

Planning and Environment Act 1987

Panel Report

**Hume Planning Scheme Amendment C205
Lindum Vale Precinct Structure Plan**

9 April 2018

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Hume Planning Scheme Amendment C205

Lindum Vale Precinct Structure Plan

9 April 2018

A handwritten signature in black ink, appearing to read 'Michael Kirsch', with a long, sweeping horizontal stroke extending to the right.

Michael Kirsch, Chair

A handwritten signature in black ink, appearing to read 'Chris Harty', with a stylized, cursive script.

Chris Harty, Member

Contents

	Page
1 Introduction.....	1
1.1 The Amendment.....	1
1.2 Panel process.....	3
1.3 Issues dealt with in this report	3
2 Background.....	5
2.1 Lindum Vale Precinct Structure Plan	5
2.2 Lindum Vale Native Vegetation Precinct Plan.....	8
3 Planning context	11
3.1 Policy framework.....	11
3.2 Logical Inclusions Advisory Committee	13
3.3 Ministerial Directions and Practice Notes.....	14
3.4 Conclusion	14
3.5 Recommendation	14
4 Issues.....	15
4.1 Inter Urban Break	15
4.2 Interface treatments	19
4.3 Dwelling density	32
4.4 Conservation area	33
4.5 <i>Environment Protection and Biodiversity Conservation Act, 1999</i>	38
4.6 Scattered trees	40
4.7 Drainage (passive irrigation)	43
4.8 Community ‘hub’	49
4.9 Boulevard connector street.....	51
4.10 Melbourne Airport	52
4.11 Electricity transmission easement	55
4.12 Dry stone walls	57
4.13 Other issues.....	60

Appendix A Submitters to the Amendment

Appendix B Parties to the Panel Hearing

Appendix C Document list

Appendix D Inter Urban Break provisions

List of Figures

	Page
Figure 1	Precinct context..... 2
Figure 2	Exhibited Future Urban Structure (PSP Plan 3) 6
Figure 3	Revised Future Urban Structure (PSP Plan 3)..... 7
Figure 4	HIGAP Map 4.8 12
Figure 5	VPA's proposed 'sensitive interfaces' 21
Figure 6	Council's proposed 'character areas' 22
Figure 7	Council's proposed Table 4 (character area provisions) 23
Figure 8	Proposed inclusion (red hatched area) of an additional area of remnant Plains Grassy Woodland within the proposed conservation reserve..... 34
Figure 9	Extract from the Strategic Framework Plan at Clause 21.01-3 66

List of Abbreviations

ANEF	Australian Noise Exposure Forecast
BCS	Biodiversity Conservation Strategy for Melbourne's Growth Corridors
CA	Conservation Area
Council	Hume City Council
DCP	Development Contributions Plan
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
DSS	Drainage Services Scheme
DSW	Dry Stone Wall
<i>EPBC Act</i>	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
ESO	Environmental Significance Overlay
EVC	Ecological Vegetation Class
FUS	Future Urban Structure
FZ	Farming Zone
GAA	Growth Areas Authority
GCP	Growth Corridor Plan
GEWVVP	Grassy Eucalypt Woodland of the Victorian Volcanic Plain
GRZ	General Residential Zone
GSM	Golden Sun Moth

GWZ	Green Wedge Zone
HIGAP	Hume Integrated Growth Area Plan
HO	Heritage Overlay
HZ	Habitat Zone
ICP	Infrastructure Contributions Plan
ICPO	Infrastructure Contributions Plan Overlay
IPO	Incorporated Plan Overlay
IUB	Inter Urban Break
LPPF	Local Planning Policy Framework
MSA	Melbourne Strategic Assessment
MSS	Municipal Strategic Statement
NASF	National Airport Safeguarding Framework
NDH	Net Developable Hectare
N Contour	Night Above Contour
NVPP	Native Vegetation Precinct Plan
OLS	Obstacle Limitation Surface
OMR	Outer Metropolitan Road
PIP	Precinct Infrastructure Plan
PSP	Precinct Structure Plan
RCZ	Rural Conservation Zone
RLZ	Rural Living Zone
SPPF	State Planning Policy Framework
SUZ	Special Use Zone
the Act	the <i>Planning and Environment Act 1987</i>
the Guidelines	Guidelines for the removal, destruction or lopping of native vegetation, December 2017
TPZ	Tree Protection Zone
UGB	Urban Growth Boundary
UGZ	Urban Growth Zone
VPA	Victorian Planning Authority
VPP	Victoria Planning Provisions

