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Monday 2 October 2017

Paul Byrne
Lead Director, Greenfields
Victorian Planning Authority
Level 25, 35 Collins Street
MELBOURNE VIC 3000

Email: amendments@vpa.vic.gov.au

Dear Mr Byrne,

**RE: COUNCIL'S SUBMISSION TO AMENDMENT C205 – LINDUM VALE
PRECINCT STRUCTURE PLAN (PSP)**

Please find enclosed Council's submission to proposed Amendment C205 to the Hume Planning Scheme. This submission has been prepared by officers and will be presented to Council for endorsement on the 9 October 2017.

Council has been heavily involved in the preparation of the Lindum Vale PSP since May 2013. Much of the content in the PSP and associated amendment documentation is welcomed and strongly supported by Council. It reflects the work that has been undertaken in the planning of the site and furthers the objectives and outcomes sought within *Hume Corridor HIGAP*.

As outlined in the submission there are several areas of concern with the PSP and supporting amendment documentation. The working relationship on the PSP has been highly collaborative and Council looks forward to continuing to work with the VPA to resolve these matters prior to a planning panel.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Michael Sharp', is written over a light blue circular stamp.

MICHAEL SHARP
MANAGER STRATEGIC PLANNING

Att. Hume City Council Submission to Amendment C205



**HUME PLANNING
SCHEME
AMENDMENT C205
LINDUM VALE PSP
COUNCIL
SUBMISSION**

2 OCTOBER 2017

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1. Introduction

Consistent with officers' comments at agency consultation, much of the Lindum Vale Precinct Structure Plan (PSP) documentation is strongly supported and welcomed by Council. The documentation reflects the work that has been undertaken in the planning of the site and responds to several of the objectives and outcomes sought in *Hume Corridor HIGAP* (adopted by Council in December 2015 and anticipated to be incorporated into the Hume Planning Scheme via Amendment C176 in October).

It is important to note that Council has been involved in the preparation of the PSP since May 2013. Council was initially engaged in the planning of the site by the MAB Corporation. The collaborative working arrangement was based on a mutual understanding that the site's physical and strategic context provided a unique opportunity to deliver something different (in character and product) from the uniformity of growth in the remainder of the corridor.

To ensure that both parties were working towards the same outcome, Council and MAB formulated a vision and set of development principles to guide the development of the PSP, and provide a framework to test and measure all decisions throughout the PSP planning process. Importantly, the vision and development principles sought to protect the site's significant biodiversity values and respond to the physical and historical policy context of the Council's longstanding Inter Urban Break (IUB) policy.

Whilst MAB no longer have a stake in the PSP, this early work has continued to guide Council's thinking for the site, and has informed the outcomes and objectives sought in HIGAP.

Consistent with HIGAP's vision for Lindum Vale, the following elements of the PSP have a high level of support:

- The urban structure - notably the provision of an open space network that achieves a high level of retention of native vegetation across the site and provides connectivity to the ecological and landscape values of the wider area.
- Pedestrian and cycle connectivity throughout the precinct and connectively to the wider open space network through Mickleham and Craigieburn.
- The provision of a north-south boulevard connector which connects Merrifield West PSP to the future Craigieburn West PSP area.

Despite this support, Council has a number of concerns with the PSP, Lindum Vale Native Vegetation Precinct Plan (NVPP) and supporting amendment documentation. Council considers that these matters should be addressed and resolved prior to any Panel hearing. Approval of the PSP without resolution of these matters will significantly impact the ability of Council to implement the objectives of the PSP, and achieve the outcomes sought in HIGAP and the adopted position of Council. It is noted that each of these matters has been discussed previously with the VPA, and were raised through agency consultation in January 2017.

The matters of greatest concern and priority for Council are:

- The development density prescribed by the PSP and the approximate development yield the PSP seeks to achieve.
- The design response to key interfaces - notably to Mount Ridley Road and existing rural residential development in the IUB to the east.
- The design response and heritage controls for Parnell's Inn.
- Advancement of the PSP in the absence of receiving EPBC Act approvals for the site, which may impact the future urban structure and land budget.
- Omission of native vegetation east of the boulevard connector within the conservation area boundary.
- The failure of the PSP to regulate the removal of trees identified for landscape retention outside of open space areas.
- The standardised drainage outcome prescribed by the PSP and the failure to achieve an innovative and alternative drainage solution which protects the ongoing health of native vegetation through the passive irrigation of open space areas.

