA understands that section 53V audits can be sought at the time of closure of the proximate landfills cells. To this end the VPA interprets the response at 1(b) of the letter to be consistent with this position expressed at the Panel hearing. That is, sensitive uses should be prohibited within the landfill buffer until 'cleared' by a statutory environment audit. In this regard the VPA understands its position to be consistent with the EPA (though it is content to receive a recommendation to clarify this if the Panel interprets the letter on different terms.

### Composting Facility Odour Buffer

The VPA notes the position of the EPA that the separation guidelines support a buffer of 'at least' 1,400 metres. This position is difficult to reconcile with the evidence of the various experts before the Panel including that of Veolia. The VPA adopts the tested evidence before the Panel in supporting a 1,300 metre buffer.

Finally the VPA notes the position of the EPA in respect of section 53V audits to release land within the composting buffer. Subject to the following qualification the VPA agrees with this position. The concern of the VPA with reliance exclusively upon a 53v audit is that the evidence suggests it may not be possible to undertake a 53V audit without the support of Veolia. Accordingly the controls should allow for an alternate assessment to the satisfaction of the EPA in the event that Veolia's actions seek to prevent realization of uses by non-participation.

## 4.7 Veolia Environmental Services Pty Ltd – Submission 95 (C207)

Veolia relied on the evidence of Mr Assal. His evidence confirmed that it is feasible to undertake improvements to the Veolia operation utilizing current technology to reduce the buffer. While it is not certain that this will happen, it is appropriate that the controls properly provide for this potentiality by permitting sensitive uses within what will be the final buffer area subject to appropriate evidence. The EPA should be involved in the assessment of such information. The Veolia submission at page 3, paragraph 3 sets out a series of recommended changes to the exhibited materials. The VPA responds to these changes as follows:

- 3.1.1 (A), the VPA agrees that the (TBC) should be deleted from the legend of map one at section 1.
- 3.1.1 (B), for the reasons set out above the VPA does not accept the deletion of residential land within the 'composting facility odour buffer'.
- 3.1.2, the VPA does not agree to delete clause 3.9 or to insert the proposed text. It is apparent that Veolia have formulated the position on this issue based on the exhibited materials.
- 3.1.3, the VPA agrees to amend plan 3 the FUS to the extent that this is consistent with the position expressed above.

To the extent that allegations have been made by Hi Quality regarding matters of compliance by Veolia with its license requirements and that these allegations have been opposed by Veolia, the VPA does not consider these matters to be material to the panel's considerations. The VPA offers no view on the allegations. The VPA is satisfied that there exists sufficient capacity to liberate land currently impacted by the odour buffer created by the Veolia facility whether that liberation occurs on account of the cessation of Veolia's operation prior to or at the end of its leasehold tenure or whether consistent with the evidence before this panel better technology is utilised at that facility or processes changed with the effect that the buffer is reduced. The PSP is a long-term plan and it is important not to focus solely on the near-term when there are approximately 30 years of work and development to occur leading to full buildout. Within a spectrum this long it is apparent that a date around 2030 represents only the midpoint of development.

## 4.8 Oliver Hume Property Funds, AHB Australia Pty Ltd and Sunbury West Owners Group – Submissions 26, 80, 94 (C207) and 28, 82, 92 (C208)

### SICADS – Status and timing of the Sunbury West PSP

This submission expressed concerns around the final form and wording of the Sunbury Infrastructure Co-ordination and Delivery Strategy, and the degree to which it may prejudice future planning (including timing) for the Sunbury West and Sunbury West precincts.

The VPA note that the role and content of SICADs has been the focus of a number of submissions before the Panel. In its Part B submission to the Panel, the VPA outlined a series of changes it proposed to make to the Amendment in relation to SICADs, including:

- Modifying the status of SICADs such that it becomes a background report only, rather than a reference document within the PSPs as exhibited.
- Providing more flexibility in the early delivery of community infrastructure, particularly at Redstone Hill
- Recognition that the rate of development itself will be the key trigger (rather than timing alone) for the provision of much of the new infrastructure required across the PSPs; and
- Removal of specific references to the potential timing of development of the Sunbury West precinct, including acknowledgement that this precinct will likely develop alongside Sunbury South and Lancefield.

Further, the VPA tabled a series of specific changes on 4 September 2017 (Tabled Document 51) which defined the specific changes the VPA propose to make to the document. The VPA considers these changes sufficiently address the concerns outlined by these submitters, and does not propose any further changes in response to these submissions.

## 4.9 Sunbury Realty Pty Ltd – Submission 59 (C207)

### Redstone Hill P-12 School Site Location

This matter was addressed earlier. Refer 3.10 above.

### Connector Road Location

The submitter sought a shift in the connector road intersecting with Sunbury Road near the eastern boundary of the site away from the property boundary within the site, to allow any future subdivision design of the parcel to achieve lots fronting both sides of the connector road.

Given that this connector road is a local road only, the VPA consider that all things being equal, it is reasonable to expect that a developer responsible for delivering the road should be afforded the opportunity to front the road on both sides with future lots. The VPA supports this requested change.

A submitter with interests in land to the south-east (Marantali Pty Ltd – Submitter 18 to C207) had previously flagged the potential to shift the connector road further east and on to their property. This submitter confirmed in discussions over the course of the panel hearing that they were no longer seeking that outcome, and therefore support the VPA's proposed change set out above.



## 4.10 Tranteret Pty Ltd - Submission 38 (C207)

### Non-Urban Land designation

The submission concerns property 85. In its part B submission the VPA indicated that it did not support the inclusion of the Tranteret land as developable land within the PSP. The VPA has now had the benefit of submissions and evidence from Tranteret. The VPA's position has not changed.

Tranteret called Mr Turnbull in respect of traffic and Mr Hooper on planning. The VPA agrees that the development of the relevant land is not inhibited by reasons concerning traffic volumes and the bridge crossing. The VPA accepts that a traffic solution could be implemented, potentially through the imposition traffic light permitting single direction vehicle crossings of the bridge. Relevantly however Mr Turnbull did concede that the site does not have good pedestrian or bicycle access along Gellies Road.

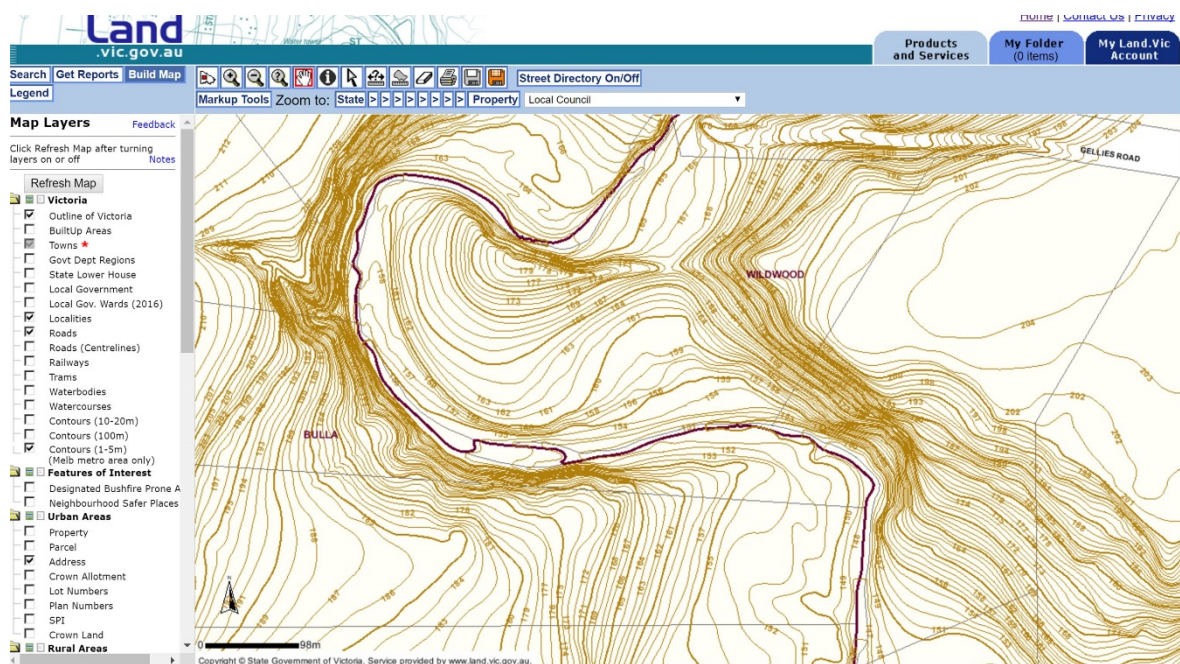
It follows from this evidence that in order to create a properly connected community to the balance of the PSP area other pedestrian and bicycle access is required.

It was Mr Hooper's evidence that:

- Reliance should be placed upon the identification of a potential pedestrian crossing of the Emu Creek in this vicinity as shown on page 40 of the PSP.
- No costings nor any design work has occurred on this bridge.
- That the bridge should constitute developer works.
- That it would be necessary to pump sewer to service the site and that at the current time the pumping of sewer would render the proposed subdivision not currently feasible.

Of interest, when Mr Hooper separately provided evidence for WinCity it was also apparent that the revised sewerage arrangements for the PSP area subsequent to the services plan identified at page 52 of the PSP has relocated to the sewer further from Property 85. This strengthens the position concerning affordability.

It is self-evident that that no planning has occurred for this path as even a cursory examination identifies substantial physical constraints. The fall of land in this location is approximately 40 m down to the Emu Creek and then a further 40 m back up to the developable land to the west. The development of that pedestrian bridge, which Mr Hooper said was necessary to achieve adequate connection is unrealistic and connectivity a most substantial barrier to development over and above the currently prohibitive sewerage costs.





The VPA is concerned that this land is not currently an appropriate place for development and to identify the land as potentially developable is, in the face of the evidence misleading.

The final page of Tabled Document 83, the Tranteret Pty Ltd submission to Panel, identified five changes proposed for the PSP and associated documents. The VPA confirms that it opposes each of the items.

#### **4.11 Hongfengshi International Property Investment Pty Ltd – Submission 53 (C207)**

##### **Redstone Hill P-12 School Site Location**

As discussed at Section 3.9 above.

#### **4.12 Oreana Project Management Pty Ltd – Submission 89 (C207)**

##### **Harpers Creek Local Town Centre Concept Plan - Speciality Retail Location**

Human Habitats, on behalf of Oreana Project Management, expressed concern around the VPA's proposed changes to the updated Harpers Creek Local Town Centre Concept Plan in response to the expert evidence of Ms Julia Bell, on behalf of Hume City Council. Specifically, these changes involved moving the specialty retailing 'wrap' from around the proposed supermarket, such that it would address the 'north-south' connector road.

The VPA agrees with the submitters concerns that, whilst the urban design imperative to address the connector road with retail uses is sound, the centre is unlikely to be able to support the quantum and form of retail to deliver this outcome in the short term.

The VPA now propose to make a more measured update to the Harpers Creek LTC Concept Plan circulated with our Part B submission, to retain the retail sleeving along the northern side of the supermarket, with additional specialty retailing shown along the Connector Road designated as 'potential specialty retailing – longer term'.

#### **4.13 Dr Mahinda and Ms Charmaine Samararatna – Submission 54 (C207)**

##### **Designation of a medical centre in the PSP**

The VPA submits the Panel ought to recommend no change to the exhibited PSP in relation to the designation of a medical centre and ancillary uses at 705 Sunbury Road. The VPA maintains its position on this matter as per page 11 of the VPA Part B Submission – Site Specific Issues.

#### **4.14 Mr Steven Galdes – Submission 41 (C207)**

##### **Local Open Space Location**

This submission sought the relocation of the 0.25ha local park from 65 Watsons Road to the property to the immediate west, on the basis of local open space catchments and the more equitable distribution of development constraints.

In principle, the VPA consider that the alternative location identified by the submitter represents an appropriate open space outcome for this future neighbourhood, and is an appropriate response to the updated DSS in this part of the precinct. It should be noted however, that the affected landowner has not been made aware of the potential for this change, and is not a submitter to the amendment.

This part of the precinct represents a complex drainage proposition, and is in relatively fragmented ownership. The preferred drainage outcomes for the area are also subject to review through Melbourne Water's consideration of feedback to the Fox Hollow Development Services Scheme. The VPA consider that any local

open space changes within this part of the precinct should be considered in the context of the final drainage outcome (i.e. with the finalisation of the Fox Hollow DSS).

The VPA would welcome a recommendation from the Panel that the specific location of local parks within the Harpers Creek/Fox Hollow be reviewed following the finalisation of the Fox Hollow DSS, in association with Hume City Council, Melbourne Water, and affected landowners.

#### 4.15 Capitol Property Group – Submission 75 (C207) – See Appendix 3

Paragraphs 14.1 through 14.57 of the written submission requests Detailed Changes to the PSP and UGZ9. The VPA has tabulated these requests and provided a response to each matter in Appendix 3.

##### Harker Street Concept Plan

The submitter presented an alternative concept plan for the Harker Street Sensitive Residential Area. This alternative concept plan presented an opportunity for additional development to be achieved in the north-west part of the site, immediately abutting a number of existing dwellings.

The submitter argued that the development of this part of the site would provide the opportunity for a more active interface with the Jacksons Creek Corridor consistent with a range of objectives set out in the PSP. If this part of the site were not developed, the ultimate interface with the creek corridor in this location would be rear property fences.

The VPA accepts that the ability to achieve an active interface with the Jacksons Creek corridor is a key objective set out throughout the Sunbury South PSP, and that development in this part of the site is the only reasonable way of achieving this outcome.

Notwithstanding this, the VPA is not convinced that an appropriate subdivision outcome in this location can be achieved, having regard for the limited yield, likely high servicing costs, topographical constraints (a significant gully would need to be crossed) and relative 'choke point' for local access of the site. Accordingly, the VPA does not support this change.

If the Panel were minded to recommend a change in the PSP to support development in this location, the VPA would suggest that the land is earmarked as an 'investigation area' only, and that the PSP/UGZ Schedule included requirements that any application demonstrate that the challenges set out above could be overcome.

#### 4.16 Wincity Pty Ltd – Submission 46 (C208)

The VPA and WinCity have reached agreement on most matters.

##### RCZ and UGZ zoning

The WinCity Supplementary Submission to the Panel (Tabled Document 170) presents a proposal to the VPA and Panel that provides for a 'no net loss' approach to the zoning boundary between the Rural Conservation Zone and the Urban Growth Zone – Schedule 10.

The VPA notes that Figure 2 (Proposed changes to Rural Conservation Zone and Urban Growth Zone) in the Biosis Updated expert evidence (Tabled Document 171) is based on the existing zoning rather than the VPA's proposed zoning through Amendment C208.

The VPA notes that the proposal is based on preserving areas of native vegetation that are present on the site. Given that the area is within an area covered by the Biodiversity Conservation Strategy, the location of vegetation outside of conservation areas is not necessarily the driving factor that informs zone boundaries.

Irrespective, the VPA has overlaid WinCity's proposed zone boundary on the Future Urban Structure with the updated DSS and Land Not Serviced by DSS – Potentially Developable Areas. The VPA note that the line work provided by WinCity (refer red line in figure overleaf) generally mirrors the VPA's proposed development line. The VPA will continue to interrogate the minor discrepancies, however are generally supportive of the proposed zoning outcome.

The VPA submit that the Panel ought to recommend that the VPA undertake a review of the zoning in this area.



#### 4.17 View Grange Pastoral Pty Ltd (Villawood Properties) – Submission 71 (C207) and 71 (C208) – See Appendix 4

Villawood Properties provided their outstanding submissions to the VPA in tables, and the VPA has provided a response to each matter in Appendix 4.

##### Racecourse Road Controls

Refer Section 3.3 above.

##### Redstone Hill District Park

Refer Section 3.4 above.

#### 4.18 Hi Quality Quarry Projects Pty Ltd and Tranteret Pty Ltd – Submission 61 (C207)

##### Revised Future Urban Structure and fill proposal

Hi Quality has sought that it's preferred Future Urban Structure (FUS) is adopted in the gazetted PSP. This FUS is predicated upon the substantial filling of areas within the PSP (the land designated as having landscape values in particular and land within the Special Use Zone associated with the quarry and landfill).

It is inherent in this proposal that there exists a level of uncertainty. The Panel is reminded of the questions put to Mr Barlow about the nature of the proposed filling operations. These questions concerned:

- Whether or not there exist filling contracts.
- That the filling would be subject to permit and, accordingly, subject to uncertainty concerning the grant of that permission

- That the filling may be subject to conditions limiting spatial or operational requirements.

The VPA is satisfied that the filling is feasible and consider it appropriate that permit could be sought to facilitate such filling. At the time of the permission consideration would necessarily be given to the many considerations surrounding the extent of fill, the level of compaction, the management of ground water, the responsibility for ongoing monitoring and management of pressure plates etc.

The VPA consider that a planning permit application would be a complex exercise and while the evidence demonstrates it is feasible it remains uncertain. For example, if the FUS is predicated on a future filling application, what if the filling application does not materialise or is refused? Is it then necessary to 'correct' the FUS through a further planning scheme amendment? The impacts are not limited to the two areas but involve the drainage. It is not necessarily the case that a permit received for fill will correspond exactly to that identified in the 'earthworks area' that Hi Quality propose should be included within the PSP or UGZ schedule. Under the controls as drafted by Hi Quality, this would prevent any of the land being developed until such time as a planning scheme amendment is undertaken to reconcile this difference.

The drafting of controls for this process is complex. The VPA observes that Mr Barlow confirmed he had provided advice on controls but none were tendered in the submissions or presented for testing before Panel. There have discussions between the parties but the VPA is not satisfied that the scale and complexity of this issue, one which that could consume an entire Panel hearing itself, is appropriately secured at this time based on the level of information available. Rather, the VPA considers it appropriate that the potential for this proposal is introduced and included in the PSP.

To illustrate the need to consider further the implications of filling in this environment, the plans tendered by Hi Quality concerning the proposed filling [Document 123] indicate that the finger of industrial land extending into what is currently the SUZ would rest directly adjacent to landfill cells which the submitted staging plan suggests would be filled between 2040 and 2050. What are the landfill gas implications on this new industrial land and what (if any) are the implications for the cost of this land and its realistic potential to provide for affordable industrial land supply?

While it might be the case that a different area of the SUZ land could be utilised, that constitutes a different new land formation and accordingly a different FUS.

The VPA is not arguing that the plan is flawed, but rather that the plan is yet to be adequately resolved such that the 'new' developable land can properly form the basis of a FUS.

The VPA remains unsatisfied by the extent of assessment of visual amenity. Mr Wyatt's evidence reflects a visual assessment of the landscape values from a range of present day road vantage points (which did not include Lancefield Road). No testing through montages or images to evaluate the level of impact has occurred. No qualitative assessment of impacts from these vantages has occurred as it has under other projects assessed by Mr Wyatt (such as the Melbourne Regional Landfill). The VPA is concerned that the assessment has not assessed the value of these landscapes from views within the proposed urban development of the site. By this the VPA means that value of these areas and their visibility will not be confined to views from periphery road frontages as development progresses but will be evaluated from the urban structure itself. Accordingly the VPA considers that any filling permit application will need to address visual amenity in a broader fashion than the existing report.

The VPA propose that:

The Future Urban Structure will be amended as per the VPA's previously outlined position, that is:

- To identify the area of land currently shown as industrial – light to the west of the drainage corridor and re-name this area to 'bulky goods / light industrial'. The applied zone will change from Industrial 3 Zone to Commercial 2 Zone.
- To identify the land north-west of the WI-14 which is currently shown as industrial, as light industrial. The applied zone will change from Industrial 1 Zone to Industrial 3 Zone.
- Show the 'two gullies' and an area to the north (as shown on Hi Quality's master plan as E4 and a portion of E3) as an 'Investigation Area'

The land currently within the SUZ would remain unchanged.

Include text in the PSP:

*"INVESTIGATION AREA*

*The investigation area comprises two gullies in the east of the precinct adjacent to the Hi Quality landfill and quarry. The land is zoned Rural Conversation Zone and Special Use Zone 1.*

*The alignment of the stormwater treatment assets shown on Plan 3 has been agreed to by Melbourne Water to service the land within the PSP. A different stormwater treatment asset may be agreed between Melbourne Water and the relevant landowners within the Development Services Scheme in order to service the land and surrounding precinct.*

*The land shown as 'Investigation Area' may be developed for urban purposes, including a range of residential and employment uses. It is intended that, once the development potential of this area is established via a separate planning permit process and subject to an appropriate drainage solution being agreed to the satisfaction of Melbourne Water, the Investigation Area may be rezoned for urban development in the future. This planning scheme amendment process will need to define the location of land uses across the investigation area, and may result in the need to modify this PSP including the Future Urban Structure."*

The VPA will consider including within Table 2 of the UGZ9 that a quantum of restricted retail will be allowable without a planning permit for Use within the Industrial 1 Zone, where the land is in proximity to Sunbury Road. The VPA need to undertake further work to determine what the appropriate quantum may be (noting that restricted retail is a Section 2 Use within the INZ1, so further may be applied for). The location of these uses on the Industrial 1 Zoned land should be defined through a new concept plan to be included within the PSP, reflecting the Future Urban Structure outcomes described above.

VCAT decisions such as *Calleja Properties Pty Ltd v Hume CC (Red Dot)* [2016] VCAT 253 (23 February 2016) dictates that filling of the scale proposed by Hi Quality will require a use permit as an innominate use. Should Hi Quality obtain a planning permit to fill the land, the onus will be on Hi Quality to fill it to a standard which can demonstrate that the land is suitable for development upon completion. Should the land be demonstrated to be suitable for development, the VPA consider that this is the appropriate time to undertake a planning scheme amendment to provide the land with appropriate zoning. A permit for filling within the RCZ and SUZ could be granted under the controls.

The VPA do not agree to show Hi Quality's proposed land uses within the PSP. This is due to:

- a) The VPA do not consider it appropriate to show land that does not currently exist (and may never exist) in a developable form as contributing towards the required amount of employment land for the Sunbury Township.
- b) The VPA will not show a drainage solution in the PSP that does not align with Melbourne Water's position. It is also noted that the proposed drainage solution is dependent upon a very large amount of earthworks being undertaken.
- c) Whilst the VPA supports maximising land available for urban development, the VPA note that the Sunbury / Diggers Rest Growth Corridor Plan and other strategic documents have not considered the gullies on Hi Quality's land as required to facilitate urban development. Given the scale of landscape change proposed, and the significant amount of works required, the VPA is not satisfied that there is sufficient strategic justification at this time to alter Amendment C207 in this manner. The VPA consider that the appropriate time to zone the land for urban development is at the time that the land is prepared and proven suitable to accommodate such development.
- d) There is some ongoing doubt around the capacity to realise the full extent of employment development proposed in the Hi Quality master plan, given likely long term constraints associated with the landfill gas buffer on the northern part of this land.



## 4.19 Mr John Ware – Submission 39 (C207)

### Break of Slope

Mr Ware submitted to the Panel that the VPA has inaccurately defined the break of slope on his property and that there is additional developable potential in areas which were shown in the exhibited version of the PSP as 'Regionally Significant Landscape Values' and are now proposed to be shown by the VPA as "Land not serviced by DSS – undevelopable".

The VPA submit that the Panel ought to recommend that the VPA undertake a review of the break of slope on Mr Ware's property.

### Drainage

Mr Ware also submitted on the location of drainage assets on his property and indicated broad support for the alternative drainage solution put forward by Hi Quality (refer 4.18 above). As outlined previously, the VPA do not support showing Hi Quality's alternative drainage strategy within the PSP.

The VPA submit that the Panel ought to recommend that the PSP be updated to reflect any amendments which are made by Melbourne Water to the Development Services Scheme prior to the adoption of the PSP.

## 4.20 Carmody Family – Submission 65 (C207)

### SUZ10 – Zone Purpose to better recognise agriculture

The land can continue to be used for agricultural pursuits with existing use rights, and for a range of agricultural uses which are Section 1 – Permit not required land uses. The context of the site will be in an urban environment and the VPA do not consider it appropriate for the zone to aspire to a land use outcome which is more suited to rural environs.

The VPA submits the Panel ought to recommend no change to the exhibited PSP in relation to the Zone purpose.

### Permit triggers in the SUZ10

At Paragraph 66 of Mr Woodland's written submission to Panel it is requested that the permit triggers for buildings and works under the SUZ10 should be limited to 'Section 2' uses only. The VPA do not support a change this requirement. The VPA would however support amending Clause 4.0 Application Requirements so that the listed requirements only apply to Section 2 land uses.

The VPA submits the Panel ought to make the following recommendation in respect of the submissions of this submitter:

- Amend Clause 4.0 of the Special Use Zone to read: "An application to use land or construct or carry out works must demonstrate consistency with the purpose of this zone and the *Craiglee and Ben Eadie Concept Plan*. An application for use land or to construct or carry out works associated with a Section 2 Use, must provide the following information, as appropriate:..."

At Paragraph 69 of Mr Woodland's written submission it is requested that the use of land for a restaurant, conference centre, museum and reception centre be made Section 1 uses under the zone, with the condition that the Use "Must be located within the 'Potential Development Area' in the Craiglee and Ben Eadie Concept Plan, November 2016".

The VPA maintain their position as provided on Page 7 of the VPA Part B submission – Site Specific Issues, and as per Appendix 1 of their Part A submission, which is that VPA considers these to be uses that may have significant off-site impacts. The VPA notes these are not section 1 uses in any zones within the Victoria Planning Provisions. The VPA does not consider this proposed change to be strategically justified in this location and therefore submits that the Panel ought to recommend no change to the exhibited PSP in relation to the Section 1 uses.

## Urban Development for the purposes of the Biodiversity Conservation Strategy

The VPA submit that the Panel ought make no recommendation in relation to the matter at paragraph 82 of Mr Woodland's submission that all of the relevant provisions should be removed from SUZ10 on the basis that this zone does not permit urban development to occur on the subject land, and that the MSA approvals and BCS requirements therefore cannot be legally made to apply via SUZ10.

In part Mr Woodland sought to rely on a dictionary definition of the word urban. The Macquarie concise dictionary defines urban as:

- 1 Of, relating to, or comprising a city or town.
- 2 Living in a city or cities.
- 3 Occurring or situated in a city or town.
- 4 Characteristic of or accustomed to cities.

The Carmody parcel is currently at the edge of urban development within the township of Sunbury. It will consequent upon the approval of the PSP's form part of a continuum of urban development. To the west it will be about conventional residential development and separated only by Jackson's Creek to the east will be surrounded by conventional urban development. It will comprise part of Sunbury. In each and every PSP there exists parcels or pockets of land that have a rural aspect or character. While the company land does not form part of the PSP area is directly influenced by a consequent upon further development will form part of the urbanised area as a matter of fact having regard to the definition above.

As indicated at the time of the Carmody submission the department was present and the VPA have sought further advice in writing regarding the position of DWELP and urban development. The VPA refers to the letter from DELWP dated 17 October 2017 (Appendix 5) which advises that:

*The Craiglee and Ben Eadie properties are covered by the 2013 Commonwealth approval.*

*As set out in the attached definition, the uses identified in Section 2 of the proposed Special Use Zone (SUZ) are considered 'urban development' for the purposes of the MSA program. The SUZ Section 2 are:*

- Conference centre
- Group Accommodation
- Hotel
- Museum
- Reception Centre
- Residential Hotel
- Restaurant

*DELWP's primary concern is to ensure that any urban development that occurs on this site, meets the requirements of the Commonwealth approval conditions (described by the BCS). Specifically, when urban development occurs:*

*Urban development must be excluded from the conservation area*

*The conservation area portion of the land must be protected for conservation in perpetuity, in accordance with the Victorian Government's commitments under the BCS and the 2013 Commonwealth approval.*

*DELWP considers that the proposed SUZ is consistent with the Commonwealth conditions that apply to the site, if the proposed change to the conservation area boundary is approved.*

Accordingly, the VPA submit that it is necessary to retain Clause 6.0 in the SUZ10, and that it is entirely appropriate for the zone purpose and decision guidelines to refer to the Biodiversity Conservation Strategy.

## Boundary of Conservation Area 21

As noted by Mr Woodland at Paragraph 95 of his written submission to Panel, the BCS is not a document that is before the Panel and therefore the request for the excision of land from Conservation Area 21 is not one that the Panel can consider.

DELWP has provided in-principle support for a number of changes to the Conservation Area 21 boundary on the Carmody property, which will be included within a no-net loss application by the VPA to amend the Conservation Area boundary prior to the adoption of the Amendment. The Concept Plan in the SUZ10 will reflect the updated boundary to the Conservation Area.

However, DELWP has advised that is not likely to support the excision of the additional building and building ruin which are the subject of the submission to Panel. Both of these are located a distance from the conservation area boundary and relatively close to the Jacksons Creek. Excision of these buildings would result in undesirable isolated 'holes' in the conservation not consistent with Growling Grass Frog conservation. Note that a future Section 69 agreement would not place restrictions on the maintenance and use of these buildings.

## Craiglee and Ben Eadie Concept Plan modifications

At Paragraph 109 of Mr Woodland's submission he sets out a series of changes to the Craiglee and Ben Eadie Concept Plan. The VPA note that:

- The 'creek environs' in the exhibited concept plan accurately reflects the extent of Conservation Area 21 insofar as DELWP has provided in-principle support for changes to the Conservation Area 21 boundary. The VPA consider that this is the appropriate boundary of the creek environs. If there are further changes agreed to by DELWP then the 'creek environs' will be updated to reflect these.
- The request for the increase of the 'potential development area' has not been discussed with the VPA previously. The zone purpose has been drafted to provide for the continued use and development of the land for vineyard and a winery and to allow for complementary activities to be undertaken in conjunction with these uses. The VPA therefore consider that it is not appropriate to foreshadow development over the vineyard component of the site.
- The VPA will revise the Concept Plan to reflect the creek line accurately.

## Subdivision in the SUZ10

At Paragraph 120 of Mr Woodland's submission he submits that provision be made for a permit to be granted for the creation of one additional lot where it is associated with a use consistent with the zone purpose.

The VPA notes that the zone purpose includes 'to provide for the use and development of the land for tourism purposes', which could be liberally interpreted.

The VPA would support a recommendation by the Panel that Clause 2.0 of the SUZ10 be amended to allow for the creation of one additional lot where it is associated with a Section 1 Use.

## Conservation Interface Plan requirement

The VPA support Mr Woodland's request at Paragraph 120 of his written submission to Panel that the requirement for a conservation interface plan be deleted from Clause 4.0 of the SUZ10.

## Other matters

The VPA's position remains unchanged on other matters raised within Mr Woodland's submission.



## 4.21 235 Old Vineyard Road – Submission 62 (C207)

### Reduced Commercial/Business land and with mixed use interface

Mesh, on behalf of the landowner of 235 Old Vineyard Road, made submissions seeking a reconfiguration of the Commercial/Employment Land in the Vineyard Road Employment Area. These submissions sought changes to the Sunbury South Future Urban Structure, and to the Vineyard Road Employment Area Concept Plan.

This submission represented a new position, not outlined in the original submission with respect to the land received by the VPA during exhibition.

The VPA understands that this new position is in response to the changed access arrangements to Vineyard Road, made following submissions received from VicRoads. This revised access saw a signalised intersection move north on Vineyard Road to Moore Road, providing access to the northern edge of the Vineyard Road Employment Area, rather than centrally as set out in the exhibited PSP.

The VPA acknowledge that viable employment areas require strong access to the arterial road network, and that the changed access requirements represent a significant change in the road network that initially supported the employment designation of the land.

There is, nevertheless, strong policy support for the continued identification of the land for employment uses, including the designation of employment uses further north of Vineyard Road in the Growth Corridor Plan (moved south in the exhibited PSP to maximise residential development opportunities in the catchment to the future potential rail station), as well as the City of Hume's new Municipal Strategic Statement (which identifies the land as a key bulky goods retailing node).

The VPA strongly supports the provision of sufficient land to generate local employment to support the growth of Sunbury (see 1.5), and sees this site is an important part of that overall provision. However, we acknowledge that these employment opportunities will be provided in a range of different contexts, not all of which require a large amount of land to generate significant employment numbers.

Given the fact that this submission represents a fundamentally different position than that received during exhibition, the VPA does not consider that there is sufficient information before it, or before the Panel, to justify the revised outcome now proposed.

The VPA seeks a recommendation from the Panel that additional work is undertaken following the Panel Hearing, but prior to approval of the PSP, to demonstrate that:

- Any reconfigured employment area can continue to support the employment numbers generated by the employment area as depicted in the exhibited PSP.
- Sufficient demand exists (or will exist) in Sunbury for the 'small office' and mixed-use outcomes proposed in the submission.
- Appropriate planning controls can be drafted to protect any remaining employment land from residential encroachment (either through ground floor residential uses or amenity impacts for future residents); and
- The area can sustain the 'bulky goods' retail outcomes reflected in the exhibited concept plan, and supported by the new Hume MSS.

## 4.22 280 Lancefield Road (Spiire) – Submission 60 (C208)

This is a submission from a prospective purchaser of the property at 280 Lancefield Road. The VPA do not currently have a copy of the submission presented to the Panel.

Many of the issues presented were consistent with those described below, as they both relate to the same property. The VPA will however provide further direction to Panel on our position in relation to outstanding matters with this submission, if required, once the VPA has received a copy.

## 4.23 280 Lancefield Road (Insight Planning) – Submission 53 (C208)

The owners of the land at 280 Lancefield Road presented submissions the PSP's application to that parcel.

### Extension of Precinct Boundary

The first issue addressed by this owner concerned a request that the PSP be extended to include the balance of property 8 and property 13 to the east of the Emu Creek tributary. The submission was made that the splitting of the property between two PSP areas is 'impractical, illogical and uncommon'. To the contrary the VPA position as expressed in the part B submission is that the creek represents a logical boundary for the PSP. There are a series of practical and policy reasons why this land should not be included within the PSP at this time.

The necessary background consideration for the Panel is that this land is not precluded from development for it will form part of the Lancefield Road North PSP which will be prepared in coming years.

Page 5 of the owner's submission contains an extract from the Sunbury growth corridor plan. That plan identifies a series of local neighbourhoods. The distinction between the land to the east and to the west of tributary is consistent with the growth corridor plan which identifies these areas as separate 'local neighbourhoods'.

While it could be argued that the land or part of it may form part of the walkable catchment for the Yellow Gum Town Centre this will be the case whether that development occurs now or at some later time. The submitter's representative indicated that the preparation of the Lancefield Road North PSP could be five or more years away. While this sounds like a long period of time, this is in the context of a PSP which will not be built out until between 2040 and 2050 and in respect of which a number of large developers including Wincity will already have permits and will be bringing services to the north along Lancefield Road in the course of their development. 280 Lancefield Road is not a shovel ready development.

Accordingly any alleged prejudice is minor if it exists at all.

Finally there exist practical reasons why the amendment should not be changed in this manner. This Panel must consider the implication of including new land within the PSP. The inclusion of land from outside the PSP area following a period of extensive exhibition raises issues of procedural fairness and transformation. Further, the full suite of background reports and planning for this neighbourhood has simply not been completed. While it is easy to say that the land will just be a residential area, residential areas still undergo investigation and planning to create the future urban structure.

It is not appropriate that this additional land is brought into the PSP.

### Conservation Area 19 boundary

The second issue raised by this submitter concerns the mapping of a proposed conservation area on the land. It was submitted that the existence of an outlier tree had distorted the shape and orientation of the conservation area. In response to this submission the VPA contacted DWELP to test this position. DELWP confirmed that the site had been surveyed and that it was a considered decision to provide for the conservation area in the form exhibited. The submitter has not made the appropriate contact with DELWP, nor produced any expert evidence to substantively challenge the basis of the PSP.

The submitter objects to the identification of a waterway on land to the south of the open space area. The relevant waterway was the subject of direct evidence from Dr Blackham of Alluvium. As discussed earlier (refer Section 3.10 above), Dr Blackham inspected this particular reach and concluded that it has 'extreme' geomorphic value representing an area with less than 5% prevalence across the state. Dr Blackham's evidence was not tested by this submitter. Great weight should be given to the evidence of this expert in circumstances where there is no opposing evidence and the expert presented themselves for cross examination.

The submitter seeks the reorientation of the government secondary school. The VPA understands this is sought to be achieved through reorientation of the north-south connector as it traverses this land. The VPA is sceptical about whether this represents a realistic opportunity in circumstances where the conservation area and the waterway are present but recognizes that the panel has provided the opportunity to the submitter to sketch these proposed changes and reserves the right to comment on those changes.

The submitter contends that the areas earmarked for regionally significant landscape values bracket more recently updated through material submitted mean that the area may be being under planned and underdeveloped. There can be no doubt that this area is a much more highly constrained PSP than many other PSP's. The constrained nature of the PSP means that these areas will have a lower net developable area than more unconstrained PSP's. While the VPA agrees that it should not be wasteful with the resource that is developable land that does not mean that place values should be ignored to make what would constitute marginal increases to the developable area. This submission is rejected.

### Visually Sensitive Interfaces

The VPA has considered further the submission in relation to the 'visually sensitive interfaces' on this site, and agrees that even in the revised form tabled at the commencement of the hearing, the interfaces are conservative in relation to their application on this property.

The interface with the Emu Creek along the southern part of the site is set well back from the 'break of slope', (beyond Conversation Area 18). The VPA therefore support the application of the 'Conservation Area' interface to this part of the site.

The interface with the tributary to the Emu Creek along the northern part of the site is likewise conservative. Whilst this tributary is incised at this point, it is not dissimilar in profile to a number of existing, secondary waterways across the two precincts (including, for example, Harpers Creek). It does not form part of the two major creek corridors of Emu Creek and Jacksons Creek. The VPA therefore support the application of the 'Waterway' interface to this part of the site.

## 4.24 Mr Neil and Ms Robyn Isles – Submission 23 (C207) and 19 (C208)

### Northern Jacksons Creek Crossing

Refer Section 3.1 above.

### Racecourse Road residential area – Sherwood Heights

Refer Section 3.3 above.

### Fauna protection – Platypus habitat

The Biodiversity Conservation Strategy requires that urban development be excluded from Conservation Area 21 and that it be protected and managed for conservation in perpetuity. Within the two precincts, Conservation Area 21 extends mostly between 80 and 100 metres either side of the Jacksons Creek. It is considered that this buffer distance will protect key platypus habitat, within the two precincts, from urban development.

### Employment opportunities

Refer Section 3.8 above. The VPA consider that the PSPs provide a diverse range of zones to facilitate varied employment opportunities. The VPA does not consider it appropriate for a PSP to dictate the specific types of industries that may develop in these areas.

The VPA submits the Panel ought to recommend no change to the exhibited PSP in relation to employment types.

## 4.25 295 Lancefield Road JV Pty Ltd – Submission 52 (C208)

Document 145 before the panel is the submission on behalf of 295 Lancefield Road JV Pty Ltd. The submission concerns property 4 in the Lancefield Road PSP. The core ongoing concerns of the submitter are described from paragraph 32 to paragraph 47 of the submission document.

### Yellow Gum Town Centre expansion area

The key change sought at paragraph 36 is that the land identified for the potential northern extension of the Yellow Gum Town Centre to the north of the Boulevard connector should be identified as a mixed use zone area.

The basis for this submission is that the form of development and use in this area will be guided by an urban design framework. It is further submitted that the secondary role of the area north of the Boulevard connector is a better fit with a mixed use zone.