Overview

Amendment summary

The Amendment	Hume Planning Scheme Amendment C205
Common name	Lindum Vale Precinct Structure Plan
Brief description	The Amendment seeks to implement the Lindum Vale Precinct Structure Plan and the Lindum Vale Native Vegetation Precinct Plan by incorporating both documents and inserting the relevant statutory provisions into the Hume Planning Scheme.
Subject land	The Amendment applies to 144 hectares of land in the Northern Growth Corridor. The site is approximately 28 kilometres north of Melbourne's Central Business District and is bound by Mickleham Road to the west, the Merrifield West Precinct to the north, a rural residential area to the east and Mount Ridley Road to the south.
Planning Authority	Victorian Planning Authority
Exhibition	31 August – 2 October 2017
Submissions	Number of submissions: 14 Number of submissions that sought changes: 9 Submitters are listed in Appendix A

Panel process

The Panel	Michael Kirsch (Chair) and Chris Harty
Directions Hearing	Planning Panels Victoria, 13 December 2017
Panel Hearing	Victorian Planning Authority office, 19 February – 23 February 2018
Site inspections	Unaccompanied, 16 February 2018
Appearances	Refer to Appendix B
Documents	Refer to Appendix C
Date of this Report	9 April 2018

Executive summary

(i) Summary

Hume Planning Scheme Amendment C205 (the Amendment) seeks to implement the Lindum Vale Precinct Structure Plan (the PSP) and the Lindum Vale Native Vegetation Precinct Plan (the NVPP).

The Lindum Vale precinct includes approximately 144 hectares of land located in Melbourne's north. The precinct was included within the Urban Growth Boundary (UGB) following the Logical Inclusions process in 2011.

The Precinct is predominantly cleared farming land and includes areas of heritage, cultural and environmental significance that are intended to be protected.

The Precinct will be developed predominantly for urban residential purposes and will include significant areas set aside for open space, landscape, conservation and drainage purposes.

Following the exhibition of the Amendment and during the Panel Hearing process, the Victorian Planning Authority (the VPA) worked with submitters, including landowners, agencies and Hume City Council (the Council), to resolve issues and refine the Amendment. These changes included an improved Future Urban Structure based on a central drainage spine. This review process significantly narrowed the range of matters that remained unresolved by the end of the Hearing and the Panel commends the parties for their collaborative approach leading up to and during the Hearing.

The key unresolved issues related to:

- Council's Inter Urban Break (IUB) policy
- interface and boundary treatments
- passive watering from the stormwater drainage system
- the conservation area and scattered trees.

Other issues related to the provision and funding of infrastructure and community facilities, impacts associated with Melbourne Airport, protecting dry stone walls and public use of the electricity transmission easement.

The most contentious issue was how to give effect to Council's IUB policy that applies to the precinct and the area to its east. This longstanding policy seeks to provide a break between Mickleham to the north and Craigieburn to the south. In responding to submissions about the IUB policy, the Panel has had to balance the precinct's designation for urban residential development with IUB strategies that support low density residential development in the policy area.

The Panel has concluded that the Amendment should give effect to the IUB policy, particularly in relation to the Mount Ridley Road and Mickleham Road interfaces. However, the designation of the precinct for urban residential development necessarily limits the extent to which it is possible to achieve a 'low density' residential outcome within the precinct.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Hume Planning Scheme Amendment C205 be adopted as exhibited, subject to including the changes proposed by the Victorian Planning Authority in the Post Panel Changes Matrix (Document 35) and the following additional changes:

1. Apply the 'character area' provisions to the Mount Ridley Road interface proposed by the City of Hume and described in Figure 7 of the Panel's report.
2. Modify the Victorian Planning Authority's proposed 'Mickleham Road sensitive interface' 'Requirement' to apply a minimum 5 metre dwelling setback from the front, as well as the rear and one side, of the property boundary.
3. Modify the Victorian Planning Authority's proposed 'eastern boundary sensitive interface' 'Requirement' to require that any residential lots adjoining the precinct's eastern boundary are limited to a single dwelling and are capable of supporting canopy trees.
4. Require that the developer provide a consistent landscaping treatment along the eastern boundary interface with the three Rural Living Zone lots that abut the precinct.
5. Amend Plan 2 (Precinct Features) in the Lindum Vale Precinct Structure Plan to show the full extent of both the Plains Grassy Woodland Ecological Vegetation Class 55 and Grassy Eucalypt Woodland in the Victorian Volcanic Plain across all Habitat Zones in the precinct.
6. Amend Plan 3 (Future Urban Structure) in the Lindum Vale Precinct Structure Plan and related plans to reflect the combined extensions to the conservation reserve shown in the Victorian Planning Authority's revised Future Urban Structure plan and the additional 0.81 hectares sought in the evidence of Mr Organ and shown in Figure 8 of the Panel's report.
7. Amend Table 1 (Summary Land Use Budget) in the Lindum Vale Precinct Structure Plan to reflect the expanded conservation reserve.
8. Amend the plans in the Lindum Vale Native Vegetation Precinct Plan to reflect the expanded conservation reserve.
9. Amend the Lindum Vale Native Vegetation Precinct Plan to adjust the extent of tree removal resulting from the expanded conservation reserve and re-calculation of offsets.
10. Expand the extent of the Rural Conservation Zone and Incorporated Plan Overlay Schedule 3 to match the extended area of the conservation reserve.
11. Update the Lindum Vale Native Vegetation Precinct Plan and Lindum Vale Precinct Structure Plan where relevant to identify Tree 220 for retention and Trees 47, 91 and 92 for removal.
12. Update the Lindum Vale Native Vegetation Precinct Plan to incorporate the relevant 'statements of environmental significance' and 'environmental objectives