Council appreciates the highly collaborative working relationship it has had with the VPA to date in the preparation of the PSP and looks forward to continuing to work with the VPA to address the matters raised in this submission. Council strongly submits and requests that these matters be resolved prior to any Panel hearing.

The comments provided in this submission have been structured to generally reflect the order in which they appear in the PSP. The order is not a reflection of the order of importance of these matters to Council.

The changes requested in this submission are high level and are to be read in conjunction with the detailed tracked changes and comments provided in the attached amendment documents.

2. Development density and approximate development yield

The Lindum Vale PSP is of strategic importance in the Hume growth corridor as it forms the western end of the Inter Urban Break (IUB). The role of the IUB is identified in the Hume Planning Scheme as serving as a permanent landscape and 'non-urban' buffer between Craigieburn and future urban development further north. This policy dates back to the *1993 Shire of Bulla General Plan* and *Craigieburn Strategy Plan*, and seeks to establish a defined boundary for Craigieburn, as well as protect important landscape and biodiversity values.

The role of the IUB and its strategic importance has not changed over the last 25 years, and has been reinforced more recently in *Hume Corridor HIGAP*. This position will be incorporated into the Hume Planning Scheme via Amendment C176 which introduces a new Municipal Strategic Statement (MSS). Amendment C176 has been approved and is anticipated to be gazetted in October.

Council supported the western portion of the IUB (which included the Lindum Vale land) being brought into the Urban Growth Boundary (UGB) through the 2012 logical inclusions review process. This support is based on the opportunity to

achieve a coordinated approach to biodiversity protection throughout the wider area, and plan for a north-south road connection between Merrifield West PSP and the future Craigieburn West PSP area. Notably, Council saw its inclusion as an opportunity to deliver a low density residential outcome that was consistent with IUB policy, stressing that the site should not be developed at the standard 15 dwellings per hectare identified in most PSPs as this would not reflect the site's strategic context. Therefore it is undesirable to specify a minimum dwelling density.

In addition to having the added benefit of providing the opportunity to deliver a premium housing product in a corridor with very little housing diversity, this outcome is also consistent with findings of the Logical Inclusions Advisory Committee who concluded that in some areas, lower density development might be an appropriate planning outcome as it could better respond to local constraints or achieve an outcome such as an inter-urban break (Committee Finding 8.3, Logical Inclusions Advisory Committee Report No.1, 2012). Further, there is an identified role for larger lots in the wider northern growth corridor. Given the site's unique environmental, strategic and policy context, Council requests that the PSP be updated to reflect the provision of lower densities (and a decreased development yield) across the site.

Whilst the objectives of the IUB had previously been implemented through a rural residential subdivision, Council has accepted that an alternative subdivision outcome is required for Lindum Vale given the land is subject to a PSP. In some areas of the site however – those identified as being most sensitive to visual and amenity impacts in visual assessment, work undertaken by MAB to ensure the future urban structure of the PSP responded to the initial vision and development principles – it is Council's position that larger lots and greater setbacks would be more appropriate. This outcome would provide a design response that is in keeping with the intent of the IUB and protects the amenity of the existing rural residential community to the east, but would also screen the remainder of the site from key view lines, allowing it to be developed for conventional residential outcomes.

This position was adopted in HIGAP, which seeks larger lots along Mount Ridley Road, Mickleham Road, the rural residential interface and the southern section of the boulevard connector street, and accordingly identifies the Lindum Vale land providing 1,000 lots (rather than 1,500 identified in the exhibited PSP). It is important to note that as the preparation of the PSP has progressed and the thinking for the site has shifted towards a more standard urban outcome, this position represents how far Council has come in facilitating the provision of conventional development on much of the site, and it is requested that the PSP be updated to reflect this outcome.