The VPA does not agree but is prepared to consider some mixed use land potential to the north.

A key difference between the application of the Commercial 1 Zone and the Mixed Use Zone is the ability to develop residential uses at ground floor. Within the C1Z accommodation is a section 1 use only where the frontage to the accommodation does not exceed 2m at ground floor level. Where this is exceeded the use becomes a section two use.

Within the MUZ, one of the residential suite of zones, accommodation or more specifically a dwelling is a section 1 use without restriction. This is important because it has implications for the built form and activation of the town centre. In circumstances where the mixed use became the zone for all of the land to the north of the Boulevard connector the developer could develop any form of residential development without constraint. It is the VPA submission that this would constitute an unacceptable outcome in a designated town centre.

It is also important to consider the controls that are proposed with the preparation of an urban design framework for the Yellow Gum Town Centre. It is true that the proposed text for the new requirement within the PSP requires that the urban design framework be prepared before the development of any land north of the Boulevard connector. However the bullets that the urban design framework must respond to a relatively limited insofar as they would influence land-use. The proposed provision for the schedule to the UGZ relates to permits for use the subdivision of land for the construction of a building but this would not necessarily respond well to the provision of an activated Boulevard forming part of a single integrated town centre.

That is not to say that the prospect of some MUZ land within the northern portion of the town centre is not appropriate. The VPA considers that there may be an opportunity for land to the north of the town centre where it interfaces with land within the residential growth zone to have a mixed use zone. Under this scenario that portion of the town centre fronting the Boulevard connector would be within the C1Z and that portion fronting the street to the north within the MUZ, with the precise delineation between the zones to be determined through the urban design framework. In the short time since this submission the VPA has not had an opportunity to fully resolve this concept, and it requests a recommendation on the following terms being that:

- The VPA consider the appropriateness and statutory implementation of the provision of land within a commercial one zone fronting the northern side of the Boulevard connector within the yellow gum town centre and the northern side of this land within a mixed use zone.
- In assessing the above the VPA should liaise with both the affected landholder, the landholder of the southern portion of the town centre, and the Hume City Council.

## 4.26 Jinding United Sunbury Pty Ltd - Submission 55 (C208)

The submission of Jinding United Pty Ltd's document 146. The submission raises a limited range of issues which affects properties six, seven and R7 within the Lancefield Road PSP.

### Drainage Assets

The specific submissions comments from paragraph 48 of the document. The submission at paragraphs 48 to 54 are addressed in the text above concerning changes to water assets as depicted in the integrated water management plan. See Section 3.10 above.

### Landscape Values

From paragraph 54 on, the submission addresses a small area of land which on the future urban structure is identified as having landscape values. This land is inside the break of slope and the VPA accepts that it has

been incorrectly identified. Accordingly the VPA accepts that this triangular parcel is identified at figure 7 within the submission should be described as developable land.

The VPA considers that this submission is accordingly resolved.

## 4.27 Kolceg Family – Submission 84 (C207)

### Harpers Creek Sports Fields (SR-01)

The VPA generally support the request at Paragraph 12 of Ms Ancell's written submission to shift SR-01 further to the south to support further higher density residential development in the catchment to the Harpers Creek LTC, generally as per Figure 10 of the supplementary information provided with the submission to Panel (Tabled Document 150). However, the VPA has been unsuccessful to date in contacting the landowner of the property to the south which will be affected by the proposal.

The VPA note that the submitter has liaised with APA GasNet in relation to the proposal, and that APA are broadly comfortable with the proposed shift, subject to certain conditions.

The VPA submit that the Panel ought to recommend that the VPA liaise with the submitter, the landowner to the south and Hume City Council to progress this matter.

## 4.28 QOD Property Group Pty Ltd – Submission 59 (C208)

### Shared path along rail reserve and designation of plantation reserve

The VPA agree to the requests for a revision of the Balbethan Residential Concept Plan to incorporate a shared path along the rail reserve from The Skyline to Raes Road, and amendment to the "Tree Reserve" designation to "Plantation Reserve" and "Plantation and Drainage Reserve" respectively.

The VPA considers all outstanding issues in relation to this submission have now been resolved.

## 4.29 Ive, Danica, Nikola and Ljubica Kolceg – Submission 85 (C207)

### Drainage Assets – WI-24

The VPA submit that the Panel ought to recommend that the PSP be updated to reflect any amendments which are made by Melbourne Water to the Development Services Scheme prior to the adoption of the PSP.

### Harpers Creek and Fox Hollow Residential Concept Plan – Level of Detail (including tree reserve)

The VPA submits that the level of detail reflected in the updated concept plan is appropriate, but agrees that greater acknowledgement of its role and the capacity to vary the local subdivision design elements to the concept plan should be included within the PSP. The VPA would welcome a Panel recommendation that VPA draft additional guidance for inclusion within the PSP as to the status and level of discretion associated with all residential concept plans.

### R99 – Access to Buckland Way or Fox Hollow Road only

The VPA agree with the request at Paragraph 31 of Ms Ancell's written submission to Panel to add the wording "unless otherwise agreed with the responsible authority" to the end of Requirement 99 in the Sunbury South PSP.

### Interface with Jacksons Hill cross section – shared path

The VPA submits that the tree reserve and adjacent local road interface along the southern edge of Jacksons Creek area to the north of the Sunbury South PSP are existing features that provide a unique opportunity to provide a connection between the Harpers Creek and Jacksons Creek, and positively address a development interface with an existing area.

The VPA agrees however that the shared path is an opportunity only, and that it would not necessarily be required subdivisional works. The VPA would support a notation on the relevant cross section to clarify that the opportunity exists for a future shared path, and that this would not necessarily be delivered in association with development within the precinct.

## 4.30 National Trust of Australia (Victoria) – Submission 61 (C208)

### Northern Jacksons Creek Crossing

Refer Section 3.1 above.

### Racecourse Road Design Controls

Refer to Section 3.3 with the exception of the following matters raised in Tabled Document 155:

- Paragraph 23 - Building envelopes and ensuring building works with the contour of the land.  

The VPA is satisfied that the combination of subdivisional works providing for lots on the upper side of lots to largely maintain their existing slope, with sites on the lower side to be cut will provide for a regular rhythm of built form across the hillside. On a prominent site such as this providing this regularity is more likely to visually reflect broad topography of the hillside. Requiring very specific lot level responses to topography is likely to result in a dis-jointed rhythm of built form that disrupts the visual integrity of the overall hillside as a complete landscape feature.
- Paragraph 25 – Providing a Council member to the Design Assessment Panel.  

The Design Assessment Panel (DAP) will be guided by guidelines approved by the responsible authority. These guidelines are informed by the subdivision application and proposed permit with conditions, the precinct structure plan and the PSPs informing documents and policy. This lineage is sufficient to ensure the design guidelines are an expression of the policy environment for this site.

The VPA does not strongly oppose a Council representative on the DAP. However, we note that the Council, with the VPA and others, have had substantial input to policy development for the site as expressed in the PSP. We also note that Council may have a view as to whether they need to expend further resources on individual home design variations for a site that is already highly regulated on these matters.
- Paragraph 26 – Responsiveness to existing slope.  

The VPA supports the inclusion of a 'consideration' as to existing slope and visual connections across the landscape into the design guidelines.
- Paragraph 27 – Dwelling articulation.  

There is no evidence that ordinary elements of a house frontage such as porticos and the like are likely to be detrimentally 'conspicuous or dominating' when viewed from the surrounding landscape. Such articulation is designed to enliven the presentation of a building at the micro level e.g. when viewed from the immediate street frontage. These elements, particularly as they are to be designed at the same time as the body of the dwelling, are highly unlikely to be distinguishable from the body of a dwelling in a long view scenario.
- Paragraph 27 – Site coverage.  

There are no demonstrated issues with drainage on the site that would require additional pervious surface. Both Melbourne Water and Council appear satisfied that drainage of the site is sustainable.



- Paragraph 29-32 – Built form.

National Trust's proposal that built form be 'recessive within the landscape' is already achieved to varying degrees by the overall composition of the subdivision. The development area has been reduced to only the hillside, the road layout hugs the contours of the hill to allow for screening vegetation and reduced visibility of road surfaces and lots on the lower side of blocks will be cut to allow dwellings to sit back into the hillside. However the suggestion that upper storeys be subject to setbacks from the ground floor walls may assist in achieving the objective of space between buildings.

On balance the VPA does not consider it unacceptable that some built form will be visible on this hillside. The land is within an established township. While it sits adjacent a significant landscape feature, it follows a history of development alongside, and in the case of the Rupertswood complex in Jackson Creek. The significant dimensions and ample views of the Jackson Creek valley are unlikely to be significantly detracted from by some visible development on this hillside.

- Paragraph 34 – Landscaping and tree protection.

As suggested by the National landscaping on private lots will aid the aims of ensuring the development is sympathetic to the surrounding landscape.

The difficulty in such an approach is largely one of enforcement and individual preference. The prospect of council officers entering private yards to locate and measure individual trees seems excessive. Gardens on residential lots are a place of private retreat and, albeit their overall area is to be managed as a corollary of built form controls and tree planting is encouraged, they should not be subject to detailed enforcement as to their internal composition. This is particularly the case here where the lots are part of a master-planned development including public streets and green spaces providing ample opportunity to establish substantial trees in a more sustainable long-term setting.

### Revised extent of development

The VPA notes National Trust's support for the revised extent of development allowed for in the PSP and reflected in the planning permit application.

### Local park on the valley floor

At Paragraph 14 of their submission, the National Trust indicate that the passive open space (LP-14) does not sufficiently respond to the undulating landform of the precinct. The VPA do not agree that the local park on the valley floor would present an unacceptable detriment to the visual or ecological landscape. Visually the proposed 0.75ha park will be dwarfed by the relatively enormous scale and dramatic composition of the valley.

Ecologically, Commonwealth and State government ecology advisers and approval provide for planned local parks to be located adjacent conservation areas subject to specific performance and design provisions described in the 'Biodiversity and threatened species' section and the 'conservation area concept plans' in the Lancefield Road PSP.

### 'Green fingers' concept from Czarny evidence

Paragraph 15 of the National Trust submission notes support for Mr Czarny's concept of four lines of visual and physical linkages. The VPA note that the revised subdivision plan for the land provides four direct visual links between Racecourse Road or the top of the hill and the valley, being:

- 1 At 34m wide Elizabeth Drive will present a wide vista down the hill to the valley. Dwellings are set back a further 7m dwelling on either side.
- 2 The southern waterway and abutting streets now provide a 79m wide uninterrupted line-of-sight between Racecourse Road and the valley including the waterway open space. Dwellings are set back a further 7m dwelling on either side.
- 3 A 16m local street providing a direct view from Racecourse Road through to the billabong at Emu Bottom wetlands.

- 4 A second shorter 16m local street parallel to the above local street and providing the same aspect.

Further views to the valley will likely be available at certain points along the 18m local road banding around the hill as the land below this street falls away quite quickly.

It is true that no additional visual/open space link is provided in the 'southern quadrant' as per the Czarny evidence. This is an attractive option in the plan view. However, the steeper terrain in this area will inhibit movement directly up and down the hill, and the reconfigured southern waterway now provides more direct access to open space than previous plans. There is now less than 200m between Elizabeth Drive and the southern waterway for most of its length resulting in no-one being more than 100m from a 'green finger'. On balance, additional open space risks over-providing for this area.

### The interface of the development with the valley

The National Trust, at Paragraph 16 of their submission, submit that the boundary between the edge of development and the valley floor should be carefully managed in line with current best practice, be publically accessible, and not create a barrier for the landscape. The VPA is satisfied that the proposed public road interface shown in the application plans achieves this outcome. Council and the applicant can provide further detail around the interface treatment through landscape requirements under permit.

Notably, this is the first development along the entire eastern side of Jacksons Creek, excepting some very short stretches of local roads north and south Sunbury town centre, that directly addresses and brings the valley directly into the public's experience of Sunbury.

National Trust's proposed interpretation plan is a suitable requirement provided its scope is clear. Aboriginal cultural heritage, the Canon Gully site and its associated land are all to be subdivided out of the development area and into lots that are unlikely to experience further subdivision. In light of the development rights being granted for this land, it is an appropriate point at which to interpret the newly public landscape and its cultural history. VPA will consult with Hume City Council to formulate a suitable condition.

## 4.31 Foschia Family – Submission 91 (C208)

### Conservation Area 18 boundary

The submission sought to confirm that the land which will be removed from Conservation Area 18, should the Commonwealth approve the boundary change, then that land will revert to residential land. The VPA has confirmed that this is the case. The VPA submits the Panel ought to recommend no change to the exhibited PSP.

## 4.32 Asia-Pacific Property Pty Ltd – Submission 39 (C207)

### Alternate location of the Break of Slope

The submitter is seeking a review of the break of slope. This was discussed earlier in this submission (Refer Section 3.11).

## 4.33 Catholic Education Melbourne – Submission 56 (C207)

### Designation of non-government schools

Refer Section 3.12 above for VPA position on this matter.

The submission of the CEOM indicates an alternate position that all schools, including government schools should be left with a 'vanilla' designation of 'school'. In the limited time since the submission of the CEOM the VPA has not had the opportunity to explore this issue with the Department of Education. If the Panel was of the view this approach had some merit, notwithstanding the logic expressed above, it could recommend that the

VPA engage in these discussions with the Department of Education in order to ascertain its views and to permit consideration of the appropriateness of this action.

#### 4.34 Mr Trevor Dance – Submission 83 (C207) and 84 (C208)

##### Northern Jacksons Creek Crossing

Refer Section 3.1 above.

##### Racecourse Road Design Controls

Refer Section 3.3 above for detailed discussion.

##### Setback of 50 metres to Racecourse Road

Mr Dance submitted that if the Sherwood Heights planning permit application is approved, all development should be set back from Racecourse Road by 50 metres.

The VPA are of the view that there is no particular advantage to a fixed 50m setback from Racecourse Road for this site with regard to landscape and visual amenity. The approach is rather to assess the quality of the presentation to Racecourse Road with regard to its setting.

##### *The existing setting of Racecourse Road*

The eastern edge of Racecourse Road is currently planted with medium to tall eucalypt trees. The application site generally slopes down from Racecourse Road. These factors already provides for the development on the application site to be less visually intrusive from Racecourse Road.

This contrasts with the Sunbury Fields site which has no trees in the Racecourse Road reserve and is uphill from the road. In that case the response was to setback housing behind wetlands. In fact the wetlands at Sunbury Fields had to be located on the Racecourse Road frontage as the low point of that site. In the absence of that topographical fact development may well have come closer to Racecourse Road with suitable landscaping.

##### *The composition of the Racecourse Road frontage in the permit application*

The application currently proposes a 12m tree reserve along the length of the site's Racecourse Road frontage excepting road intersections. This will provide for additional tree planting and screening of development from Racecourse Road and vice versa.

For the most part the tree reserve is abutted by an internal 14.5m road with the exceptions being:

- a stretch of lots backing onto the tree reserve south of Elizabeth Drive
- lots siding onto the tree reserve at the northern end of the neighbourhood
- a lot directly fronting the tree reserve at the south end of the neighbourhood
- the waterway in the southern part of the neighbourhood
- three 'indentations' of local park-type open spaces north of Elizabeth Drive

Adding in the current proposal for dwelling setbacks within lots, which remain under review, the resulting building setbacks from the eastern edge of Racecourse Road would be:

- 33.5m (for lots fronting the tree reserve with an intervening local road)
- 50m+ (for lots fronting the tree reserve with an intervening local road and open space)
- 20m (12+8m for 18m lots backing onto tree reserve)
- 19m (12m+8, for the single lot fronting the tree reserve)
- 17m (12m+5m for 14m wide lots backing onto tree reserve)

- No buildings within the Elizabeth Drive reserve and the waterway.

#### *The overall outcome*

Overall the proposal provides for an acceptable interface with regard to the particular characteristics of the site and surrounding development context. It provides:

- an openness reflecting the semi-rural character of the Racecourse Road
- dwellings to predominantly front the road but from a respectful distance that reflects the new, and more urban, context of Sunbury Fields
- A number of direct views through to the valley through the arrangement of streets and open spaces.

### Sherwood Heights Residential Design Controls – Height Limit

Mr Dance submitted in response to View Grange Pastoral (Villawood's) submission to increase the height limit in the design controls to nine metres. Mr Dance submits that based on Villawood's own evidence they want the housing estate to merge into the sloping hills, and for this reason a height limit needs to apply that only single story homes can be built.

Although the VPA did not note this in revised conditions, an 8m height limit with the ability to go to 9m on sloping sites seems more appropriate in the context. However a limit to single storey homes is likely to work against the objective of maintaining space between buildings by preventing double storey homes from making a smaller site footprint. The sloping nature of the site will inevitably result in some need for split level homes extending to double storey.

Even with a single storey requirement it is unlikely that the outcome would result in uninterrupted views across the valley from the current Racecourse Road frontage. With one or two storey homes the outcome is likely to provide a number views clear to the valley from Racecourse Road with intervening housing.

### Views from Emu Bottom Wetlands

The submitter requests that if the development at Sherwood Heights does go ahead, a landscape and visual amenity test would need to be done to ensure that the development cannot be seen from the Emu Bottom wetlands.

The VPA note that if development is permitted to occur on the Racecourse Road hillside, the natural corollary is that development will be visible from surrounding areas. It would only be possible to avoid sighting development from Emu Bottom Wetland if no development were to occur on the northern side of the hill and some portion of the southern side of the hill. Even if this were to occur, the road profile and planting of the Elizabeth Drive extension would be visible. Instead the VPA support that the objective of the PSP is to provide for a development that sits well with regard to the hill, its landscaping outcomes and the surrounding urban and non-urban landscape.

### Sherwood Heights Residential Design Controls – Lot Sizes

Mr Dance submits that lot sizes in the Sherwood Heights development area are still too small, and should match those where it meet the current Sherwood Estate (approximately 1000 square metre lots) and then as it moves towards the North and East increase the sizes to one hectare.

While visual outcomes are influenced by lot sizes, they are also influenced by the scale and type of housing, the relationship between housing in a neighbourhood and landscaping. On this site substantially larger lots (~1ha) mixed with, and placed adjacent to, smaller lots (~1000sqm) would result in a less cohesive visual outcome; that is the overall composition of such a development would produce visual confusion and conflict between the different shapes and spaces.

The VPA is of the view that the proposed outcome would also increase viewer's exposure to dwellings on larger lots as they tend to stand out more in their larger surrounds. This is particularly acute when combined with the impracticality of mandating planting on private land resulting in the possibility of a very open landscape dotted with visually prominent homes. Past attempts to mandate planting of specific trees on private lots have proven

futile from an enforcement perspective and unnecessarily restrict residents from managing their own private open spaces.

The VPA submit that the better approach is to provide a development, that when viewed from external points, provides a consistent and cohesive presentation. A consistent rhythm of spaces, buildings and vegetation across the development will allow the development to present 'neatly' in its context and visually present a coordinated and more pleasant appearance. This approach also allows public streets, which are able to be efficiently managed and controlled by Council, to play a greater role in vegetation screening and providing a consistent rhythm of visual breaks between buildings.

#### 4.35 Mr Doug Manning – Submission 20 (C208)

##### Lot sizes

Mr Manning submitted that the lot sizes in the WinCity planning permit application are too small and are not in keeping with the character of Sunbury. The PSP's encourage a diversity of lot sizes, which the VPA consider are delivered within the application. The VPA submits the Panel ought to recommend no change to the exhibited PSP in relation to lot sizes.

##### Bushfire

The submitter expressed concern regarding the safety of the proposed developments, particularly in relation to bushfire risk.

The VPA has considered bushfire risk in the preparation of the PSPs, and submits that the bushfire controls outlined by the VPA in Section 10 of the VPA Part B Submission – Site-specific issues are appropriate and do not require further expansion. The VPA note that the precincts are within a Bushfire Prone Area and accordingly, this will ensure that bushfire risk is addressed through building permits at the appropriate time.

#### 4.36 Mr John McKerrow – Submission 6 (C208)

##### Western Water Treatment Plant odour buffer

The VPA submits the Panel ought to recommend no change to the exhibited PSP in relation to the Western Water Treatment Plant Odour Buffer. Information on this buffer is outlined at Section 6.3.4 of the VPA Part A Submission.

##### Northern Jacksons Creek crossing

Refer Section 3.1 above.

##### Balbethan Drive alignment

In the submission 'Submission to Planning Panel Hearing of Hume AMC208 Lancefield Road, the submission observes that the deviation NW from Balbethan Stockwell Drive would require the acquisition of private houses.

The design for the extension of Balbethan Drive and the grade separation of the rail line has had regard for the location of existing dwellings, and has been refined in discussions with representatives of the two affected landowners. It will be delivered in association with the development of those parcels, and will not require demolition of any dwellings.

The VPA submits the Panel ought to recommend no change to the exhibited PSP in relation to the alignment of Balbethan Drive.

#### 4.37 Mr Anthony Menhennit – Submission 27 (C208)

##### Northern Jacksons Creek crossing

Refer Section 3.1 above for further discussion.

##### Cultural Assessment of all trees

Mr Menhennit submitted that there is likely to be culturally significant features on the trees within the Jacksons Creek corridor. Given the location of the trees in question are within non-developable areas of the PSP, the VPA submits the Panel ought to recommend no change to the exhibited PSP.

#### 4.38 Ms Margaret Gray – Submission 77 (C208)

##### Balbethan Drive Sensitive Residential Area Controls

Ms Gray submitted to the Panel that the Balbethan Residential Design Controls do not provide for the protection of the amenity of the existing residents within the area.

The VPA notes that the outcome being sought by the submitter, being the protection of rural-residential amenity within the Balbethan Drive area, is a difficult matter to address in an area which is earmarked for urban growth.

The outcome that Ms Gray is seeking would likely require interim density controls to be implemented through the PSP. The VPA do not consider that density controls are appropriate in an area which is zoned for substantial growth. Any interim controls could result in further exacerbation of the issue of land fragmentation, and would likely result in a compromised final urban form.

The controls proposed by the VPA (Tabled Document 19) do foreshadow that lower densities are likely to be achieved within this area than the precinct average, in part to recognise that there will be a need for development proposals to complement both an acceptable interim and ultimate built form in the area.

It is noted that whilst the surrounding setting of individual properties will change over time as development occurs throughout the Balbethan area, the greatest potential impacts to residential amenity are likely to be as a result of construction works on neighbouring properties. These impacts will be mitigated through construction management plans as conditions on permits, as is the usual practice.

Whilst the VPA are sympathetic to the concerns of Ms Gray, they do not consider that the controls that she is seeking are compatible with the objectives of the PSP.

#### 4.39 Mr Ross and Ms Rosa Mezzatesta – Submission 48 (C207)

##### Local Convenience Centre at 720 Sunbury Road – retail floorspace

The VPA submit that the Panel ought to recommend that a local convenience centre at 720 Sunbury Road have a retail floor cap of 1,500 square metres.

At page 6 of the 720 Sunbury Road – Retail Assessment (Tim Nott, October 2017, provided by Human Habitats), Nott observes that there is 4,500 square metres less retail floorspace in local convenience centres than recommended in the Hill PDA economic assessment (for VPA).

The VPA position on Local Convenience Centres is detailed at Section 3.13 above. A retail floor cap of 1,500 square metres is supported in this location.

##### Turnberry Drive DSS layout – proposed amendment

The VPA submit that the Panel ought to recommend that the PSP be updated to reflect any amendments which are made by Melbourne Water to the Development Services Scheme prior to the adoption of the PSP.



### Realignment of Connector Road and signalisation of intersections

The VPA considers this matter is resolved. The realignment of the connector road (and relocation of the intersection) is relatively minor and has been previously agreed with Capitol Projects. The signalisation of the intersection has been agreed with VicRoads.

Given the potential implications on the landowner to the immediate east of the intersection on Lancefield Road, the VPA would agree that Panel ought to recommend engagement with that landowner prior to the gazettal of the PSP.

## **4.40** Jacksons Creek EcoNetwork, Friends of Holden Flora Reserve, Friends of Emu Bottom Wetlands – Submission 36 (C207) and 37 (C208)

### Restriction on pets

The VPA submits the Panel ought to recommend no change to the exhibited PSP in relation to restriction on pets in the vicinity of the Holden Flora Reserve as this is not a strategic planning matter.

### Northern Jacksons Creek Crossing

Refer Section 3.1 above.

### Southern Jacksons Creek Crossing

The VPA submits the Panel ought to recommend no change to the exhibited PSP in relation to alignment of the Southern Jacksons Creek Crossing. The alignment has been influenced by numerous factors, and was the subject of a comprehensive assessment involving six potential crossing options. The VPA considers that the preferred crossing continues to represent, on balance, the best planning outcome.

## 5 SUBMITTERS NOT APPEARING BEFORE PANEL

### 5.1 Marantali Pty Ltd – Submission 18 (C207)

The VPA had been in discussions with this submitter in relation to options for the alignment of a connector road affecting their site at 607 Sunbury Road. Over the course of the hearing, the submitter indicated that they support the location of the connector road on the adjacent property, as submitted by Sunbury Realty (see Section 4.9 above).

The VPA considers all matters in this submission have now been resolved.

### 5.2 Charles Lloyd Property Group – Submission 88 (C207)

The VPA, in 'Part B Submission – Site Specific Issues', submitted that it did not support the designation of the property at 700 Sunbury Road for bulky goods retailing. This was in part on the basis of evidence by Mr Nick Brisbane of Essential Economics (on behalf of the Charles Lloyd Property Group) that bulky goods retailing on the site would need to operate at a significant size to achieve critical mass and be viable.

Following the Part B submission to Panel, the VPA had further discussions with the submitter. The position of the VPA in relation to this matter is unchanged. The VPA submit that the panel ought to recommend no change to the exhibited PSP in relation to this site.

### 5.3 Andraos and Salem – Submission 37 (C207)

The VPA engaged with this submitter over the course of the hearing, and managed to reach agreement over a number of items that had been unresolved at the commencement of the hearing, reflected in the letter from Mr Joel Snyder of Best Hooper to the Panel dated 5 October 2017. The matters addressed in that letter are set out below.

The VPA considers all matters in this submission to have now been resolved.

#### Realignment of Sunbury Ring Road, RD-04

Melbourne Water has indicated they have no in-principle objection to the movement of the water quality treatment further north to encumber the south-east parcel of the site, below the road, subject to the review of the Fox Hollow DSS.

In the event that the retarding basin is not moved as part of Melbourne Water's Fox Hollow Drive DSS, the entirety of the land south of the connector road will be encumbered land associated with RD-04.

#### Local Convenience Centre

The VPA will update Table 2.4 of the UGZ Schedule to require a permit for leasable floor area above 1,500 square metres for all shops at the Sunbury South Station Local Convenience Centre. A permit will not be required for any use at or below this floor area.

#### Location of Local Park – LP01

The VPA will change the location of the local park within the site to incorporate as much of the existing trees as possible, subject to retaining the local park at 0.75ha, and preserving the general alignment of the north-south connector road running parallel to both Vineyard Road and the rail line.

## 5.4 Landowner of 275 Lancefield Road – Submission 93 (C208)

### 35-65 Fox Hollow Drive – Submission 62 (C207)

The VPA has not engaged in further discussions with these submitters since the commencement of the Panel Hearing, however there are submitters by others before the Panel that have potential implications on these sites.

The VPA understands that our position in relation to these sites as set out in our response to these other submitters is generally supportive of the submissions of these parties. See Section 4.25 (295 Lancefield Road JV Pty Ltd) and 4.32 (Asia Pacific Property Pty Ltd) above respectively.

## 5.5 SB Capital – Submission 56 (C207)

### Mr Anthony Stafford – Submission 59 (C208)

### Elaine Brogan OAM – Submission 24 (C207) and 17 (C208)

### Mr Amit Khairajani – Submission 9 (C207)

The VPA has not engaged in further discussions with these submitters since the commencement of the Panel Hearing, and therefore our position in relation to these submissions remains unchanged. Please refer to the VPA Part A and Part B submission for further details.

## 6 APPENDICES

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1. Letter from Development Victoria regarding Restrictive Covenant removal
2. VPA response to Hume City Council
3. VPA response to Capitol Property Group
4. VPA response to View Grange Pastoral Pty Ltd (Villawood Properties)
5. Letter from DELWP regarding Urban Development definition
6. Environment Significance Overlay
7. Letter from APA GasNet
8. Buffer controls

## APPENDIX 1 – LETTER FROM DEVELOPMENT VICTORIA

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15 September 2017

Tessa D'Abbs  
Associate  
Harwood Andrews  
Level 5, 707 Collins Street  
Melbourne, Victoria 3008

Dear Tessa,

**Removal of restrictive covenants**

**Properties: 5 Stockwell Drive, Sunbury and 11 Stockwell Drive, Sunbury**

We refer to your letter dated 14 September 2017 and confirm that Development Victoria (the successor in law to Urban Land Authority) does not object to the removal of the covenants contained in:

1. Instrument of transfer no: V178361Y from 5 Stockwell Drive, Sunbury (Lot 2 on PS403051); and
2. Instrument of transfer no: V161817C from 11 Stockwell Drive, Sunbury (Lot 1 on PS403051).

Yours faithfully



**Angela Skandarajah**  
General Counsel

d +61 3 8317 3477  
e [Angela.Skandarajah@development.vic.gov.au](mailto:Angela.Skandarajah@development.vic.gov.au)



## APPENDIX 2 -VPA RESPONSE TO HUME CITY COUNCIL

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# Amendment C207 & C208 - Hume City Council

## Table A – Summary of changes requested

What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
ICP and PIPs	Refer to submissions.	<p>(a) <b>VPA provide Council with a draft ICP and and complete set costings as soon as possible;</b></p> <p>(b) <b>VPA to reconsider ICP apportionment based on traffic modelling rather than percentage share in total population increase;</b></p> <p>(c) <b>VPA to provide clarification on whether Bulla-Differs Rest Road from the intersection of Crinnion Road to the Calder freeway is not listed on the PIP;</b></p> <p>(d) <b>VPA to provide clarification on whether the upgrading of Gellies Road is intended to be an ICP item.</b></p>	<p>a) The ICP is based on a template which will be identical to the Mt Atkinson ICP, with the name of the Council and Precincts replaced. The projects will be as outlined in the PIP. VPA will continue to liaise with HCC as the ICP is finalised.</p> <p>b) Disagree. The VPA consider traffic modelling to be a more subjective method than population increase as a means of identifying the appropriate apportionment amount.</p> <p>c) Bulla-Diggers Rest Road is not listed on the PIP as the road is currently constructed to a standard that will be capable of carrying the proposed traffic volumes.</p> <p>d) Gellies Road is not intended to be an ICP item. To the extent that an upgrade is required in support of urban development, this will need to be developer works, funded by adjacent development.</p>
SICADS	<p>Council seeks a recommendation from the Panel that all references to the SIDCAS document be removed from the PSPs and that the document not be included as a background document.</p> <p>Refer to submissions.</p>	<p>(a) Removal of all references to SICADS in the Sunbury South and Lancefield Road PSPs; and</p> <p>(b) Removal of SICADS as a background document to the PSPs;</p> <p><b>OR</b></p> <p>(a) Transport modelling be undertaken for the 50% and 75% scenarios to verify SICADS infrastructure recommendations; and</p> <p>(b) SICADS be updated to reflect the outcome of that modelling.</p>	<p>a) This has been agreed.</p> <p>b) Disagree. The document will continue to be a background document to the amendment, but will not have any status as a reference document.</p> <p><b>OR</b></p> <p>a) Disagree. Given the uncertain nature of the development fronts, it is considered that there would be too many assumptions to undertake accurate modelling. As previously discussed with Council, and presented to the Panel, the VPA will amend the wording within SICADS</p>

# Amendment C207 & C208 - Hume City Council

What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
			to further reflect the speculative nature of the document. b) As above.
Southern Creek Crossing	<p>The PSPs prioritise the early delivery of the Southern Creek crossing without recognising the importance of upgrades to Sunbury Road and the Bulla Bypass to the orderly planning of Sunbury.</p> <p>Refer to submissions.</p>	<p>(a) <b>Indicative timing of BR-01 to be amended to 'S-M'; and</b></p> <p>(b) <b>Additional 'note' be included in the PIPs stating 'The indicative timing for delivery of transport infrastructure may vary depending on the timing of the delivery of the full Sunbury Road duplication and the Bulla Bypass projects by the State Government'</b></p> <p><b>OR</b></p> <p>(a) <b>Where the changes requested above are not accepted, further traffic modelling should be undertaken to determine the timing for delivery of the southern creek crossing and whether that timing would be affected by the early delivery of the Sunbury Road duplication and Bulla Bypass;</b></p> <p>(b) <b>Indicative timing for BR-01 in PIP to be updated based on the results of additional traffic modelling.</b></p>	<p>a) Agree</p> <p>b) Agree</p>
Northern Creek Crossing	The exact location of the northern creek crossing has not yet been confirmed and is shown in the PSP as 'road alignment subject to review'. Council has previously requested that the PSPs not be exhibited until this road alignment has been resolved.	VPA resolve all outstanding post-contact and Aboriginal cultural heritage concerns, complete a CHMP and undertake the recommended visual and landscape assessment in order to confirm the alignment and design of the northern creek crossing prior to the approval of the PSP and the preparation of the ICP.	As previously presented, the VPA consider it premature to undertake a CHMP at this stage, as it is more appropriate for this to occur at the detailed design stage. The Wurundjeri has been extensively consulted with and have expressed support for the existing alignment to the extent that the VPA is satisfied that it is appropriate to

# Amendment C207 & C208 - Hume City Council

What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
	Refer to submissions.		include the proposed alignment in the PSP. Similarly, the VPA consider that the appropriate time to undertake a visual impact assessment is at the time when there is a detailed bridge design to consider, and the surrounding context reflects the ground conditions at the time of construction.
Jacksons Hill Road Link	<p>It is requested that the PSP and ICP not be approved until Development Victoria deliver or enter into an arrangement for the delivery of the connection.</p> <p>Refer to submissions.</p>	<p>(a) Panel to recommend that the PSP and ICP not be approved until Development Victoria either, delivers the Jacksons Hill connection or enters into an agreement with Council for its delivery;</p> <p>(b) Amend the PIP to delete the interim Jacksons Hill Road link</p> <p>(c) Amend Sunbury South PSP to ensure that the cross section of RD-09 takes into account the need for this cross section to transition into a cross section consistent with that of the road to be delivered to the north of the PSP boundary within the Jacksons Hill Estate.</p>	<p>(a) Whilst the VPA supports the delivery of the Jacksons Hill connection, it is not critical for the delivery of the PSP or ICP, and the VPA do not think that it is appropriate to link the approval of this Amendment to an unrelated item.</p> <p>(b) Agree.</p> <p>(c) Agree, if Hume are in a position to provide these details in advance of approval of the PSP. Otherwise, a notation on the cross section will reflect that requirement</p>
Redstone Hill Major Town Centre	<p>Council is generally supportive of the revised Redstone Hill Major Town Centre Concept Plan that was circulated as part of the VPA's Part B Submission. Council has a few outstanding issues, primarily relating to the urban design framework requirements and guidelines (R20 and G22).</p> <p>Refer to submissions.</p>	<p>(a) Clarification should be provided on which, if any, open spaces in the Redstone Hill Major Concept Plan are proposed to be credited, and Plan 7 be updated accordingly.</p> <p>(b) Amend the UDF requirements (R20 and G22) as follows:</p> <p>(i) All guidelines should be changed to requirements.</p> <p>(ii) Include the following requirement  <i>"Identifies the key elements of the public realm and publically accessible private spaces and the preferred materials, treatments, and landscaping"</i></p>	<p>(a) See VPA Closing Submission.</p> <p>(b) The VPA retain their Part A submission response, i.e.</p> <p>(i) Disagree. The guidelines have been defined based upon anticipated ways to achieve key objectives for the centre. These will be default outcomes, however the PSP should provide for some design flexibility. Will</p>

# Amendment C207 & C208 - Hume City Council

What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
		<p><i>of these spaces to ensure a continuity of design and sense of place”.</i></p> <p>(iii) Include the following requirement  <i>“Outline the measures to ensure that development and access along Sunbury Road does not direct activity away from the Main Street and town centre core”.</i></p> <p>(iv) Include the following requirement  <i>“Restrict the development of convenience restaurants along Sunbury Road frontage”</i> consistent with the UGZ schedule cap for retail.</p> <p>(v) Add a requirement relating to the medium density housing within the centre, including the preference for shop-top residential.</p> <p>(c) Amend the UGZ schedule subclause 2.9 to remove the requirement that an amendment to the UDF is to be to the satisfaction of the VPA.</p>	<p>liaise with Council on a case by case basis as to the merits of a requirement</p> <p>(ii) agree to include, subject to discussion around appropriateness as a requirement or guideline.</p> <p>(iii) Agree.</p> <p>(iv) Agree, perhaps rephrased to 'limit'.</p> <p>(v) Agree, however medium density housing may be included as a requirement, shop top as a guideline.</p> <p>(c) Disagree. The VPA consider that the major town centre is a critical component to the success of the entire future Sunbury township, and therefore intend to have an ongoing role in the preparation of the UDF, and any amendments to it. This is the normal practice for Major Town Centres in growth areas.</p>
Local Town Centre and Local Convenience Centre Design Guidelines	A number of changes were requested to the Local Town Centre and Local Convenience Centre design guidelines contained with the PSP Appendices. Whilst the VPAs response to submissions in the submission register (Appendix 1 and Appendix 2 of the Part A Submission) states that further discussion	<p>(a) Under Principle 3, Local Town Centres add a dot point that makes specific mention of designing tenancies so that exhaust flues and other necessary equipment required for food and drinks premises can be installed. This is especially important for multi-storey developments.</p>	<p>(a) Disagree. This is a level of detail that can be considered through a building permit, and is not appropriate to mandate in a high level strategic planning document.</p> <p>(b) Agree, however this principle will also be amended to refer to the 'primary street</p>

# Amendment C207 & C208 - Hume City Council

What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
	is required in response to the changes requested, it is noted that the changes matrix (Appendix 3 and 4 of the Part A Submission) indicate that the VPA has proposed to make the majority of these changes to the PSPs. Two further changes not made, are still requested	(b) Under Principle 7 Local Town Centres and Principle 4 Local Convenience Centres, amend the dot point relating to the supermarket design to clearly mention clear glazing towards any street interface. The use of 'directly address' is vague.	interface' rather than 'any street interface' (to enable back of house / loading).
Provision of employment land	The PSPs do not assist in achieving the objectives of the Sunbury-Diggers Rest Growth Corridor Plan and Sunbury HIGAPs to deliver an additional 100 hectares of industrial land (gross) and provision should be made for an additional 52ha of industrial land on Sunbury Bulla Road consistent with those plans.  Refer to submissions.	It is requested that the Sunbury South PSP is amended to provide for an additional 52ha of industrial land on Sunbury Bulla Road consistent with Sunbury HIGAP and the Sunbury/Diggers Rest Growth Corridor Plan.  <b>Alternatively, the Panel is requested to make a recommendation on the need or otherwise for additional employment land within the Sunbury-Diggers Rest area.</b>	Disagree. See VPA Closing Submission.
Vineyard Road Employment Area Concept Plan	There is an inconsistency between the Concept Plan and Sunbury South R37.	Amend Vineyard Road Employment Area Concept Plan to show 5m wide landscape buffers along Vineyard Road on the Vineyard Road Employment Area Concept Plan consistent with Sunbury South R37.	Agree.
General employment changes	Inconsistencies within PSPs	(a) Sunbury South R34 and G38 are contradictory to one another in terms of the location of car parking. Please amend/clarify. If carparking is to be provided to the side or rear of the buildings as per R34, side landscaping requirements should be included  (b) Sunbury South G38 and R37 are contradictory to one another in terms of setbacks. Please amend/clarify.	(a) Disagree that R34 and R37 are in conflict. 5m set back requirement could apply to side parking, However R34 and G38 as it stands are in conflict. Potential to make R34 a guideline  (b) As described in the VPA's Part B submission, G38 will be amended to clarify that the 3m setback applies to roads other than Sunbury Road and Vineyard Road.