to be achieved' from Schedules 5 and 11 of the Environmental Significance Overlay.

13. Update the Alluvium Surface/Storm Water Management Strategy: 1960 & 2040 Mickleham Road, Mickleham Lindum Vale Satterley Group report dated February 2018 to:
 - a) Include 'Passive irrigation' as a purpose of the drainage strategy.
 - b) Provide for an ecological assessment of tree moisture needs before the site specific functional design response for the subdivisional layout and drainage which should be guided by the following principles (where practical):
 - that the drainage system maximises passive irrigation opportunities;
 - that water remains as close to the surface as possible in areas identified for passive irrigation;
 - that the subdivision is designed to delineate small catchments to minimise pipe sizes;
 - that internal and external stormwater are considered as a means to passively irrigate retained native vegetation;
 - that open spaces areas are designed to act as overland flow paths where practical;
 - that the alignment of road reserves assist with local passive irrigation opportunities; and
 - that drainage infrastructure does not impact on the health of retained trees.
14. Amend Section 1.5 of the Lindum Vale Precinct Structure Plan to include the Alluvium Surface/Storm Water Management Strategy: 1960 & 2040 Mickleham Road, Mickleham Lindum Vale Satterley Group report dated February 2018 as a background document.
15. Amend the ninth dot point under Section 3.0 (Application requirements - Subdivision - Residential Development) of Schedule 9 to the Urban Growth Zone to read:

An assessment of the existing surface and subsurface drainage conditions on the site, including any potential impacts on the proposed development, prepared by a suitably qualified professional. The assessment must include:

 - *any measures required to mitigate the impacts of the development on groundwater and drainage; and*
 - *where and how stormwater will be used to provide passive irrigation to retained vegetation across the site. This must be informed by a vegetation survey and ecological assessment of the tree moisture needs to the satisfaction of the responsible authority.*
16. Revise Objective O8 in the Lindum Vale Precinct Structure Plan to read:

Create a passive recreation network, potentially including the high voltage electricity transmission easement, and series of local parks linking the Mount Ridley Woodland Nature Conservation Reserve to the north and the

***Biodiversity Conservation Strategy for Melbourne's Growth Corridors
conservation areas to the south of the Precinct Structure Plan area.***

- 17. Amend Plan 5 – Image, Character and Housing in the Lindum Vale Precinct Structure Plan to re-classify the section of Dry Stone Wall identified as Dry Stone Wall 1 in Figures 1 and 2 in the statement of evidence of Ian Travers (Extent Heritage dated 12 February 2018) from Rating 2 – Moderate condition to Rating 1 – Low condition.**

1 Introduction

1.1 The Amendment

(i) Purpose of the Amendment

The purpose of the Amendment is to implement the Lindum Vale Precinct Structure Plan, August 2017 (the PSP) and the Lindum Vale Native Vegetation Precinct Plan, August 2017 (the NVPP).

(ii) Amendment description

The Amendment proposes to:

- Introduce schedule 9 to Clause 37.07 Urban Growth Zone (UGZ9) and rezone part of the land from Farming Zone (FZ) to UGZ9. The UGZ9 sets out the land use and development controls for the precinct and requires that land use and development be generally in accordance with the Lindum Vale Precinct Structure Plan (PSP).
- Introduce schedule 9 to Clause 37.01 Special Use Zone (SUZ9) and rezone part of the land (land within the transmission easement) from FZ to SUZ9.
- Rezone land from FZ to Rural Conservation Zone (RCZ) within the Conservation Reserve, located in the south-east corner of the precinct.
- Introduce schedule 3 to Clause 43.03 Incorporated Plan Overlay (IPO3) and apply it to land zoned RCZ.
- Delete the Environmental Significance Overlay – Schedules 5 (ESO5) and 11 (ESO11) from the precinct.
- Delete the Development Plan Overlay - Schedule 8 (DPO8) from the precinct.
- Amend the schedule to Clause 52.16 (Native Vegetation Precinct Plan) to include the Lindum Vale Native Vegetation Precinct Plan, August 2017.
- Amend the schedule to Clause 52.37 to identify dry stone walls exempt from requiring a planning permit.
- Amend the schedule to Clause 61.03 to update relevant maps.
- Amend the schedule to Clause 81.01 to include the 'Lindum Vale Precinct Structure Plan, August 2017,' and 'Lindum Vale Native Vegetation Precinct Plan, August 2017' as incorporated documents.