Changes requested within PSP and Schedule 9 to the UGZ (UGZ9):

- *Remove reference to the PSP facilitating a minimum average dwelling density of 16.5 dwellings per Net Developable Hectare.*
- *Include an objective and requirement for the provision of larger lots (of between 800-1200m²):*
 - *along the Mickleham Road frontage south of the east-west connector street.*
 - *fronting the north-south boulevard connector street south of the east-west connector street.*

- *Include a requirement for all larger lots along the Mickleham Road frontage and the north-south boulevard connector street to include a 5m setback from the rear boundary and from one side boundary. No built form should be allowed in the setback.*
- *Include an objective and requirement for the provision of larger lots (of between 1200-1500m²):*
 - *along the Mount Ridley Road frontage.*
 - *along the eastern interface to the existing rural residential development.*
- *Include a requirement for all larger lots along the Mount Ridley Road frontage and the eastern interface to include a 10m setback from all sides. No built form should be allowed in the setback.*
- *Include requirement for single dwelling restrictions in all areas with larger lots (i.e lots over 800 m²).*
- *Reduce the anticipated development yield in the PSP to reflect provision of larger lots in areas of the PSP (identified above).*

3. Design response to key interfaces

A particular area of contention in the initial planning of the site was the design response to the Mount Ridley Road frontage, identified as being the most visually sensitive interface in the visual assessment. It is noted that the VPA prepared a design for this interface, received by Council on 28 October 2014. This design incorporated a combination of a large open space setback and a reduction in the number, and provision of larger dwellings, fronting Mount Ridley Road. Council accepted that this outcome responded to the parameters set by the visual assessment and reflected the existing character of the IUB by maintaining the visual openness and views to Mount Ridley. This position was adopted in HIGAP and it is requested that the PSP be updated to reflect this outcome accordingly.

Council notes that HIGAP also identifies the provision of larger lots along the rural residential interface at the eastern boundary of the PSP. Whilst it is acknowledged that the PSP provides for setbacks in the order of 10m and 3m to this interface, Council considers that greater setbacks are required to achieve an appropriate transition between rural and urban development and better respect to the amenity of rural living landholders. Further, it is considered that greater design detail is needed in the PSP to identify how the subdivision of the small residential pockets along the eastern interface will be resolved.

Council suggests that the PSP include concept plans showing how these constrained areas will realise the specific requirements of the PSP, including road interfaces to open space areas, provision for setbacks to the rural residential interface, and the provision for road connections to the rural residential area (similar to the approach provided in the Sunbury South PSP).

Changes requested within PSP and Schedule 9 to the UGZ (UGZ9):

- *Include a concept plan in the PSP and design guidelines in the UGZ9 for the Mount Ridley Road frontage which reflects the earlier VPA design concept (October 2014).*
- *Include concept plan in the PSP and design guidelines in the UGZ9 for development along the eastern interface to the existing rural residential*

development which provides for generous setbacks from the PSP boundary and between dwellings within the PSP along the eastern boundary.

4. Heritage

Parnell's Inn (HO36)

Council engaged Biosis to provide advice in relation to Parnell's Inn as part of a broader body of work that reviews the accuracy and extent of existing heritage overlay controls on a number of properties in the municipality. The review recommended extending the boundaries of the heritage overlay to incorporate all land within 1920 Mickleham Road, as well as providing further separation from the site's northern and southern boundaries.

This recommendation responds to the site is future urban context, and protects heritage landscaping as well as likely archaeological remains of the former stable and other outbuildings. Given the heritage buildings sits very close (approximately 5m) to the lots southern boundary, Council requests that the PSP incorporate a larger setback to the southern boundary, and include a more open and appropriate interface to the north and the south of the site.

Changes requested within PSP and Schedule 9 to the UGZ (UGZ9):

- *Extend 'heritage overlay interface area' to show a minimum buffer of 10m from the southern boundary of 1920 Mickleham Road.*
- *Update the 'heritage reserve - post contact' in the land use budget to match the above.*
- *Include a requirement that provides for a road or open space interface to the northern and southern boundaries of the 'heritage overlay interface area'.*

Dry Stone Walls

Council supports the retention of the Rating 2 and 3 dry stone walls throughout the precinct, however requests that they be located in open space or road reserves.