# Amendment C207 & C208 - Hume City Council

What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
Ownership of conservation land	<p>It is Council's position that the PSPs should provide a greater level of guidance on land ownership and management of encumbered land (including BSC conservation reserves) to ensure a co-ordinated approach between Council, DELWP, VPA, Parks Victoria and Melbourne Water.</p> <p>Refer to submissions.</p>	<p>(a) Amend the Schedule to the UGZs and IPOs to require securing of conservation land via transfer or s69 agreement prior to the issue of statement of compliance for the first stage of the subdivision.</p> <p>(b) Include additional encouragement in the PSPs of a coordinated approach between authorities and landowners to achieve the conservation and passive recreation objectives for encumbered land.</p>	<p>(a) Agree.</p> <p>(b) Agree that objectives within the PSP can be updated to reflect this outcome. Potential drafting should occur in association with the potential future land managers.</p>
Inclusion of a Significant Landscape Overlay	<p>Council considers that the Regional Significant Landscape Values of the Jacksons, Emu and Harpers Creeks and Redstone Hill areas would be best protected through the application of a Significant Landscape Overlay.</p> <p>Refer to submissions.</p>	Apply the Significant Landscape Overlay to Jacksons, Emu and Harpers Creeks and Redstone Hill areas.	The PSP provides substantially more protection for these areas than any other mechanisms by dictating that these areas are not appropriate for development. An SLO is considered to be a superfluous planning control for these areas.
Retention of Environmental Significance Overlay	<p>Council seeks the retention of the existing ESO1 along Jackson and Emu Creeks.</p> <p>Refer to submissions.</p>	<p>Retain existing ESO1 along Jackson and Emu Creek.</p> <p><u>OR</u></p> <p>(a) Include a schedule to the RCZ or amend the UGZ Schedule to include:</p> <p style="padding-left: 40px;">(i) a permit trigger for all earthworks for the land designated as significant landscape areas;</p> <p style="padding-left: 40px;">(ii) a permit trigger for all buildings and works for land designated as significant landscape areas</p> <p>(b) Amend the PSPs to include:</p>	<p>As described in the Part B submission, the VPA disagree. The BCS and PSP provide adequate protection to the waterways. The ESO1 relates to Rural areas, and the land in the future will be within an urban context. The ESO1 is no longer considered relevant or necessary.</p> <p>a) Agree</p> <p>b) (i) Agree</p>

# Amendment C207 & C208 - Hume City Council

What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
		<p>(i) Amend G64 to read '<i>Planting adjacent to the conservation area, waterway corridors <b>and regionally significant landscape areas</b> and retained indigenous vegetation should be indigenous species.</i>'</p> <p>(ii) Include a new Guideline which provides that regionally significant landscape areas should provide for the retention, restoration and revegetation of indigenous flora and fauna</p> <p>(iii) Amend O12 in the Sunbury South PSP and O11 in the Lancefield Road PSP to read '<i>Facilitate urban development that responds sympathetically to the unique, high quality landscape values of the precinct, protecting the natural landscape qualities of the Jacksons and Emu Creek <b>and their tributaries</b> and providing a usable network of <b>public</b> open space adjacent to the creeks and above the break of slope.</i>'</p> <p>(iv) Amend O20 in the Sunbury South PSP and O18 in the Lancefield Road PSP to read '<i>Deliver a high quality landscaped interface between nature conservation areas <b>and significant landscape areas</b> and surrounding development and enable appropriately managed community access which provides for interpretation of the</i></p>	<p>(ii) Agree</p> <p>(iii) Refer to changes matrix table circulated with Part A submission for VPA response.</p> <p>(iv) Disagree. The intention of O20 is specifically in relation to BCS conservation areas.</p>

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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
		<p><i>values but whilst protecting the conservation function.'</i></p> <p>(v) Amend O24 in the Lancefield Road PSP and the equivalent O24 in the Sunbury South PSP and to reference significant landscape areas</p> <p>(vi) Include a new objective in the Integrated Water Management and Utilities section of both PSPs which ensures the suitability of riparian and instream habitats and hydrological conditions for local flora and fauna.</p>	<p>(v) Agree</p> <p>(vi) Agree, subject to further discussion with Melbourne Water around drafting</p>
Clarification and consistency matters with CACPs	<p>The Conservation Area Concept Plans (<b>CACPs</b>) are generally consistent with and reflect the outcomes sought for Jacksons Creek through the draft Jacksons Creek Master Plan. However, it is noted that there are a number of inconsistencies with these plans and other plans in the PSP, notably Plan 10.</p> <p>It is requested that the CACPs should include an overview plan, which shows the entire Regional Significant Landscape Area including Harpers Creek, not just the BCS areas. This would assist in providing the level of detail needed to implement works within the areas subject to IPO4.</p>	<p>(a) Amend PSP to include an overview plan which shows the entire Regional Significant Landscape Area including Harpers Creek and not just the BSC areas.</p> <p>(b) Amend CACPs/Plan 10 to ensure consistency between the plans.</p> <p>(c) Amend the CACP to show all heritage sites.</p> <p>(d) Council requests the opportunity to discuss the habitat compensation obligations in relation to shared paths where there is an existing track or the land is already clear of native vegetation.</p>	<p>(a) Agree (as per Part A response)</p> <p>(b) Agree (as per Part A response)</p> <p>(c) Agree (as per Part A response)</p> <p>(d) This is a matter between DELWP and the Council which cannot be addressed through the PSP.</p>

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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
	Council does not agree that habitat compensation obligations should be payable for shared paths where there is any existing track or the land is already clear of native vegetation.		
General biodiversity changes		(a) Amend the PSPs to include a statement about the payment of all habitat compensation obligations should be in the PSP (e.g. Growling Grass Frog and Golden Sun Moth). It is unclear how an applicant will be made aware of their need to pay offsets or habitat compensation obligations.	<p>(a) The following note will be added to section 3.3.3 Biodiversity and Threatened Species of the PSP:</p> <p><b>Operation of Commonwealth Environmental Laws</b></p> <p><i>*On 5 September 2013 an approval under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) was issued by the Commonwealth Minister for Environment, Heritage and Water. The approval applies to all actions associated with urban development in growth corridors in the expanded Melbourne 2010 Urban Growth Boundary as described in page 4 in the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, 2013). The Commonwealth approval has effect until 31 December 2060. The approval is subject to conditions specified at Annexure 1 of the approval.</i></p> <p><i>Provided the conditions of the EPBC Act approval are satisfied individual assessment and approval under the EPBC Act is not required. These conditions include but are not limited to the following:</i></p> <ul style="list-style-type: none"> <li><i>o Urban development must comply with habitat compensation arrangements and fees described in 'Habitat compensation under the Biodiversity Conservation Strategy – Melbourne Strategic Assessment (Victorian Government</i></li> </ul>

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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
			<p><i>Department of Environment and Primary Industry, August 2013) and as amended by the Victorian Government from time to time.</i></p> <ul style="list-style-type: none"> <li>Urban development must be undertaken in accordance with the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (Victorian Government Department of Environment and Primary Industries, June 2013)</li> </ul>
		(b) Increased recognition of Harpers Creek should be provided within the PSPs. Amend the second point in the vision and Objective 3 be amended to include reference to Harpers Creek.	b) Agreed, as per changes matrix.
		(c) Amend R44 (Lancefield Road) to remove the word 'zone' it confuses the intent of this requirement.	
		(d) Amend R54 (Sunbury South) and R45 (Lancefield Road) to:	c) Agreed, as per changes matrix.
		(i) Include 'to the satisfaction of the Responsible Authority'.	d) Agreed, as per changes matrix.
		(ii) Correctly reference the Conservation Interface Cross Section.	
		(iii) Include reference to the figures of the CACPs within R54.	
		(e) Amend G50 (Lancefield Road) G63 (Sunbury South) to remove reference to the word 'buffering', which conflicts with the word 'co-located'.	e) Agreed, as per changes matrix.
		(f) It is requested that the PPCZ (as existing) and the ESO apply to the entirety of the reserve. It	

# Amendment C207 & C208 - Hume City Council

What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
		<p>is unclear why the RCZ and ESO have been applied to part of the Holden Flora reserve.</p> <p>(g) It is unclear the extent to which the Crown have been consulted regarding the need to obtain some of the Holden Flora Reserve land to build the southern creek crossing. Confirmation and clarification of the process required to obtain this land is requested.</p>	<p>f) Agreed, as per Part A submission.</p> <p>g) This has been provided to Council.</p>
Development on escarpment	Refer to submissions.	<p>(a) Re-run the bushfire mapping, finalise the report and incorporate the findings of this report in the PSPs.</p> <p>(b) Make the 27.3m non-visual setback a requirement instead of a guideline.</p> <p>(c) Retain the break of slope line on Plan 3 – Future Urban Structure</p> <p>(d) <b>Include the following in the PSPs and UGZ Schedules: 'Building height is not to exceed 8m in height within 100 metres of the break of slope. The overall height is to be taken from natural ground level'.</b></p>	<p>(a) The VPA are satisfied that there are no PSP implementation issues associated with the completion of the bushfire assessment, but will continue to work with Council to complete this project.</p> <p>(b) Disagree, as outlined in VPA Part B submission, the VPA consider some discretion appropriate to enable more effective subdivision outcomes in difficult locations, or as warranted.</p> <p>(c) Disagree. The VPA considers that this is a relevant feature to define on the Precinct Features Plan. In the interests of visual clarity it should be removed from the FUS</p> <p>(d) Disagree. The setbacks appropriately address the matter of visual intrusion. The PSPs contain sufficient guidance around protection of views from the waterways within the Objective, Vision and Guidelines that Council can assess applications to achieve protection of important views.</p>



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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
Land subject to capability assessment	<p>Council requests that land shown as 'land subject to capability assessment' be shown as encumbered land within the PSP.</p> <p>Refer to submissions.</p>	Remove the reference to 'land subject to capability assessment' in the PSP and the UGZ9 and amend the PSP to show this land as encumbered open space.	Disagree. The VPA supports the designation of this land as exhibited.
Bushfire Risk	<p>Council has ongoing concerns relating to the risk of bushfire within the PSP areas, particularly where land is adjacent to the Jackson and Emu Creek escarpments.</p> <p>Refer to submissions.</p>	The Terramatrix bushfire risk assessment be finalised and that the recommendations of this work be incorporated with the PSPs and UGZ schedules, including the need for bushfire setbacks.	As previously outlined, the VPA do not interpret the Terramatrix report as identifying additional setbacks to be incorporated into the PSP. The Precincts are within a Bushfire Prone Area and will be subject to the controls that are identified by DELWP as appropriate.
Road cross sections	<p>Council is generally supportive of the cross sections and welcome intent to facilitate a boulevard outcome along the arterial roads.</p> <p>However, there is a continued concern that the boulevard cross sections are not implementable in their current form, as they may not meet VicRoads clear zone requirements, or provide sufficient room to accommodate existing and proposed servicing.</p> <p>It is unclear where a number of these cross sections are to be applied with the PSPs. It would assist if Plans 9 and 10 were amended to clarify the location of the various cross sections.</p>	<p>(a) Amend Plan 9/10 to show the location of the various cross sections along with the location of the escarpment, conservation and drainage cross sections.</p> <p>(b) Amend Plan 4 and the Property Budget to provide for land take for Connector Roads proposed on existing roads.</p> <p>(c) That the VPA work with Council, VicRoads and the servicing authorities to ensure that the cross sections meet VicRoads clear zone requirements and that adequate land is set aside for servicing.</p>	<p>(a) Agreed, as per Part A response.</p> <p>(b) Agreed, as per Part A response.</p> <p>(c) Agreed, as per Part A response.</p>
	Where connector roads are proposed on existing roads there is insufficient road reserve to accommodate the proposed		Agree to update the property specific land budget where additional land is required for connector roads to be funded through the ICP. Non-ICP connector roads will be develop works, and

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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
	<p>cross sections. Plan 4 and the Property Budget do not provide for land take for these roads. In particular land take needs to be shown for Buckland Way, Fox Hollow Drive, Redstone Hill Road, Shepherds Lane and Stockwell Drive.</p> <p>Plan 12 does not show all services required by Western Water.</p>		therefore the land requirement needs to be determined at subdivision.
General road network		Clarify the intent of R62 (Sunbury South) and R52 (Lancefield Road). Does this mean any property or only properties that have been subdivided? It is currently unclear as worded.	Agree. Requirement will be redrafted to reflect the fact that this connection is required in support of new subdivision.
Path network - It is unclear in some instances which road cross sections apply to which road	Plan 10 showed a number of on-road bike lanes and shared paths on varying roads that were in some instances inconsistent with the application of on-road bike lanes and shared paths on the cross sections within Appendix 2 of the PSPs.	Amend Plan 10 to show the designation of the cross sections and associated bike lane and shared path network and ensure consistency between Plan 10 and the CACPs.	Agreed, as per Part A submission.
Linkages for off-road shared path network	<p>The off-road shared path network is incomplete and doesn't provide for linkages from the regional open space to the town centres, employment areas, along the entire lengths of the railway line and escarpment edge, waterways/reserves set aside for regional landscape values, and along arterial roads. Provision of this infrastructure will assist greatly in increasing passive recreation and leisure activity, and will provide a significant point of difference for these precincts.</p> <p>To assist the VPA Council provided with its submission two plans which showed what Council understands to be the</p>	Amend Plan 10 to show the inclusion/extension of a number of off road shared paths as shown on Attachments 3 and 4 to Council's written submission.	Agreed, as per Part A submission.

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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
	designation of the cross sections and associated bike lane and shared path network, along with the requested inclusion/extension of a number of off-road shared paths. Whilst it is noted that the VPA have acknowledged that they will amend the plans as required, Council is unable to determine whether this matter is resolved until it has the opportunity to review the revised plans.		
Path network - Deletion of G76 (Sunbury South) and G63 (Lancefield Road)	Off-road shared paths are intended for recreational cycling, and are shared paths for use by both pedestrians and cyclists. Cyclists using these paths should not be encouraged to travel at 30km/hr. Fast travelling cyclists should use the road network or on-road cycle paths	G76 (Sunbury South) and G63 (Lancefield Road) be deleted.	Disagree. This guideline is for cyclists travelling <u>up to</u> 30km/h, not above.
State Government Secondary School – Sunbury South PSP	Council seeks the reinstatement of the future state government secondary school in the south west of the Sunbury South PSP. Refer to submissions.	(a) Amend the Sunbury South Precinct Structure Plan to reinsert the government secondary school as per its location at agency consultation.  (b) Amend Table 5 in recognition of two government secondary schools.	Disagree. Refer written submission.
Landfill buffer	Council considers that there is insufficient information available to the VPA as planning authority to rezone land within 500m of the landfill to an applied residential zone.  Refer to submissions.	(a) A buffer of 500m be retained in the PSP maps;  (b) Applied zoning of land in landfill buffer be amended to Rural Conservation Zone or an alternate non-residential zone;  (c) Clause 2.8 of the Schedule to the UGZ be retained;	Refer written submission.

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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
		<p>(d) Clause 3.7 of the Schedule to the UGZ be deleted; and</p> <p>(e) Clause 66.04 be amended to make the EPA a determining referral authority for applications within the landfill buffer.</p>	
Quarry and composting facility buffer	<p>There is uniform agreement from the relevant experts that a 1.3km buffer is the appropriate buffer to be applied from the facility. Council agrees with the VPA's position in relation to this site including the clause to clause 3.9 to the UGZ to require planning permit applications for sensitive uses be accompanied by a s53V audit.</p> <p>Council also agrees with the VPA in relation to the treatment of the quarry buffer and to the application of a 500m buffer of a blasting quarry.</p> <p>Refer to submissions.</p>	That the changes proposed by the VPA in relation to the composting facility and quarry buffers be adopted.	Refer written submission.
Integrated Water Management	<p>Council is supportive of the development of an Integrated Water Management Plan by Western Water and Melbourne Water to protect local waterways and promote fit for purpose alternative water use.</p> <p>Further discussions are required between the VPA, Melbourne Water and Council to resolve the number and type of retarding basins that Council will be required to own and maintain.</p> <p>Refer to submissions.</p>	<p>(a) Council is unclear who is responsible for the ownership and maintenance of the drainage assets for the non DSS areas. Clarification is requested from the VPA and Melbourne Water.</p> <p>(b) Amend the 3rd dot point of G80 (Sunbury South) and G70 (Lancefield Road) to add "stabilise and rehabilitate all disturbances caused by development works".</p> <p>(c) Delete the second sentence of G84 (Sunbury South) and G74 (Lancefield Road). Lots with</p>	<p>(a) Draft DSSs now exist for all areas within the PSPs.</p> <p>(b) Agree (although the wording will be changed to respond to the updated Guideline, as per the Part A Changes Matrix table).</p> <p>(c) Disagree. The PSP provides a clear expectation that in nearly all instances direct waterway frontage will not be accepted. The PSP needs to provide some flexibility for complex sites.</p>

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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
		direct frontage to waterways are not supported by Council.	
Utilities	<p>A number of sewer assets are proposed through Holden Flora Reserve and other conservation reserves. This contradicts with R88 (Sunbury South) and R84 (Lancefield Road). No clarification has been provided on the position of DELWP and Parks Victoria on the appropriateness of the proposed alignments or whether they would be supported.</p> <p>Refer to submissions.</p>	<p>(a) Plan 12 shows a number of sewer alignments proposed within conservation areas. Clarification/changes are required to address this conflict and confirm the support of DELWP.</p> <p>(b) Confirm capacity of existing Sunbury Road and Lancefield Road road reserves to accommodate existing and proposed utilities.</p> <p>(c) Amend the location of the proposed sewer pump stations on Plan 12 to avoid conflict with the rail line and retarding basins.</p> <p>(d) Include a new guideline relating to any constructed waterways to be created and landscaped to provide a natural appearance.</p>	<p>(a) As described in the Part A response, R84 will be modified to a guideline, as there may be certain instances where this is not feasible.</p> <p>(b) This has been confirmed for Sunbury Road. Lancefield Road may require the provision of some trunk services in the parallel connector road network (or an internal loop local road, where this is provided)</p> <p>(c) Sewer pump station locations will be revised based on updated planning by Western Water</p> <p>(d) Agreed. This change was included in the VPA's Part A submission.</p>
Gas Pipeline	<p>Council's submission noted that there are no provisions or guidance within the PSP or the UGZ schedule that relate to land uses within the gas pipeline buffer, and requested that the PSP provide clarification and guidance on land uses with the gas pipeline buffer.</p> <p>Refer to submissions.</p>	Provide provisions or guidance with the PSP or the UGZ schedule that relate to land within the gas pipeline buffer as they relate to the Gas Pipeline Safety Management Study.	Agree.
High Voltage Electricity Easements		(a) Amend the Sunbury South PSP to provide guidelines on land use and development with the electricity easement.	(a) Agree. Will liaise with Hume to draft appropriate controls.

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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
		<p>(b) Confirm the width of the two easements and ensure that these are accurately shown on Plan 12 and the zoning maps.</p> <p>(c) The zone map shows the electricity easement located only on the property at 725 Sunbury Road, Sunbury. This easement does not terminate at the title boundaries for this property, but runs over the property at 108 Brook Street, Sunbury and the Jacksons Creek RCZ land. Amend the zone map to accurately reflect the length of this easement. The concept plan for SUZ10 should also be amended to reflect the SUZ9 as this will impact on the extent of potential developable area as shown on the plan.</p> <p>(d) The title for 605 Sunbury Road, Sunbury shows the electricity easement extending to the southern boundary of the property (Jacksons Creek). Amend the zone map to show SUZ9 extending to the southern boundary of this property.</p>	<p>(b) Agree.</p> <p>(c) The SUZ9 is not proposed to run through the RCZ land. The concept plan for the SUZ10 will be updated to show the electricity easement.</p> <p>(d) As above, the RCZ is proposed to apply to the creek corridor.</p>
Sloping land – clause 4.1 to the UGZ schedule	Council has provided the VPA with alternate wording for clause 4.1 to the UGZ Schedule regarding the type of restriction and the detail to be required. Council acknowledges that the current clause 4.1 is broad and provides Council with discretion as to the type of instrument required. However, Council would prefer a more specific one.	<p>Amend UGZ subclause 4.1 to states the following:</p> <p>(i) <i>“Prior to the certification of the Plan of Subdivision for a relevant stage, the plan of subdivision must include a restriction that buildings conform to the specific built form requirements of the design guidelines for lots on slopes greater than 10%. The restriction must provide for:</i></p> <ul style="list-style-type: none"> <li><i>Buildings to be constructed only in conformity with the approved built form</i></li> </ul>	Rather than be specific as to the form of the Covenant, the VPA is content to ensure that these things are enforced through a covenant, the form of which can be determined between Hume and the relevant landowner.



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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
		<p><i>requirements for lots on slopes greater than 10%, including any approved Memorandum of Common Provisions;</i></p> <ul style="list-style-type: none"> <li><i>The built form requirements, including any approved Memorandum of Common Provisions, to be amended to the satisfaction of the responsible authority and any criteria or matters that must be considered by the responsible authority in deciding on an amendment;</i></li> <li><i>The endorsement by the developer of all building plans as a prerequisite to a building permit for a lot specified as requiring such endorsement in the built form requirements, including any Memorandum of Common Provisions.</i></li> </ul> <p><i>(ii) Prior to the issue of a statement of compliance for a relevant stage, a Memorandum of Common Provisions must be submitted to and endorsed by the Responsible Authority. The approved Memorandum of Common Provisions must implement the specific built form requirements of the design guidelines for lots on slopes greater than 10%.</i></p> <p><i>(iii) Prior to the issue of statement of compliance for a relevant stage, the built form requirements of the design guidelines for lots on slopes greater than 10% and the endorsed Memorandum of Common Provisions must be registered with the Land Titles Office. A registered copy of these documents must be provided to the responsible authority”.</i></p>	

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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
Sloping land – additional cross sections	It is noted that the PSPs include road cross sections on sloping land for Local Access Streets Level 1. Additional road cross sections are requested for Local Access Streets Level 2 and Connector Roads on sloping land. It is noted that the Redstone Hill 96A application contains a proposed connector road on sloping land. The VPAs response to submissions, included with their Part A submission, notes that the VPAs agrees to include this cross section, however not cross sections were provided with the additional cross sections that were circulated as part of the VPA's Part B submission.	Provide additional road cross sections for Local Access Streets Level 2 and Connector Roads on sloping land.	Agreed, as per Part A submission.
Sloping land – design guidelines	The design guidelines contained within the road cross sections for sloping land are supported. It is considered that this will assist in providing for an integrated design outline. However, it would assist Council in the implementation of these guidelines if they were repeated as requirements within the housing section of the PSPs.	Include design guidelines contained with the sloping land cross sections as requirements within the Section 3.1.3 of the PSPs.	Agreed, as per Part A submission. The proposed guidelines are within the Changes Matrix table.
Walkable catchments	<p>Council has a number of concerns with the use of the term 'walkable catchment'. The words themselves imply that land outside of the walkable catchment is not walkable, when in fact the entirety of the PSPs should be developed in a manner that is considered walkable.</p> <p>It is unclear the extent to which the identified walkable catchment has taken into consideration major barriers to</p>	<p>(a) Re-wording of the term 'walkable catchments'.</p> <p>(b) Reconsideration of the application of the walkable catchments having regard to major barriers to movement.</p>	<p>(a) Disagree. Refer to VPA Closing Submission</p> <p>(b) Agree. Refer written submission.</p>

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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
	movement, including the rail line, arterial roads, escarpments and creeks.		
Deletion of HO358	<p>Council does not support the removal of this heritage overlay.</p> <p>Council's preference is that the 96A permit application be amended to provide for the removal of the buildings subject to HO358 and subject to permit conditions relating to the:</p> <ul style="list-style-type: none"> <li>documentation of the demolition of the site e.g. record of findings – metal lining of walls etc., and archiving of photos of the buildings/site; and</li> <li>documentation of the former building on/near the site e.g. interpretive educational board, reuse of materials for public feature etc. (this will be somewhat dependant on what is found during demolition).</li> </ul> <p>Council have provided the VPA with standard conditions relating to both the above requirements relating to this that we can provide.</p>	<p>(a) The Sunbury South PSP and overlay map should be amended to show the retention of HO358.</p> <p>(b) Council supports the amendment of the Redstone Hill 96A application to provide for the removal of the heritage buildings subject to HO358, subject to permit conditions relating to documentation and reuse. Council has provided the VPA a copy of standard permit conditions relating to these requirements.</p>	<p>(a) Agree</p> <p>(b) Noted.</p>
Passive open space	Council is generally supportive of the location of passive open space within the PSPs, and acknowledges the identification of a linear shared path along the escarpments and passive recreation	<p>(a) Amend the park type for all 0.25ha sites to read 'Passive Recreation Node'.</p> <p>(b) Amend G48 (Sunbury South) and G36 (Lancefield Road) to delete 'except where housing fronts open space with a paper road to</p>	<p>(a) Agree</p> <p>(b) Disagree. This is a guideline, and may be an appropriate design response in some instances. The Council still has the</p>


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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
	<p>nodes at 500m intervals along the path network.</p> <p>A number of changes are requested to the distribution of the passive open space to ensure access for all residents within 500m walkable catchments. These changes have also been made having regard to the passive recreational function of the sports reserves and the limited passive recreation role that drainage reserves can provide. These changes are outlined below and in Attachments 1 and 2.</p>	<p>the satisfaction of the Responsible Authority'. Delete R46 and R47 (Sunbury South) R35 and R36 (Lancefield Road). Council does not support housing directly fronting open space.</p> <p>(c) Amend R94 (Sunbury South) and R88 (Lancefield Road) to add:</p> <p>(i) "and contaminated soils" to dot point 1.</p> <p>(ii) delete "barbeques" from dot point 7. Barbeques will not be supported by Council.</p> <p>(iii) A new dot point requiring the protection and interim maintenance of any remnant trees identified for retention.</p> <p>(d) Amend Plan 7 of both PSPs consistent with Attachments 1 and 2 of Council's written submission.</p>	<p>discretion to not support this through this guideline, but the flexibility is provided.</p> <p>(c) Agreed, as per Part A submission.</p> <p>(d) Generally agree, subject to the revisions to DSSs. The VPA considers that the local open space distribution is best revisited once the location of stormwater quality treatment assets are known.</p>
Active open space	<p>Council has concerns with the location and orientation of SR02 within the Lancefield Road PSP. It is noted that the location and orientation of this district sports reserve has changed since agency consultation. The agency consultation location was identified on the basis of the need for the two ovals to have a north-south orientation, and slope constraints to the east of the site adjacent to the railway line.</p> <p>The concept plan prepared by MEMLA Landscape Architects for Council is based on the agency consultation</p>	<p>(a) Amend the Lancefield Road PSP to show SR02 as per the location and orientation in the agency exhibited version of the PSP.</p> <p>(b) Amend the legend for the regional sports reserve on all plans. The hatching makes it appear that this reserve is located in the conservation</p> <p>(c) Amend R95 (Sunbury South) and R89 (Lancefield Road) to state that "these works MAY be eligible for a works-in-kind credit". It the responsibility of Council as the collecting</p>	<p>(a) Agree, subject to the approval of the Conservation Area boundary realignment by the Commonwealth.</p> <p>(b) Agree.</p> <p>(c) Agree.</p>

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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
	<p>location of SR02 and demonstrates the ability to accommodate the ovals, cricket nets, netball court, passive recreation space and carparking within the site size, shape and orientation.</p> <p>Council is concerned that the change in orientation and shape of SR02, coupled with slope and grade crossing constraints in the south-eastern portion of the site will impact on the ability for Council to provide for the necessary sporting facilities within this site. It is requested that the agency consultation location and orientation of SR02 be reinstated within the PSP.</p> <p>It is unclear why the regional sports reserve is shown as Council-funded within the land use budget, property budget and Plan 4. Clarification is requested.</p>	agency to determine whether a project is suitable as works-in-kind.	
Redstone Hill – encumbered open space	<p>Council acknowledges the efforts made by the VPA to provide a response to Redstone Hill that balances landscape and visual protection with potential for community access and long term maintenance requirements. The inclusion of this land in RCZ is supported.</p> <p>However, Council is still concerned that the wedge of land between Redstone Hill and Jacksons Creek is still not correctly sited. The intent of this wedge shaped area is to enable a visual connection and uninterrupted views from Jacksons Hill to</p>	<p>(a) Amend location of visual wedge between Redstone Hill and Jackson Creek as shown in the plan below.</p> <p>(b) Amend the zone map to match the extent of the Redstone Hill encumbered land as shown on Plan 3 Future Urban Structure.</p>	<p>(a) Agree</p> <p>(b) Refer to VPA Closing submission.</p>

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What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
	<p>the Jacksons Creek Valley, rocky outcrop and up to the top of Redstone Hill. It would also facilitate views from Redstone Hill to Bald Hill. The adjacent plan shows the minor change needed to correctly site this wedge to provide for views between Jacksons Hill, Redstone Hill and Bald Hill.</p> <p>It is also noted that there is a small discrepancy between the extent of the Redstone Hill encumbered land as shown on the zone map and Plan 3 Future Urban Structure.</p>		
Service placement guidelines		<ul style="list-style-type: none"> <li>(a) Amend drainage and trunk services to 'no' under kerb.</li> <li>(b) Amend drainage to 'preferred' under nature strips.</li> <li>(c) After 'other non-standard outcomes are encouraged', add "to the satisfaction of the Responsible Authority".</li> <li>(d) Add the following text at the end of Note 2, "where services are placed under road pavement and paths, Level 1 supervision of compacted crushed rock backfill is required".</li> <li>(e) Add the following text at the end of dot point 4, "within widened nature strips", so as to allow room for street trees and paths that are often in conflict with service authority requirements.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Disagree. These are guidelines that are consistently applied across the growth areas.</li> </ul>

# Amendment C207 & C208 - Hume City Council

What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
Special Use Zone – Schedule 10	<p>It is acknowledged that SUZ10 has been drafted in response to a request from the landowner to be removed from the Sunbury South PSP. Council is supportive of this property being removed from the Sunbury South PSP on the basis that the SUZ10 provides for the continued use and development of the land for a vineyard and winery, and that complementary and compatible land uses operate in association with the vineyard and winery.</p> <p>Council has worked with the VPA on the drafting of this schedule and overall is satisfied with the final version of the schedule, subject to one requested change.</p> <p>A previous version of the SUZ10 reviewed by Council contained an application requirement that site plans showed “the extension of the existing Jacksons Creek shared path through the site”. The Jacksons Creek shared path is an important pedestrian and cycle connection that will ultimately extend the length of the Jacksons Creek Regional Park. The Conservation Area Concept Plans (CACPs) show this shared path extending the length of Jacksons Creek through both the Sunbury South and Lancefield Road PSPs. However, as this site is proposed to be removed from the Sunbury South PSP, the CACPs show this path terminating at both boundaries of the subject site. It is important that the</p>	Include an application requirement that that site plans show “the extension of the existing Jacksons Creek shared path through the site” (or similar wording) be included with SUZ10.	Disagree. Given the limited type and scale of development that is allowable the VPA do not agree that it is appropriate to trigger the requirement to construct a public path through this land.



# Amendment C207 & C208 - Hume City Council

What is the issue?	Council submissions	Recommendation/Change Requested	VPA Response
	<p>SUZ10 schedule identifies the need to provide for this shared path on the subject site to ensure that this important recreational link can be delivered along the full length of the Jacksons Creek Regional Park. It is requested that the original wording as stated or (or a similar requirement) be reinserted into the SUZ10.</p> <p>In response to this request the VPA have stated in their Part B submission that they do not support this change stating that they do not consider it appropriate to trigger the requirement for the construction of a public path on this land. Council is not suggesting, or requesting that the landowner construct a the portion of the Jacksons Creek shared path on their land. Council merely wishes to ensure that in the development of this property the opportunity is retained for the shared path to be provided along the full length of the Jacksons Creek Regional Park. It should be noted that there is no committed source of funding to construct this shared path, and the obligation to construct this shared path as show in the CACPs do not sit with any landowners on within the PSP.</p> <p>It is noted that the landowner has requested a number of changes to the SUZ10 as currently drafted.</p>		

# Amendment C207 & C208 - Hume City Council

## Table B – Response to select submissions

Submission No.	What is the issue?	Council submissions	Change Requested (if any)	VPA Response
SS61	Requests industrial land to be identified as commercial and residential	Consistent with the Corridor Plan and Sunbury HIGAP as outlined above, Council requests that an additional 52ha of industrial land is shown at this location. Accordingly the reduction of industrial land on this site as is not supported.	No change supported.	Refer written submission.
SS62	Requests amendment to supermarket cap	<p>This land is subject to an applied zone of Commercial 2 Zone, and that the UGZ Schedule 9 places a 500m<sup>2</sup> as of right (Section 1) cap on supermarkets where the applied zone is Commercial 2 Zone. It is noted that Submitter 62 (Sunbury South) has requested that this be amended to 1,800m<sup>2</sup> consistent with Commercial 2 Zone.</p> <p>It is noted that the VPA in their Part B submission have stated that they do not support any changes to the cap. Consistent with the VPA, Council strongly supports the retention of the 500m<sup>2</sup> cap on supermarkets within this employment area.</p> <p>Council considers that the cap is required to not only maintain the intent of the employment area, but to ensure the viability and function of Sunbury's existing and proposed activity centres is maintained. Essential to this is protecting Council's activity centre hierarchy and ensuring that activity centres remain the focus for a range of retail and non-retail uses and investment.</p> <p>In growth areas, where activity centres are not yet developed, allowing out of centre development can result in leakages from these centres and undermine their hierarchy through businesses opting for cheaper locations. Council considers that a more restricted approach to out of centre development is needed to ensure that the significant investment required for new activity centres can be secured.</p> <p>The Vineyard Road Employment area is located within proximity to the Harpers Creek Local Activity Centre. The 500m<sup>2</sup> cap on supermarkets within the Vineyard Road Employment Area will provide certainty for investment into the Harpers Creek Local Activity Centre and will support the development and maintenance of the activity centre hierarchy within the Sunbury PSP and broader area. It</p>	No change supported.	VPA agree, no change supported.

# Amendment C207 & C208 - Hume City Council

Submission No.	What is the issue?	Council submissions	Change Requested (if any)	VPA Response
		also remains vital that land designated for employment, is used for employment purposes and that this use is not undermined. Retaining the 500m <sup>2</sup> cap will ensure employment remains the primary purpose for the area with uses such as supermarkets taking a secondary role.		
SS75	Bushfire risk	<p>Capitol Property Group circulated an expert witness report prepared by Shannon LeBel of Ecology &amp; Heritage Partners. The VPA do not dispute the findings of this report.</p> <p>This expert witness report relies on a Bushfire Attack Level (BAL) Report by Ecotide. The Ecotide Report recommends setback distances for three development areas within the Capitol property. Setback distances are provided based on BAL ratings of 12.5, 19, 29, 40 and FZ. These three development areas are referred to in the report as Harker Development, Sunbury Hill Development and Hillside Precinct.</p> <p>Based on a BAL 12.5 rating, the report shows a range of different setbacks required for these development areas ranging 65m - 22m. It is considered that the required BAL 12.5 setback distances reinforce Council's position regarding the need for perimeter roads and bushfire setbacks with the PSPs.</p> <p>Based on a BAL 40 rating, the report shows a range of different setbacks required for these development areas ranging 7m - 38m. Council is concerned that a BAL 40 rating (or even a BAL FZ rating as calculated in the report) would be required in order to enable development on within some of the identified areas. Whilst it is acknowledged that BAL 40 is a legitimate bushfire attack level of construction available, for the reasons noted in Council's submissions it is not desirable that PSPs be designed in a manner that requires BAL rating of this level.</p>	Refer to Council requested changes in Table A and submissions above.	Refer written submission.
SS37 SS48 SS59	Request for local convenience centres on submitter land	It is noted that a number of submitters have requested local convenience centres on their land.	Supported subject to clarification of proposed floor space cap for these centres.	The provision of a Local Convenience Centre within the gas measurement length was considered as part of the

# Amendment C207 & C208 - Hume City Council

Submission No.	What is the issue?	Council submissions	Change Requested (if any)	VPA Response
		<p>Council is generally supportive of the additional proposed Local Convenience Centre requested by submitters SS37, SS48 and SS59. The VPA have also indicated their support for these additional centres in the changes matrix for Sunbury South PSP (Appendix 3 of the Part A Submission).</p> <p>It is however noted that the proposed location of the Local Convenience Centre on property 2 or 3, as per the Sunbury South Station Concept Plan circulated as part of the VPA's Part B Submission, is located with the gas pipeline buffer. Clarification should be sought from APA Group with regards to the location of this land use with the buffer.</p> <p>It is unclear what floor space cap is proposed for these three additional centres. No indication was provided by the VPA in the changes matrix, nor has any changes been made to Table 2 in the UGZ Schedule 9 to reflect these additional centres and their associated floor space cap.</p>		preparation of the SMS, and no parties expressed concerns. The VPA expects this to be reflected in the finalised SMS. Refer to VPA closing submission for proposed floorspace caps to additional LCCs
SS85	Seeks the deletion of the interim Jacksons Hill Road link from the Precinct Infrastructure Plan, with the ultimate alignment shown as a short term priority.	<p>The role of the Precinct Infrastructure Plan is to outline the infrastructure necessary to support the precinct. The interim Jacksons Hill link is an existing developer obligation predating the PSPs and is not considered infrastructure necessary to support the precinct. It is considered that the ultimate Jacksons Hill Link performs this role. Furthermore the interim Jacksons Hill link is designed to provide for an alternative access to/from the Jacksons Hill Estate. It is not of a design intended to accommodate traffic generated by the PSP. It is noted that the revised PIP circulated by the VPA as part of their Part A submission shows the ultimate alignment as a S-M term priority.</p> <p>Council considered it not appropriate for the PIP to show the interim Jacksons Hill link and requests that it be removed. Council has no objections to the indicative timing of the ultimate Jacksons Hill link as shown in the Precinct Infrastructure Plan.</p>	Amend the PIP to delete the interim Jacksons Hill Road Link.	Agree

# Amendment C207 & C208 - Hume City Council

Submission No.	What is the issue?	Council submissions	Change Requested (if any)	VPA Response
Multiple submitters	Interface treatment to escarpments	<p>A number of submitters have raised concerns with the interface treatment to the escarpments as identified in Plan 5 of the PSPs and in the visual and non-visual escarpment cross sections. In particular the concern relates to the setback distance, and the application of the different cross sections.</p> <p>The VPAs Part B submission states that <i>“the VPA has reviewed the locations for the application of these setbacks, particularly the ‘visual’ interface treatment, having regard to locations where the visual intrusion of development upon the creek corridors may be impossible to avoid, and whether in certain instances some discretion should be built into the PSPs to allow variations to these setbacks”</i>.</p> <p>The VPA circulated with their Part B submission revised application of these interfaces to replace the current application on Plan 5 of the PSPs. The cross sections are proposed to remain as exhibited. The VPA have also noted that the non-visual cross section is now proposed to be a discretionary control (guideline) with the PSPs. The visual setback remains a mandatory control (requirement).</p> <p>Council does not support the reclassification of a number of visual sensitive interfaces to non-visual. It appears from the Part B submission that this reclassification is based on whether the developable land is directly adjacent the primary creek corridor. Whilst there is some merit in this approach, it should be noted that the absence of a direct interface from the creek does not remove the visibility of development, but rather distance to which the development is viewed. Council requests the opportunity to discuss the application of these interfaces with the VPA.</p>	Council does not support the reclassification of visual sensitive interfaces to non-sensitive.	Unresolved. VPA position is as previously stated.
SS37 SS75	Open Space – Standard of Delivery	<p>A number of submitters sought clarification on which types of open space R94 Sunbury South and R88 Lancefield Road related to. It was also submitted that the requirements were considered onerous.</p> <p>Council confirms that R94 Sunbury South and R88 Lancefield Road relates only to credit local open space. The VPA in their response to submissions have confirmed that they will amend R94 to state that this required only relates to credited local open space.</p>	Amendment R94 Sunbury South and R88 Lancefield Road to state that the requirement relates only to credited local open space.	VPA agree with Council.