(iii) The subject land

The Amendment site is located on the western boundary of the Northern Growth Corridor, between Mickleham to the north and Craigieburn to the south. The site and its relationship to the general area are shown in Figure 1.

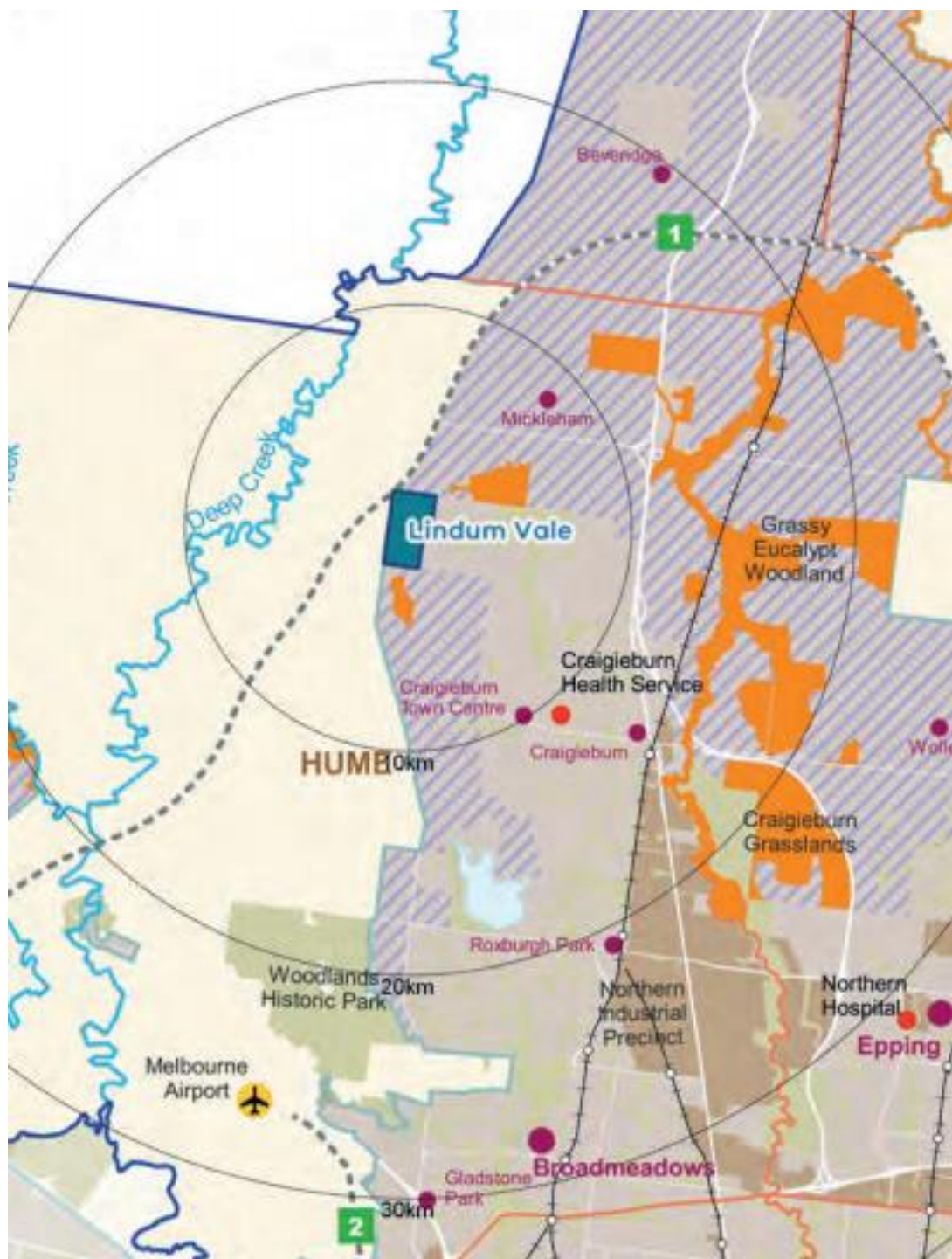
The site is on the western edge of the Urban Growth Boundary (UGB) (Mickleham Road) and abuts the approved Merrifield West Precinct Structure Plan (PSP) to the north, the future Craigieburn West PSP area to the south and an established rural residential estate to the east. The north-west corner of the site is within the reservation for the Outer Metropolitan Road (OMR).