Where dry stone walls are to be removed, a mechanism should be built into the PSP that allows for a recording of its removal in accordance with Heritage Victoria recording standards. A similar practise has been adopted for the Cloverton Estate in the Lockerbie PSP.

Changes requested within PSP and Schedule 9 to the UGZ (UGZ9):

- *Provide an objective and requirement for drystone walls to be retained in open space or road reserve.*
- *Provide a mechanism that records the removal of drystone walls in accordance with Heritage Victoria recording standards.*

5. EPBC Act approval

The PSP and NVPP do not satisfactorily deal with the species and communities within the site that are listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). In particular known occurrences of Golden Sun Moth and Grassy Eucalypt Woodland of the Victoria Volcanic Plains.

Further, it is noted that EPBC approval for the PSP has not been granted for the site. As noted in agency comments, Council believes it is premature to approve the PSP and NVPP until the approval processes under the EPBC Act is known. Significantly, the EPBC Act approval process may require additional areas to be set aside for protection or reclassified as conservation areas which may have fundamental impact on the PSP.

As such, it is recommended that approval of the PSP and NVPP are put on hold until EPBC approval has been received. As noted previously, it is believed that this site would be suitable for the Assessment Bilateral agreement process between DELWP and the Commonwealth. This is a streamlined approval process which ensures State and Federal approvals are aligned.

Changes requested to PSP and NVPP:

- *Finalise EPBC Act approval prior to referring the PSP to a planning panel process. In the absence of receiving EPBC Act approval prior to approving the PSP, the PSP should state that separate EPBC Act approval is required and that this may result in changes to the future urban structure and land budget. A further planning scheme amendment may be required to implement any changes.*
- *Provide consistency in discussion on Golden Sun Moth and Plains Grassy Woodland between the PSP and NVPP.*

6. Conservation area boundary

Consistent with previous discussions with the VPA dating back to 2014, Council does not support the removal of the native vegetation adjacent to Mount Ridley Road and east of the boulevard connector street. Council engaged Ecology and Heritage Partners to undertake an independent peer review of the native vegetation assessments that had been done for the site by MAB (and adopted as background studies for the PSP by the VPA). The review found that there was no clear definition between HZ1 and HZ2 patches, and recommended that further assessment of the native vegetation in the south-eastern corner of the site be undertaken in Spring.

In the absence of further assessment, and consistent with Council's previous position, it is considered that the extent of HZ2 that is within the open space reserves LP-01 and LV-12 should be included in the conservation reserve. It is important to note that this outcome would differ to what is shown in HIGAP, which includes the full extent of HZ1 and HZ2 as conservation area. Council emphasises that this reflects generous concessions that have been made by Council over the course of planning the site, which supported the removal of parts of HZ2 to allow for a more practical and efficient urban structure. This concession was made on the basis that the remaining native vegetation (in LP-01 and LV-12) be protected in the conservation reserve, and as such, Council requests that the PSP be updated to reflect this.

Changes requested to PSP and NVPP:

- *Extend the boundary of Grassy Eucalypt Woodland to include HZ2 patch.*
- *Include the local park and landscape value area (LP-01 and LV-12) adjacent to Mount Ridley Road and east of the boulevard connector in the conservation reserve (CR-01).*
- *Update the 'conservation reserve' and 'credited open space' in the land use budget to match the above.*

7. Retention of trees outside of open space areas

Council strongly supports the retention of scattered trees across the site within the open space network. The level of retention should be consistent with previous discussions with the VPA in regard to the planning of the site. It is also noted that the level of tree retention proposed will result in a unique development outcome that provides for visual, physical and ecological linkages to significant landscape in the wider area.

In addition to the protection of trees within open space reserves, it was previously agreed that further trees would be protected at detailed design stage so that removal would not exceed 15%. As stated in agency comments, the NVPP does not achieve this outcome as it effectively allows vegetation to be removed as soon as the NVPP is gazetted in the Scheme, albeit subject to meeting the conditions of the NVPP.