# Amendment C207 & C208 - Hume City Council

Submission No.	What is the issue?	Council submissions	Change Requested (if any)	VPA Response
		The requirements are consistent with the delivery all credited open space across Council's growth corridors. No changes are proposed to the requirements.		
SS49 SS75 LR46	Shared Paths with Conservation Areas Concept Plans	<p>A number of submitters have queried the shared paths with the Conservation Area Concept Plans, and whether it is the responsibility of developers to construct these paths.</p> <p>Consistent with the response provided the VPA, Council notes that the shared path network shown within the conservation areas on the Conservation Area Management Plan is indicative, and will be not be required as subdivisional works. The required shared path network as part of subdivisional works is limited to that shown on Plan 10.</p>		Resolved. Agree with Council's response.
LR56	Yellow Gum Town Centre	<p>This submitter has requested that the Yellow Gum Local Town Centre should be 16,000m<sup>2</sup>, in line with the retail assessment provided by Mr Rhys Quick of Urbis.</p> <p>The PSP and UGZ Schedule 10 provide for a soft cap of 10,000m<sup>2</sup> for this centre. Any proposal to develop the centre beyond this cap is required to submit a permit application that includes a retail impact assessment as outlined in the UGZ Schedule 10. It is noted that a UDF requirement also applies to the expansion of the centre.</p> <p>It is noted that the Yellow Gum Local Town Centre Concept Plan provides for sufficient land area to provide for the future expansion of the town centre.</p> <p>Council supports the current 10,000m<sup>2</sup> soft cap. It is considered that the PSP contains the necessary flexibility to provide for the future expansion of this centre.</p>	Council supports the current 10,000m <sup>2</sup> cap for this centre.	Resolved.
SS61	Hi Quality - Land Uses	This submitter has requested changes to the land use designations with the PSP for this land, including the designation of land as residential and the identification of land from 'industrial' to 'employment and commercial'.	Council does not support the designation of land as residential and the identification	Refer to VPA Closing Submission

# Amendment C207 & C208 - Hume City Council

Submission No.	What is the issue?	Council submissions	Change Requested (if any)	VPA Response
		<p>Council has made submissions on the need for additional industrial land on this site. The justification for which is provided in Council's submission to Panel. Council does not support the requested changes to provide for employment and commercial land in replacement of industrial land.</p> <p>Council supports the position of the VPAs, that residential development should not be shown on the portion of the site as requested. This position is formed having regards to the uncertainty associated with the development potential of this land, as well as the potential impacts associated with quarry, landfill and organic waste buffers.</p>	of land from 'industrial' to 'employment and commercial'.	
SS88	700 Sunbury Road – Bulky Goods / Local Convenience Centre	<p>This submitter has sought provision in the PSP for a local convenience centre on the land, to accommodate a range of non-residential land uses, including service station, takeaway/fast food, supermarket with speciality shops, restricted retail/bulky goods, and medium to high density residential development abutting non-residential uses.</p> <p>It is noted that the submitter has now circulated an expert witness report by Nicholas Brisbane of Essential Economics. The expert witness report considers the characteristics of successful bulky goods precincts, and notes that the subject site could provide 5.3 hectares of land for bulky goods development.</p> <p>Council does not support the provision of bulky goods at this location. Consistent with the VPA's Part B submission, Council considers that the development of this site for bulky goods would constitute out of centre development. Council has a strong position of discouraging out of centre development. Clause 21.02 of Council's revised MSS (Amendment C176) outlines the preferred locations for bulky goods development. Within Sunbury, this location is on Vineyard Road near the Calder Freeway. This location is consistent that the Vineyard Road Employment Area as shown in the Sunbury South PSP.</p>	Council does not support bulky goods development on this site.	Agree. The VPA does not support this submission. Refer to VPA Closing submission.



# Amendment C207 & C208 - Hume City Council

Submission No.	What is the issue?	Council submissions	Change Requested (if any)	VPA Response
		Council is open to considering a local convenience centre in the vicinity of this site.		
SS65	Craiglee and Ben Eadie Properties	<p>Both Council and the landowner made submissions relating to the proposed SUZ10 'Craiglee and Ben Eadie Properties'.</p> <p>Council acknowledges that the VPA have made a number of changes to reflect concerns raised in Council's submission. A number of concerns remain outstanding. These are outlined in Council's Table A.</p> <p>In response to the submissions made by the landowner, Council supports the responses and positions provided by the VPA in their Part A Submission, Appendix 1 and in their Part B submission.</p>	A number of changes are outlined in Council's Table A.	Resolved, except for those matters in Table A.
SS6 SS8 SS24 LR7	Airport Noise	<p>A number of submitters including Melbourne Airport raised concerns about airport noise.</p> <p>Melbourne Airport has requested that a S173 is required for lots which are within the 'N' Contours to advise future owners that these properties are or will be subject to aircraft noise, including at night.</p> <p>Melbourne Airport and its operations are of state importance. The National Airports Safeguarding Framework is a national land-use planning framework that aims to minimise aircraft noise-sensitive developments near airports. The State Planning Policy Framework includes policy guidelines relating to the National Airports Safeguarding Framework. The Hume Planning Scheme, specifically the Municipal Strategic Statement notes the importance of Melbourne Airport and makes multiple references to ensure that land-use and development protects the Airport's curfew free status and is compatible with the operation of Melbourne Airport.</p> <p>Council supports the concerns raised by submitters, including Melbourne Airport, and acknowledges that the VPA have agreed to make changes to the Sunbury South PSP and UGZ Schedule 9 to</p>	Council supports changes to the Sunbury South PSP and UGZ Schedule 9 to ensure that development of lots subject to aircraft noise are assessed and appropriately managed.	This position has progressed following Melbourne Airport's submission to Panel. Refer written submission.

# Amendment C207 & C208 - Hume City Council

Submission No.	What is the issue?	Council submissions	Change Requested (if any)	VPA Response
		<p>ensure that development of lots subject to aircraft noise are assessed and appropriately managed.</p> <p>Council notes that discussions are ongoing between the VPA and Melbourne Airport regarding the exact nature of the changes to the Sunbury South PSP and UGZ Schedule 9.</p>		
Various submitters	Left in left out	Some submissions have requested the PSPs to show left in left out on arterial roads and have sought comment from Council. Council agrees that these designations are a level of detail not typically included in PSPs and the VicRoads has the ultimate authority to determine access arrangements. Notwithstanding this, Council would not object to their inclusion if it was supported by VPA and VicRoads.	Designations can be shown subject to support from VPA and VicRoads.	VPA positions as stated.

## APPENDIX 3 – VPA RESPONSE TO CAPITOL PROPERTY

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## VPA Response to changes requested by Capitol Property in submission to Panel

Capitol submission item ref	Capitol Submission	VPA Response
<b>PSP Changes</b>		
14.1	Adjust all relevant plans and land budget to incorporate the revised Melbourne Water DSS.	Agree.
14.2	Page 5 - Section 1.0 Introduction - insert the following after the second paragraph : <i>However it should be recognised that the PSP is a framework document not a blueprint. The intention is that development should be generally in accordance with the plan, meaning there is flexibility in how the development responds to the requirements of the plan and in the delivery of the outcome sought. For example the location and width of a drainage reserve might vary from that shown due to a range of design or other factors. The location of roads and open space might change from that shown in response to detailed subdivision design, topography or other factors.</i>	There is substantial body of VCAT precedence on interpretation of the words 'generally in accordance'. The words have a plain meaning and additional explanation may only serve to make that meaning more convoluted or distract from the plain meaning of the words.
14.3	Page 6 -Plan 2 - Remove 'break of slope' designation from the section of Hillside Precinct running north from the creek valley to the northern boundary of property 58.	Agree.
14.4	Page 6 - Plan 2 - remove the "Landscape Values" designation to the 'Land Subject to Capability Assessment' in Plan 3 (Hillside Precinct). Capitol understands that the VPA agree to this proposed change.	Agree.
14.5	Page 6 - Plan 2; Page 8 - Plan 3; Page 14 - Plan 5 - remove the designation 'heritage site - possible heritage site' located to the north of the proposed location of the Government Primary School on the Capitol Land (on Property 59).	Disagree. The VPA has not received any heritage advice to support the deletion of this possible heritage site.
14.6	Page 7 - insert additional text to the last paragraph of the left hand column finishing 'under its general discretion', as follows:	The VPA agree to add the wording "...even though the use or development is not specifically shown in the PSP."

#### VPA Response to changes requested by Capitol Property in submission to Panel

	<i>in accordance with the applied zone even though the use or development is not shown in the PSP.</i>	
14.7	Page 8 - Plan 3 - remove 'break of slope' designation from the eastern boundary of the 'land subject capability assessment'. Capitol understands that the VPA agree to this proposed change.	Agree.
14.8	Page 8 - Plan 3 - amend Plan 3 to provide for the development of the north-western corner of the Harker Street Precinct as proposed by Capitol Property Group in these submissions. Capitol understands that the VPA generally agrees to this proposed change.	The VPA do not agree that this area is appropriate for development, and that the extent of development should continue to reflect that outlined in the Residential Concept Plan for the area forming part of the VPA's Part B submission. See VPA Closing Submission for further information.
14.9	Page 8 - Plan 3 - amend the extent of land identified as 'service open space in conservation area' to reflect the adjusted boundary of the Growling Grass Frog habitat/corridor such that this designation does not apply to the top of the escarpment on the most Northern area of the Capitol Property Land. Amend the land use budget accordingly. Capitol understands that the VPA agree to this proposed change.	The 'service open space in conservation area' layer will not be shown in the final Future Urban Structure. Agree to the change to Conservation Area 21 where it protrudes above the break of slope, subject to DELWP approval.
14.10	Page 8 - Plan 3; Page 13 - Table 1; adjust all relevant PSP plans to remove the designation of Local Open Space from the Harker Street Precinct, and designate the knoll as a conservation area. Capitol understands that the VPA agree to this proposed change.	Agree.
14.11	Page 8 – Plan 3; Remove the walkable catchment designation from properties 56 and 57 and if required, add the corresponding catchment area by extending the walkable designation south of the Active Open Space to achieve no net impact to yield.	Agree.
14.12	Page 10 – Add an Objective in relation to the prioritisation of the Southern Ring Road subject to the delivery of the Bulla Bypass or the full duplication of Sunbury Road in the short term.	Agree. See VPA Closing Submission
14.13	Page 12 - Plan 4 - change the brown hatching in the key from 'Investigation area' to 'land subject to capability assessment'. Capitol understands that the VPA agree to this proposed change.	Agree.

**VPA Response to changes requested by Capitol Property in submission to Panel**

14.14	Page 13 - amend the figures to include the land identified as being 'subject to capability assessment' (refer to proposed changes to page 96 below) by replacing the investigation area classification.	Agree.
14.15	Page 14 - Plan 5 - noting that this plan is proposed to be substituted by a new plan provided by the VPA in Document 20, delete the purple broken line (designated as 'interface with escarpment - (non-visual)') along the eastern boundary of the 'land subject to capability assessment'. Capitol understands that the VPA agree to this proposed change.	Agree, however the VPA propose to include a cross-section in the PSP which will ensure an appropriate interface to the sloping land.
14.16	Page 14 - Plan 5 - apply the key 'sensitive residential area' to the triangle of land currently shown as 'regionally significant landscape values' at the rear of the Harker St houses in the western most corner of the PSP.	Disagree. See 14.8
14.17	Page 14 - Plan 5 – VPA Substitute plan, extend the designation 'interface with escarpment – non-visual' to the north west edge of the PSP area.	Disagree. See 14.8
14.18	Page 14 - Plan 5 – VPA Substitute plan, update interface to waterway and replace with interface with conservation where appropriate.	Agree – See 'Updated Application of Sensitive Interfaces' Plan at Appendix to the VPA Closing Submission
14.19	Page 16 - add a new item R20 as follows: <i>Prior to subdivision or development of the Land Subject to Capability Assessment urban design guidelines must be prepared for this area and mechanisms to manage future bushfire risk identified to the satisfaction of the Responsible Authority.</i>	Disagree. These matters are satisfactorily dealt with through the UGZ Schedule as exhibited.
14.20	Page 19 - figure 2 - replace this figure with a new Harker Street concept plan in accordance with the Plan identifies as Figure 4.8 in the ERM Expert Evidence, identifying the land behind the existing houses as residential land.	Disagree. See 14.8

#### VPA Response to changes requested by Capitol Property in submission to Panel

14.21	Page 22 - Plan 6 - remove the 'break of slope' designation from the 'Land Subject to Capability Assessment'. Capitol understands that the VPA agree to this proposed change.	Agree.
14.22	Page 34 - Plan 7 - remove the broken brown line shown along the eastern boundary of part of the land identified for capability assessment (this line does not appear in the key to that map and is confusing).	Agree.
14.23	Page 34 - Plan 7 - adjust the area identified as 'conservation area' to reflect the adjusted boundary of the Growling Grass Frog habitat/corridor such that this designation does not apply to the top of the escarpment on the most Northern area of the Capitol Property Land. Adjust the land use budget accordingly. Capitol understands that the VPA generally agrees to this proposed change.	Agree to the change to Conservation Area 21 where it protrudes above the break of slope, subject to DELWP approval.
14.24	Page 34 – Adjust local open space in accordance with the Capitol Plan.	Disagree. LP-17 as located in the PSP services a residential catchment in proximity to Sunbury Road. The proposed new location does not service this catchment, and overlaps with the catchment for LP-18. The VPA consider the exhibited local open space layout to be appropriate, noting that the precise locations can be determined through a subdivision application.
14.25	Page 38 – remove the two trees at the intersection of Lancefield Road and Sunbury Road that seem to be an anomaly.	Agree. The scattered tree layer in the exhibited PSP was incorrect and will be updated.
14.26	Page 40, 41 and 43 – Incorporate flexibility into the Notes that suggest that the plan can be amended with the approval of DELWP and Melbourne Water. Amend proposed shared path to proposed/indicative shared path alignment and add a note that shared path alignments are subject to topographical review	Agree.
14.27	Page 40 - Figure 8; Page 41 - Figure 9; Page 43 - Figure 10 - add a notation that the concepts are indicative only and that the development of the reserves and constructions of assets within the reserves will not form part of any developer contributions or funding.	Agree, with qualification that development of the reserves will not form developer/ICP works.



# **VPA Response to changes requested by Capitol Property in submission to Panel**

14.28	Page 41 - Figure 9 - delete the line of dots indicating a proposed shared path shown faintly running along the eastern boundary of the land subject to capability assessment and update the faint component of the plan in accordance with all other proposed amendments	Agree. The VPA will include a cross-section which shows a shared path within the road reserve, and will show the dotted line (shared path) along the creek itself. Mat to confirm.
14.29	Page 41 - Figure 9 - adjust the area identified as 'conservation area' (in Plan 7) to reflect the adjusted boundary of the Growling Grass Frog habitat/corridor such that this designation does not apply to the top of the escarpment on the Northern-most area of the Capitol Property Land. Amend the land use budget accordingly. Capitol understands that the VPA generally agrees to this proposed change.	Agree to the change to Conservation Area 21 where it protrudes above the break of slope, subject to DELWP approval.
14.30	Page 41 - Figure 9 - remove the designation 'setback from escarpment (non-visual)' from the 'land subject to capability assessment'. Capitol understand that the VPA agree to this proposed change.	Agree.
14.31	Page 44 - Plan 9 - remove the designation 'setback from escarpment (non-visual)' from the 'land subject to capability assessment'.	Request is unclear as the setbacks aren't shown on Plan 9.
14.32	Page 44 - Plan 9 - delete the broken brown line (indicating a proposed shared path and break of slope) running along the eastern boundary of the 'land subject to capability assessment'.	Agree.
14.33	Page 44 - Plan 9 - amend to show access to Francis Boulevard to the South of Sunbury Road as a signalised intersection.	Agree. See VPA Closing Submission
14.34	Page 44 - Plan 9 - amend to show a left-in-left-out intersection approximately mid-way between IN-04 and the Francis Boulevard roundabout.	Disagree. Do not support the principle of nominating left-in, left-out intersections to local roads within the PSP. This is a matter for VicRoads consideration as part of detailed subdivision design
14.35	Page 44 - Plan 9 - amend the alignment of RD-04 so that it no longer 'clips' the Villawood land.	Agree.

**VPA Response to changes requested by Capitol Property in submission to Panel**

14.36	Page 46 - Plan 10 - delete the dotted line indicating a shared path (off-road) where running along the eastern boundary of the 'land subject to capability assessment'. Include a new item in the key for a shared path within the road reserve or show a dotted line following the creek valley as has been previously proposed. Capitol understands that the VPA generally agrees to this proposed change.	Agree. The VPA will include a cross-section which shows a shared path within the road reserve, and will show the dotted line (shared path) along the creek itself.
14.37	Page 46 – Remove the break of slope designation from the land subject to capability assessment.	Agree.
14.38	Plan 11 – Adjust the plan to accord with the updated Melbourne Water DSS including of the northern section of the constructed waterway.	The VPA will update the PSP to reflect Melbourne Water's DSS.
14.39	Page 47 – Remove the break of slope designation from the land subject to capability assessment.	Agree.
14.40	Page 52 - Plan 12 - amend the plan to reflect the updated position of each of the servicing authorities. Capitol understands that the VPA generally agrees to this proposed change. Remove DN525mm proposed sewer that runs generally east west across the creek. Western Water are no longer pursuing this alignment. Adjust the background plan to accord with the revised PSP.	Agree.
14.41	Page 53 - R89 - amend R89 to provide that the requirement to provide gas to all lots apply only where available. Capitol understands that the VPA generally agree to this proposed change, and have amended the wording of R89 to include the words "where available".	Agree.
14.42	Page 55 - R93 - amend R93 to incorporate a notation confirming that the developer funding of shared paths, paths on arterial roads and bridges are for urban development areas. Capitol understands that the VPA agree to this proposed change.	Agree, with further clarification to indicate where shared paths will be developer works (e.g. along waterways and escarpments, as reflected in relevant cross sections)

#### VPA Response to changes requested by Capitol Property in submission to Panel

14.43	Page 55 - R94 - amend the heading to R94 to read 'Local municipal open space delivery'. Capitol understands that the VPA agree to this proposed change.	Agree
14.44	Page 57 - section 3.6.4 Development Staging R96 - Add a paragraph to say that priority is to be given to the implementation of the Sunbury Southern Ring Road.	Agree to the principle of greater strategic direction around the importance of the early delivery of the Southern Crossing, subject to further refinement of drafting. See VPA Closing Submission
14.45	Page 58 - Reduce the scope of IN-04 and IN-03 in accordance with the recommended interim intersections of Cardno. The length to the legs of these intersections is far too long from an illustrative perspective.	Agree.
14.46	Page 58 – Include PIP classifications of local open space on the plan and adjust the open space designation in accordance with the Capitol Property plan.	Agree to include PIP classification of local open space on the plan, however do not agree to change the local open space in accordance with the Capitol plan.
14.47	Page 59 - Table 10 - Precinct Infrastructure Plan in respect of items IN-03, RD04-1, BR-01, RD-04-2, IN-10, RD-06, IN-13, RD-07, RD-08, IN-11 show the indicative timing as 'S' and in relation to the asterix; include a note at the bottom of the table to say: <i>The implementation of the Sunbury Ring Road - Southern Link is to be a high priority project unless within the first five years after approval of the PSP, the Bulla Bypass or duplication of Sunbury Road through Bulla have commenced construction. Need to confirm consistency with all these recommendations.</i>	Agree to the principle of greater strategic direction around the importance of the early delivery of the Southern Crossing, subject to further refinement of drafting. See the VPA Closing Submission
14.48	Page 61 – Table 10 – Adjust AR-02 to short term.	Disagree. The VPA do not consider that this item will be delivered in the short term. The proposed indicative timing of Medium Term to remain
14.49	Pages 66 and 67 - Sunbury Road cross-sections - adjust in accordance with the evidence of Mr Butler and add a note to the effect that the cross-sections may be adjusted, to cater for existing and proposed service infrastructure whilst minimising potential land acquisition.. Capitol understands that the VPA generally agree to this proposed change.	Agree

**VPA Response to changes requested by Capitol Property in submission to Panel**

14.50	Page 92 - Local Access Street - Interface with Transmission Line (Harker Street Line) - delete this cross-section. The design of this local access street should have some level of flexibility to address the potential removal or relocation of the powerline easement. Capitol understand that the VPA agree to this proposed change.	Agree
14.51	Page 96 - Table 4.3 - Property 58 - The 'land subject to capability assessment' is identified as "Investigation Area" with an area of 8.46ha. This land should be included as developable land and added into the ICP calculations. The column headed "Investigation Area" can be deleted as it is the only land having this status.	Disagree. There will be additional land which will need to come into this category, including "potentially developable land" requiring a localised drainage response.
14.52	Page 96 – Land Budget – Update the title 'investigation area' and rename 'Land subject to capability assessment' noting that the land should be included as part of the net developable area. Additionally adjust the water-way and drainage reserves to reflect the revised Melbourne Water DSS.	Agree.
<b>UGZ9</b>		
14.53	There are a number of changes as a result of the matters discussed above. These are referred to by section and the number of bullets.	Noted.
14.54	In section 2.3 of the Schedule, add: <i>A permit may be granted for a use or development in section 2 of an applied zone if the responsible authority considers that such use or development is appropriate, even though the proposed use or development is not specifically identified in the PSP.</i>	Not agreed. As per response to 14.2, there is substantial body of VCAT precedence on interpretation of the words 'generally in accordance'. The words have a plain meaning and additional explanation may only serve to make that meaning more convoluted or distract from the plain meaning of the words.
14.55	In section 3.13, replace the text at the seventh dot point with: <i>The indicative cross sections for development that respond to slope, and where relevant, cross sections outlined in Appendix 4.2 of the Sunbury South Precinct Structure Plan'.</i> Capitol understand that the VPA agree to this proposed change.	Agreed. This was exhibited in the Part A version of the UGZ9.

**VPA Response to changes requested by Capitol Property in submission to Panel**

Zone Map		
14.56	Change the zone Map 6 at the rear of Harker St to show an area of Rural Conservation Zone as shown in the Tract drawing. Capitol understand that the VPA agree to this proposed change, save that they do not agree to the additional residential development proposed by Capitol Property in the Harker Street area.	The UGZ9 will be updated to respond to an area consistent with the Harker Street Concept Plan (revised version circulated to Panel within the Supplementary Information folder).

## APPENDIX 4 – VPA RESPONSE TO VILLAWOOD

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## Hume Amendment C207 (Sunbury South PSP)

■ - Resolved, or pending resolution

■ - In issue

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
VW1	<p>Redstone Hill Submission – Villawood proposes to progress a draft UDF in the intervening period between exhibition and the panel hearing in order to test and confirm likely implementation outcomes. Specifically, the UDF requirements set out in R20 and G22.</p> <p><b>VPA Response:</b> Noted.</p>	Awaiting response from submitter	<p><b>Pending Resolution:</b> Villawood is currently finalising the UDF. Minor changes are sought to the PSP requirements for the UDF.</p> <p>The <i>Redstone Hill Town Centre Concept Plan</i> tabled by the VPA should be amended to :</p> <ul style="list-style-type: none"> <li>remove the second roundabout for bus turnaround as there is another roundabout approximately 250 metres west – refer high level functional layout plans for the 'Town Centre Gateway'.</li> <li>provide for vehicle access between the service lanes either side of the intersection through the commercial uses and into the surrounding road network (via private driveway).</li> <li>to reflect the ultimate drainage concept (a slightly different/reduced envelope) from the exhibited version.</li> </ul>	<ul style="list-style-type: none"> <li><b>Disagree.</b> PTV have advised that they continue to support a notation on the plan to support the potential for bus turnaround at this location.</li> <li><b>Agree</b></li> <li><b>Agree, subject to finalisation of the DSS</b></li> </ul>
VW2	<p><b>Connector road intersection funding in ICP</b></p> <p>All connector road intersections within Sunbury Road should be included in the ICP.</p> <p><b>VPA Response:</b> All signalised intersections within Sunbury Road are to be included within the ICP, with the exception of left-in/left-out intersections.</p>	Unresolved	<p><b>Resolved:</b> Villawood understands that the VPA has agreed to a revised cross-section for Sunbury Road that results in reduced intersection construction costs.</p>	<b>Resolved.</b>



Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
VW3	<p><b>Regionally significant role of the open space network</b></p> <p>The regionally significant role of the open space network should be emphasised in the PSPs. The PSPs should also provide clarification about how these spaces are intended to be embellished and managed and what funding opportunities are available to deliver these functions.</p> <p><b>VPA response:</b> <i>Agree to an extent. The PSP vision will be reviewed to further highlight the important regional function of the Jacksons Creek (and its potential regional park status nominated under Plan Melbourne 2017), the Emu Creek, and Redstone Hill. There is no capacity to fund improvements to the open space network (beyond the construction of sporting fields and associated facilities) through the ICP.</i></p>	Unresolved	<p><b>Resolution pending:</b> Villawood understands that the VPA and Council agree to the principle of activation of the Redstone Hill Park.</p> <p>Current zoning, GAIC implications and lack of funding prevent activation occurring. Implementation issues should be considered and resolved as part of the PSP.</p> <p>Likely that a suite of changes including:</p> <ul style="list-style-type: none"> <li>• An Incorporated Document, providing for a Development Plan to appropriately allow for proposed uses.</li> <li>• Inclusion of a Concept Plan.</li> <li>• Recognition in the Open Space table (public land contribution) and the PIP table (funding for embellishment) of part of the Redstone Hill parkland (an open space area of approximately 2.5-3ha).</li> </ul>	<p><b>Unresolved.</b></p> <p>The VPA agree to the inclusion of additional wording and visioning, along with a high level concept plan, to be included in the PSP.</p> <p>The VPA request a Panel recommendation that the VPA continue to work with Council and Villawood to prepare a concept plan for inclusion in the PSP.</p> <p>The VPA consider that the existing Rural Conservation Zoning allows for the uses that Council and the VPA consider appropriate for the hilltop (i.e. a district playground and café type uses). The VPA do not consider an incorporated document to be necessary, and note that if in the future Hume Council and the developer agree that additional land uses may be appropriate, then a more specific control, or a rezoning, can be undertaken at that time, with further details to hand.</p> <p>In relation to the funding, the VPA maintain that the ICP guidelines do not allow for the embellishment of parks.</p>
VW4	<p><b>Redstone Hill open space</b></p> <p>Further discuss with the VPA the scale and implementation of the Redstone Hill open space and visual links to:</p> <ul style="list-style-type: none"> <li>• Refine the scale of the hilltop parkland and the visual links to more effectively respond to view lines, land use interface outcomes and implementation/funding issues;</li> <li>• Seek clarity about permitted and intended handover condition and cope of</li> </ul>	Decision pending further review	<p><b>Resolution Pending:</b> Refer to above response regarding funding and uses within RCZ. Villawood welcome VPA feedback above regarding recognition of the regional role of hilltop in the context of Jacksons Creek and Emu Creek.</p> <p>Villawood accept some minor realignment of the visual corridor in order to capture key view lines as outlined in the Council</p>	<p><b>Now Resolved. Refer to VPA Closing Submission</b></p>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p>embellishment within RCZ areas of the hilltop parkland and visual link; and</p> <ul style="list-style-type: none"> <li>Recognise the regional parkland role of Redstone Hill and the valuable contribution of the parkland to the broader community, by incorporating significant funding or 'credit' either for land of embellishment works (or both)(refer to Infrastructure Strategy submission)</li> </ul> <p><b>VPA response:</b> Further discussion required between VPA, HCC and Villawood around improvements to Redstone Hill and refinement of boundaries. See above re: potential for ICP funding improvements to Redstone Hill open space.</p>		<p>submission, provided the area of RCZ land is not increased.</p> <p>Villawood also propose slight realignment of the boundary of the hill as a response to VPA feedback on the section 96A to provide a more positive interface to the open space.</p>	
VW5	<p><b>40m offset from the escarpment</b></p> <p>Villawood is prepared to accept the requirement for a 40m offset from the escarpment from pre-defined areas of visually significant landscape, provided that:</p> <ul style="list-style-type: none"> <li>the offset is located wholly within RCZ land (i.e. not subject to GAIC and ICP payments);</li> <li>any edge road is permitted within the 40m offset;</li> <li>identified open space nodes (which are subject to open space credit) are located within the escarpment offset/RCZ land, and are not located within otherwise developable land; and</li> <li>drainage facilities are wherever possible located within the RCZ (land in limited situations partially within the conservation areas with the agreement of the relevant authorities.</li> </ul>	Unresolved	<p>The VPA response is generally accepted, but with minor modification/clarification:</p> <ul style="list-style-type: none"> <li>Although Villawood accepts that roads located adjacent to the escarpment should be zoned UGZ (i.e. that only the 25-26m that is to be retained as open space should be RCZ), it is considered that this approach should be applied regardless of existing zoning. The current boundary between the RCZ and UGZ was previously not defined with the same degree of accuracy and is therefore inferior to the current proposal. The current proposed boundary should therefore be reflected in the zoning outcome rather than a confusing amalgam of approaches. Further, minor refinement to the boundary may be required post panel hearing, where such refinement is supported by detailed slope analysis.</li> </ul>	<p><b>Unresolved.</b></p> <ul style="list-style-type: none"> <li>The zone boundaries will not be based on the location of the road, but rather on the site features. Generally speaking, the RCZ will apply to all areas within the Conservation Areas, areas shown as 'land not serviced by DSS – undevelopable', and areas of regionally significant landscape values. All other developable land will be zoned UGZ.</li> <li>The open space nodes will be reflected in the public land contribution.</li> <li>The final PSP will include Melbourne Water's revised DSS. If Melbourne Water agree to amend their DSS to reflect Villawood's revised drainage proposal, then that will be reflected in the PSP.</li> </ul>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p><b>VPA response:</b> Where the land is currently zoned RCZ, the RCZ zoning will be retained for the 25.2 metres of land adjacent to the escarpment. The roads will not be located within the RCZ as they support the urban development, however they will form part of the 40m offset, as per the cross section.</p> <p>Where land is already within the UGZ, no rezoning is proposed, as this is a reasonable constraint on the land.</p> <p>The open space nodes are considered to complement the local park network and will be treated as local parks, i.e. zoned UGZ and land funded through the ICP.</p> <p>Melbourne Water are currently reviewing their DSS, and are looking to, wherever possible and consistent with the overarching principles of DSS design, locate their drainage assets within the RCZ (including limited incursion into Conservation Areas where supported by DELWP).</p>		<ul style="list-style-type: none"> <li>Villawood seeks clarification that the open space nodes will be reflected in Villawood's public land contribution.</li> <li>Revised drainage proposals are with Melbourne Water. Agreed outcomes should be reflected in the final PSP as necessary.</li> </ul>	
VW6	<p><b>Reconfiguration of open space area LP-28</b></p> <p>Reconfigure open space area LP-28 by relocating it into the MTC and reducing its size from 0.75ha to provide an urban park, and by enlarging LP-27 from 0.75ha to 1ha.</p> <p><b>VPA response:</b> Agree.</p>	Decision pending further review	<p><b>Resolved:</b> Villawood understands that the VPA and Council support the re-balancing of POS.</p> <p>This should be confirmed through appropriate changes to the Future Urban Structure and land budget tables.</p>	<b>Resolved.</b>
VW7	<p><b>Schedule for Clause 52.01</b></p> <p>The planning permit conditions appear to suggest that Clause 52.01 will be used (refer to Condition 24c), however there appears to be no schedule exhibited for Clause 52.01.</p>	Resolved.	<b>Resolved:</b> No change requested.	<b>Resolved.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<b>VPA response:</b> This was an error. Clause 52.01 will not be used.			
<b>VW8</b>	<p><b>Refinement to drainage areas</b></p> <p>Villawood requests that the PSP be updated to refine drainage areas as work with Melbourne Water continues. Villawood also seeks confirmation that, post PSP approval, should any further refinements to drainage areas occur, the remaining land will revert to developable land.</p> <p><b>VPA response:</b> Updated draft DSS information has been provided to landowners ahead of the Panel Hearing. Discussions in relation to this matter are expected to be ongoing.</p>	Decision pending further review.	<p><b>Resolution Pending:</b> Updated DSS information shows a substantial increase in land take for drainage assets partly driven by inefficient design standards (minimum batter gradients etc) that are inappropriate for this particular landform context (sloping land).</p> <p>Minimum design standards should be adjusted for landform conditions across Sunbury, and reflected as much as possible in the PSP. Allowance for future design amendments at permit stage are supported in response to localised, site specific issues. As such, notation re further design changes of drainage at permit stage is supported and be explicit that any land gained through design efficiencies can be developed for urban purposes (i.e. not converted to open space).</p> <p>Villawood position regarding drainage assets pending data to be supplied by Melbourne Water. VPA has advised that Melbourne Water is not currently in a position to respond, but the PSP can enable the issue to be resolved at a later date.</p>	<p><b>Resolved.</b></p> <p>The VPA consider this matter resolved, insofar as it can be. As discussed above, the PSP will reflect any updates to the DSS. The Part A Changes Matrix Table included that there would be a note on Plan 11 which states that "Land shown for stormwater quality treatment assets that Melbourne Water confirm are not required for drainage can be considered for development as part of a planning permit application provided they are subject to the Urban Growth Zone, to the satisfaction of Melbourne Water and the Responsible Authority." The VPA consider that this sufficiently covers off on this matter.</p>
<b>VW9</b>	<p><b>Density targets</b></p> <p>It is requested that the PSP provide further commentary and guidance on how density targets should be balanced with other matters, specifically noting that density targets may need to be lowered or adjusted in particular locations, for example:</p>	Decision pending further review.	<p><b>Resolution Pending:</b> Villawood has provided an amended walkable catchment plan to the VPA which demonstrates compliance with density targets.</p> <p>Clarification is sought that there will be flexibility in approach to dealing with density targets within the overall walkable</p>	<p><b>Resolved.</b></p> <p>The VPA agrees to the proposed amended walkable catchment.</p> <p>The VPA has proposed a permit condition to secure Villawood's approach to achieving the density target.</p>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<ul style="list-style-type: none"> <li>the requirement for higher densities should be limited for a 400m catchment to the MTC (not 800m);</li> <li>density targets should be specifically lowered in areas of greater slope (for example, greater than 7.5%); and</li> <li>the overall density target/yield assumption for Sunbury may need to be reduced having regard to topography and Sunbury's peri-urban location.</li> </ul> <p><b>VPA response:</b> The overall density targets within the PSP are lower than comparable growth area precincts, in large part in acknowledgment of some of the site specific and market constraints associated with the precinct. The 17 dwelling per hectare figure within the walkable catchment is likewise lower than comparable targets in other PSPs. R9 of the PSP provides for consideration of the capacity for density targets to be achieved over time, and it is therefore not mandatory that every staged subdivision application meet these targets.</p> <p>The VPA are currently considering specific locations where it may be appropriate to define lower density outcomes, and would welcome any site specific advice from Villawood as to which parts of their site these should apply to.</p>		<p>catchments – in particular, that the Redstone MTC does form part of the walkable catchment, and therefore densities there can be included in any assessment even if the dwellings are not part of the current application.</p> <p>Villawood propose a lower density in earlier stages, but with areas within and surrounding the Redstone MTC dedicated to much higher density housing in the future.</p>	
VW10	<p><b>Implementation of streetscape diversity</b></p> <p>Provide more specific direction in relation to implementation of streetscape diversity, having specific regard to Hume City Council's likely maintenance-based responses.</p> <p><b>VPA response:</b> Further discussion required with Hume and the submitter</p>	Decision pending further review	<p><b>Resolution Pending:</b> Awaiting Council's response to the 96A application and associated revised cross-sections package.</p> <p>Local variation in cross-sections is entirely appropriate and desirable to establish identity within new areas. The areas where variations are proposed have been substantially reduced from the application as lodged, and as such Villawood would</p>	The PSP as exhibited supports streetscape diversity outcomes. The cross sections included within the PSP are typical sections, and Requirements within the PSP clearly set out an expectation that these should be varied as appropriate to provide streetscape diversity.

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
			be opposed to any further 'standardisation' of cross-sections.	
VW11	<b>Minor changes to the RCZ boundary</b> Villawood requests minor changes to the RCZ boundary once the PSP plan is finalised, to align correctly with undevelopable land along the Jacksons Creek and Redstone Hill. <b>VPA response:</b> Agreed. The application of zones will be based on any changes to the Future Urban Structure.	Resolved	<b>Resolution Pending:</b> Villawood has recently obtained detailed information from the VPA regarding the proposed RCZ boundary. Further work is required to assess the proposed boundary against the identified conditions. We expect to continue to work on very minor refinements with the VPA as necessary to resolve the boundary prior to finalisation of the PSP.	Resolved.
VW12	<b>Cross-section relevant to slope</b> Villawood requests that the cross-section relevant to slope include notations that enable flexibility in implementation, including use of front and side retaining walls where appropriate. <b>VPA response:</b> Broader internal discussion required at VPA.	Decision pending further review.	<b>In Issue:</b> Villawood has not submitted a revised cross-section package. It is considered likely that retaining will be required in limited areas as detailed design for the subdivision progresses – particularly in steeper areas around Redstone Hill.  The cross-section in the PSP should be annotated to specifically note the need for local variation to the cross section in response to specific topographical constraints, to the satisfaction of the responsible authority.	Resolved.