The site is predominantly cleared farming land that is relatively flat and slopes from west to east. Key features of the site include:

- remnant native vegetation, including trees and grassland
- various heritage features, including the former Parnell's Inn, dry stone walls and areas of Aboriginal cultural heritage sensitivity
- two dwellings and various outbuildings associated with the agricultural use of the precinct
- a high voltage electricity line and easement along the northern boundary.

Satterley Pty Ltd is the majority landowner within the precinct.

Figure 1 Precinct context



1.2 Panel process

(i) Revisions to the Amendment

The VPA proposed various changes to the Amendment in response to submissions and evidence before and during the Hearing. The VPA documented these changes in a 'document changes matrix' that was appended to its Part B submission. The matrix was updated following the Hearing (Document 35) to include additional changes proposed by the VPA.

For the purposes of this report, the Panel refers to the exhibited version of the Amendment as the 'exhibited Amendment' and the VPA's final version of the Amendment (described in Document 35) as the 'revised Amendment'.

The Panel has adopted the revised version of the Amendment as its starting point for considering unresolved submissions.

(ii) Melbourne Airport

Prior to the Hearing, the Panel received a letter dated 16 February 2018 from Minter Ellison on behalf of Australia Pacific Airports (Melbourne) Pty Ltd (Melbourne Airport). The letter advised that Melbourne Airport and the VPA had reviewed contour maps of the precinct and identified that the natural ground level of a large area is within the Obstacle Limitation Surface (OLS), and that the development of one or two storey dwellings in other areas would intrude within the OLS. Minter Ellison advised that the implications of this require further analysis, specifically whether the land is within "*declared prescribed airspace*". Melbourne Airport believed that while these matters should be brought to the attention of the parties, they were not a reason to delay the Hearing or the Amendment proceeding.

This was discussed as a preliminary matter on Day 1 of the Hearing and parties agreed that the Hearing and the processing of the Amendment should proceed.

1.3 Issues dealt with in this report

The Panel considered all written submissions made in response to the exhibition of the Amendment; as well as further submissions, evidence and other material presented to it during the Hearing, and its observations from inspecting the precinct and surrounding area.

The Panel has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in this report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Planning context
- Inter Urban Break
- Interface treatments
- Dwelling density
- Conservation area
- *Environment Protection and Biodiversity Conservation Act, 1989*
- Scattered trees

- Drainage (passive irrigation)
- Community 'hub'
- Boulevard connector street
- Melbourne Airport
- Electricity transmission easement
- Dry stone walls
- Other issues.

2 Background

The key elements of the Amendment are the Lindum Vale PSP and Lindum Vale NVPP. The VPA is developing the Lindum Vale Infrastructure Contributions Plan (ICP) that will be implemented by a separate amendment process and will set a per hectare rate for contributions to be paid by developers.

2.1 Lindum Vale Precinct Structure Plan

The exhibited PSP provides the following ‘Vision’ and ‘Future Urban Structure’ (refer to Figure 2, below):

Lindum Vale will provide residents with a distinctive urban environment influenced by the unique natural and cultural and historic heritage features of the precinct. The precinct will accommodate approximately 1,500 dwellings on a range of lot sizes. Future residents will have access to large areas of open space and convenient access to education and community facilities in the adjacent Merrifield West PSP and the future Craigieburn West PSP areas.

Development will respond to the area’s landscape values by integrating the mature indigenous trees across the precinct and the native grasslands in the south-east corner of the precinct. The Aboriginal history of the area is celebrated through the protection of significant places and through signage and information relating to this history. The heritage value of the former Parnell’s Inn and the existing dry stone walls will also contribute to the creation of a strong neighbourhood character. Development within the precinct will incorporate the Parnell’s Inn site and complement its heritage values in accordance with the existing Heritage Overlay applicable to the site. Development within Lindum Vale will sensitively address the rural residential character of existing development adjacent to the eastern boundary of the precinct.

A network of local parks incorporate the majority of indigenous trees to create a strong neighbourhood character with links to the broader open space network, including Mount Ridley Woodland Reserve, Malcolm Creek and Merri Creek. A centralised local park will accommodate a wetland and stormwater treatment areas, with links to the adjoining open space reserve within the rural-residential neighbourhood to the east of the precinct.