Council does not support a PSP that allows all trees identified as lost in the NVPP to be removed without a permit. Council wishes to retain additional trees within the streetscape, and have control over the process and timing of trees unable to be retained through subdivision design. It is acknowledged that the PSP has been updated following agency consultation to identify 'trees to be retained for landscape value', however it is yet to provide a mechanism which triggers approval for their removal.

Whilst Council understands the VPA considers that the NVPP is not the appropriate tool to do this, there are a number of other options to provide a permit trigger for tree removal of these trees. This includes the retention of ESO5 or a permit trigger set up in the UGZ schedule with a reference note in the NVPP (which is the mechanism adopted in the Woodland PSP). Council requests the PSP and amendment documentation be updated to ensure as many trees (as practical) located outside of the open space network are retained through the subdivision process.

Changes requested to the PSP and relevant planning ordinance:

- *Amend the PSP (and possibly NVPP) to include a third category for tree retention as 'trees to be retained for practical retention' outside of open space areas, noting retention is for landscape and amenity purposes only.*
- *Provide a mechanism that provides a permit trigger to remove trees identified for 'practical retention'.*

8. Drainage solution

A key area of concern for Council in the planning of the site has been the drainage outcome pursued for the site. As identified previously, Council does not support the standard urbanised drainage solution adopted by the PSP as it will require significant fill, intensive drainage works both on and off site, and result in natural water flows being altered and diverted away from the retained native vegetation. Council believes this will have a significant impact on the ability to sustain the ongoing health and protect the longevity of the retained River Red Gums (a key objective of the PSP). It will also burden Council with a significant financial liability in regards to the manual irrigation of the trees and open space areas.

Council engaged Stormy Water Solutions (SWS) to look at how an alternative drainage solution for the site could meet the drainage requirements of the PSP. Importantly, this solution to deliver a system which passively irrigates the open space network and incorporates the most appropriate Water Sensitive Urban Design (WSUD) measures to benefit the ongoing health of the River Red Gums.

Council considers that the SWS drainage concept, circulated to the VPA in mid-2015, achieves this by best replicating the natural watercourse and flow regime through the site and treating the open spaces areas, particularly those with large stands of River Red Gums, to act as artificial floodplains. It would require the subdivision to be designed to direct storm water to the open space network and the installation of an environmental culvert on Mickleham Road just north of the local access street, but would not changes to the future urban structure. Council has received in principle support for the installation of the culvert from VicRoads, which would direct the natural overland flow path from the west (currently redirected up Mickleham Road) though the open space network in the PSP.

In addition to protecting the sites biodiversity values, the SWS concept captures the opportunity to dispose of and treat some of the excess runoff through a decentralised solution. This would reduce the size of the retarding infrastructure required by the standard drainage solution and the negative impacts of urban development on the water cycle. The SWS concept also minimises the need for additional fill across the site and without doing detailed costings (which is not possible until subdivision detail is known) is considered likely to be within the same cost range as the drainage outcome proposed in the PSP.

In engaging SWS to look at an alternative drainage option for the site, it is considered that Council has met its responsibility for investigating opportunities for the integration of stormwater management with the open space network and biodiversity protection, as outlined in the PSP Practice Note for Integrated Water Management. Importantly, in accordance with the Practice Note, the SWS concept produces an Integrated Water Management (IWM) solution that is particularly “area specific and tailored to the needs of the precinct”. Further, the SWS concept responds to key objectives in the State Government’s recently released *Water for Victorians*, which seeks to “better align water management, drainage, urban design and planning to deliver broader resilience and liveability results for our communities” (Section 5.4).

Council considers that the SWS drainage concept is the best outcome to achieve the initial vision and development principles for the site, the outcomes sought in HIGAP, and the objectives of the PSP. As such, it is requested that the PSP be

updated to reflect the SWS work, notably the requirement for passive irrigation of native vegetation and open space areas.