#### Plan based submissions

VW13	<b>No additional widening of Sunbury Road</b> Request confirmation that no additional widening of Sunbury Road is required – as per Cross Sections: Sunbury Road – Ultimate Option 1 & 2	Resolved	<b>Resolution Pending:</b> Villawood considers this issue close to resolution, but is awaiting formal acceptance or otherwise of the revised Sunbury Road cross-sections proposal.	Resolved.
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Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<b>VPA response:</b> No additional land is required beyond the 59-60m current road reserve to accommodate ultimate 6 lane cross section.			
VW14	<b>Intersection on Sunbury Road</b> Intersection type and extent to be confirmed <b>VPA response:</b> This intersection will be a left-in/left-out only.	Resolved	<b>Resolved Subject to clarification:</b> Whilst the ultimate outcome will be left-in, left-out, seeks flexibility in regard to the interim treatment. Mr Hunt's evidence clearly supports this and was not challenged. As such this flexibility should be reflected in the revised permit conditions.	The VPA will further consult with VicRoads on this matter.
VW15	<b>Size and shape of drainage reserves</b> Size and shape of drainage reserves differ to Villawood concept shown in the 'Redstone Hill, Sunbury South, Planning Permit Application Part 1 Residential Subdivision'. Size and shape of Melbourne Water drainage reserve to be confirmed once DSS available. <b>VPA response:</b> Melbourne Water has provided an updated preliminary Development Services Scheme(s) to the submitter.	Resolved	<b>Resolution Pending:</b> Response as per VW8.	<b>Resolved.</b>
VW16	<b>Relocation of drainage reserves</b> Request relocation of drainage reserves as shown, outside the developable area, and as per discussions with Melbourne Water and DELWP <b>VPA response:</b> Melbourne Water has provided an updated preliminary Development Services Scheme to the submitter. An alternative drainage plan must meet the objectives of the preliminary DSS.	Comment only or no viable resolution through amendment.	<b>Resolution Pending:</b> Response as per VW8.	<b>Resolved.</b>
VW17	<b>HO358</b>	Decision pending further review.	<b>In Issue:</b> Villawood has committed to recording any heritage values on the site prior to finalisation of the Panel report,	<b>Unresolved.</b>



Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p>Request clarification regarding the possible heritage site HO358. Villawood are unaware of any heritage values in this area.</p> <p><b>VPA response:</b> Further discussions are occurring with HCC on this matter.</p>		thus the heritage overlay is no longer required and can be removed in accordance with the exhibited PSP.	VPA position as per their Part B Submission. Heritage Overlay to be retained.
VW18	<p><b>Preferred general location of open space</b></p> <p>Preferred general location of open space (5.) – as per Figure 4: Redstone Major Town Centre Concept Plan. Size to match area 5.</p> <p><b>VPA response:</b> Agree, subject to confirmation from HCC.</p>	Decision pending further review	<b>Resolved:</b> Response as per VW6.	<b>Resolved</b>
VW19	<p><b>Alternative CAC locations</b></p> <p>Confirm opportunities for alternative CAC locations within Town Centre as per Figure 4: Redstone Major Town Centre Concept Plan. Priority of timing sought for the CAC as part of the Town Centre.</p> <p><b>VPA response:</b> HCC have advised that their preferred location for the CAC is as highlighted in the Future Urban Structure. Some flexibility will remain in ultimate location, however it is not proposed to nominate alternative sites on the FUS or concept plan. Timing of CAC will be nominated as S-M term in the PSP.</p>	Unresolved	<b>Resolved:</b> No change requested.	<b>Resolved.</b>
VW20	<p><b>Location of extension of Redstone Hill Road Reserve</b></p> <p>Confirm extension of Redstone Hill Road reserve will be located entirely within the Villawood title, to allow implementation of this road as part of the Town Centre.</p> <p><b>VPA response:</b> As a connector road this will not be nominated in the property specific land budget.</p>	Resolved	<b>Resolved:</b> No change requested.	<b>Resolved.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	However capacity to 'crank' the road on the FUS to reflect its location on the Villawood title.			
VW21	<p><b>Realignment of extension of Redstone Hill Road east</b></p> <p>A minor realignment may be necessary to transition the extension of Redstone Hill Road east.</p> <p><b>VPA response:</b> As a connector road this will not be nominated in the property specific land budget. However capacity to 'crank' the road on the FUS to reflect its location on the Villawood title.</p>	Resolved	<p><b>In Issue:</b> The Villawood submission relates to the realignment of Redstone Hill Road to connect to the Lancefield Road intersection. Capitol Property and Villawood are in agreement about the revised alignment, which does not 'clip' the edge of the Villawood land. The land budgets should be amended to reflect this outcome.</p>	Resolved
VW22	<p><b>Size of non-government primary school</b></p> <p>PSP indicates 3.0ha for Non-Government Primary School. 'Redstone Hill, Sunbury South, Planning Permit Application Part 1 Residential Subdivision' sets aside 2.7ha for this parcel as per discussions with the Catholic Education Office. A reduction to 2.7ha is requested.</p> <p><b>VPA response:</b> Agree</p>	Decision pending further review	<p><b>Resolved:</b> No change requested.</p>	Resolved.
VW23	<p><b>Road reserve as part of visual open space link</b></p> <p>Confirmation requested as to whether a road reserve can form part of the visual open space link to Redstone Hill, and rationale for 4m legal carriageway between lots and reserve (as required in S96A permit condition 1c of 'Redstone Hill, Sunbury South, Planning Permit Application Part 1 Residential Subdivision').</p> <p><b>VPA response:</b> Further discussion required in the context of the 96A.</p>	Decision pending further review	<p><b>Resolved:</b> This issue is resolved with the VPA through the revised section 96A application for Redstone Hill (which now reflects a revised Hill shape in this area).</p>	Resolved
VW24	<p><b>Reshaping of Redstone Hill Reserve</b></p> <p>Request a reshaping of the Redstone Hill Reserve in this location to allow enable active built form</p>	Awaiting response from submitter	<p><b>Resolved:</b> Subject to the correction of the western view corridor. Villawood is</p>	The VPA will engage further with Hume City Council as to the boundary of the hilltop. VPA notes that the critical performance measure is the AHD 253

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p>presentation to reserve and passive surveillance of proposed district park. Extent to follow 250m AHD contour as shown.</p> <p><b>VPA response:</b> Discussions with submitter in relation to an on site visit to view those areas proposed for exclusion from the reserve. This site visit has yet to occur.</p>		comfortable with the revised shape of Redstone Hill.	viewline, and that the proposal will be assessed with that in mind.
VW25	<p><b>Redstone Hill view line</b></p> <p>Review and confirm location of Redstone Hill view line, potential use and credit as per comments in response to Draft Infrastructure Co-ordination &amp; Delivery Strategy.</p> <p><b>VPA response:</b> Subject to further discussions between VPA, HCC and Villawood.</p>	Decision pending further review	<b>Resolved:</b> Response as per VW24.	<b>Resolved</b>
VW26	<p><b>Mapping discrepancy</b></p> <p>Slight mapping discrepancy to be resolved. RCZ boundary overlaid as green dashed line on plan (Cross section for Regional Significant Landscape interface).</p> <p><b>VPA response:</b> Agree to a degree. See VWS.</p>	Unresolved	<b>Resolution Pending:</b> Response as per VW11.	<b>Resolved.</b>
VW27	<p><b>Extension of development</b></p> <p>Request extension of development in this area (Landscape values / GGF indent) subject to discussions with Melbourne Water and DELWP.</p> <p><b>VPA response:</b> Agree, subject to revised DSS and BCS boundary realignment.</p>	Decision pending further review	<p><b>Resolution Pending:</b> This comment relates to WL7, a complicated drainage facility that necessarily integrates Growling Grass Frog conservation outcomes.</p> <p>It is understood that an outcome that will be closer to the PSP as exhibited is likely, subject to the resolution of detailed design matters.</p>	The VPA generally support the outcome sought by Villawood in this area, noting that the ability to show the changes in the PSP will be influenced by Melbourne Water's final DSS and DELWPs agreement to changes to the Conservation Area 21 boundary.
VW28	<p><b>Balance nominated as open space</b></p>	Unresolved	<b>Resolution Pending:</b> Response as per VW3.	<b>Resolved</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	Request that balance land to be nominated as open space (indent). <b>VPA response:</b> Support provision of a 0.25ha passive node in this location.			
VW29	<b>Extent of walkable catchment</b> Clarify methodology for extent of walkable catchment, catchment differs from catchments shown on Plan 5. <b>VPA response:</b> The basis for the application of the walkable catchment is defined at R9 of the Sunbury South PSP.	Comment only or No viable resolution through Amendment	<b>Resolved:</b> Comment only. No change sought.	<b>Resolved.</b>
VW30	<b>Limited access to boulevard connector road &amp; widening of Redstone Hill Road</b> Seek clarification that limited access to boulevard connector road is permitted where appropriate. Confirm all widening to Redstone Hill Road is to the north (on adjacent parcel). <b>VPA response:</b> Property access directly to the Boulevard Connector will be supported where appropriate. Notation on the relevant cross section will clarify this. Widening to occur on northern side, as per property specific land budget.	Resolved	<b>Resolved:</b> per VPA response.	<b>Resolved.</b>
VW31	<b>Flexibility regarding delivery of interim access</b> Request flexibility delivering interim access within the current 20m Redstone Hill Road reserve. <b>VPA response:</b> Capacity to demonstrate this as part of 96A. Does not require a change to the PSP.	Resolved	<b>Resolved:</b> No change required to the PSP. To be reflected in 96A assessment.	<b>Resolved.</b>
VW32	<b>Southern link boulevard connector road</b> Request that southern link boulevard connector (34m) road remains entirely outside the Villawood parcel (currently clips the corner). Any deviation of	Awaiting response from submitter	<b>In Issue:</b> Response as per VW21.	<b>Resolved</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p>this connector boulevard is requested to occur further north as not to encroach into Villawood parcel 61 and to facilitate implementation, in accordance with design submitted by Villawood and Capital Property.</p> <p><b>VPA response:</b> Agree, subject to further design confirming the capacity to deliver this outcome.</p>			
VW33	<p><b>Boulevard/median treatments of road link</b></p> <p>Road link is considered a lower order connector and therefore seek confirmation that any boulevard / median treatments proposed are for streetscape diversity purposes only. Therefore application of the full boulevard cross section (34m) as requested is permit conditions, is not required.</p> <p><b>VPA response:</b> Agree, this is a standard connector road. Any 'boulevard treatment' is to provide streetscape diversity outcomes, rather than traffic capacity.</p>	Resolved	<b>Resolution Pending:</b> Villawood has submitted an amended 96A concept plan and cross-sections to the VPA and is awaiting response.	<b>Resolved.</b> Lower order connector only
VW34	<p><b>Realign connector road</b></p> <p>Realign connector road to avoid existing dwellings on adjoining land.</p> <p><b>VPA response:</b> Agree. Connector road to be realigned to avoid adjacent dwelling.</p>	Resolved	<b>Resolved:</b> Change reflected on revised 96A concept plan.	<b>Resolved.</b>
VW35	<p><b>Remove landscape values of linkages to Redstone Hill top</b></p> <p>Plan 2 – Remove the designation of linkages to Redstone Hill top as having landscape values. Make other edits to plans following clarification of queries.</p> <p><b>VPA response:</b> Agree. Existing strategic view will be applied to these viewlines (based on any amendments agreed by VPA, HCC and Villawood).</p>	Resolved	<b>Resolution Pending:</b> Subject to Villawood comments regarding the status of and response to Redstone Hill.	<b>Resolved.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
VW36	<p><b>2.1 Vision – ‘Boulevard’ treatment</b></p> <p>2.1 Vision – Amend dot point 1 to remove reference to ‘boulevard’ treatment. Additional dot point added, recognising the regional open space role of the Redstone Hill hilltop park.</p> <p><b>VPA response:</b> Disagree. A boulevard outcome does not predetermine a particular cross section outcome. Any amendments to the cross section for Sunbury Road will need to preserve the capacity to provide a high quality, landscaped boulevard outcome. Redstone Hill will perform an important open space/landscape function, but it is not considered to be regional in nature in the same way as Jacksons Creek.</p>	Unresolved	<b>Resolution :</b> Response as per VW2 and VW3.	<b>Resolved.</b> Agreement now reached on Sunbury Road ultimate cross section.
VW37	<p><b>O2 – Connector road network</b></p> <p>Amend objective or add additional objective to relate to the connector road network as well.</p> <p><b>VPA response:</b> Agree. Additional objective around diverse boulevard outcomes for connector roads to be included.</p>	Resolved	<b>Resolved:</b> Needs VPA response reflected in final documentation.	<b>Resolved.</b>
VW38	<p><b>O6 – Other factors</b></p> <p>O6 – Amend objective to acknowledge other factors as noted.</p> <p><b>VPA response:</b> Agree. Objective will be amended to acknowledge other considerations that will affect density.</p>	Resolved	<b>Resolved:</b> Needs VPA response reflected in final documentation.	<b>Resolved.</b>
VW39	<p><b>O9 – Changes to permit conditions</b></p> <p>O9 – No change to objective sought. Changes to permit conditions sought.</p> <p><b>VPA response:</b> Noted</p>	Comment only or No viable resolution through Amendment	<p><b>Resolution Pending:</b> No amendment sought to PSP.</p> <p>Revised permit conditions still subject to discussion.</p>	<b>Resolved.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
VW40	<p><b>O12, Plan 3 amended to include credited open space</b></p> <p>O12 – No change to objective sought. Change to Plan 3 sought to include credited open space within Jacksons Creek setback.</p> <p><b>VPA response:</b> Noted</p>	Comment only or No viable resolution through Amendment	<b>Resolution Pending:</b> Response as per POS and Redstone Hill Park as discussed above.	<b>Unresolved.</b>
VW41	<p><b>O18, interpretation and implementation</b></p> <p>O18 – This objective is supported, however, Villawood makes a number of submissions in relation to how this objective is interpreted and implemented.</p> <p><b>VPA response:</b> Noted</p>	Comment only or No viable resolution through Amendment	Villawood has highlighted O18 in regard to changes sought elsewhere, particularly the role and function of Redstone Hill Park.	<b>Resolved.</b>
VW42	<p><b>O31, connector and key local character roads</b></p> <p>O31 – Amend objective to include reference to connector roads and key local character roads. Other amendments may be required following discussions with VPA about the Sunbury Road cross-section.</p> <p><b>VPA response:</b> Agree to changes to reflect landscape outcomes on connector/key local streets. No changes deemed necessary in relation to Sunbury Road.</p>	Resolved (but for VPA, Villawood or both?)	<b>Resolved:</b> Subject to revised cross-section for Sunbury Road from VPA.	<b>Resolved.</b> Agree to revised O31
VW43	<p><b>O36, 'where suitable'</b></p> <p>O36 – Amend objective to include the words "where suitable".</p> <p><b>VPA response:</b> Agree. Note it is not expected that 'third pipe' recycled water will be rolled out across the precinct, however the objective may provide for other 'recycled' water reuse.</p>	Resolved	<b>Resolved:</b> Needs VPA agreement reflected in final documentation.	<b>Resolved.</b>



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VW44	<p><b>2.3, 15 dwellings per ha target</b></p> <p>2.3 – include acknowledgement that a 15 dwellings per ha target will not be achievable across the entire PSP area. Amend land budget as required in response to submissions.</p> <p><b>VPA response:</b> Plan Melbourne identifies average densities in growth areas as being 15d/ha, and requires these to increase to in excess of 20d/ha over time. However there is greater capacity to reflect the fact that this will be achieved across the precinct, and that individual sites/parcels will feature constraints that may mean 15d/ha is not a desirable outcome.</p>	Resolved	<b>Resolved:</b> Subject to VPA confirmation that 15 lot target is across the entire PSP, not property by property.	<b>Resolved.</b> Refer VPA original response.
VW45	<p><b>Plan 5, amend to clarify graphics</b></p> <p>Plan 5 – Amend plan to clarify graphics:</p> <ul style="list-style-type: none"> <li>• slope colours in legend to not match plan;</li> <li>• difficult to read slope affected areas under the red 'Redstone Hill sensitive view line area';</li> <li>• remove heritage site from Redstone Hill land;</li> <li>• consider that the orange coloured land should be removed from the plan.</li> </ul> <p>It is also considered that the sensitivity of view lines surrounding Redstone Hill are not equal. View to south (Jacksons Creek) and south-east (to city skyline) are of greater value than views to the north and north-west. This should be reflected graphically.</p> <p><b>VPA response:</b> Acknowledge plan is difficult to read in its current form. The VPA are reviewing the details on the plan, and it may be necessary to create multiple plans to ensure legibility. Villawood to clarify 'orange colour'? Is this slope? Redstone Hill views – Viewline to Jacksons Hill is considered</p>	Resolved	<b>Resolved:</b> Subject to receipt of a revised graphic for review.	<p><b>Unresolved.</b></p> <p>The VPA will not be removing the heritage site from the Redstone Hill area, nor providing an updated graphic to Villawood to review.</p>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	important, as well as to the main street of the town centre.			
VW46	<b>R5, streetscape character &amp; maintenance requirements</b>  R5 – This objective is supported in principle, however it is noted that implementation can be problematic in terms of impacts on streetscape character, when additional matters, such as maintenance requirements are overlaid.  <b>VPA response:</b> Noted	Resolved	<b>Resolved:</b> Subject to response to revised cross-sections.	<b>Resolved</b>
VW47	<b>G2, plan sought</b>  G2 – No change to guideline, however change to plan sought.  <b>VPA response:</b> Villawood to confirm extent of plan based changes	Resolved	<b>Resolved:</b> Proposed 96A concept plan responds appropriately to available views.	<b>Resolved.</b>
VW48	<b>G3, remove 'consistent'</b>  G3 – Amend objective to remove 'consistent' and instead acknowledge that street tree planting themes can be used to differentiate neighbourhood character.  <b>VPA response:</b> Guideline to be modified generally as requested.	Resolved	<b>Resolved:</b> Provided VPA response reflected in final documentation.	<b>Resolved.</b>
VW49	<b>R9, amend to be a guideline</b>  R9 – Amend requirement to be a guideline, noting it is necessary to balance the objective for higher density with other considerations and objectives. Remove reference to 800m. Amend Table 2.  <b>VPA response:</b> Disagree (see earlier comments), however prepared to consider excluding a number	Unresolved	<b>Resolved:</b> Subject to VPA acceptance of alteration of walkable catchment, and appropriate changes to this requirement to allow for those plan based changes.	<b>Resolved.</b> No change to the requirement is necessary, as threshold distances are typical only. Plan takes precedence

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	of areas from the walkable catchment where site constraints would preclude these densities.			
VW50	<b>R10, balanced against objectives relating to density targets</b> R10 – Further discussion required, this is an example of a requirement that must be balanced against objectives relating to density targets. <b>VPA response:</b> For further discussion.	Awaiting response from submitter	<b>Resolved:</b> As per VW49. It is noted that it is inherently difficult to reconcile R9 and R10 when both are presented as Requirements.	<b>Resolved. See above</b>
VW51	<b>R13, refer to ‘visible scarring’</b> R13 – wording should be amended to refer to ‘visible scarring’ <b>VPA response:</b> Agree. Requirement will be amended to include the word ‘visible’.	Resolved	<b>Resolved:</b> Needs VPA response reflected in final documentation.	<b>Resolved.</b>
VW52	<b>R15, delete</b> R15 – Delete R15. Redraft as guideline stating that lots ‘should generally front’, (for example, as per G15). <b>VPA response:</b> Tentatively agree, subject to further internal discussion.	Decision pending further review	<b>Resolved:</b> Needs VPA response reflected in final documentation.	<b>Resolved.</b>
VW53	<b>R16, amend plan and requirement</b> R16 – Amend Plan 5 to remove ‘Sensitive Viewline Designation’ to north of park, and amend the requirement to indicate that a varied interface treatment to the Redstone Hill hilltop park is sought. <b>VPA response:</b> For further discussion.	Decision pending further review	<b>In Issue:</b> Generally accept that the requirement can be implemented based on the current plan, but the requirement should provide flexibility to deliver a varied interface with the Redstone Hill Park as necessary, subject to the satisfaction of the responsible authority.	<b>Unresolved.</b> Capacity to resolve through discussion on drafting.
VW54	<b>G13, acknowledge impact on density target</b> G13 – Amend guideline to acknowledge impact on density target.	Unresolved	<b>Resolved:</b> Provided amendment to the walkable catchment boundary are reflected in final documentation.	<b>Resolved</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<b>VPA response:</b> Do not believe this would be necessary, based upon other proposed changes to the PSP (to specifically identify areas not subject to the density targets).			
<b>VW55</b>	<b>G14, duplicate of R9</b> G14 – This guideline appears to duplicate R9. As noted above, Villawood is supportive of this objective being drafted as a guideline instead of a requirement. <b>VPA response:</b> Agree that this is effectively a duplicate of R9. VPA would propose to delete this guideline.	Resolved	<b>Resolved:</b> Needs VPA response reflected in final documentation.	<b>Resolved.</b>
<b>VW56</b>	<b>G15, duplicate of R15</b> G15 – Appears to duplicate and confuse R15. G15 is supported by Villawood, not R15. Refer to R15 submission. <b>VPA response:</b> Tentatively agree. See VW52 above.	Decision pending further review	<b>Resolved:</b> Needs amendment to the walkable catchment boundary reflected in final documentation.	<b>Resolved</b>
<b>VW57</b>	<b>G16, define ‘significant slope’, and specify flexibility</b> G16 – Amend guideline or Plan 5 to define ‘significant slope’. Specify potential variations/flexibility will be considered. Amend cross-sections to provide for possibility of retaining wall (up to 1m high) at the front of lots. <b>VPA response:</b> Agree. Heading of ‘significant slope’ will take in 10-15% and 15-20% sloped land. The guideline already makes provision for variations to be considered by Council. 1m retaining wall at the front of lots requires further discussion.	Decision pending further review	<b>In Issue:</b> Villawood requests provision for a 1 metre retaining wall at lot front, or a reference that retaining walls may also be appropriate for certain situations.  The cross-sections should note a range of responses, including localised use of retaining walls. Refer Villawood’s assessment of the Table A design controls proposed for the Lancefield Road PSP.	Agree to include notation on relevant cross-sections.

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VW58	<b>G19, conflicts with 6m setback requirements</b> G19 – It is noted that this guideline conflicts with requirements for increased setbacks of 6m (as per the cross-sections). The greater the setback, the more likely the house will appear ‘sunken’. <b>VPA response:</b> For further discussion.	Decision pending further review	<b>Resolved:</b> No change sought.	<b>Resolved.</b>
VW59	<b>3.2.1, redrafting required</b> 3.2.1 – This blurb will need to be slightly redrafted in the context of the revised MTC plan. Specifically, it is noted that the connector road is no longer the main street. The connector road provides view line to Sunbury Road and Redstone Hill, not main street. Also reference to all roads having dedicated cycle paths should be reworded to key roads. Wording should also enable housing on ground floor – for example, current proposal provides for terrace housing within the centre. <b>VPA response:</b> Agree. 3.2.1 needs to be redrafted to reflect the updated town centre structure reflected in the concept plan. Need further discussions around residential at ground level, as this may have applied zone implications.	Decision pending further review	<b>Resolved:</b> Needs VPA response reflected in final documentation.	<b>Resolved.</b>
VW60	<b>Table 4, redraft required</b> Table 4 – As per the above, the blurb will need to be redrafted with respect to view lines. <b>VPA response:</b> Agree (see VW59).	Resolved	<b>Resolved:</b> Needs VPA response reflected in final documentation.	<b>Resolved.</b>
VW61	<b>Plan 7, amendments to open space configuration</b> Plan 7 – Villawood requests amendments to the open space configuration, as per the enclosed plan-based comments. Specifically, we have made submissions regarding the reconfiguration of LP28	Resolved	<b>Resolved:</b> Response as per VW6.	<b>Resolved</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p>and LP27 (items 5 and 24 on enclosed submission plan) and the Redstone Hill view corridors (item 14 on enclosed plan).</p> <p><b>VPA response:</b> HCC have previously indicated a strong preference for standard 0.75ha sizing for local parks, with 0.25ha passive nodes adjacent to creeks. R43 provides for alternatives to be considered at the permit stage, although obviously the 96A is driving this specific outcome to be reflected within the PSP. The VPA support making changes to those parks in support of the 96A application.</p>			
VW62	<p><b>Parkland</b></p> <p>Table 6 – P-01 (Redstone Hill Hilltop Park) not listed in this table. Refer to written submission regarding open space.</p> <p>LP-27 – Villawood request that this park be enlarged to 1ha. It will be the first park in the broader precinct and will serve several purposes for a significant amount of time. It is considered that the effect of this can be netted with a reduction in the size of LP-28, which Villawood propose to relocate to the MTC as an urban park of a smaller scale.</p> <p><b>VPA response:</b> See above.</p>	Resolved	<b>Resolution Pending:</b> Response as per VW3 and VW6.	<b>Resolved</b>
VW63	<p><b>R43, alternative open space provision</b></p> <p>R43 – Amend requirements to include additional dot points identifying positive outcomes of alternative open space provision (e.g. enhanced amenity, identifiable neighbourhood character and diverse land use opportunities).</p> <p><b>VPA response:</b> VPA are prepared to consider providing additional direction around positive outcomes associated with alternative open space</p>	Awaiting response from submitter	<b>In Issue:</b> R43 should be amended to specifically note potential for parks to respond to local design constraints through varied size, shape and function and which may include physically separated but adjacent spaces to the satisfaction of the responsible authority.	VPA prepared to consider suggested drafting changes, if provided.

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	provision models. Villawood to provide proposed wording for review.			
VW64	<b>G57, 'should' instead of 'must'</b> G57 – Amend guideline to specify 'should' instead of 'must'. <b>VPA response:</b> Agree.	Resolved	<b>Resolved:</b> Provided VPA response reflected in final documentation.	<b>Resolved.</b>
VW65	<b>Plan 8, conservation area number reference</b> Plan 8 – Amend plan to include conservation area number reference. <b>VPA response:</b> Agree.	Resolved	<b>Resolved:</b> Provided VPA response reflected in final documentation.	<b>Resolved.</b>
VW66	<b>Figure 9 + 10, Conservation interface zone</b> Figure 9 + 10 – Concerned with regard to the designation of the 'Conservation Interface Zone'. The conservation area already contains its own allowance for a buffer, so further buffers may be in many cases unnecessary. The plan should also provide an allowance for some landscaping/parks nearer to the creek, where appropriate. The plan also appears to not reflect agreed outcomes with DELWP, VPA and Villawood regarding changes to the BCS area in relation to drainage. <b>VPA response:</b> Conservation Interface Zone reference applies to cross sections demonstrating interface outcomes not exhibited with the PSP. The VPA is currently discussing the detail of these with DELWP and will provide indicative cross sections as these are agreed. Updated DSS will be incorporated into reworked CACPS.	Decision pending further review	<b>Resolution Pending:</b> Villawood will need to review the revised CACPs and associated interface cross-sections once available. The current CACPs are considered to have significant issues in terms of their readability and function, and as such could result in protracted implementation issues post PSP approval.	<b>Resolved.</b>
VW67	<b>R59, reworded as guideline</b>	Resolved	<b>Resolved:</b> Needs VPA response reflected in final documentation.	<b>Resolved.</b>



Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p>R59 – Reword as a guideline. Refer to Permit Conditions submissions for further comments on implementation.</p> <p><b>VPA response:</b> Agree.</p>			
VW68	<p><b>Plan 10, bike lanes in connector roads</b></p> <p>Plan 10 – Amend legend to clarify a combination of bike lanes/dedicated paths will be delivered in connector roads.</p> <p><b>VPA response:</b> The intention of this designation is that the bicycle lane provision is within the road reserve, rather than specifically ‘on road’. VPA will review description to avoid confusion.</p>	Unresolved	<b>Resolved:</b> Needs VPA response reflected in final documentation.	<b>Resolved.</b>
VW69	<p><b>G74</b></p> <p>G74 – Clarify how it is to be balanced with other objectives.</p> <p><b>VPA response:</b> The VPA generally consider that there is sufficient direction around density in other sections of the PSP that this guideline can be appropriately balanced against these requirements as part of a permit application process. Happy to consider additional wording if it is provided, but generally feel that the guideline is workable without further change.</p>	Unresolved	<b>Resolved:</b> Provided VPA response.	<b>Resolved</b>
VW70	<p><b>Table 7, increases in maximum allowable slope</b></p> <p>Table 7 – Include a notation that provides for localised increases in maximum allowable slope where terrain requires.</p> <p><b>VPA response:</b> Agree. Notation will be included.</p>	Resolved	<b>Resolved:</b> Provided VPA response reflected in final documentation.	<b>Resolved.</b>
VW71	<p><b>Table 8, potential streetscape variations</b></p> <p>Table 8 – Amend table to provide additional information regarding potential streetscape</p>	Unresolved	<b>In Issue:</b> The text above Table 8 should be amended to clarify its function as a guide, with variations encouraged as	<b>Agree. Resolved</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p>variations and Sunbury Road variations, and to reflect any amendments to other cross-sections in response to these submissions.</p> <p><b>VPA response:</b> If this is for local streets, it might be difficult to capture all potential variations, without implying the list is exhaustive (and therefore further variations are not possible). This table is intended to be a guide only.</p>		necessary. The connector Street – Standard description should be modified to note that limited localised use of median strips and other variations may be appropriate to achieve streetscape diversity outcomes.	
VW72	<p><b>Plan 11</b></p> <p>Amend Plan 11 to accord with annotations on enclosed Plan 3.</p> <p><b>VPA response:</b> List of proposed changes provided to submitter. Awaiting response.</p>	Awaiting response from submitter	<b>Resolution Pending:</b> Plan 11 will require modification to accord with the outcome of ongoing discussions with Melbourne Water.	<b>Resolved.</b>
VW73	<p><b>R76, wetlands</b></p> <p>R76 – Amend PSP plans to accord with the refined wetland arrangements for Part 1 application area.</p> <p><b>VPA response:</b> PSP will be updated to reflect revised DSS.</p>	Resolved	<b>Resolution Pending:</b> Plan 11 will require modification to accord with the outcome of ongoing discussions with Melbourne Water.	<b>Resolved.</b>
VW74	<p><b>R77, overland flow</b></p> <p>R77 – Should be reworded to enable overland flow across open space (subject to responsible authority approval).</p> <p><b>VPA response:</b> This is not the intent of the requirement. The intent is that provision is made for overland flow and it is safely conveyed down through the catchment. Any discussion of overland flow through open space must be made in discussion with the responsible authority.</p>	Unresolved	<b>Resolved:</b> Noted. No change requested.	<b>Resolved.</b>
VW75	<p><b>R81</b></p> <p>Redraft as a guideline.</p>	Unresolved	<b>In issue:</b> R81 and R82 appear to refer to documents that do not exist at this time and as such cannot be implemented. R81	<b>Unresolved.</b>

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	<b>VPA response:</b> Melbourne Water have advised that they do not support this change. Melbourne Water has undertaken a significant amount of background work to understand the impact of volume on receiving waterways.		and R82 should refer only to documents that are currently available.	
VW76	<p><b>R83, unrequired UGZ to revert to residential</b></p> <p>R83 – If further areas are approved by DELWP, then the PSP should state that any UGZ land that is no longer required for drainage purposes should revert to residential purposes.</p> <p><b>VPA response:</b> Melbourne Water have advised that they do not understand how the requirement (R83) relates to the submission comment. Melbourne Water understands the intent of R83 is that any assets proposed in conservation areas must accord with DELWP requirements.</p>	Decision pending further review	<b>Resolved:</b> Agreed, the change would be better implemented through revised wording to R76 requiring land not required for drainage to revert to residential.	<p><b>Resolved.</b></p> <p>R76 will not be amended, however the proposed notation on Plan 11 meets this purpose.</p>
VW77	<p><b>G80, high value natural waterways</b></p> <p>Amend guideline to refer to high value natural waterways, and include guidance on when alternative solutions might be accepted.</p> <p><b>VPA response:</b> Disagree. It's more appropriate that an alternative approach is considered at the subdivisional stage and is site responsive. As the designed caretaker for river health, Melbourne Water does not support the proposed change. Those waterways that have been identified for protection are to be managed with appropriate controls, as identified in G80.</p>	Unresolved	<b>Resolved:</b> Noted. No change requested.	<b>Resolved.</b>
VW78	<p><b>Table 9, refined areas</b></p> <p>Table 9 – Update table with refined areas following discussions with Melbourne Water.</p> <p><b>VPA response:</b> Agree. Table to be modified to reflect updated DSS.</p>	Resolved	<b>Resolved:</b> Provided VPA response reflected in final documentation.	<b>Resolved.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
VW79	<b>R93, reference to gas</b> R93 – Delete reference to gas in the requirement. Suggest it is a guideline, should refer to ‘gas should generally be made available where it is already provided in the adjacent street network’. <b>VPA response:</b> Propose to include a qualification of ‘where available’ in requirement as exhibited.	Resolved	<b>Resolved:</b> Provided VPA response reflected in final documentation.	<b>Resolved.</b>
VW80	<b>R94, amend requirement</b> R94 – Amend requirement to exclude RCZ, landscape value land and Redstone Hill Hilltop park and delete reference to Table 6. <b>VPA response:</b> Agree. Explicit reference to these open space areas not being captured by R94 will be included, and deletion of reference to Table 6.	Resolved	<b>Resolved:</b> Needs VPA response reflected in final documentation. Villawood is concerned by Council desire to remove ‘barbeques’ from this list. Villawood considers that some local authorities are out of alignment with public perception on this issue.	<b>Resolved.</b>
VW81	<b>3.6</b> 3.6 – Submission pending release of ICP and DSS. <b>VPA response:</b> Noted.	Comment only or No viable resolution through Amendment	<b>Resolution Pending</b>	No available resolution.
VW82	<b>G91, amend</b> G91 – Amend guideline to refer to Table 10 <b>VPA response:</b> Agree.	Resolved	<b>Resolved:</b> Provided VPA response reflected in final documentation.	<b>Resolved.</b>
VW83	<b>Table 10</b> <ul style="list-style-type: none"> <li>D04 – Includes an asterisk on timeframe. Definition of the asterisk is not provided;</li> </ul> IT02 – labeled as IN02 on the plan; <ul style="list-style-type: none"> <li>CI03 – The S-M timeframe is supported by Villawood, however it is not that this is not consistent with the timing in the Infrastructure Coordination and Delivery Plan (which puts it at Stage 3, behind other</li> </ul>	Unresolved	<b>Resolved:</b> Needs VPA response reflected in final documentation, and noting commentary regarding Redstone Hill Park and other changes.	<b>Resolved. See VPA Closing Submission</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p>CACs). Villawood proposes to deliver this CAC (land and construction) as a WIK project as part of the delivery of Stage 1 of the MTC (refer to written submission and separate submission on the Infrastructure Coordination and Delivery Plan);</p> <ul style="list-style-type: none"> <li>• IN02 and IN03 – The practicality of delivery of these intersections in their current four lane format will be problematic. The large median and extensive tapers will result in short sections of upgraded Sunbury Road between the intersections. A more superior and practical outcome would be for Sunbury Road to be included as an ICP (or GAIC item) as per RD-01 and RD-02;</li> <li>• The Redstone Hill Stage 1 connector road intersects with an arterial road, and therefore should be included as an ICP item (short term). It is also noted that this intersection, while being a left-in, left-out in the ultimate, will operate as fully directional in the interim;</li> <li>• As per written submissions, funding for Redstone Hill Hilltop Park, as a regional parkland, should be included in the ICP, either as a land credit or for embellishment works;</li> <li>• The PIP should have regard to potential ICP funding, and WIK, for interim intersections. Particularly noting the likely implementation issues there will be with intersection along the pre and post duplicated section of Sunbury Road.</li> </ul> <p><b>VPA response:</b> Most changes supported. Redstone Hill connector road requires further discussion. VPA view is that it should not be included within the ICP.</p>			

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
VW84	<p><b>Cross-section P.66</b></p> <p>Cross-section P.66 – Primary Arterial Road (6 lane) Sunbury Road – Ultimate Option 1 – Review cross-section. Villawood will prepare an alternative cross-section for discussion with VPA.</p> <p><b>VPA response:</b> Ongoing discussions with VicRoads and HCC in relation to this.</p>	Discussion pending further review	<b>Resolved:</b> Needs VPA response reflected in final documentation.	<b>Resolved.</b>
VW85	<p><b>Cross-section P.67</b></p> <p>Cross-section P.67 – Primary Arterial Road (6 lane) Sunbury Road – Ultimate Option 2 – Clarify difference between cross-section 1 and 2, and potentially delete cross-section 2, with ability for variations noted on Cross-section 1.</p> <p><b>VPA response:</b> Difference relates only to minor variations in road reservation width. Agree that in the event that any amended road profile remains generally uniform, minor road reserve width variations can be noted on the cross section, rather than unnecessary inclusion of additional sections.</p>	Decision pending further review	<b>Resolved:</b> Provided VPA response reflected in final documentation.	<b>Resolved.</b>
VW86	<p><b>Cross-section P.72</b></p> <p>Cross-section P.72 – Connector Boulevard – Review and amend.</p> <p><b>VPA response:</b> For further discussion, however the 7m median has been provided to preserve potential duplication in the ultimate.</p>	Decision pending further review	<b>Resolved:</b> Villawood is comfortable with VPA response.	<b>Resolved.</b>
VW87	<p><b>Cross-section P.84</b></p> <p>Cross-section P.84 – Main Street MTC Redstone Hill – Replace cross-section with enclosed cross-section, with notation stating that it is indicative only – exact cross-section details will be determined in the UDF process.</p>	Awaiting response from submitter	<b>Resolution Pending:</b> Villawood awaiting further VPA response in regard to MTC cross-sections.	The VPA do not agree to include the provided cross-section, but will include a notation on the exhibited cross-section stating that it is indicative only – exact cross-section details will be determined in the UDF process.