A conservation area in the south-east corner protects and enhances native grasses and Golden Sun Moth habitat, protected by the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act).

Planned regional and district scale recreation opportunities are located nearby at the Mount Ridley Woodland Reserve and further north within the Merrifield Park precinct. District level playing fields and indoor recreation facilities in the Merrifield West PSP and the future Craigieburn West PSP will be easily accessible from Lindum Vale via Mickleham Road and the internal street network connecting Mount Ridley Road to the future Merrifield Park.

The future community at Lindum Vale and those living adjacent to the precinct will have access to a centrally located local convenience centre, providing small scale retail options. Residents will also be able to access services and facilities within the local town centre in Merrifield West and the Mickleham (Merrifield) Major Town Centre, which will include a range of local and regional employment land, retail, commercial, education and community facilities.

Figure 2 Exhibited Future Urban Structure (PSP Plan 3)



Following its consideration of submissions, the VPA prepared a revised Future Urban Structure (refer to Figure 3, below) that it circulated prior to the Hearing.

Figure 3 Revised Future Urban Structure (PSP Plan 3)



The key changes to the exhibited plan include:

- A 'decentralised' drainage strategy, featuring a system of retarding basins along the eastern boundary with a drainage reserve in the north, a single drainage reserve in the central open space area and a drainage reserve in the south, as well as a 60 metre wide drainage reserve from the north-south boulevard connector to the central drainage reserve.

- A reconfigured open space network, including the removal of passive open space along Mount Ridley Road, and a revised north-south open space link. This includes a 30 metre wide linear park on the eastern boundary, south of the central drainage reserve, and a park in the north-east corner linking the area of landscape values open space to the northern drainage reserve. Other areas of open space have been altered to ensure trees to be retained are located in open space where possible and that these areas are large enough to accommodate tree protection zones.
- An extension to the Conservation Area along Mount Ridley Road.
- The creation of a heritage reserve in the south-eastern corner of the precinct to accommodate an artefact scatter.
- An extension to the Parnell's Inn heritage interface to the south by 10 metres.

These changes were generally supported by Satterley and Council, including the revised drainage and open space arrangements, although some elements of the plan remained in dispute. Submissions and evidence at the Hearing focussed on the revised, rather than the exhibited, Future Urban Structure.

2.2 Lindum Vale Native Vegetation Precinct Plan

The exhibited NVPP describes the precinct's 'biodiversity assets' as follows:

The Lindum Vale PSP precinct contains 16.59 hectares of native vegetation. Remnant vegetation includes the Plains Grassy Woodlands (Ecological Vegetation Class 55) which includes four patches (Habitat Zones 1, 2, 3 and 4) that have a relatively intact cover of understorey species rather than the presence of canopy trees alone. Past agricultural and farming practices including grazing domestic stock and cropping have resulted in the land becoming highly modified and significantly degraded. Despite these practices the area supports a range of ecological features including:

- *61 scattered trees many of which are large hollow bearing trees.*
- *Populations of Golden Sun Moth *Synemon plana* (critically endangered in Australia) and Austral Crane's-bill (vulnerable in Victoria).*
- *Contribution to surrounding ecological values by providing a degree of habitat continuity for more mobile fauna such as birds and bats.*

The NVPP also describes the 'strategic biodiversity context':

The Lindum Vale NVPP is located north east in the Victorian Volcanic Plain bioregion and is in close proximity to the boundary with the Central Victorian Uplands. There are no permanent creeks which traverse the area. The land is located less than two kilometres from the Mount Ridley Grasslands Nature Conservation Reserve and is connected to the reserve by other areas of agricultural land. The land that connects the two is zoned for future residential development.

*Contained within the Lindum Vale PSP is the Plains Grassy Woodlands which supports an open canopy of River Red-gum *Eucalyptus camaldulensis* and occasionally Grey Box *Eucalyptus microcarpa*. While the Plains Grassy*

Woodlands typically have an open shrub layer of various wattles, this is largely absent from the site due to the long term grazing. Despite the precinct being subject to modification, the south eastern portion of site has been designated as a conservation area as it meets the definition of the Grassy Eucalypt Woodland under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Grassy Eucalypt Woodland is a critically endangered ecological community and is one of Victoria's most threatened and fragmented ecosystems with less than five per cent of the original extent remaining.

The NVPP identifies:

- native vegetation patches and scattered trees required to be retained
- native vegetation patches that can be removed or destroyed without a planning permit
- scattered trees that can be removed or lopped without a planning permit
- offset calculations and requirements for the removal of native vegetation.