Changes requested to PSP and Schedule 9 to the UGZ (UGZ9):

- *Include an objective and requirement for the passive irrigation of open space areas that will sustain and ongoing health and protect the longevity of retained native vegetation.*
- *Include requirements for the provision of environmental culvert works on Mickleham Road to divert the overland flow path from the west through the open space network in the PSP.*

9. Movement network

Road network

Council is generally satisfied with the road designations and shared path connections as set out in the PSP. As noted in previous discussion with the VPA however, the PSP should not show direct road connection between the north-south boulevard connector street and the existing road network through the rural residential subdivision to the east. The road network through the remainder of the rural residential areas is not to urban standard and therefore the PSP should not allow for traffic to be directly diverted through this area.

Changes requested within PSP and Schedule 9 to the UGZ (UGZ9):

- *Remove the direction road connection between the north-south boulevard connector street and Callaway Drive to avoid direct traffic connections.*
- *Add requirement for the subdivision layout to provide road ends connecting to the road network in the adjoining rural-residential area to the east and in line with the end of ends at Billabong Close and Vanessa Drive to maintain potential for future road connections.*

Public transport

Council and PTV's network planning has identified the north-south boulevard connector as a future priority bus route between Merrifield Town Centre and Craigieburn Town Centre. Consistent with previous discussions with the VPA which date back to 2015, Council requests that the PSP be updated to provide bus priority signals at the intersection at Mount Ridley Road and the boulevard connector street (as shown in Craigieburn R2 PSP and Wollert PSP).

Changes requested within PSP:

- *Include a requirement for the intersection of Mount Ridley Road and the boulevard connector street to include bus priority signals.*
- *Identify the intersection at Mount Ridley Road and the boulevard connector street as a 'bus priority' intersection in the public transport and path network and street network plan.*

10. Provision of community infrastructure

Council acknowledges the size of Lindum Vale does not warrant the provision of a community facility within the PSP, and supports contributions being directed to a future Level 1 multipurpose community centre (Northern Community Hub) in the Craigieburn West PSP. Based on Council's service planning for the northern corridor however, the PSP's sole reliance on this facility to meet the needs of the Lindum Vale community is considered problematic as it will not result in any delivered facility or activated services for a period of 10 years and beyond. This is considered unsatisfactory as it will mean that Lindum Vale residents will exert pressure on the capacity of other current and future community infrastructure in the northern corridor until approximately 2029.

As discussed with the VPA previously, Council has identified that the Lindum Vale community is likely to operate as two separate catchments, with the northern section of the PSP gravitating to the Southern Community Hub in Merrifield West and the southern section of the PSP gravitating to the Northern Community Hub in Craigieburn West. It has also been noted previously that the Merrifield West PSP has accounted for extra land to accommodate an expansion of the Southern Community Hub to service the needs of Lindum Vale. As such, Council requests that the PSP be updated to include contributions to both facilities. Expansion of the Northern Community Hub in Merrifield West will ensure the needs of Lindum Vale's community are met in the short to medium term.

Changes requested within PSP:

- *Update the list of community projects in the infrastructure table in the PSP to include contributions to the expansion of the Southern Community Hub in Merrifield West PSP.*

11. Zones and overlays

As noted in agency comments, Council considers that the proposed zoning controls for the PSP could be simplified to include the entire site within the Urban Growth Zone (UGZ). This approach is consistent with the UGZ Planning Practice Note 47 and is preferred as it streamlines the planning controls for the area and enables a straightforward process to translate the UGZ once development is underway.

Changes requested within PSP and supporting amendment documentation:

- *Include all the PSP within the Urban Growth Zone (UGZ) with Public Conservation and Resources Zone (PCRZ) as the applied zone along with the retention of the Environmental Significance Overlays, Schedule 5 (ESO5) and 11 (ESO11) for land in the conservation area.*

12. Miscellaneous

In addition to the matters discussed above, Council has identified a number of other minor changes, including errors and inconsistencies that are requested to be updated in the PSP, NVPP and supporting amendment documentation. These changes and comments are detailed by track changes and comments in the attached amendment documents.