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<b>VPA response:</b> Clarification as to which section is proposed to apply sought (not included in submission)			
VW88	<b>4.3 Property Specific Land Budget table</b> 4.3 – Amend Property Specific Land Budget table to identify sub-column totals and to include revised land areas following plan-based changes. <b>VPA response:</b> Agree.	Resolved	<b>Resolved:</b> Further changes also likely to be required in regard to the above changes.	<b>Resolved.</b>

#### Planning Permit P18858

VW89	<b>Preamble</b> Permit preamble – Request preamble to read “Staged Subdivision...” <b>VPA response:</b> This was not specified on application form. No master plan was provided, as required by Section 37 of the Subdivision Act 1988. Further discussion required.	Decision pending further review	<b>Resolution Pending:</b> Amended planning permit application submitted requesting staged subdivision. Masterplan to be provided at certification of first stage.	<b>Agree – this will allow for an owners corporation and common property to be conveniently created and managed through the subdivision process.</b>
VW90	<b>Subdivision Concept Plan</b> Villawood propose to submit an amended concept plan following discussions with VPA and Hume regarding the PSP and permit submissions. Please note that as identified in the application, Villawood will seek to apply an Owners Corporation. As such, on the amended plan, indicative land will be identified as ‘common property’ to facilitate creation of the Owners Corp. <b>VPA response:</b> Awaiting further plans from Applicant.	Awaiting response from submitter	<b>Resolution Pending:</b> Awaiting VPA feedback to amended plan.	<b>Noted – the applicant submitted revised application material. The response to the plans are largely embodied in the latest draft permit. However a few matters need additional external assessment e.g. hilltop park, proposed right in at left-in/left-out to Sunbury Rd; street cross sections.</b>



Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	Review preamble to allow staged subdivision. <b>VPA response:</b> No rationale provided. Seek clarification.	Awaiting response from submitter	<b>Resolution Pending:</b> As per VW89.	<b>Agree – this will allow for an owners corporation and common property to be conveniently created and managed through the subdivision process.</b>
VW91	<b>Condition 1a</b> Delete condition. <b>VPA response:</b> Agree. Roads Authority has confirmed existing road reserve is sufficient.	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from the VPA.	<b>Resolved – this submission relates to a previous version of the permit, Condition 1 has been updated to reflect current application material.</b>
VW92	<b>Condition 1b</b> Delete condition and amend PSP Land Budget to remove road widening for RD-04. <b>VPA response:</b> Agree to delete condition.	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from the VPA.	<b>Resolved – this submission relates to a previous version of the permit, Condition 1 has been updated to reflect current application material.</b>
VW93	<b>Condition 1c</b> Noted. Subdivision Concept Plan will be amended to show a 4m paper road where there is direct property abuttal to open space. <b>VPA response:</b> No change sought. Noted.	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from the VPA.	<b>Resolved – this submission relates to a previous version of the permit, Condition 1 has been updated to reflect current application material.</b>
VW94	<b>Condition 1d</b> Delete or amend condition subject to further discussions. <b>VPA response:</b> May be deleted, subject to review of cross-sections as discussed in letter to applicant (to be provided).	Awaiting response from submitter	<b>Resolution Pending:</b> Amended cross section submitted to VPA. Villawood still seek a boulevard treatment at residential gateways. Awaiting VPA feedback.	<b>Resolved – this submission relates to a previous version of the permit, Condition 1 has been updated to reflect current application material.</b>
VW95	<b>Condition 1e</b> Delete condition. <b>VPA response:</b> As per VW94 above.	Awaiting response from submitter	<b>Pending Resolution:</b> As per VW94.	<b>Resolved – this submission relates to a previous version of the permit, Condition 1 has been updated to reflect current application material.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
VW96	<p><b>Condition 1f</b></p> <p>The details of the proposed MTC Main Street are to be refined during the UDF and Permit process for the MTC. Notwithstanding, we are happy to indicatively identify the proposed future alignment of the Main Street on the Subdivision Concept Plan, provided this does not prevent super lots being created in the configuration shown on the Concept Plan.</p> <p><b>VPA response:</b> Agree to delete. Subdivision does not prevent the delivery of the main street at a future stage.</p>	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from the VPA.	Cross section of these street have been submitted and the latest subdivision plan shows the creation of these streets. If these streets are to be created their cross sections will be assessed and conditioned where necessary.
VW97	<p><b>Condition 1h</b></p> <p>No change sought, subject to discussion about potential plan amendment.</p> <p><b>VPA response:</b> Noted.</p>	Resolved	<b>Resolved:</b> Amended plan resolved this issue with a pedestrian link.	<b>Resolved – this submission relates to a previous version of the permit, Condition 1 has been updated to reflect current application material.</b>
VW98	<p><b>Condition 1i</b></p> <p>No change sought, subject to discussions about potential plan amendment.</p> <p><b>VPA response:</b> Noted.</p>	Resolved	<b>Resolved:</b> Amended plan resolved this issue via inclusion of extended driveway frontage in lieu of road frontage for short section.	<b>Resolved – this submission relates to a previous version of the permit, Condition 1 has been updated to reflect current application material.</b>
VW99	<p><b>Condition 1j</b></p> <p>Delete Condition.</p> <p><b>VPA response:</b> May be deleted, subject to receipt of plans addressing the matter.</p>	Awaiting response from submitter	<b>In Issue:</b> Propose that driveways are grouped to minimise crossovers. Request that condition is reworded to indicate grouping of driveways as an acceptable outcome.	<b>Resolved – this submission relates to a previous version of the permit, Condition 1 has been updated to reflect current application material.</b>
VW100	<p><b>Condition 1l</b></p> <p>No change sought, subject to discussions about potential plan amendment.</p> <p><b>VPA response:</b> Noted.</p>	Resolved	<b>Pending resolution:</b> Awaiting amended permit conditions from the VPA.	<b>Resolved – this submission relates to a previous version of the permit, Condition 1 has been updated to reflect current application material.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
VW101	<b>Condition 1m</b> Amend condition to be clear that any depiction of potential outcomes is indicative only, and will not be used to assess future planning permits. <b>VPA response:</b> Will amend to be application requirement.	Decision pending further review	<b>Resolved:</b> Built form outcomes on the superlot would be subject to a separate application, and thus inappropriate to include in this application.	<b>Resolved – this submission relates to a previous version of the permit, Condition 1 has been updated to reflect current application material.</b>
VW102	<b>Condition 1n</b> Delete condition. <b>VPA response:</b> Awaiting review of PSP layout, which may change the location of the park. TBC.	Decision pending further review	<b>Resolved:</b> Reallocation of open space has been accepted and permit condition can be deleted.	<b>Resolved – this submission relates to a previous version of the permit, Condition 1 has been updated to reflect current application material.</b>
VW103	<b>Condition 1o</b> Delete condition. <b>VPA response:</b> Agree. Subdivision does not prevent the delivery of a community facility lot in the future.	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from the VPA.	<b>Resolved – this submission relates to a previous version of the permit, Condition 1 has been updated to reflect current application material.</b>
VW104	<b>Condition 1p</b> Delete condition. <b>VPA response:</b> May be deleted, subject to receipt of plans addressing the matter.	Awaiting further response from submitter	<b>Resolution Pending:</b> Awaiting amended permit conditions from the VPA.	<b>Resolved – this submission relates to a previous version of the permit, Condition 1 has been updated to reflect current application material.</b>
VW105	<b>Condition 13(b)(iv)</b> Amend condition. Condition should be reworded to state “ <i>excluding cables of 66kv and above</i> ”. <b>VPA response:</b> Agree	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from the VPA.	<b>Resolved – but not on substance of submissions. Condition was in the nature of an ‘advisory’ to referral authorities and was not strictly a condition of development.</b>
VW106	<b>Condition 13(b)(vi)</b> Delete condition. <b>VPA response:</b> Do not agree.	Unresolved	<b>In Issue:</b> Villawood submits that avoiding easements in the rear of properties is far costlier and substantially impacts on yield. Condition should be deleted.	<b>Resolved – but not on substance of submissions. Condition was in the nature of an ‘advisory’ to referral authorities and was not strictly a condition of development.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
VW107	<p><b>Condition 18</b></p> <p>Condition be reworded to require landscape plans prior to Statement of Compliance or commencement of landscape works (whichever is sooner).</p> <p><b>VPA response:</b> Adjust the timing to allow for submission of detailed landscape plans before completion of civil works.</p>	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from the VPA.	<b>Resolved – submissions accepted.</b>
VW108	<p><b>Condition 19(c)</b></p> <p>Amend to specify where paths are provided in adjacent open space as an accepted circumstance, or where paths are provided on any other adjacent land such as drainage land or arterial roads.</p> <p><b>VPA response:</b> VPA don't agree to amend the condition as requested. The discretion to accept open space and other footpath lies with Council under the condition.</p>	Unresolved	<b>Resolved:</b> Villawood will accept condition as it provides for discretion.	<b>Resolved.</b>
VW109	<p><b>Condition 19(h)</b></p> <p>Should be reworded to '<i>should</i>', rather than '<i>must</i>' requirements. In addition, it is noted that 3m wide cross-overs are not practical.</p> <p><b>VPA response:</b> Condition to be deleted with the exception of "<i>A vehicular crossing to each lot</i>".</p>	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from the VPA.	<b>Resolved – Condition now defers to discretion of Council.</b>
VW110	<p><b>Condition 19(p)</b></p> <p>This condition should be explicit that this only applies on designated bus routes.</p> <p><b>VPA response:</b> Agree.</p>	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from the VPA.	<b>Resolved – no change as low floor roundabout are also relevant to service vehicles.</b>
VW111	<p><b>Condition 23</b></p> <p>This condition should be explicit that it refers to temporary fencing during construction works only.</p>	Unresolved	<b>In Issue:</b> This condition should be explicit that it refers to temporary fencing during construction works only. Further, it is	<b>Resolved – mandatory condition of the scheme as Victoria's implementation mechanism of the</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	Further, it is considered excessive to require a 2m buffer to conservation areas. <b>VPA response:</b> Do not agree, this is a mandatory condition of the scheme.		considered excessive to require a 2m buffer to conservation areas, which already have buffer areas included within their boundary. The condition should also specifically exclude the GGF conservation area (Conservation Area 21) as this is some 20km long, which would not be a viable outcome.	<b>EPBC Act (Cth) approval for Melbourne's growth areas.</b>
VW112	<b>Condition 25(c)</b> Further detail regarding the proposed valuation methodology is sought. Note that the reference to R36 appears incorrect. <b>VPA response:</b> Condition to be deleted.	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from the VPA.	<b>Resolved – submission accepted.</b>
VW113	<b>Condition 26</b> This condition appears to incorrectly state “ <i>no less than 21 days prior</i> ” rather than “ <i>no more than 21 days prior</i> ” which is the standard approach. <b>VPA response:</b> Agree. Correct condition.	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from the VPA.	<b>Resolved – condition corrected.</b>
VW114	<b>Condition 27</b> As per Condition 26, above. <b>VPA response:</b> Agree.	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from the VPA.	<b>Resolved – condition corrected.</b>
VW115	<b>Condition 37</b> Delete condition. <b>VPA response:</b> This is a mandatory condition, to be retained.	Unresolved	<b>In Issue:</b> Gas is not an essential service. Gas provision is negotiated with the gas supplier, and as such, should not be subject to a planning permit condition.	<b>Resolved – condition of referral authority.</b>

## Hume Amendment C208 (Lancefield Road PSP)

■ - Resolved, or pending resolution

■ - In issue

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
VW1	<p><b>Elizabeth Drive</b></p> <p>Villawood seek to engage with VPA and Hume about the cross-section for Elizabeth Drive, and its connections to the Racecourse Road roundabout and Jacksons Creek crossing. Key aspects include:</p> <ul style="list-style-type: none"> <li>the size of the median, noting that the road is no longer planned to be duplicated, and Hume's maintenance requirements relating to landscaping of medians;</li> <li>parking lane widths;</li> <li>bike path locations; and</li> <li>trees in kerb outstands.</li> </ul> <p><b>VPA response:</b> For further discussion, however the 7m median has been provided to preserve potential duplication in the ultimate. Villawood to confirm whether they still plan to submit revised cross section for consideration.</p>	Awaiting response from submitter	<p><b>Resolved:</b> Villawood accepts the VPA response in regard to the proposed cross-section for Elizabeth Drive and has reflected this in its revised s96A concept plan.</p> <p>Minor amendments could be made to the PSP to better reflect the alignment of Elizabeth Drive west of Jacksons Creek as detailed in Figure 5 in the VPA document 'Northern Jacksons Creek Crossing – Supplementary Information.</p>	<b>Resolved.</b>
VW2	<p><b>40m offset from the escarpment</b></p> <p>Villawood is prepared to accept the requirement for a 40m offset from the escarpment from pre-defined areas of visually significant landscape, provided that:</p> <ul style="list-style-type: none"> <li>the offset is located wholly within RCZ land (i.e. not subject to GAIC and ICP payment);</li> </ul>	Unresolved	<p><b>In Issue:</b> Response as per the Sunbury South PSP:</p> <p>The VPA response is generally acceptable but with minor modification/clarification:</p> <p>Villawood accepts that roads located adjacent to the escarpment should be zoned UGZ (i.e. that only the 25-26m that is to be retained as open space should be</p>	<b>Unresolved.</b>  As per Sunbury South response. The zoning is not based upon the location of the road.

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<ul style="list-style-type: none"> <li>any edge road is permitted within the 40m offset;</li> <li>identified open space nodes (which are subject to open space credit) are located within the escarpment offset/RCZ land, and are not located within otherwise developable land; and</li> <li>drainage facilities are wherever possible located within the RCZ (and in limited situations partially within conservation areas with the agreement of the relevant authorities).</li> </ul> <p><b>VPA response:</b> Where land is currently zoned RCZ, the RCZ zoning will be retained for the 25.2 metres of land adjacent the escarpment. The roads will not be located within the RCZ as they support the urban development, however they will form part of the 40m offset, as per the cross section.</p> <p>Where land is already within the UGZ, no rezoning is proposed, as this is a reasonable constraint of the land.</p> <p>The open space nodes are considered to complement the local park network and will be treated as local parks, i.e. zoned UGZ and land funded through ICP.</p> <p>Melbourne Water are currently reviewing their DSS, and are looking to, wherever possible and consistent with the overarching principles of DSS design, locate drainage assets within the RCZ (including limited incursion into Conservation Areas where supported by DELWP).</p>		<p>RCZ), it is considered that this approach should be applied regardless of existing zoning. The current boundary between the RCZ and UGZ was previously not defined with the same degree of accuracy and is therefore inferior to the current proposal. The current proposed boundary should be reflected in the zoning outcome rather than a confusing amalgam of approaches.</p> <p>Revised drainage proposals are with Melbourne Water.</p>	
VW3	<p><b>Passive open space nodes</b></p> <p>Seeks amendments to the PSP to provide for passive open space nodes along the creek</p>	Decision pending further review	<p><b>Pending Resolution:</b> Awaiting VPA confirmation of acceptance of the park location in the amended concept plan (0.75ha as shown on the exhibited PSP,</p>	<p><b>Resolved. Support alternate location of local park in concept plan</b></p>



Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p>edge, within the RCZ, rather than concentrated in a single area of otherwise developable land.</p> <p><b>VPA response:</b> This will be informed by ongoing review of the development envelope for the Racecourse Road site, and the associated 96A permit application.</p>		but slightly realigned to suit the new alignment for the extension of Elizabeth Drive).	
VW4	<p><b>Contributions for open space</b></p> <p>Villawood seeks clarification from VPA on the proposed approach to collection of contributions for open space at which time Villawood would seek to make further submissions on the matter. The planning permit conditions appear to suggest that Clause 52.01 will be used (refer Condition 24(c)), however there appears to be no schedule exhibited for Clause 52.01.</p> <p><b>VPA response:</b> The planning permit conditions are incorrect. Clause 52.01 will not be utilised for the collection of funds, as the land for local open space will be funded through the ICP.</p>	Resolved	<b>Resolved:</b> VPA response accepted.	<b>Resolved.</b>
VW5	<p><b>Drainage areas</b></p> <p>Villawood requests that the PSP be updated to refine drainage areas as work with Melbourne Water continues, and for the school to be relocated adjacent to the escarpment edge. Villawood also seeks confirmation that, post PSP approval, should any further refinements to drainage areas occur, that remaining land will revert to developable land.</p> <p><b>VPA response:</b> The PSP will be updated to reflect ongoing refinement of the DSS. The PSP will include a notation on Plan 11 that drainage areas are subject to refinement through detailed design, to the satisfaction of MW and HCC, and that areas not used for</p>	Resolved	<p><b>Resolution Pending:</b> Updated drainage designs are with Melbourne Water for assessment. This includes updated design concepts for the basins west of Jacksons Creek.</p> <p>Issues remain in regard to the increase in size of basins on the eastern side of the creek and the location of the basin that would impair the location of the non-gov secondary school.</p>	<p><b>Resolved.</b></p> <p>In so far as possible through the PSP process. The VPA will show Melbourne Water's DSS in the final PSP, with whatever outcome is agreed between Melbourne Water and Villawood.</p>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	drainage can be considered for development as part of planning permit applications (provided they are subject to the UGZ).			
VW6	<p><b>Density targets</b></p> <p>It is requested that the PSP provide further commentary and guidance on how density targets should be balanced with other matters, specifically noting that density targets may need to be lowered or adjusted in particular locations, for example:</p> <ul style="list-style-type: none"> <li>• Density targets should be specifically lowered in areas of greater slope (for example, greater than 7.5%); and</li> <li>• The overall density target/yield assumptions for Sunbury may need to be reduced having regard to topography and Sunbury's peri-urban location.</li> </ul> <p><b>VPA response:</b> 15 dwellings per hectare is considered an appropriate density target for the precincts overall, noting that higher density development (averaging 17 dwellings per hectare) is encouraged in proximity to features such as town centres, community hubs and public transport corridors, while larger lots are supported in areas of challenging topography, or to respond to landscape features. The VPA will further consider whether there are any areas that require stronger descriptions around likely density outcomes, such as the Sherwood area, and will refine the walkable catchment boundary so that areas with challenging topography are excluded.</p>	Decision pending further review	<b>Resolved:</b> VPA response is accepted on the basis that it is a precinct wide target, not a site specific one. It is noted that the s96A concept plan for Sherwood Heights in particular will not meet density targets (due to topography and community concern regarding lot sizes).	<b>Resolved.</b>
VW7	<p><b>Streetscape diversity</b></p> <p>Villawood requests that the PSP provide more specific direction in relation to implementation</p>	Decision pending further review	<b>Resolved:</b> Subject to response to updated s96A concept plan for Sherwood Heights.	<b>Resolved</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p>of streetscape diversity, having specific regard to likely maintenance-based responsibilities. Key concerns are about:</p> <ul style="list-style-type: none"> <li>• interpretation and implementation of these objectives at the permit stage (for example, when maintenance considerations are overlaid); and</li> <li>• the conflicting nature of these objectives with a number of other objectives contained within the PSP (refer to submission table in relation to R5, R43, R59, Plan 10, Table 8 and submission in relation...(sic).</li> </ul> <p><b>VPA response:</b> Advice being sought from Hume City Council in relation to the design parameters for streetscape diversity that will involve outcomes they are prepared to support. Potential to include these parameters in revisions to R49.</p>		In response to site specific conditions, the revised concept plan provides for several non-standard cross-sections – typically wider street widths to allow for increased planting and/or slope to be accommodated in verges where practicable.	
VW8	<p><b>Buffers to GGF areas</b></p> <p>Villawood requests that buffers to GGF areas be removed, and that buffers to other BCS areas be amended to 20m (once BCS areas have been adjusted in accordance with DELWP agreements).</p> <p><b>VPA response:</b> Conservation Interface Zone reference applies to cross sections demonstrating interface outcomes not exhibited with the PSP. The VPA is currently discussing the detail of these with DELWP and will provide indicative cross sections as these are agreed. Updated DSS will be incorporated into reworked CACPs.</p>	Unresolved	<b>Resolved:</b> Villawood accepts the cross-sections provided with the VPA Part B submissions.	<b>Resolved.</b>
VW9	<p><b>Minor changes to the RCZ boundary</b></p> <p>Villawood requests minor changes to the RCZ boundary once the PSP plan is finalised, to</p>	Resolved	<b>Resolved:</b> Subject to discussion in regard to VW2 above. The updated development envelope for Sherwood Heights will need	<b>Resolved.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	align correctly with undevelopable land along Jacksons Creek. <b>VPA response:</b> The RCZ boundary will be modified following the finalization of the PSP plan.		to be reflected in the updated documentation and associated land use tables.	
VW10	<b>PAO over RD-03</b> Include a PAO over the alignment of RD-03 where it affects private property. <b>VPA response:</b> Hume City Council who would be the acquiring authority, do not support the introduction of a PAO over this land.	Unresolved	<b>In Issue:</b> Need to ensure recognition of the importance of access across properties at the western extension of Balbethan Drive.  It is noted that the recently introduced 'Public Land Contributions' Bill could resolve this issue in part, in that it is understood to provide for compulsory acquisition of land required under an ICP.	<b>Unresolved.</b>
VW11	<b>Cross-section relevant to slope</b> Villawood requests that the cross-section relevant to slope include notations that enable flexibility in implementation including use of front, rear and side retaining walls where appropriate. <b>VPA response:</b> The VPA are currently reviewing the full suite of slope controls, in response to a range of submissions on this matter. The VPAs Part B submission will outline any proposed modifications to slope controls.	Decision pending further review	<b>In Issue:</b> Villawood seeks changes to the sloping terrain cross-section to note that retaining walls and other site responsive solutions may also be appropriate.	<b>Resolved</b>

#### Plan based submissions – Racecourse Road

VW12	<b>Correction to zone and drainage boundary</b> Correction required to the zone and drainage boundary. RCZ boundary overlaid as green dashed line.	Decision pending further review	<b>Resolved:</b> The revised s96A concept plan reflects the development envelope provided by the VPA in its Part B submissions.	<b>Resolved.</b>
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Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<b>VPA response:</b> To be informed by ongoing discussions around the development envelope for the Racecourse Road site.			
<b>VW13</b>	<b>Relocation of drainage reserve</b> Request relocation of drainage reserve as shown – as per Villawood concept subject to detailed design with Melbourne Water and in accordance with DELWP agreement.  <b>VPA response:</b> Melbourne Water's updated DSS has revised the shape of the drainage asset in this location, although not in the manner requested by Villawood. Submitter to progress with Melbourne Water.	Awaiting response from submitter	<b>Resolution Pending:</b> Villawood has submitted functional concept designs to MW and is working through further detailed issues on the amended concepts.	<b>Resolved.</b> As per VW5 above.
<b>VW14</b>	<b>Redistribution of open space</b> Request redistribution of credited open space to areas shown on plan.  <b>VPA response:</b> To be informed by ongoing discussions around development envelope for the Racecourse Road site.	Decision pending further review	<b>Resolved:</b> Subject to confirmation of acceptance of the 0.75ha POS shown on the revised s96A concept plan.	<b>Resolved</b>
<b>VW15</b>	<b>Credited open space</b> Request areas shown with asterisk as credited open space as per Note 3(a).  <b>VPA response:</b> To be informed by ongoing discussions around development envelope for the Racecourse Road site.	Decision pending further review	<b>Resolved.</b>	<b>Resolved.</b>
<b>VW16</b>	<b>Waterway and zone boundary</b> Request waterway and zone boundary to be adjusted subject to discussion with Melbourne Water.	Unresolved	<b>Resolution Pending:</b> Villawood has provided detailed information to MW and the response is pending. The waterway as detailed in that information is correctly shown on the revised s96A concept plan.	Resolved insofar as possible. VPA will be advised by Melbourne Water.

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<b>VPA response:</b> Melbourne Water have advised that they are not prepared to support this change.			
VW17	<b>Piping of waterway</b> Existing reserve doesn't serve a natural waterway function and request piping on section of waterway above dam. SP14 not required. <b>VPA response:</b> Melbourne Water have advised that they are not prepared to support this change.	Unresolved	<b>Resolved:</b> Refer detail above for VW16.	<b>Resolved.</b>
VW18	<b>40m setback not required</b> Landscape values area to align with development boundary as shown. Confirm 40m setback not required in this location. <b>VPA response:</b> Agree. 40m setback not required, however 20m setback from conservation area boundary will be required.	Unresolved	<b>Resolved:</b> The revised VW s96A concept provides for a 20m edge road.	<b>Resolved.</b>
VW19	<b>Alignment of Elizabeth Drive</b> Request information as to what is driving the alignment of Elizabeth Drive, and flexibility to minor realignment noting roundabout calls for duplicated Elizabeth Drive is unlikely to be required in the interim. Refer to notes regarding cross section 8. <b>VPA response:</b> VPA is in ongoing discussions with Villawood in relation to this.	Decision pending further review	<b>Resolved:</b> Villawood has reflected the updated alignment for Elizabeth Drive on the revised s96A concept plan.	<b>Resolved.</b>
VW20	<b>Correction to zoning boundary</b> Correction to zoning boundary to reflect Villawood concept.	Decision pending further review	<b>Resolved:</b> Need to have the updated development envelope reflected on zoning plans and land use tables, etc. The Waterway should be shown as RCZ	<b>Unresolved.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<b>VPA response:</b> To be informed by ongoing discussions around development envelope for the Racecourse Road site.		not, UGZ given it is a retained natural feature and not used for drainage from this site.	The waterway, where it is surrounded by UGZ, will be zoned UGZ. This is consistent with Harpers Creek.

#### Plan based submissions – Raes Road

<b>VW21</b>	<b>Parks</b> Confirm flexibility in final location, shape and distribution of parks, generally in accordance with PSP.  <b>VPA response:</b> R32 of the exhibited PSP provides for the alternative provision / distribution of local open space to be considered as part of a planning permit application.	Resolved	<b>Resolved.</b>	<b>Resolved.</b>
<b>VW22</b>	<b>Conservation reserve boundary</b> Adjust PSP to reflect revised PSP conservation reserve boundary.  <b>VPA response:</b> VPA agree that the PSP will be updated to reflect the adjusted conservation boundary, provided the changes are approved by the Commonwealth /DELWP (as applicable).	Decision pending further review	<b>Resolution Pending:</b> Need confirmation of the amended conservation reserve boundaries prior to finalization of the PSP.	<b>Resolved.</b> Insofar as possible.
<b>VW23</b>	<b>Active open space</b> As part of adjustment of conservation reserve, request that active open space moves north, adjacent to conservation reserve Request reduction in size of active open space given its co-location with conservation reserve and subject to masterplan.	Unresolved	<b>Resolution Pending:</b> Subject to updated PSP to show direct abuttal as per VPA response.	<b>Resolved.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<b>VPA response:</b> Do not support reduction in size, as the conservation reserve does not have capacity to provide any active recreational uses. Do support the concept of direct abuttal to the conservation reserve.			
VW24	<b>Location of north-south road</b> Request flexibility in final location of north-south road to respond to reshaping of conservation reserve and active open space. <b>VPA response:</b> Agree. There will be a need to review the alignment of the north-south road to reflect decisions on the boundary of the conservation area. The final alignment of this road would always be informed by subdivision design at a permit stage.	Resolved	<b>Resolved:</b> Minor update may be required to better reflect drainage outcomes, and the agreed alignment of Elizabeth Drive.	<b>Resolved.</b>
VW25	<b>Drainage reserve</b> Adjust PSP to reflect outcomes of discussions with Melbourne Water re location, size and shape of the drainage reserve. Preferred location shown with asterisk. <b>VPA response:</b> PSP will be updated to reflect ongoing refinement of the DSS. Melbourne Water have indicated that they do not currently support the change requested.	Unresolved	<b>Resolution Pending:</b> Confirmation needed from MW of acceptance 'in principle' of the functional design for WL-05, that will facilitate a correction to the proposed location of the non-government secondary school.  Substantial increase in size in drainage areas since exhibition is noted. In the absence of information from MW to justify that change, the panel should prefer the PSP as exhibited and include a notation on Plan 11 that the assets be subject to detailed design. Refer evidence from Jonathon McLean.	<b>Unresolved.</b>  The VPA will include the latest DSS which it is provided by Melbourne Water, and would not support a panel recommendation to show the drainage asset as exhibited.
VW26	<b>Location of school</b> Request to move school south to the edge of the escarpment. <b>VPA response:</b> See above.	Unresolved	<b>In Issue:</b> Refer to submissions. Also refer to VW 25 above.	<b>Resolved in so far as practical.</b>  If Melbourne Water accept Villawood's drainage proposal and moves the stormwater treatment asset, then the VPA will show the



Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
				school site at the edge of the escarpment.
VW27	<b>Positioning of Jacksons Creek</b> Positioning of the Jacksons Creek crossing subject to further information. <b>VPA response:</b> This has been subject to ongoing discussions. Alignment of crossing will be updated to reflect additional design work.	Unresolved	<b>Resolved:</b> Some minor updates to the PSP may be required to better reflect the agreed alignment.	<b>Resolved.</b>
VW28	<b>Escarpment and zone boundary</b> Seeking consistency to alignment of escarpment and zone boundary, with the RCZ to include road and setback. <b>VPA response:</b> Not supported. See VW2.	Unresolved	<b>Resolution Pending:</b> Refer VW2.	<b>Unresolved.</b>
VW29	<b>Location of parks</b> Confirm parks are located wholly within RCZ (within setback of escarpment). <b>VPA response:</b> These parks are located within the 40m visual setback, however they will not be included with the RCZ.	Unresolved	<b>Resolved:</b> Subject to VW2 outcomes.	<b>Unresolved.</b>
VW30	<b>Heritage site</b> Request clarification regarding the possible heritage site. Villawood are unaware of any heritage values in this area. <b>VPA response:</b> VPA are in discussions with Hume City Council and are continuing to review whether this site should continue to be nominated as a potential heritage site. The VPA will advise further within their Part B submission to Panel.	Decision pending further review.	<b>Pending Resolution:</b> Buildings in this location were demolished many years ago. Villawood has commissioned a heritage expert to prepare a report to confirm if there are any remaining heritage values on site. The outcomes of that report should be reflected as appropriate in the final PSP.	The VPA agree to review any heritage report that Villawood provides. Should both the VPA and Hume Council be in agreement, the possible heritage site designation will be removed.

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
VW31	<p><b>Walkable catchment</b></p> <p>Clarify methodology for extent of walkable catchment shown in PSP. Catchment differs from catchment shown on Plan 5.</p> <p><b>VPA response:</b> This has been subject to further discussions, and the basis of defining the walkable catchment is generally set out at R10. It is therefore different to the catchments defined on Plan 5.</p>	Comment only or No viable resolution through Amendment	<b>Resolved.</b>	<b>Resolved.</b>

#### Specific matters

VW32	<p><b>Plan 2</b></p> <p>It is considered that the following amendments should be made to this plan:</p> <ul style="list-style-type: none"> <li>Note that waterbody on Sherwood Heights site is a man made dam.</li> <li>Clarify what is meant by the term 'strategic views'.</li> <li>Adjust conservation area boundary on Raes Road site as per revised boundary approved by DELWP.</li> <li>Remove the 'potential heritage site' – the home identified from aerial photography no longer exists on site (as already identified in the Context technical background report). Villawood to provide a report from a qualified expert to confirm no remaining heritage values in that location.</li> </ul> <p><b>VPA response:</b></p> <ul style="list-style-type: none"> <li>Agree that the waterbody is man made. Nevertheless, it is an existing feature of the precinct.</li> </ul>	Awaiting response from submitter	<b>Pending Resolution:</b> Refer VW30 regarding the 'potential heritage site'.	As per response to VW30.
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Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<ul style="list-style-type: none"> <li>Strategic views is intended to define key view lines of important landscape features within the precinct, or long range views to key features outside the precincts. It does not have any statutory effect on its own.</li> <li>Agree. The conservation area boundary will be reviewed once approved by the Commonwealth.</li> <li>Villawood to provide report.</li> </ul>			
VW33	<p><b>Plan 3</b></p> <p>Amend plan in accordance with separate written submission and enclosed plans.</p> <p><b>VPA response:</b> See Plan Based Submission responses above.</p>	Comment only or No viable resolution through Amendment	<b>Resolution Pending:</b> Subject to review of updated Plan 3.	Resolved in so far as possible.
VW34	<p><b>Objective 2</b></p> <p>Amend objective or add additional objective to be specific about using connector roads as being opportunities for high-amenity landscape outcomes through street tree planting and varied cross-sections.</p> <p><b>VPA response:</b> Agree. O2 will be amended to generally reflect this.</p>	Resolved	<b>Resolved.</b> Need wording to reflect this change in final document.	<b>Resolved.</b>
VW35	<p><b>Objective 6</b></p> <p>Amend objective to acknowledge other factors as noted, should acknowledge that there are other conditions and requirements that may need to also be considered and balanced in combination with objectives seeking higher densification.</p> <p><b>VPA response:</b> O6 is being amended to read: <i>“Ensure medium and high density development is prioritised within a walkable catchment of town centres, local and district open space and</i></p>	Resolved	<b>Resolved.</b> Need wording to reflect this change in final document.	<b>Resolved.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<i>public transport</i> <sup>8</sup> . O7 will be amended to reflect that lower density outcomes may be appropriate in locations with slope.			
VW36	<b>Objective 9</b> This objective is supported, however, Villawood have concerns regarding its implementation. Refer to written submission (Strategic Issues) for further detail. <b>VPA response:</b> Noted.	Unresolved	<b>Resolved.</b>	<b>Resolved.</b>
VW37	<b>Objective 11</b> No change to objective sought. Change Plan 3 sought to include credited open space within Jacksons Creek setback. <b>VPA response:</b> Based on confirmation from Hume City Council. Plan 3 will be updated to include passive nodes as credited open space, within the Jacksons Creek setback.	Resolved	<b>Resolved.</b>	<b>Resolved.</b>
VW38	<b>Objective 18</b> Objective should recognise opportunity for sensitive multi-use of conservation and adjacent 'landscape' and drainage land for open space purposes. Objective should be amended to clarify that buffer requirements do not apply to conservation area 21. <b>VPA response:</b> Disagree. Whilst the Objective does relate to nature conservation areas, the principles still apply to the GGF corridor, and a setback is still required to this corridor within the PSP. The Objective does not specifically make reference to a buffer requirement.	Unresolved	<b>Resolved:</b> Updated conservation interface cross-sections provide guidance.	<b>Resolved.</b>
VW39	<b>Objective 31</b>	Resolved	<b>Resolved.</b> Need wording to reflect this change in final document.	<b>Resolved.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p>Amend Objective to include reference to connector roads and key local character roads.</p> <p><b>VPA response:</b> Objective will be modified to include “<i>and along connector and local roads, as appropriate</i>” at the end of the sentence.</p>			
VW40	<p><b>Objective 34</b></p> <p>Amend the objective to include “<i>where appropriate</i>”.</p> <p><b>VPA response:</b> This wording has been provided by DELWP’s IWM, and they support its retention, as worded.</p>	Unresolved	<p><b>Resolution Pending:</b> VW40 should correctly refer to O32. O32 refers to a ‘Regional IWM Servicing Plan’. To the best of Villawood’s knowledge, this plan does not exist. Reference to it should be removed, or at the very least the words ‘where appropriate’ should be added to the objective.</p>	Agree. Resolved
VW41	<p><b>Objective 38</b></p> <p>This objective is supported by Villawood. It is noted that this project is identified in the Infrastructure Strategy as a medium term project. Villawood supports the PSP’s objectives, on the understanding that it provides flexibility to bring this project forward if required.</p> <p><b>VPA response:</b> Support noted.</p>	Resolved	Resolved.	Resolved.
VW42	<p><b>Section 2.3</b></p> <p>Include an acknowledgement that a 15 dwellings per hectare target will not be achievable across the entire PSP area.</p> <p><b>VPA response:</b> The VPA consider 15 dwellings per hectare to be an appropriate density target for these PSPs. This is lower than most other growth corridors, and reflects that there are areas which will require lower density outcomes. This figure is an average yield, incorporating both the higher density and</p>	Unresolved	<p><b>Resolution Pending:</b> Subject to VPA response to the Villawood s96A concept plan for Sherwood Heights .</p>	<p>The VPA consider this matter resolved. Not entirely sure what Villawood are seeking in relation to the 96A application.</p>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	lower density outcomes sought in various areas of the Precincts.			
VW43	<b>Requirement 5</b> This requirement is supported in principle, however it is noted that implementation can be problematic in terms of impacts on streetscape character, when additional matters such as maintenance requirements are overlaid. Refer to Strategic Issues for further detail. <b>VPA response:</b> Noted.	Unresolved	<b>Resolved.</b>	<b>Resolved.</b>
VW44	<b>Guideline 3</b> Amend guideline to remove 'consistent' and instead acknowledge that street tree planting themes can be used to differentiate neighbourhood character. <b>VPA response:</b> To amend to include the sentence " <i>Variations in street tree planting themes can be used to differentiate neighbourhood character, where agreed with the responsible authority</i> ".	Unresolved	<b>Resolved.</b> Need wording to reflect this change in final document.	<b>Resolved.</b>
VW45	<b>Requirement 10</b> Amend requirement to be a guideline, noting it is necessary to balance the objective for higher density with other considerations and objectives. <b>VPA response:</b> Disagree. Noting there are many areas of the precincts which may deliver lower densities, the VPA consider it important to ensure that these densities are achieved where the conditions are appropriate to do so. It should be noted that the PSP does not mandate a minimum density outside the walkable catchment boundary.	Unresolved	<b>Resolution Pending:</b> Minor changes to R10 may be required to better reflect proposed changes the 'walkable catchment' boundary – mainly applies to Sunbury South, but any updated should also be applied here for consistency.	<b>Unresolved.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
VW46	<b>Requirement 10</b> As per the above, this is an example of a requirement that must be balanced against objectives relating to density targets. <b>VPA response:</b> Noted.	Unresolved	<b>Resolution Pending:</b> Refer VW45 above.	<b>Unresolved.</b>
VW48	<b>Requirement 14</b> Redraft as a guideline given the varying conditions and outcomes, and to better align with the use of the term 'minimise'. <b>VPA response:</b> Disagree. Given the sensitivities around building on slope, the VPA consider that it is appropriate to mandate for these principles to be adhered to.	Unresolved	<b>Resolution Pending:</b> Villawood has submitted proposed changes to the building controls circulated by the VPA in their Part B submission. This requirement should be reviewed in light of these somewhat more specific design controls once final.	<b>Unresolved.</b>
VW49	<b>Requirement 16</b> Redraft as guideline, clarify interaction with G13. <b>VPA response:</b> Agree. To be redefined as a guideline. Do not believe this is in conflict with G13, as it specifically sets out the priority order of frontage.	Resolved	<b>Resolved:</b> Subject to proposed redrafting in the final documentation.	<b>Resolved.</b>
VW50	<b>Guideline 13</b> Clarify interaction with R16. <b>VPA response:</b> See VW49.	Unresolved	<b>Resolved:</b> Subject to proposed redrafting in the final documentation (as for VW49).	<b>Resolved.</b>
VW51	<b>Guideline 14</b> Amend guideline or Plan 5 to define 'significant slope'. Villawood to supply updated cross-sections to indicate potential for retaining, etc. <b>VPA response:</b> Plan 5 will be updated with a heading of " <i>Significant Slope</i> " to include land	Awaiting response from submitter	<b>Resolution Pending:</b> Changes to this guideline need to be reconciled with the proposed building design controls to be applied at Sherwood Heights (which is the only area in the PSP affected by this guideline).	Noted. The submitted subdivision is in accordance with this guideline.