The Panel notes that the NVPP will need to be revised to accord with the revised structure template provided under Amendment VC138 (gazetted on 12 December 2017). The Panel also notes that Amendment VC138 introduced a number of changes to policy and provisions relating to biodiversity and native vegetation management. This included the introduction of the new *Guidelines for the removal, destruction or lopping of native vegetation*, December 2017 (the Guidelines), which have been incorporated into the Hume Planning Scheme. Relevant to this Amendment, Section 10.1 of the Guidelines describes that in preparing an NVPP for incorporation into a planning scheme, a planning authority must:

- *demonstrate that the objectives for native vegetation management have been met*
- *demonstrate that the NVPP has been developed in accordance with the Guidelines, including the application of the three-step approach*
- *include information listed at Table 4 and Table 5 of the Guidelines, noting that the site assessment report must:*
 - *be for the total area to which the NVPP applies, and*
 - *include information for the native vegetation to be removed and the native vegetation to be retained.*

A NVPP prepared for incorporation into the planning scheme after the commencement of Amendment VC138 must:

- *specify the purpose and objectives of the plan*
- *specify the area to which the plan applies*
- *map and describe the native vegetation that can be removed, destroyed or lopped*
- *map and describe the native vegetation to be retained*
- *set out the offset requirement, determined in accordance with section 5 of the Guidelines, for native vegetation that can be removed, destroyed or lopped*
- *specify management responsibilities and actions for native vegetation to be retained, and*

- *provide an offset statement that includes evidence that an offset that meets offset requirements for the removal of native vegetation is available and explains how it will be secured in accordance with section 9 of the Guidelines, if the plan is incorporated. This statement must also include how the responsibility for securing offsets is to be divided amongst multiple properties or parties, where relevant.*

A NVPP must also include mechanisms for tracking the removal of native vegetation and corresponding securing of offsets, to ensure that this occurs in accordance with the NVPP.

A NVPP may include any other information necessary to achieve the purpose and effective implementation of the plan.

The VPA indicated that it will update the NVPP in accordance with the revised structure template. The Panel supports this, and also considers that it would be beneficial to have regard to the requirements of the Guidelines during this revision.

3 Planning context

The VPA provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed this response, the policy context of the Amendment and other relevant planning strategies and outlines its conclusions below.

3.1 Policy framework

(i) State Planning Policy Framework

The Panel is satisfied that the Amendment is generally consistent with the relevant elements of the State Planning Policy Framework (SPPF), including:

- Clauses 11.02 Urban growth, 11.03 Activity centres, 11.03 Open space and 11.06 Metropolitan Melbourne
- Clause 12.01 Biodiversity
- Clauses 15.01 Urban environment and 15.03 Heritage
- Clause 16.01 Housing
- Clause 17.01 Commercial
- Clauses 18.01 Integrated transport, 18.02 Movement networks and 18.04 Airports
- Clauses 19.02 Community infrastructure and 19.03 Development infrastructure.

Issues related to open space, biodiversity, heritage, housing, Melbourne Airport and infrastructure are discussed in chapter 4 of this report.

(ii) Local Planning Policy Framework

The VPA's assessment of the Local Planning Policy Framework (LPPF) occurred prior to the approval of Amendment C176 in October 2017. That amendment introduced a new LPPF, including an updated Municipal Strategic Statement (MSS) based on an earlier planning scheme review.

The Panel has briefly reviewed the Amendment against the current LPPF and is satisfied that it is generally consistent with the relevant provisions, although it notes Council's concerns about the adequacy with which the PSP responds to the 'Inter Urban Break' (IUB) provisions in the MSS.

These provisions are relevant to several elements of the amendment and many of the issues raised by Council and other submitters, including interface treatments, the provision of open space, the retention of native vegetation and habitat, and residential density. For this reason, the Panel has recorded the key IUB provisions in Appendix D and discusses its response them in section 4.1 of this report.

(iii) Other relevant planning strategies and policies

Mount Ridley Local Structure Plan for Inter Urban Break Mickleham, Amended May 1997

This structure plan applies to the IUB area identified in the MSS. It followed an earlier inter urban break policy included in the then Shire of Bulla General Plan, 1993 and the Craigieburn Strategy adopted by the Shire in 1994 and amended in 1995.

The Structure Plan anticipated a “*rural residential*” future for the IUB area that would, in combination with extensive “*parkland areas*”, “*ensure a separate identity for any land developed for residential purposes to the north*”.

The Structure Plan is included as a reference document in the MSS and although it contains some context for the current IUB provisions, it has little direct relevance to Lindum Vale and the amendment given the changed circumstances since 1997. In particular, the site has since been included in the UGB and identified for ‘urban residential’ rather than ‘rural residential’ development.