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	shown as “10-15% slope” and “15-20% slope”. Villawood to provide cross- sections.			
VW52	<b>Guideline 15</b> Amend guideline to acknowledge impact on density target. <b>VPA response:</b> Agree. Guideline will specifically acknowledge the density implications associated with this.	Resolved	<b>Resolution Pending:</b> Subject to review of the revised G15 vis-à-vis assessment of the revised s96A concept plan.	The VPA consider this matter resolved in so far as practical.
VW53	<b>Guideline 17</b> Consider amending the guideline such that it applies only to land where slope is less than 7.5%, or only to the upper level of homes. <b>VPA response:</b> The guideline will be amended to include “ <i>where practical</i> ” at the end of the first sentence.	Unresolved	<b>Resolved.</b> Need wording to reflect this change in final document.	<b>Resolved.</b>
VW54	<b>Plan 6</b> Amend plan to show 400m catchments to local town centres. <b>VPA response:</b> Disagree. The 1km catchments do not have a specific relationship to requirements and guidelines within the PSP – they are a demonstration of the consistency of the PSP with the relevant standard in the PSP Guidelines requiring 80-90% of households to be within 1km of a supermarket-anchored town centre.	Unresolved	<b>Resolved.</b>	<b>Resolved.</b>
VW55	<b>Plan 7</b> Amend Plan 7 to reflect requested changes to Plan 5. <b>VPA response:</b> Plan 7 will ultimately be updated to reflect final decisions in relation to	Resolved	<b>Resolution Pending:</b> Awaiting updated FUS.	<b>Resolved.</b>



Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	the location of open space on the Future Urban Structure.			
VW56	<b>Requirement 32</b> Amend requirement to include additional dot points identifying positive outcomes of alternative open space provision (e.g. enhanced amenity, identifiable neighbourhood character and diverse land use opportunities). <b>VPA response:</b> Agree. An additional dot point will be included to define the positive broader community outcomes alternative open space provision models will need to demonstrate.	Resolved.	<b>Pending Resolution:</b> Need to to revised wording. Villawood remains of the view that any revised wording should note potential for parks that respond to local design constraints through varied shape, and function, and which may include physically separated but adjacent spaces to the satisfaction of the responsible authority.	VPA prepared to consider suggested drafting changes, if provided.
VW57	<b>Guideline 44</b> Amend guideline to 'should', and also to provide flexibility for other positive co-location opportunities. <b>VPA response:</b> Agree.	Resolved	<b>Resolved:</b> Need wording to reflect this change in final document.	Resolved.
VW58	<b>Plan 8</b> Amend plan to include conservation area number reference and updated conservation area boundaries. Edit retained tree layout appropriately. <b>VPA response:</b> Agree.	Resolved	<b>Resolved:</b> Need wording to reflect this change in final document.	Resolved.
VW59	<b>Figure 4-7</b> Amend the CACP to remove the buffer to conservation area 21 – the application of an additional buffer to this reserve is considered inappropriate. Amend the buffer to other reserves to reduce it to 20m, in accordance with previous PSPs. <b>VPA response:</b> The 30m conservation interface zone is not a buffer – a buffer of 20m	Unresolved	<b>Resolution Pending:</b> The conservation interface cross-sections provided with the Part B submission provide some clarity. However, the CACP's remain difficult to read and require review for consistency with any revision FUS outcomes and other changes.	Resolved.

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	only will apply to the open space conservation areas. Additional cross sections will be included to clarify the effect of the conservation interface zone, however these will in part include development.			
VW60	<b>Plan 9</b> Villawood request further details about the proposed Jacksons Creek crossing alignment (e.g. 3D modelling) in order to make submissions on this matter. <b>VPA response:</b> These have now been provided and discussions are ongoing.	Decision pending further review	<b>Resolved.</b>	<b>Resolved.</b>
VW61	<b>Requirement 49</b> This requirement is supported in principle, however actual implementation can be challenging in the context of Council's requirements, particularly in relation to landscape restrictions and maintenance. Refer to written submission (Strategic Issues). <b>VPA response:</b> Given the difficulty associated with monitoring compliance with this requirement, it is proposed to be changed to a guideline.	Resolved	<b>Resolution Pending:</b> Need wording to reflect this change in final document. Subject to wording of the revised guideline. Villawood remains supportive of opportunities for streetscape diversity and considers some care may be required to ensure cross-sections attached to the PSP are not rigidly applied.	<b>Resolved.</b>
VW62	<b>Plan 10</b> Amend plan to indicate a noise amenity 'interface' along the rail. <b>VPA response:</b> This will be deleted from Plan 10, as the interface is shown on Plan 5.	Resolved	<b>Resolved:</b> Subject to proposed redrafting in the final documentation.	<b>Resolved.</b>
VW63	<b>Guideline 61</b> Delete guideline or clarify how it is to be balanced with other objectives.	Resolved	<b>Resolved:</b> Subject to proposed redrafting in the final documentation.	<b>Resolved.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<b>VPA response:</b> This is a guideline only, and considered appropriate for inclusion. The works “ <i>where practical</i> ” will be added.			
VW64	<p><b>Requirement 70</b></p> <p>In practical terms, it is unclear how this requirement will be applied. Typically restrictions are implemented on title requiring the party undertaking construction to provide for any applicable noise standard (which might result from a noise report undertaken at subdivision stage) during construction of buildings.</p> <p>Clarify intended application of this requirement, or otherwise revise it to be a guideline.</p> <p><b>VPA response:</b> The intention here is that Council would address this through permit conditions, which might well involve restrictions on titles. This requirement, together with the associated application requirements in the UGZ Schedule will provide sufficient information to Council to determine how most appropriately to apply this requirement.</p>	Unresolved	<b>In Issue:</b> Unnecessarily prescriptive. The requirement should be amended to provide for a more flexible range of future approaches to noise requirements.	<b>Unresolved.</b>
VW65	<p><b>Requirement 72</b></p> <p>Delete requirement</p> <p><b>VPA response:</b> Disagree. This is considered an appropriate cost to be borne by the developer. This Requirement can be reworded to make it clear that it only applies where an appropriate fence does not already exist.</p>	Unresolved	<b>Resolution Pending:</b> Subject to proposed re-wording.	<b>Resolved.</b>
VW66	<p><b>Guideline 65</b></p> <p>Amend guideline to provide for alternative and diverse interfaces.</p>	Unresolved	<b>In Issue:</b> The guideline should be amended to better indicate that this not the only potential interface treatment.	<b>Unresolved.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<b>VPA response:</b> Disagree, this is a guideline only and indicates the preferred (but not only) outcome.			
VW67	<b>Table 8</b> Amend table to provide additional information regarding potential streetscape variations. Amend table to reflect any revised cross-sections (i.e. Boulevard Connector alternate proposal if adopted), or provide for localised variations for existing services etc. <b>VPA response:</b> Table preamble will be updated to acknowledge the potential need for local variations, based on site conditions etc.	Awaiting response from submitter	<b>Resolution Pending:</b> The text above Table 8 should be amended to clarify its function as a guide, with variations encouraged as necessary. The Connector Street – Standard description should be modified to note that limited localized use of median strips and other variations may be appropriate to achieve streetscape diversity outcomes.	Agree. Resolved
VW68	<b>Plan 11</b> Amend plan to accord with annotations on enclosed Plan 3. <b>VPA response:</b> Plan 11 will be updated with the DSS provided to the VPA by Melbourne Water.	Unresolved	<b>Pending Resolution:</b> Plan 11 will need to be modified to appropriately reflect the outcome of ongoing discussions with MW regarding drainage outcomes.	Resolved.
VW69	<b>Requirement 73</b> Amend PSP plans to accord with the refined wetland arrangements for Sherwood Heights application area in accordance with current subdivision plan (amended) and DELWP agreement. <b>VPA response:</b> Melbourne Water is not satisfied with the overall drainage layout in the subdivision and this was communicated to the applicant in writing on 10 February 2017. Melbourne Water has not agreed to the subdivision layout proposed. The application must be amended to accord with the updated Devon Park Development Services Scheme. Of particular concern is inadequate provision of	Awaiting response from submitter	<b>Resolved:</b> Villawood has submitted additional detail to MW depicting retention of the waterway and is awaiting a response.	Resolved.

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	the high value waterway corridor on the southern side of the site.			
VW70	<b>Requirement 77</b> Amend the requirement to be a guideline. <b>VPA response:</b> Melbourne Water have advised that they are not prepared to support this change.	Unresolved	<b>In Issue:</b> R77 appears to refer to a documents that does not exist at this time (the 'regional stormwater harvesting scheme') and as such cannot be implemented in its current form. This is causing confusion in the permit assessment and has potential to cause significant unforeseen complications during implementation of the PSP.  R77 should be amended to only refer to documentation that is currently available.	<b>Unresolved.</b>
VW71	<b>Guideline 70</b> Amend guideline to refer to high value natural waterways, and include guidance on when alternative solutions might be accepted. <b>VPA response:</b> Melbourne Water have advised that they are not prepared to support this change.	Unresolved	<b>Resolved:</b> Villawood has submitted additional detail to MW depicting retention of the waterway and is awaiting a response.	Noted. Resolved in so far as possible, as outlined above.
VW72	<b>Guideline 73</b> Amend the guideline to specifically note the need to: <ul style="list-style-type: none"> <li>adjust designs to reflect local conditions (including the use of retaining where appropriate);</li> <li>require integrated water management systems to be designed wherever possible to minimise their scale and associated impact on any areas of otherwise developable land;</li> <li>be located in areas that are otherwise undevelopable where doing so would</li> </ul>	Unresolved	<b>In Issue:</b> G73 as worded captures a limited range of design considerations. A more complete range of competing demands should be acknowledged.	<b>Unresolved.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p>be unlikely to adversely impact on conservation areas.</p> <p><b>VPA response:</b> Melbourne Water have advised that they are not prepared to support this change.</p>			
VW73	<p><b>Requirement 83</b></p> <p>Request that the provision of conduits should be an ICP cost.</p> <p><b>VPA response:</b> The provision of services is a developer cost which will not be funded by the ICP.</p>	Unresolved	<p><b>Resolution Pending:</b> Existing overhead 66kV are not part of the 'provision of services' that form a developer cost – they already exist. However, it is assumed that implementation of the ICP regime will over time provide improved clarity about what is and is not included in intersection costings.</p>	Unresolved.
VW74	<p><b>Table 9</b></p> <p>Update table with refined areas following discussions with Melbourne Water.</p> <p><b>VPA response:</b> Agree. The table will be updated to reflect updated DSS.</p>	Resolved	<p><b>Pending Resolution:</b> Subject to revised drainage outcomes, once resolved.</p>	Resolved.
VW75	<p><b>Table 10</b></p> <p>Amend table:</p> <ul style="list-style-type: none"> <li>RD02: Includes an asterisk on timeframe. Definition of asterisk is not provided.</li> <li>BR-01: Unclear what the U timeframe means.</li> <li>BR-03: States a medium timeframe. Villawood request that this be amended to short term to provide flexibility in bringing forward this item to facilitate delivery of the Salesian College site (refer to written submission).</li> <li>IN-05: A significantly upgraded Racecourse Road intersection is</li> </ul>	Unresolved	<p><b>Resolution Pending:</b> IN-05 should remain in the ICP, but it should be clear that the scale of the works are confined to adding a fourth leg only, and not replacing the intersection.</p> <p>Other issues resolved, subject to review of the final updated PIP.</p>	Resolved

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p>already nearing completion. Given it appears that new section of Elizabeth Drive to the east is not never to be duplicated (the cross-section appears not to provide for it?), it is unclear why IN-05 is included in the PIP and the ICP.</p> <ul style="list-style-type: none"> <li>• Add a new short term item to cover the connector road between BR-03 and RD-02. This link is critical to early delivery of a new campus for the Salesian College, which is currently at capacity (and as such, delivery of a new campus early will significantly reduce pressure on delivery of community infrastructure elsewhere). It is also noted that it will likely be many years until BR-02 is delivered, meaning this link could perform a significant function for many years.</li> </ul> <p>Refer to separate submission on Infrastructure Delivery Strategy.</p> <p><b>VPA response:</b></p> <ul style="list-style-type: none"> <li>• RD02: The asterisk is intended to denote the fact that the road in its entirety will be delivered over a number of stages. The VPA now propose to define the road as a series of separate discrete projects, with less ambiguous timing.</li> <li>• BR-01: The U timeframe is intended to imply "Ultimate" however following review based on other submissions, it is now intended to include these items as "Long" term timing.</li> <li>• BR-03: Project will be reclassified as "S-M".</li> <li>• IN-05: As discussed, this project involves adding a fourth leg to the</li> </ul>			

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<p>intersection recently constructed. The VPA are happy to remove this from the ICP, and clarify in the PIP that the works involve only an additional leg to the intersection.</p> <ul style="list-style-type: none"> <li>Additional connector road: Disagree. This is genuinely a connector road providing for local access. IF it needs to be delivered early to provide access to the Salesian Campus, the cost should be borne by the developer of the campus (with potential for some interim form of connection).</li> </ul>			
VW76	<p><b>Alternative cross-section</b></p> <p>Sunbury Ring Road – Elizabeth Drive Extension Connector Road – Racecourse Road Local Access Street (all sloping cross-sections) – Villawood propose to present an alternative cross-section for discussion with VPA/Hume.</p> <p><b>VPA response:</b> See VW1.</p>	Unresolved	<b>Resolved.</b>	<b>Resolved.</b>
VW77	<p><b>4.3 – Land budget</b></p> <p>Amend table to identify sub-column totals and to include revised land areas following plan-based changes.</p> <p><b>VPA response:</b> Agreed. Table will be updated accordingly.</p>	Resolved	<b>Resolution Pending:</b> Land budget to be revised to reflect updated FUS and drainage outcomes (once resolved).	<b>Resolved.</b>

#### Planning Permit Conditions

VW65	<p><b>Condition 1(a)</b></p> <p>Clarify.</p>	Unresolved	<b>Pending Resolution:</b> Amended plan submitted showing entire table. Awaiting updated conditions from VPA.	<b>Resolved – subdivision plan still needs to show the full lot to be subdivided – across to the railway boundary.</b>
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Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<b>VPA response:</b> A subdivision application affects all of the lot, not just the area proposed for residential development.			
VW66	<b>Condition 1(b)</b> It is assumed this is requesting that full parent title lot be shown on the plan. It is noted that this includes some land on the east side of Jacksons Creek that is not subject to the current subdivision permit. Preceding GAIC exempt subdivisions have also been lodged with HCC and may affect the final outcomes here. <b>VPA response:</b> As per VW65 above.	Unresolved	<b>Pending Resolution:</b> Amended plan submitted showing entire table. Awaiting updated conditions from VPA.	<b>Resolved – subdivision plan still needs to show the full lot to be subdivided – across to the railway boundary.</b>
VW67	<b>Condition 1(c)</b> It is noted that the BCS boundary has been amended as per the Villawood proposed development footprint, however the drainage land does not seem to reflect this agreement. Refer to previous comments and the written submission. <b>VPA response:</b> Noted. Awaiting review of the PSP.	Unresolved	<b>Resolution Pending:</b> Amended plan submitted showing proposed drainage outcome, and BCS boundary as per DEWLP agreement. Awaiting updated conditions from VPA.	<b>Noted – awaiting amended PSP/conservation boundary.</b>
VW68	<b>Condition 1(d)</b> Supply further information regarding the Jacksons Creek crossing location. <b>VPA response:</b> VPA supplied updated three dimensional plans of the Jacksons Creek crossing in June 2017.	Resolved	<b>Resolution Pending:</b> Amended plan submitted, with Elizabeth Drive aligned as per bridge design agreed with VPA. Awaiting updated conditions from VPA.	<b>Resolved – location of bridge footing has been resolved and reflected plans – some minor adjustments may be necessary.</b>
VW69	<b>Condition 1(e)</b> Refer to written submission in response to drainage. An alternative response to that submitted in the 96A application is being	Awaiting response from submitter	<b>Resolution Pending:</b> Amended plan submitted showing proposed drainage outcome. Awaiting confirmation from	<b>Resolved – Melbourne Water are satisfied with the subdivision and have provided implementing conditions.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	negotiated with Melbourne Water and will be submitted in the form of an amended plan shortly. <b>VPA response:</b> Noted.		Melbourne Water and updated conditions from VPA.	
VW70	<b>Condition 1(f)</b> Delete condition, or amend to reflect revised approach to credit for several smaller nodes along the interface with Jacksons Creek, and perhaps one larger one, subject to relocation of proposed Melbourne Water drainage to DELWP approved locations. <b>VPA response:</b> Further discussion required following revision of the PSP.	Decision pending further review	<b>Resolution Pending:</b> Amended plan submitted showing location of open space abutting Creek Corridor.	<b>Resolved – this submission relates to a previous version of the permit, Condition 1 has been updated to reflect current application material.</b>
VW71	<b>Condition 1(g)</b> Clarify intent and operation. Villawood's preferred outcome is to amend the condition to refer only to existing walls (i.e. no cut or fill or retaining within 1m of those walls constructed during subdivision works). <b>VPA response:</b> Further review required, subject to review of planning controls for Racecourse Road area.	Decision pending further review	<b>Resolution Pending:</b> Villawood has supplied proposed design guidelines setting out intended design response. Specific building envelopes are proposed to be prepared prior to certification of each stage, once details of cut and fill required on each lot are known..	<b>Resolved – applicant has submitted further information on the matter.</b>
VW72	<b>Condition 1(h)</b> As per the written submission, Villawood is reviewing this cross-section, and will seek to discuss an alternative cross-section with VPA/Hume. <b>VPA response:</b> Noted.	Awaiting response from submitter	<b>Resolved:</b> Villawood accept the cross-section proposed in the PSP	<b>Resolved.</b>
VW73	<b>Condition 1(i)</b> Delete condition.	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from VPA.	<b>Resolved – accept submissions.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<b>VPA response:</b> Agree to delete condition. No longer necessary as Sunbury Fields has constructed shared path.			
VW74	<b>Condition 13(b)(vi)</b> Delete condition. It is inappropriate, an outcome that imposes additional unnecessary costs, and which is addressed through other standards in any event. Provision of services at the rear (where appropriate) is a well-proven and cost effective option. <b>VPA response:</b> Do not agree.	Unresolved	<b>In Issue:</b> Villawood assumes this is in response to Condition 12(b)(vi) – services at rear of lots only where there's no alternative. Avoiding easements in the rear of properties is far costlier and substantially impacts on yield. Request that this condition be deleted.	<b>Resolved – but not on substance of submissions. Condition was in the nature of an ‘advisory’ to referral authorities and was not strictly a condition of development.</b>
VW75	<b>Condition 15</b> Amend condition to state prior to commencement of construction works. <b>VPA response:</b> Agree to include timing trigger in Condition as requested.	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from VPA.	<b>Resolved – agree following DELWP's agreement in writing.</b>
VW76	<b>Condition 16</b> Confirm conditions, delete salvage condition. <b>VPA response:</b> Mandatory condition of the Scheme.	Unresolved	<b>Resolved:</b> Villawood do not dispute this condition	<b>Resolved – mandatory condition of the scheme as Victoria's implementation mechanism of the EPBC Act (Cth) approval for Melbourne's growth areas.</b>  <b>Note that DELWP in enforcing this condition, has discretion as to which areas are subject to the salvage.</b>
VW77	<b>Condition 17</b> Amend condition timing trigger. <b>VPA response:</b> Adjust the timing to allow for submission of detailed landscape plans before completion of civil works.	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from VPA	<b>Resolved – submissions accepted.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
VW78	<p><b>Condition 18(c)</b></p> <p>Amend condition wording to specify where paths are provided in adjacent open space as an accepted circumstance, or where paths are provided on any other adjacent land such as drainage land or arterial roads.</p> <p><b>VPA response:</b> VPA don't agree to amend the condition as requested. The discretion to accept open space and other footpath lies with Council under the condition.</p>	Unresolved	<b>Resolved:</b> Awaiting amended permit conditions from VPA	<b>Resolved.</b>
VW79	<p><b>Condition 18(h)</b></p> <p>Amend wording of condition to '<i>should</i>', rather than '<i>must</i>' requirements. In addition, it is noted that 3m wide cross-overs are not practical. Villawood's experience is that cross-overs need to be a minimum of 4m to avoid people driving over the nature strip, and must be 5-5.5m at the boundary to provide access to properties.</p> <p><b>VPA response:</b> Condition to be deleted with the exception of "<i>A vehicular crossing to each lot</i>".</p>	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from VPA.	<b>Resolved – Condition now defers to discretion of Council.</b>
	<p><b>Condition 18(p)</b></p> <p>Change the condition to only refer to roundabouts on designated bus routes.</p> <p><b>VPA response:</b> Agree.</p>	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from VPA.	<b>Resolved – no change as low floor roundabout are also relevant to service vehicles.</b>
VW80	<p><b>Condition 22</b></p> <p>Amend wording of the condition to be explicit that it refers to temporary fencing during construction works only. Further, it is considered excessive to require a 2m buffer to conservation areas, which already have buffer areas included within their boundary.</p>	Unresolved	<b>In Issue:</b> This condition should be explicit that it refers to temporary fencing during construction works only. Further, it is considered excessive to require a 2m buffer to conservation areas, which already have buffer areas included within their boundary.	<b>Resolved – mandatory condition of the scheme as Victoria's implementation mechanism of the EPBC Act (Cth) approval for Melbourne's growth areas.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
	<b>VPA response:</b> Do not agree, this is a mandatory condition of the scheme.			
VW81	<b>Condition 23(e)</b> Delete condition. <b>VPA response:</b> Condition requires supervision by an ecologist or arborist of works. However, this does not mean direct supervision of all works. The VPA consider that the condition is reasonable and will be retained.	Unresolved	<b>Resolved:</b> Villawood accepts this condition.	<b>Resolved.</b>
VW82	<b>Condition 24(c)</b> Further detail regarding the proposed valuation methodology is sought. Note that the reference to R36 appears incorrect. Refer to written submission querying the intended method of open space contribution collection – via Clause 52.01 or via the ICP. Villawood will make a submission on this matter once it is clarified. <b>VPA response:</b> Condition to be deleted.	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from VPA.	<b>Resolved – submission accepted.</b>
VW83	<b>Condition 25</b> This condition appears to incorrectly state “ <i>no less than 21 days prior</i> ” rather than “ <i>no more than 21 days prior</i> ” which is the standard approach. <b>VPA response:</b> Agree. Correct condition.	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from VPA.	<b>Resolved – condition corrected.</b>
VW84	<b>Condition 26</b> As per above comment. <b>VPA response:</b> Agree.	Resolved	<b>Resolved:</b> Awaiting amended permit conditions from VPA.	<b>Resolved – condition corrected.</b>

Item	Issue	Status: VPA Part A Response	Villawood Submission	VPA Response
VW85	<p><b>Condition 36</b> Delete condition.</p> <p><b>VPA response:</b> Mandatory condition, to be retained.</p>	Unresolved	<p><b>In Issue:</b> Gas is not an essential service. Gas provision is negotiated with the gas supplier. It should not be subject to permit condition.</p>	<p><b>Resolved – condition of referral authority.</b></p>

## APPENDIX 5 - LETTER FROM DELWP

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## Department of Environment, Land, Water and Planning

PO Box 500, East Melbourne,  
Victoria 8002 Australia  
[delwp.vic.gov.au](mailto:delwp.vic.gov.au)

Matt Garner  
Strategic Planning Manager  
Victorian Planning Authority  
Level 25, 35 Collins St  
MELBOURNE VIC 3000

Ref:

Dear Matt

### **'URBAN DEVELOPMENT' IN THE CONTEXT OF THE BIODIVERSITY CONSERVATION STRATEGY FOR MELBOURNE'S GROWTH CORRIDORS**

I am writing to clarify the definition of 'urban development' in the context of the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (BCS).

The undertaking of 'actions associated with urban development' in Melbourne's growth corridors has been approved by the Commonwealth Government under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), on the condition that the Victorian Government commits to the delivery of an endorsed program of measures to protect biodiversity values from the impacts of that urban development. The endorsed program is generally known as the Melbourne Strategic Assessment (MSA) program. The delivery of the BCS is a central component of the MSA program, and the relevant approval under the EPBC Act specifically requires that all actions are undertaken in accordance with the BCS.

The BCS identifies a network of conservation areas within Melbourne's growth corridors. On page 47, the BCS instructs that:

Urban development will be excluded from conservation areas and each conservation area will be protected and managed for conservation in perpetuity.

The Department of Environment, Land, Water and Planning (DELWP) works with the Victorian Planning Authority (VPA) to ensure that these requirements are given effect through Victorian planning controls in a consistent manner. This is achieved by;

- The exclusion of urban development from conservation areas through the application of land-use planning controls (such Rural Conservation Zones and Environmental Significance Overlays)
- The protection and management of the land for conservation in perpetuity under a Land Management Cooperative Agreement (or, voluntary transfer or vesting of the land to the Crown). Where a land parcel contains both *conservation area* and *developable area*, any planning approval for urban development in the *developable area* is conditional upon the landholder entering into a Land Management Cooperative Agreement in relation to the conservation area land.

In the context of Melbourne's growth corridors, 'actions associated with urban development' is considered broadly. For the purposes of the MSA program, 'actions associated with urban development' is defined in the attached document (**Attachment 1**). Due to the broad range of land uses it is intended to cover, this definition primarily operates by identifying land uses which are not 'urban development'. However, it is important to note that the definition does not relate solely to 'land uses', but to 'actions' more broadly.



This definition applies to the all areas of Melbourne's growth corridors covered by the Commonwealth approvals for urban development under the EPBC Act granted September 2013 and September 2014.

#### **Area covered by the Craiglee and Ben Eadie Concept Plan**

The Craiglee and Ben Eadie properties are covered by the 2013 Commonwealth approval.

As set out in the attached definition, the uses identified in Section 2 of the proposed Special Use Zone (SUZ) are considered 'urban development' for the purposes of the MSA program. The SUZ Section 2 uses are:

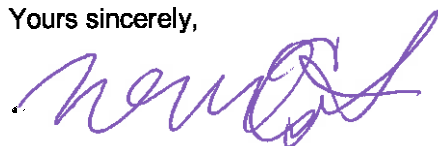
- Conference centre
- Group Accommodation
- Hotel
- Museum
- Reception Centre
- Residential Hotel
- Restaurant

DELWP's primary concern is to ensure that any urban development that occurs on this site, meets the requirements of the Commonwealth approval conditions (described by the BCS). Specifically, when urban development occurs:

1. Urban development must be excluded from the conservation area
2. The conservation area portion of the land must be protected for conservation in perpetuity, in accordance with the Victorian Government's commitments under the BCS and the 2013 Commonwealth approval.

DELWP considers that the proposed SUZ is consistent with the Commonwealth conditions that apply to the site, if the proposed change to the conservation area boundary is approved.

Yours sincerely,



**Warrick McGrath**  
Director, Regulatory Strategy and Design

17 / 10 / 2017

## **Actions Associated with Urban Development**

For the purposes of the Melbourne Strategic Assessment (MSA) program, 'actions associated with urban development' are defined as being any action occurring entirely or partially in the MSA program area, that is:

- 1) Subdivision of land, including boundary realignment, that results in any lot being less than 40 hectares; and/or
- 2) The carrying out of new uses, buildings, and works, including that entirely or partially inside any road reserves, with the exception of the following land use terms (refer Clause 74):

- Agriculture;
- Greenhouse gas sequestration exploration;
- Greenhouse gas sequestration;
- Geothermal energy exploration;
- Geothermal energy extraction;
- Host farm;
- Mineral exploration;
- Mineral extraction;
- Petroleum exploration;
- Petroleum extraction;
- Primary produce sales;
- Renewable energy facility;
- Rural industry; and
- Rural store; and/or

- 3) The intensification of existing uses, buildings, and works that impact an area outside the area impacted by the existing use, buildings or works (such as extending beyond the current building floor area), including that entirely or partially inside any road reserves, with the exception of the following land use terms (refer Clause 74):

- Agriculture;
- Greenhouse gas sequestration exploration;
- Greenhouse gas sequestration;
- Geothermal energy exploration;
- Geothermal energy extraction;
- Host farm;

- ☐ Mineral exploration;
- ☐ Mineral extraction;
- ☐ Petroleum exploration;
- ☐ Petroleum extraction;
- ☐ Primary produce sales;
- ☐ Renewable energy facility;
- ☐ Rural industry; and
- ☐ Rural store.

## APPENDIX 6 – ESO6 OF THE MT ALEXANDER SCHEME

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13/07/2017  
C56

## **SCHEDULE 6 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Shown on the planning scheme map as **ESO6**.

### **LAND SOUTH OF DIAMOND GULLY ROAD AND EAST OF SLUICERS ROAD**

#### **1.0**

13/07/2017  
C56

#### **Statement of environmental significance**

An environmental audit has been undertaken to assess the potential for areas identified for residential development in the Diamond Gully Structure Plan, July 2016 to be at risk from the potential migration of landfill gas from the existing and former Castlemaine Landfill cells.

The landfill gas risk for most of the areas concerned was identified as being very low. However, before residential development proceeds in an area to the south of Diamond Gully Road and west of Sluicers Road, a further site specific audit must be undertaken for this area in accordance with the requirements of Section 53V of the Environment Protection Act 1970 to ensure that there is not an unacceptable risk of landfill gas migration.

#### **2.0**

13/07/2017  
C56

#### **Environmental objective to be achieved**

To reduce the risk to any future residential development from potential landfill gas migration from the existing and former Castlemaine Landfill cells.

#### **3.0**

13/07/2017  
C56

#### **Permit requirement**

A permit is not required to:

- Construct a fence.
- Construct a building or construct or carry out works that do not include any confined spaces.
- Construct an outbuilding, including a shed, with a floor area of less than 50 square metres with either:
  - a gas barrier incorporated into the foundation; or
  - a ventilation system (passive or mechanical);

that will prevent the accumulation of landfill gas within any confined space of the building.

- Construct a bicycle pathway and trail.

#### **4.0**

13/07/2017  
C56

#### **Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the potential risk of landfill gas migration has been reduced to an acceptable level.
- Whether the proposal includes appropriate mitigation measures to reduce the risk of landfill gas migration.

#### **Reference documents**

*Castlemaine Landfill Odour and Buffer Assessment, May 2016*

*Section 53 Environmental Audit of Development encroaching on Castlemaine landfill Buffer', December 2012.*

## APPENDIX 7 – APA GASNET LETTER

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**Sarah McMaster**

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**Subject:** FW: Gas Pipeline Issues - Sunbury South PSP

**From:** Mielczarek, Michael [<mailto:Michael.Mielczarek@apa.com.au>]

**Sent:** Thursday, October 19, 2017 10:38 AM

**To:** Greg Tobin <[gtobin@ha.legal](mailto:gtobin@ha.legal)>

**Subject:** RE: Gas Pipeline Issues - Sunbury South PSP

Dear Greg,

Thank you for your email and proposed planning controls to address the issue of density within the measurement length of our pipeline. Having briefly discussed this matter internally within APA, I make the following comments:

- APA notes that this position has been reached in a very constrained timeframe but is generally supportive of the approach that you and the VPA have proposed with regard to the matter of density,
- APA would seek to nominate a trigger of 5 or more dwellings and/or lots as the trigger point for notice/referral,
- APA would be willing to further work through the finer details of such a provision if required by Panel.

APA welcomes the collaborative approach that you and the VPA have taken on this matter. If you require any additional comment or information please feel free to contact me.

Kind Regards,

**Michael Mielczarek**  
**Senior Urban Planner**

**APA Group**

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**w** [www.apa.com.au](http://www.apa.com.au)

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**From:** Greg Tobin [<mailto:gtobin@ha.legal>]

**Sent:** Wednesday, 18 October 2017 5:00 PM

**To:** Mielczarek, Michael <[Michael.Mielczarek@apa.com.au](mailto:Michael.Mielczarek@apa.com.au)>

**Subject:** Gas Pipeline Issues - Sunbury South PSP

Dear Michael,

Thank you for your time discussing the position of APA in respect of the Sunbury South and Lancefield Road amendments.

Of particular interest is the area in the south-western corner of the Sunbury South PSP where the proposed application of a residential growth zone (RGZ) intersects with the pipeline measurement length for an APA asset. The panel has expressed an interest in the submission of APA to the amendments and in particular the fact that the proposed controls require a minimum of 17 dwellings per hectare, but no maximum, and in previous matters APA has expressed a view that a density of no more than 30 dwellings per hectare should be permitted within the gas pipeline measurement length (for other pipes). Both the VPA and APA agree that realistically 30 dwellings per hectare in the area is unlikely though it is appropriate to consider this potentiality.

The VPA have considered the implications of the RGZ application, the pipeline measurement length and potential controls. As discussed and acknowledged with you density controls have a vexed history in growth area planning on the basis that individual developments such as dual occupancies or triple occupancies which may not be of particular interest to APA do, on at least a site by site analysis, constitute a density greater than 30 dwellings per hectare. We understand from our conversation that APA is principally not concerned with this type of development, at least unless there were a proliferation of this style of medium density housing such that overall the density of dwellings across multiple sites were substantially increased.

The VPA has considered how to address this tension in the expression of planning controls, the efficiency of implementing the planning scheme) and the obvious and laudable objectives of high density development in appropriate locations. In order to balance these tensions the VPA proposes the following:

- APA receive notice of all planning permits for buildings and works for multiple dwellings above a dual occupancy. This would concern the buildings and works i.e. the design rather than the underlying use. The VPA is not concerned if APA would prefer to nominate a higher occupancy level for example four, five or six dwellings on a lot. We invite this in your response to this email.
- APA receive notice of planning permits for subdivision for lots of less than 300 square metres (or an alternate number nominated by APA) unless it is the subdivision of existing buildings (which would have already been notified).
- APA would then have the opportunity to review the buildings and works or subdivision application both individually and where relevant, cumulatively, in the local context.
- APA could then object to the grant of a permit or more likely based on our conversation, provide advice on design considerations that relate to risk associated with the gas pipeline. The VPA understands that this design advice might constitute advice on materiality, orientation, or points of access.

The responsible authority would then have the opportunity to consider any feedback from APA on the buildings and works permit applications and determine to grant a permit, potentially subject to conditions implementing appropriate design suggestions.

While this constitutes a cautious approach it would provide the necessary protection of APA's interests in the pipeline and the interests of public safety. APA would not be compelled to respond at all to a permit application notified but equally would have its rights of notice and review preserved. The panel has flagged a concern that disputes concerning gas pipeline measurement length related issues should not imposed on landowners unnecessarily. This means the panel is concerned about a proliferation of tribunal disputes. The VPA considers that this is likely to be a self-limiting exercise. In the event that APA sought to agitate matters in a manner inconsistent with the text above and which failed to did not properly balance planning objectives about urban consolidation and the actual likelihood of risk, then a body of tribunal decisions would quickly generate and in practice preclude APA from pursuing such arguments, or at least preclude APA from pursuing such arguments without adverse risk of costs etc.

If APA agrees with this approach we would seek your response to this email confirming such agreement (subject to any variation in the number of dwellings or lots as above). To be clear it is our intent to hand up your response to the panel in the course of the VPA's closing submission tomorrow. Please contact me on 0412 845 035 if you have any questions.

Kind regards,

**Greg Tobin** | Principal

**HARWOOD  
ANDREWS**

T 03 5225 5252  
M 0412 845 035  
F 03 5225 5222

[gtobin@ha.legal](mailto:gtobin@ha.legal) | [www.harwoodandrews.com.au](http://www.harwoodandrews.com.au)



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## APPENDIX 8 - UPDATED BUFFER CONTROLS IN THE DRAFT UGZ9

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DD/MM/YYYY  
Proposed C207

## SCHEDULE 9 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ9**

### SUNBURY SOUTH PRECINCT STRUCTURE PLAN

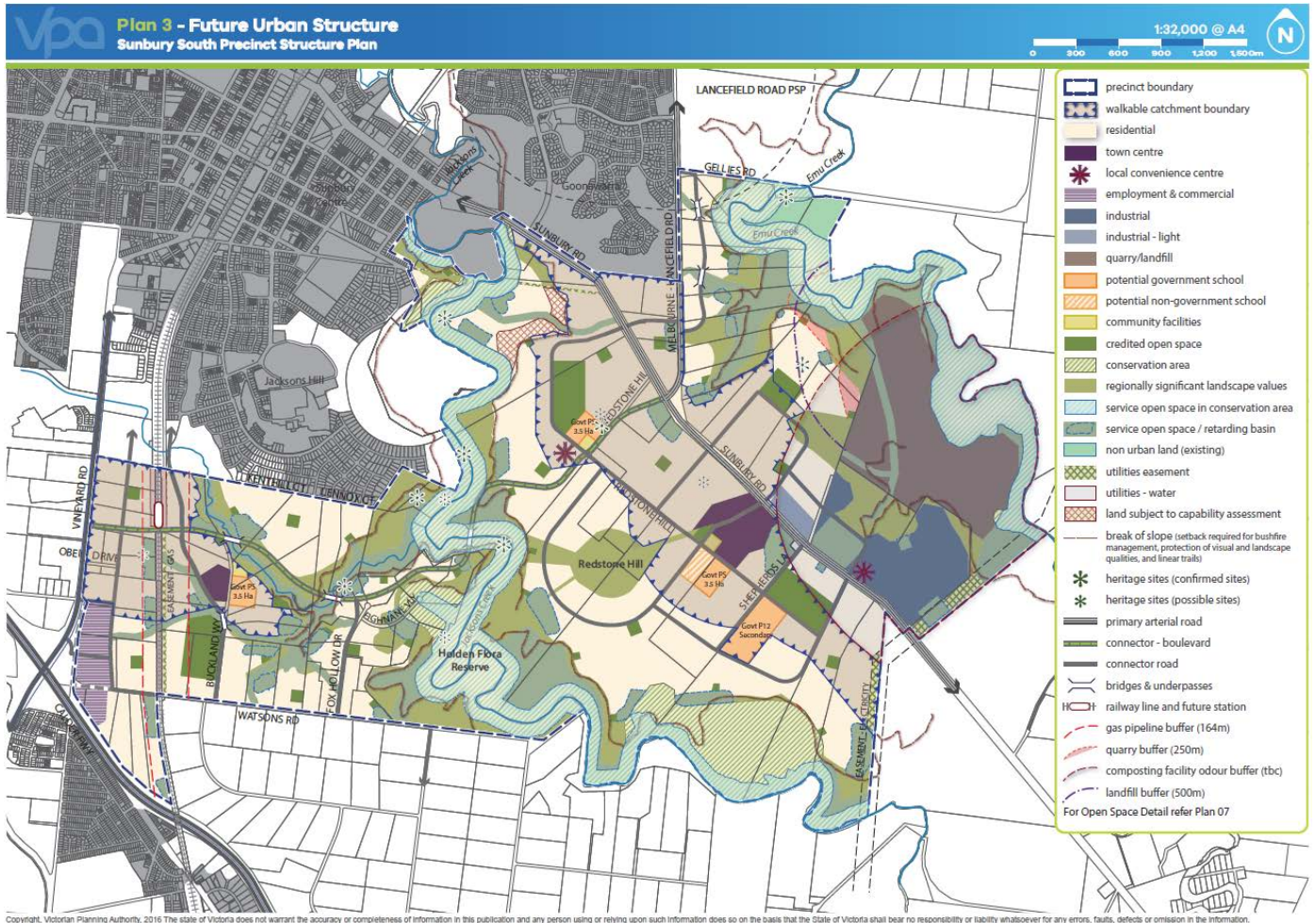
#### 1.0

#### The plan

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Map 1 below shows the future urban structure proposed in the *Sunbury South Precinct Structure Plan*. It is a reproduction of Plan 3 in the *Sunbury South Precinct Structure Plan*.

#### Map 1 to Schedule 9 to Clause 37.07 (PLAN TO BE UPDATED)



## 2.0 Use and development

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### 2.1 The land

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The use and development provisions specified in this schedule apply to the land within the 'precinct boundary' on Map 1 of this schedule and shown as UGZ9 on the planning scheme maps.

*Note: If land shown on Map 1 is not zoned UGZ, the provisions of this zone do not apply.*

### 2.2 Applied zone provisions

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The provisions of the following zones in this scheme apply to the use and subdivision of the land, the construction of a building, construction or carrying out of works as set out in Table 1.

**Table 1: Applied zone provisions**

Land use or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land	Applied zone provisions
<b>Primary arterial road</b>	Clause 36.04 – Road Zone – Category 1
<b>Connector boulevard</b>	Clause 36.04 – Road Zone – Category 2
<b>Connector road</b>	
<b>Employment and commercial</b>	Clause 34.02 – Commercial 2 Zone
<b>Industrial</b>	Clause 33.01 – Industrial 1 Zone
<b>Industrial - light</b>	Clause 33.03 – Industrial 3 Zone
<b>Local convenience centre</b>	Clause 34.01 – Commercial 1 Zone
<b>Town centre</b>	
<b>Walkable Catchment Boundary</b>	Clause 32.07 – Residential Growth Zone
<b>All other land</b>	Clause 32.08 – General Residential Zone

### 2.3 Reference to a planning scheme zone is a reference to an applied zone

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A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

*Note: e.g. The General Residential Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Road Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land'.*

## 2.4 Specific provisions – Use of land

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The following provisions apply to the use of the land.

**Table 2: Use**

Use	Requirement
<b>Primary school</b>	<p>A permit is not required to use land for a Primary school on land shown as Potential Non Government Primary School.</p> <p>A permit is not required to use land for a Primary school on land shown as Potential Non Government P-12 School.</p>
<b>Secondary school</b>	<p>A permit is not required to use land for a Secondary school on land shown as Potential Non Government Secondary School.</p> <p>A permit is not required to use land for a Secondary school on land shown as Potential Non Government P-12 School.</p>
<b>Shop where the applied zone is Commercial 1 Zone</b>	<p>A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:</p> <ul style="list-style-type: none"> <li>• 25,000 square metres for land shown as the Redstone Hill Major Town Centre in the incorporated Sunbury South Precinct Structure Plan.</li> <li>• 5,000 square metres for land shown as the Harpers Creek Local Town Centre in the incorporated Sunbury South Precinct Structure Plan.</li> <li>• <del>1,500</del> 1,500 square metres for land shown as the Jacksons Creek Local Convenience Centre in the incorporated Sunbury South Precinct Structure Plan.</li> <li>• <a href="#">1,500 square metres for land shown as the Sunbury Station Local Convenience Centre in the incorporated Sunbury South Precinct Structure Plan.</a></li> <li>• <a href="#">1,500 square metres for land shown as the Sunbury Road Local Convenience Centre in the incorporated Sunbury South Precinct Structure Plan.</a></li> <li>• <a href="#">1,000 square metres for land shown as the Redstone Hill South Local Convenience Centre in the incorporated Sunbury South Precinct Structure Plan.</a></li> <li>• 500 square metres for land shown as the Sunbury Road Industrial Local Convenience Centre in the incorporated Sunbury South Precinct Structure Plan.</li> </ul>

Use	Requirement
<b>Restricted Retail premise where the applied zone is Commercial 2 Zone</b>	<p>A permit is required to use land for a restricted retail premises if the combined leasable floor area of all restricted retail premises exceeds:</p> <ul style="list-style-type: none"> <li>20,000 square metres for land shown as Employment and Commercial in the incorporated Sunbury South Precinct Structure Plan.</li> </ul>
<b>Supermarket where the applied zone is Commercial 2 Zone</b>	<p>A permit is required to use land for a supermarket if the leasable floor space exceeds 500 square metres.</p>
<b>Supermarket where the applied zone is Industrial 3 Zone</b>	<p>A permit is required to use land for a supermarket. The leasable floor area of a supermarket must not exceed 500 square metres.</p>
<b>Retail premise where the land is shown as 'Office / Commercial' in Figure 4 of the incorporated Sunbury South Precinct Structure Plan</b>	<p>A permit is required to use land for retail premises if the combined leasable floor area of all retail premises exceeds:</p> <ul style="list-style-type: none"> <li>1,000 square metres for land shown as Office / Commercial in Figure 4 in the incorporated Sunbury South Precinct Structure Plan.</li> </ul>
<ul style="list-style-type: none"> <li><a href="#">Accommodation</a></li> <li><a href="#">Child care centre</a></li> <li><a href="#">Education centre</a></li> <li><a href="#">Medical centre</a></li> </ul> <p><a href="#">where land is shown as Landfill Gas Migration Buffer in the incorporated Sunbury South Precinct Structure Plan</a></p>	<p><a href="#">Accommodation, Child care centre, Education centre and Medical centres are prohibited within the Landfill Gas Migration Buffer in the incorporated Sunbury South Precinct Structure Plan until such time as Cells 1, 2 and Western Extension Cell Phase 1 on EPA Licence 45279 are closed and rehabilitated.</a></p> <p><a href="#">Following the closure and rehabilitation of Cells 1, 2 and Western Extension Cell Phase 1 on EPA Licence 45279, a permit is required to use land for Accommodation, Child care centre, Education centre or Medical centre on land shown as Landfill Gas Migration Buffer in the incorporated Sunbury South Precinct Structure Plan.</a></p>
<ul style="list-style-type: none"> <li><a href="#">Bed and Breakfast</a></li> <li><a href="#">Dependent person's unit</a></li> <li><a href="#">Dwelling</a></li> <li><del><a href="#">Informal outdoor recreation</a></del></li> <li><a href="#">Residential aged care facility</a></li> </ul> <p>where land is shown as:</p> <ul style="list-style-type: none"> <li><del><a href="#">Landfill</a></del> <a href="#">Amenity</a> Buffer</li> <li><del><a href="#">Composting Facility</a></del> <del><a href="#">Odour Buffer</a></del></li> </ul> <p><b>In the incorporated Sunbury South Precinct Structure Plan</b></p>	<p>A permit is required to use land for bed and breakfast, <a href="#">dependent person's unit</a>, dwelling, <del>informal outdoor recreation</del> or a residential aged care facility on land shown as Landfill <a href="#">Amenity</a> Buffer or <del>Composting Facility Odour Buffer</del> in the incorporated Sunbury South Precinct Structure Plan.</p>

Use	Requirement
<ul style="list-style-type: none"> <li>• <a href="#">Bed and Breakfast</a></li> <li>• <a href="#">Dependent person's unit</a></li> <li>• <a href="#">Dwelling</a></li> <li>• <a href="#">Residential aged care facility</a></li> </ul> <p><a href="#">where land is shown as Composting Facility Odour Buffer in the incorporated Sunbury South Precinct Structure Plan</a></p>	<p><a href="#">While the Veolia Bulla Organic Waste Facility continues to operate at 600 Sunbury Road, Bulla, a permit is required to use land for bed and breakfast, dependent person's unit, dwelling or a residential aged care facility on land shown as Composting Facility Odour Buffer in the incorporated Sunbury South Precinct Structure Plan.</a></p>
<p><b>Residential Aged Care Facility for land within 164 metres of the Derrimut to Sunbury (T62-150mm) gas transmission pipeline</b></p>	<p>A permit is required to use the land for a residential aged care facility.</p>

**2.5**

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**Specific provision – Use and development of future local parks and community facilities**

A permit is not required to use or develop land shown in the *Sunbury South Precinct Structure Plan* as local park or community facilities provided the use or development is carried out generally in accordance with the *Sunbury South Precinct Structure Plan* and with the prior written consent of the responsible authority.

**2.6**

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Proposed C207

**Specific provision – Buildings and works abutting the railway corridor**

A permit is required to construct a building or carry out works for accommodation, a child care centre, [a school](#), a display home, a hospital, a hotel or a tavern if proposed on land within 100m of the railway corridor where land is marked as 'Interface with railway' or 'Interface with transmission gas pipeline' on Plan 5 of the *Sunbury South Precinct Structure Plan*.

~~A permit is not required to construct a building or construct or carry out works for accommodation, a child care centre, a display home, a hospital, a hotel or a tavern if there is a restriction on the title which gives effect to the recommendations of any an acoustic assessment report prepared in response to Clause 3.14 of this schedule, and which requires that where a building includes a bedroom, the building (and associated works) must be constructed in such a way as to ensure internal bedroom noise levels will not exceed 65 dB LAmax and 40 dB LAeq,8h for the night period from 10pm to 6am.~~

**2.7**

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Proposed C207

**Specific provision – Dwellings on a lot less than 300 square metres**

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated pursuant to Clause 81 of the Hume Planning Scheme.

**2.8**

DD/MM/YYYY  
Proposed C207

**Specific provision – Buildings and Works within Landfill [Gas Migration Buffer](#)**

A permit is required for buildings and works within the Landfill [Gas Migration Buffer](#) shown on Plan 1 of this schedule.

A permit is not required for non-intrusive works. For the purposes of this exemption, non-intrusive works is defined as those that do not involve enclosed structures, excavation or significant ground disturbance. They include:

- alterations to buildings and structures that do not require ground disturbance
- fencing



- street and park furniture
- vehicle crossovers
- satellite dishes
- minor signage
- garden sheds and greenhouses that do not require extensive footings or foundations

## 2.9

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### Specific provision – Redstone Hill Major Town Centre Urban Design Framework

A permit must not be granted to use or subdivide land, or construct a building and carry out works on land shown as the Redstone Hill Major Town Centre within the incorporated *Sunbury South Precinct Structure Plan* until an urban design framework for the centre has been prepared to the satisfaction of the responsible authority and the Growth Areas Authority.

An urban design framework approved under this schedule must be generally in accordance with the *Sunbury South Precinct Structure Plan* applying to the land.

The UDF must include information which:

- Demonstrates how it responds to the vision of the Precinct Structure Plan, the organising elements for the centre at Figure 5, and the concept plan at Figure 4 of the Precinct Structure Plan.
- Clearly defines the future ownership/management of roads and public spaces within the centre, including public access arrangements for privately controlled land.
- Identifies the key elements of the public realm and publicly accessible private spaces, proposed building material/colour palette themes, and landscaping of these spaces to ensure a continuity of design and sense of place.
- Identifies the location [and method](#) for deliveries, waste disposal, parking, and vehicle access, particularly for non-retail elements within the town centre, ~~and supporting measures.~~
- Identifies potential local bus network routes, including access to a centrally located bus interchange.
- Identifies the proposed staging of the development of the town centre, including indicative timing of development of the main components of the centre, access arrangements at each stage, and how future development areas will be treated in the interim.
- Responds to the relevant Requirements and Guidelines within the *Sunbury South Precinct Structure Plan*

An application for use and/or development on land shown as the Redstone Hill Major Town Centre must be consistent with any urban design framework approved under this schedule.

A permit should only be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the permit doesn't prejudice the preparation and approval of an urban design framework and the permit implements the objectives for the Major Town Centre as set out in the *Sunbury South Precinct Structure Plan*, and is generally consistent with Figures 4 and 5, and the vision for the town centre, as described in the *Sunbury South Precinct Structure Plan*.

The urban design framework may be amended to the satisfaction of the responsible authority and the Growth Areas Authority.

## 2.10

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### Specific provisions – Buildings and works for a school

A permit is required to construct a building or construct or carry out works associated with a Primary School or Secondary School on land shown as a potential non-government school unless exempt under Clauses 62.02-1 and 62.02-2.

## 2.11 Specific provision – Referral of applications – Local Town Centre

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An application to subdivide land, or construct a building or carry out works (where the value of those works is in excess of \$500,000) on land ~~shown as a~~ a Local Town Centre must be referred in accordance with section 55 of the *Planning and Environment Act 1987* to the Growth Areas Authority.

## 2.12 ~~Specific provision – Referral of applications – Quarry Buffer at 600 Sunbury Road, Bulla~~

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Proposed C207

~~An application to subdivide land, or construct a building or carry out works on land within 250 metres of the Extractive Industry Works Authority, as shown on Map 1 of this Schedule as 'Quarry buffer', must be referred in accordance with section 55 of the *Planning and Environment Act 1987* to the Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990*.~~

~~The Department administering the *Mineral Resources (Sustainable Development) Act 1990* may request an assessment prepared by a suitably experienced and qualified consultant, which demonstrates that a variation to the *Recommended separation distances for industrial residual air emissions* (EPA publication number 1518 March 2013) is justified and provides sufficient confidence that a sensitive use can be safely developed within 250 metres of any quarrying activity at WA1123.~~

~~Planning approval should not be given by the Responsible Authority until land use separation issues have been resolved to the satisfaction of the administering the *Mineral Resources (Sustainable Development) Act 1990*. The Department may restrict or prevent development within 250 metres of the WA1123 Extractive Works Area boundary whilst the work authority is current and it is considered that a proposed sensitive use will cause adverse impact on approved operations.~~

## 3.0 Application requirements

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If in the opinion of the responsible authority an application requirement listed at 3.1 or 3.2 is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

## 3.1 Subdivision – Residential development

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In addition to the requirements of Clause 56.01-2, a subdivision design response for a residential subdivision must include:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields;
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, which demonstrate how the proposal responds to and achieves the objectives and planning and design requirements and guidelines in the incorporated *Sunbury South Precinct Structure Plan*, including specific design requirements relating to slope and height;
- A mobility plan that demonstrates how the local street and movement network integrates with adjacent urban development or is capable of integrating with future development on adjacent land parcels;
- A demonstration of how the subdivision will contribute to the delivery of a diversity of housing;
- A demonstration of how the subdivision will contribute to the achievement of the residential density outcomes in the incorporated *Sunbury South Precinct Structure Plan*.

~~▪ An application that includes a confirmed or possible heritage site on Plan 3 of the *Sunbury South Precinct Structure Plan* must be accompanied by an assessment by a qualified heritage consultant which describes any heritage features of the site and recommendations regarding the protection of heritage features, or where appropriate, integration of heritage into the broader subdivision.~~



~~Plan for an application that includes a heritage significant site to ensure the heritage value is incorporated into the proposed development or subdivision.~~

### 3.2 Public Infrastructure Plan

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An application must be accompanied by a Public Infrastructure Plan which addresses the following:

- What land may be affected or required for the provision of infrastructure works;
- The provision, staging and timing of stormwater drainage works;
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- The landscaping of any land;
- What, if any, infrastructure set out in the *Sunbury South Infrastructure Contributions Plan* is sought to be provided as "works in kind" subject to the consent of the Collecting Agency;
- The provision of public open space and land for any community facilities; and
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

### 3.3 Use or develop land for a sensitive purpose – Environmental Site Assessment

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An application to use or develop land defined as High Risk and Moderate Risk described in Table 3 below for a sensitive use (accommodation, child care centre, kindergarten, primary school or public open space) must be accompanied by a detailed site investigation (Phase 2 assessment) conducted by a suitably qualified environmental professional to the satisfaction of the responsible authority. The assessment must provide for the following information:

- Detailed assessment of the potential contaminants on the relevant land, including those described in *Land Capability Assessment for the Sunbury South Precinct Structure Plan, Sunbury, Victoria (Environmental Earth Sciences Vic, July 2015)*;
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE;
- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water;
- Recommended remediation actions for any potentially contaminated land.
- An unequivocal recommendation on whether the environmental condition of the land is suitable for the proposed use/s or whether an environmental audit in accordance with Part IXD of the Environment Protection Act 1970 for all or part of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE*.

All to the satisfaction of the responsible authority.

**Table 3: Moderate and High Risk properties**

Address	Legal Description
215 Old Vineyard Road, Sunbury	Lot 2 PS302331
60 Buckland Way, Sunbury	Lot 10 LP143133
37 Fox Hollow Drive, Sunbury	Lot 17 PS617530
<a href="#">45 Fox Hollow Drive, Sunbury</a>	<a href="#">Lot 6 PS404987</a>
605 Sunbury Road, Sunbury	Lot 2 LP147272
2 Shepherds Lane, Sunbury	Lot 2 PS423080/Allotment 1C Sec 25 PP2258
650 Sunbury Road, Sunbury	Lot 2 LP 203247
670 Sunbury Road, Sunbury	Lot 1 LP203247
675 Sunbury Road, Sunbury	Lot 2 PS423080/Allotment 1C Sec 25 PP2258
680 Sunbury Road, Sunbury	Lot 1 TP620324
40 Redstone Road, Sunbury	Lot 5 LP95031
80 Redstone Road, Sunbury	CP157019

### 3.4

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#### Subdivision application – Sensitive Residential Areas

An application to subdivide land in an area shown as ‘sensitive residential areas’ on the Image, Character, Housing and Heritage Plan (Plan 5) within the *Sunbury South Precinct Structure Plan* must demonstrate how proposed development will facilitate the orderly and integrated development of the area, including as appropriate:

- An indicative subdivision concept design [which demonstrates consistency with the relevant concept plan in the Sunbury South Precinct Structure Plan, for the entire area, including an indicative lot layout](#)
- The location of local streets to provide for a permeable local street network, including details for the upgrade of any existing roads within the area
- Any building design guidelines required to respond to topographical and other constraints associated with the land
- ~~Opportunities for higher density housing~~
- Staging and indicative development timing, including interim drainage, servicing, local road construction and any other relevant infrastructure requirements.

All to the satisfaction of the responsible authority.

An application for subdivision of land or use and/or development on land shown within the ‘sensitive residential areas’ within the *Sunbury South Precinct Structure Plan* must be consistent with any applicable concept plan contained within the *Sunbury South Precinct Structure Plan*, unless if, in the opinion of the Responsible Authority, the permit implements the objectives for the area as set out within the *Sunbury South Precinct Structure Plan*.

### 3.5

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#### Kangaroo management

An application for subdivision must be accompanied by a Kangaroo Management Plan to the satisfaction of the responsible authority which includes:

- Strategies to avoid land locking kangaroos, including staging of subdivision; and
- Management requirements to respond to the containment of kangaroos in an area with no reasonable likelihood of their continued safe existence; or

- Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location.

Where a Kangaroo Management Plan has been approved in respect to the land to which the application applies, the application must be accompanied by:

- A copy of the approved Kangaroo Management Plan; and
- A 'design/management response' statement outlining how the application is consistent with and gives effect to any requirements of the approved Kangaroo Management Plan.

### 3.6

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#### Traffic Impact Assessment

An application that proposes to create or change access to a primary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of VicRoads, as required.

### 3.7

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Proposed C207

#### Applications to Subdivide or Use Land within Landfill Amenity Buffer

Any application to use land or subdivide land for a sensitive use (including accommodation, child care centre, pre-school, primary school ~~or~~ education centres ~~or informal outdoor recreation sites~~) located within the 500m Landfill Amenity Buffer surrounding the Hi-Quality landfill at 600 Sunbury Road and as shown on Map 1 of this Schedule and *Plan 3 – Future Urban Structure* in the incorporated *Sunbury South Precinct Structure Plan*, must be accompanied by an ~~Odour Environmental Risk Assessment~~ odour, dust, noise and vibration assessment prepared by a suitably experienced and qualified person, to a method agreed to by, and ~~to~~ the satisfaction of the responsible authority, in consultation with the Environment Protection Authority.

The ~~Odour Environmental Risk Assessment~~ must be prepared in accordance with ~~the State Environment Protection Policy (Air Quality Management)~~ a method agreed to by the Environment Protection Authority and acknowledge the existing landfill's operations and assess the potential adverse amenity impacts of the landfill facility on the future proposed sensitive use of the land.

### 3.8

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Proposed C207

#### All applications within Landfill Gas Migration Buffer

Any application to subdivide land, use land or construct a building or carry out works on land within the Landfill Gas Migration Buffer as shown on Plan 3 of the incorporated *Sunbury South Precinct Structure Plan* must:

- Demonstrate that the development will not have any material adverse effect on the ability of the operator of the Hi-Quality landfill at 600 Sunbury Road to comply with the Best Practice Environmental Management: Siting Design, Operation and Rehabilitation of Landfills (Environment Protection Authority, August 2015) to the satisfaction of the Responsible Authority, in consultation with the Environment Protection Authority; and
- Be accompanied by, or have regard to, a landfill gas risk assessment undertaken by a suitably qualified professional in relation to the site, or a 53V (risk of harm) audit under the Environment Protection Act 1970, at the discretion of the responsible authority in consultation with the Environment Protection Authority, and prepared to the satisfaction of the Environment Protection Authority.

Prior to conducting an audit, the scope of any proposed 53V (risk of harm) audit must be submitted to the responsible authority for review and agreement prior to conducting an audit. The responsible authority must consult with the Environment Protection Authority.

- ~~— A landfill gas risk assessment should include:~~
- ~~— A conceptual site model, based on the characteristics of the landfill and proposal and the likely pathways of gas migration and exposure~~
- ~~— Sufficient environmental monitoring from the proposal site to inform the assessment and enable the environmental risks to be characterised (magnitude and likelihood of hazard)~~
- ~~— An assessment of the environmental risk posed by the landfill~~

- ~~Site specific recommendations for further action, including what, if any, mitigation measures are required; and what, if any, further assessment is required (such as monitoring or the need to complete a section 53V Audit).~~

### 3.9

#### Applications within the Composting Facility Odour Buffer

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Whilst the Veolia Bulla Organic Waste Facility continues to operate at 600 Sunbury Road, Bulla, a An application to develop land for a sensitive use (including accommodation, child care centre, pre-school, primary school, ~~or~~ education centres ~~or informal outdoor recreation sites~~) located within the ~~1.3 kilometre~~ buffer surrounding the composting facility shown on Map 1 of this Schedule and *Plan 3 – Future Urban Structure* in the incorporated *Sunbury South Precinct Structure Plan* must be accompanied by an ~~Odour Environmental Risk Assessment~~ odour, dust noise and vibration assessment or a 53V audit prepared by a suitably experienced and qualified person to and to the satisfaction of the responsible authority, in consultation with the Environment Protection Authority.

The ~~Odour Environmental Risk Assessment~~ must be prepared in accordance with ~~the State Environment Protection Policy (Air Quality Management)~~ a method agreed to by the Environment Protection Authority and acknowledge the existing green waste facility operations at 600 Sunbury Road and assess the potential adverse amenity impacts of the green waste facility on the future proposed sensitive use of the land, to the satisfaction of the Environment Protection Authority.

### 3.10

#### Potential heritage sites

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Proposed C207

Any application that includes the demolition of a 'heritage site (possible sites)' identified on Plan 3 of the *Sunbury South Precinct Structure Plan* must be accompanied by a heritage impact assessment prepared by a suitably qualified heritage consultant.

### 3.11

#### Retail Impact Assessment

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Proposed C207

An application that exceeds the combined leasable floor area identified for the relevant centre in Table 2 – Use must prepare a Retail Impact Assessment.

The retail impact assessment must be to the satisfaction of the responsible authority and must address:

- The primary catchment of the centre.
- Whether the primary catchment has sufficient population (residents and workers) to support the centre.
- Whether the centre will result in the closure of other existing centres or would preclude and unacceptably delay the development of future centres identified within the Activity Centre Hierarchy, a Precinct Structure Plan, a Local Structure Plan, Structure Plan or Development Plan within the catchment of the centre
- The objectives and requirements in the *Sunbury South Precinct Structure Plan* and other Precinct Structure Plans, and the Hume Planning Scheme for activity centres.

### 3.12

#### Subdivision - Land Subject to Capability Assessment

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Proposed C207

An application to subdivide land which includes the area designated as 'land subject to capability assessment' on Plan 3 of the *Sunbury South Precinct Structure Plan* must be accompanied by:

- A site assessment and design guidelines
- A detailed slope analysis and assessment of suitability of land for development
- Geomorphological assessment
- Visual impact assessment
- Built form and landscape design guidelines
- Building envelopes
- Bushfire Management Plan

All to the satisfaction of the responsible authority.

Any land not capable of being developed as residential land will be treated as encumbered open space. Subdivision design must ensure any land designated as open space is accessible and is able to be incorporated into the subdivision pattern of surrounding land, to the satisfaction of the responsible authority.

### 3.13

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Proposed C207

#### Subdivision – Land on slope greater than 10 percent

An application to subdivide land or to construct a building or construct or carry out works for land on slope greater than 10 percent must be accompanied by design guidelines that minimise the landscape and visual impact of development on sloping land and inform and respond to the following information, as appropriate:

- A plan showing lot boundaries, contours and slope
- Location and approximate depth of any proposed earthworks
- The location, approximate height and building materials for proposed retaining structures
- A geotechnical report and designs by a suitably qualified engineer where proposed retaining structures exceed 0.5 metres in height
- The location and approximate grade of any proposed roads and paths
- Building envelopes
- Measures to manage surface run off
- The indicative cross sections for development that responds to slope and where relevant, cross sections outlined in Appendix 4.2 of the Sunbury South Precinct Structure Plan

~~▪ The indicative cross sections for development on sloping land outlined in Appendix 4.2 of the incorporated Sunbury South Precinct Structure Plan~~

- Any relevant requirements and guidelines within the *Sunbury South Precinct Structure Plan*

To the satisfaction of the responsible authority.

### 3.14

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Proposed C207

#### Railway noise attenuation

An application to subdivide land, use land or to construct a building or carry out works for accommodation, child care centre, school, display home, hospital, hotel or a tavern on land within 100m of the railway corridor where land is marked as 'Interface with Railway' and 'Interface with transmission gas pipeline' on Plan 5 of the *Sunbury South Precinct Structure Plan* must be accompanied by an acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority, after seeking the views of Public Transport Victoria.

The acoustic assessment report must take into consideration the Victorian Passenger Rail Infrastructure Noise Policy 2013 and include:

- An assessment of noise levels on the land taking into account the existing and likely future noise levels associated with the ongoing passenger and freight operation of the Melbourne-Bendigo rail line (up to 10 years hence) published by the relevant Government agencies, with allowance also provided for seasonal or unscheduled freight traffic.
- Recommendations for noise attenuation measures designed to ensure internal bedroom noise levels will not exceed 65 dB  $L_{Amax}$  and 40 dB  $L_{Aeq,8h}$  for the night period from 10pm to 6am.
- Recommendations for limiting the impact of railway noise on future buildings within the proposed subdivision.
- Ongoing ownership and management of any works or land associated with mitigation measures.

For subdivision applications the acoustic assessment must:

- Be accompanied by a design response that addresses the recommendations of the acoustic assessment and minimises the number of buildings requiring architectural noise attenuation treatments.

### **3.15 Applications on land abutting Fire Threat Edge**

DD/MM/YYYY  
Proposed C207

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

### **3.15 Applications including Land not serviced by Development Services Scheme – Potentially Developable Land**

DD/MM/YYYY  
Proposed C207

Any application for subdivision, use or development on land shown in the *Sunbury South Precinct Structure Plan* as 'land not serviced by the Development Services Scheme – Potentially Developable Land' must be accompanied by:

- A detailed Drainage and Stormwater Management Strategy, which demonstrates how stormwater runoff from the subdivision will achieve:
  - flood protection standards
  - best practice stormwater management on-site
- Demonstrates how any road or access way intended to act as a stormwater overland flow path will comply with Melbourne Water's floodway safety criteria.

All to the satisfaction of Melbourne Water and the responsible authority

### **3.16 All applications within Quarry Buffer**

DD/MM/YYYY  
Proposed C207

An application to subdivide land, or construct a building or carry out works on land within 500 metres of the Extractive Industry Works Authority, as shown on Map 1 of this Schedule as 'Quarry buffer (250m)', must be accompanied by an assessment prepared by a suitably experienced and qualified person, which demonstrates that a variation to the Recommended separation distance for industrial residual air emissions (EPA publication number 1518 March 2013) is justified and provides sufficient confidence that a sensitive use can be appropriately developed within 250 metres of any quarrying activity at WA1123.

## **4.0 Conditions and requirements for permits**

DD/MM/YYYY  
Proposed C207

### **4.1 Condition – Subdivision and housing design guidelines – Sloping land**

DD/MM/YYYY  
Proposed C207

The specific built form requirements arising out of the design guidelines prepared as part of the application for subdivision for lots on slopes greater than 10% must be implemented via a restriction on title or any other alternative deemed satisfactory by the responsible authority.

### **4.2 Condition – Subdivision and housing design guidelines - Redstone Hill height controls**

DD/MM/YYYY  
Proposed C207

The specific built form requirements arising out of the design guidelines prepared as part of the application for subdivision for lots on the area identified as the 'Redstone Hill Sensitive Viewlines Area' on Plan 5 of the *Sunbury South Precinct Structure Plan* must be implemented via a restriction on title or any other alternative deemed satisfactory by the responsible authority.



#### 4.3 Condition to use or develop land for a sensitive purpose – Environmental Site Assessment

DD/MM/YYYY  
Proposed C207

Before the plan of subdivision is certified under the *Subdivision Act 1988*, further testing in accordance with the recommendations of the Phase 1 and Phase 2 Environmental Site Assessment with the application for the properties identified as Medium and High Risk in Table 3 of this schedule, must be carried out, as relevant, to the satisfaction of the responsible authority.

Upon receipt of the further testing report the owner must comply with any further requirements made by the responsible authority after having regard to the guidance set out in the *General Practice Note on Potentially Contaminated Land, June 2005 (DSE)*. The plan of subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.

#### 4.4 Condition – Kangaroo Management

DD/MM/YYYY  
Proposed C207

A permit granted for subdivision of land must include the following conditions:

- Before the certification of the plan of subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Environment, Land, Water and Planning. Once approved the plan will be endorsed by the responsible authority and form part of the permit.
- The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority.

#### 4.5 Conditions for subdivision permits that allow for the creation of a lot of less than 300 square metres

DD/MM/YYYY  
Proposed C207

Any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:

- Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provisions of the Small Lot Housing Code incorporated pursuant to Clause 81 of the Hume Planning Scheme; and
- The plan of subdivision submitted for certification must identify whether type A or type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

#### 4.6 Condition – Protection of conservation areas and native vegetation during construction

DD/MM/YYYY  
Proposed C207

A permit granted to subdivide land where construction or works are required to carry out the subdivision, or a permit granted to construct a building or carry out works, where ~~this~~ [the Sunbury South Precinct Structure Plan](#) ~~precinct structure plan~~ shows the land, or abutting land, including a conservation area or a patch of native vegetation or a scattered tree must ensure that:

- Before the start of construction or carrying out of works in or around a conservation area, scattered native tree or patch of native vegetation the developer of the land must erect a vegetation protection fence that is:
  - highly visible
  - at least 2 metres in height
  - sturdy and strong enough to withstand knocks from construction vehicles
  - in place for the whole period of construction
  - [located](#) the following minimum distance from the element to be protected:

ELEMENT	MINIMUM DISTANCE FROM ELEMENT
Conservation area	2 metres
Scattered tree	Twice the distance between the tree trunk and the edge of the canopy
Patch of native vegetation	2 metres

- Construction stockpiles, fill, machinery, excavation and works or other activities associated with the buildings or works must:
  - be located not less than 15 metres from a waterway;
  - be located outside the vegetation protection fence;
  - be constructed and designed to ensure that the conservation area, scattered tree or patches of native vegetation are protected from adverse impacts during construction;
  - not be undertaken if it presents a risk to any vegetation within a conservation area; and
  - be carried out under the supervision of a suitable qualified ecologist or arborist.

#### 4.7

DD/MM/YYYY  
Proposed C207

#### Condition – Environmental Management Plans

A planning permit for subdivision, buildings or works on land shown as a conservation area in the ~~incorporated~~ Sunbury South ~~Precinct Structure Plans~~ must include the following condition:

- The subdivision, buildings or works must not commence until an Environmental Management Plan for the relevant works has been approved to the satisfaction of the Department of Environment, Land, Water and Planning, unless otherwise agreed by the Department of Environment, Land, Water and Planning.

#### 4.8

DD/MM/YYYY  
Proposed C207

#### Condition – Land Management Co-operative Agreement

##### Conservation area categorised as Growling Grass Frog

A permit to subdivide land shown in the incorporated Sunbury South Precinct Structure Plan as including the conservation area shown on the precinct structure plans as Conservation Area 21 must ensure that, before the issue of a statement of compliance for the last stage of the subdivision, the owner of the land:

- Enters into an agreement with the Secretary to the Department of Environment, Land, Water and Planning under section 69 of the *Conservation Forests and Lands Act 1987*, which:
  - Must provide for the conservation and management of that part of the land shown as Conservation Area 21 in the Sunbury South Precinct Structure Plan; and
  - May include any matter that such an agreement may contain under the *Conservation Forests and Lands Act 1987*.
- Makes application to the Registrar of Titles to register the agreement on the title to the land.
- Pays the reasonable costs of the Secretary to the Department of Environment, Land, Water and Planning in the preparation, execution and registration of the agreement.

The requirement for a Land Management Co-operative Agreement in this condition does not apply to land or any lot or part of a lot within the conservation areas 21 shown in the Sunbury South Precinct Structure Plan that:

- is identified in a Precinct Structure Plan as public open space and is vested, or will be vested, in the council as a reserve for the purposes of public open space; or
- is identified in a Precinct Structure Plan as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation or the council as a drainage reserve; or



- is the subject of an agreement with the Secretary to the [Department of Environment, Land, Water and Planning](#) to transfer or gift that land to:
  - the Secretary to the [Department of Environment, Land, Water and Planning](#);
  - the Minister for Environment and Climate Change; or
  - another statutory authority.

to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

#### 4.9 Condition – Salvage and translocation

DD/MM/YYYY  
Proposed C207

Salvage and Translocation of threatened flora and fauna species and ecological communities must be undertaken in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

#### 4.10 Condition – Bushfire risk

DD/MM/YYYY  
Proposed C207

Before the commencement of works for any stage of subdivision a Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be submitted to and approved by the responsible authority. The plan must specify, amongst other things:

- The staging of development and the likely bushfire risks at each stage;
- An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed;
- The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire;
- How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

The plan must be carried out to the satisfaction of the responsible authority.

#### 4.11 Condition – Road Network

DD/MM/YYYY  
Proposed C207

Any permit for subdivision or building and works must contain the following condition:

Prior to the certification of a plan of subdivision, the plan of subdivision must show the land which is required to provide road widening and /or right of way flaring for the ultimate design of any adjacent intersection.

Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in council at no cost to the acquiring agency unless funded by the relevant Infrastructure Contributions Plan.

#### 4.12 Condition – Precinct Infrastructure Plan

DD/MM/YYYY  
Proposed C207

Any permit for subdivision ~~may~~<sup>must</sup> contain the following condition:

Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provides for the implementation of the Public Infrastructure Plan approved under this permit.

#### 4.13 Condition – Construction management plan required in gas transmission pipeline easement

DD/MM/YYYY  
Proposed C207

Prior to the ~~construction of a building or the commencement~~<sup>carrying out</sup> of ~~any~~ works, including demolition, on land ~~shown as the 20-metre wide~~<sup>within 50 metres of the</sup> gas transmission pipeline easement ~~shown~~<sup>shown</sup> on Plan 3 – Future Urban Structure in the

incorporated *Sunbury South Precinct Structure Plan*, a construction management plan must be submitted to and approved by the responsible authority. The plan must:

- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
- Be endorsed by the operator of the gas transmission pipeline where the works are within, crossing or in close proximity to the relevant gas transmission easement.
- Include any other relevant matter to the satisfaction of the responsible authority.

[The responsible authority must be satisfied that the gas transmission pipeline licensee has reviewed and approved the construction management plan.](#)

The construction management plan must be implemented to the satisfaction of the responsible authority.

The construction management plan may be amended to the satisfaction of the responsible authority.

#### 4.14 Condition – Integrated Water Management

DD/MM/YYYY  
Proposed C207

A permit for subdivision must ensure that the ultimate storm water management assets and associated land described in the precinct structure plan are provided by the developer prior to the issue of a statement of compliance.

In the event that Melbourne Water and the responsible authority agree to an interim storm water management solution, the developer must:

- Provide the land required for the ultimate drainage solution prior to the issue of a statement of compliance; and
- Demonstrate that the interim solution will not result in an increase in the cost of achieving the ultimate solution.

#### 4.15

DD/MM/YYYY  
Proposed C207

#### [Condition – Land not serviced by Development Services Scheme – Potentially Developable Land](#)

[Any permit issued for subdivision, use or development in the ‘land not serviced by Development Services Scheme – Potentially Developable Land’ as shown in the Sunbury South Precinct Structure Plan, must, if required by Melbourne Water, include the following conditions:](#)

- [The owner of the land must enter into 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.](#)
- [Prior to the commencement of any works, a Site Management Plan detailing pollution and sediment control measures must be submitted to the satisfaction of Melbourne and the responsible authority.](#)

#### 4.165 Permit Note: Operation of Commonwealth Environmental Laws

DD/MM/YYYY  
Proposed C207

- On 5 September 2013 an approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was issued by the Commonwealth Minister for Environment, Heritage and Water. The approval applies to all actions associated with urban development in growth corridors in the expanded Melbourne 2010 Urban Growth Boundary as described in page 4 in the Biodiversity Conservation Strategy for Melbourne’s Growth Corridors (Department of Environment and Primary Industries, 2013). The Commonwealth approval has effect until 31 December 2060. The approval is subject to conditions specified at Annexure 1 of the approval.
- Provided the conditions of the EPBC Act approval are satisfied individual assessment and approval under the EPBC Act is not required.

## 5.0 Advertising signs

DD/MM/YYYY  
Proposed C207

The advertising sign category for this land is the category specified in the zone applied to the land at Clause 2.2 of this schedule.

## 5.1 Land and home sales signs

DD/MM/YYYY  
Proposed C207

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The advertisement area for each sign does not exceed 10 square metres;
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- The sign is not animated, scrolling, electronic or internally illuminated sign;
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- The sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

## 6.0 Notice and referral of applications

DD/MM/YYYY  
Proposed C207

### 6.10

### Notice of applications – Gas Pipeline Measurement Length

DD/MM/YYYY  
Proposed C207

Notice of an application of the kind listed below must be given in accordance with section 52(1)(c) of the Act to the person or body specified in the Schedule to Clause 66.06:

- An application, on land shown as ‘gas transmission pipeline measurement length’ on ‘Plan 12 – Utilities’ in the incorporated *Sunbury South Precinct Structure Plan*, where the application is to use land for, or to construct a building to accommodate, any of the following:
  - Residential aged care facility
  - Child care centre
  - Cinema based entertainment facility
  - Education centre
  - Hospital
  - Place of assembly
  - Retail premises

### 6.3

### Referral of applications – Land not serviced by Development Services Scheme – Potentially Developable Land

DD/MM/YYYY  
Proposed C207

Any application for subdivision, use or development on land shown in the Sunbury South Precinct Structure Plan as ‘land not serviced by the Development Services Scheme – Potentially Developable Land’ must be referred in accordance with section 55 of the Planning and Environment Act, 1987 to Melbourne Water.

### 6.4

### Referral of applications – Applications within the Landfill Gas Migration Buffer

DD/MM/YYYY  
Proposed C207

Any application for subdivision, use or development on land shown in the Sunbury South Precinct Structure Plan as 'Landfill Gas Migration Buffer' must be referred in accordance with section 55 of the Planning and Environment Act, 1987 to the Environment Protection Authority.

## **6.5 Referral of applications – Applications within the Landfill Amenity Buffer**

DD/MM/YYYY  
Proposed C207

Any application to subdivide land or use land for a sensitive use on land shown within the Sunbury South Precinct Structure Plan as 'Landfill Amenity Buffer' must be referred in accordance with section 55 of the Planning and Environment Act, 1987 to the Environment Protection Authority.

## **6.6 Referral of applications – Applications within the Composting Facility Odour Buffer**

DD/MM/YYYY  
Proposed C207

Any application to subdivide land or use land for a sensitive use on land shown within the Sunbury South Precinct Structure Plan as 'Landfill Amenity Buffer' while the Veolia green waste facility is still operational at 600 Sunbury Road Bulla, must be referred in accordance with section 55 of the Planning and Environment Act, 1987 to the Environment Protection Authority.

## **7.0 Decision guidelines**

DD/MM/YYYY  
Proposed C207

The responsible authority must consider:

- The Sunbury South Precinct Structure Plan.
- ~~The Sunbury Infrastructure Co-ordination and Delivery Strategy~~
- Development should have regard to relevant policies and strategies being implemented by the responsible authority, Melbourne Water and Western Water, including any approved Integrated Water Management Plan.