Hume Corridor – Hume Integrated Growth Area Plan, 2014

The Hume Corridor – Hume Integrated Growth Area Plan (HIGAP) was prepared by Council to guide planning in the Hume corridor. The study area included the Lindum Vale precinct and the rural residential area to its east – areas that were included in the UGB following the Logical Inclusions Advisory Committee process in 2011 (refer to section 3.2, below). It was implemented through Amendment C176 and included as a reference document in the MSS.

HIGAP applied the ‘Inter Urban Break’ designation to this broader area and identified Lindum Vale as a ‘major area of change’ that would provide for an estimated 1,500 residential lots “*reflective of Inter Urban Break principles subject to a PSP*”.

Section 4.8 of the Plan discusses the IUB and provides various strategies for the Lindum Vale precinct and a plan of the precinct (refer to Figure 4, below). The Panel assumes that the plan is an illustration of how the HIGAP strategies might be achieved rather than a definitive development plan. Notably, the plan is not included in the Planning Scheme, limiting the statutory ‘weight’ that the Panel can apply to it.

Figure 4 HIGAP Map 4.8



3.2 Logical Inclusions Advisory Committee

The Logical Inclusions Advisory Committee was established to advise the Minister for Planning on the suitability of various properties proposed for inclusion within the UGB.

Lindum Vale was one of the sites considered by the Committee which recommended that it be included in the UGB and zoned FZ. The Committee also recommended that the 'rural residential' land to the east be rezoned Rural Living Zone (RLZ).

The Committee found that:

Issues including a new north-south vehicle connection and protection of areas with biodiversity values in the western section (Lindum Vale) still need to be resolved. For these reasons, the Committee considers it appropriate to apply the Farming Zone to land in the western section of Hume Area 3 and incorporate it into existing PSPs to the south and north of the Area.

No authorities objected to inclusion of this Area into the UGB. The Committee agrees with the GAA and Hume Council that constraints such as the protection of areas with biodiversity values and determination of the suitable alignment for a north-south vehicle connection can be resolved during the Growth Corridor Plan and PSP process.

The Committee notes that in the longer term Hume Area 3 may extend westerly to the OMR, but is reliant on further detailed planning work to be undertaken in respect of Hume Area 2A.

In relation to the 'IUB' the Committee 'accepted' that:

... the western portion of Hume Area 3 (Lindum Vale) will have a greater connection to the adjoining developments to its north and south than the rural-residential development to its east. The Hume Council position for an inter-urban break at this location (given the amount of development already being planned for in this Growth Area) is considered inappropriate and does not support the policy position of the Government to deliver urban developments of 15 lots per developable hectare for land within the UGB.

The VPA and Satterley highlighted this finding in their submissions about the IUB and encouraged the Panel to reach the same conclusions. While the Panel notes the Committee's findings, it also notes that the Committee's Hearings were held before Council implemented HIGAP and that it did not have the benefit of the additional submissions and evidence provided as part of the current panel process.

3.3 Ministerial Directions and Practice Notes

Ministerial Directions

The Panel is satisfied that the Amendment meets the relevant requirements of:

- Ministerial Direction 9 (Metropolitan Planning Strategy)
- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction 12 (Urban Growth Areas)
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of *the Act*.

Planning Practice Notes

The Panel is satisfied that the Amendment is consistent with:

- Planning Practice Note 46 (PPN46) Strategic Assessment Guidelines, June 2015
- Planning Practice Note 47 (PPN47) Urban Growth Zone, June 2015.

3.4 Conclusion

The Panel concludes that the Amendment is generally supported by, and implements, the relevant sections of the State and Local Planning Policy Frameworks, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified and should proceed subject to addressing the more specific issues raised in submissions and discussed in the following chapter.

3.5 Recommendation

The Panel recommends that Hume Planning Scheme Amendment C205 be adopted as exhibited, subject to including the changes proposed by the Victorian Planning Authority in the Post Panel Changes Matrix (Document 35) and the additional changes recommended by the Panel.

4 Issues

4.1 Inter Urban Break

(i) The issue

The issue is the extent to which the IUB policy should influence the land use outcomes sought for the Lindum Vale precinct.

As noted in section 3.1 of this report, the Hume Planning Scheme contains extensive references to the IUB, many of which are relevant to elements of the Amendment, including interface treatments, the provision of open space, the retention of native vegetation and habitat, and residential density. These provisions were the subject of submissions and evidence relating to their relevance and application.

The Panel believes that it would be useful to provide its overarching views on the IUB policy and its application within the precinct before discussing more specific issues in the following sections.

For ease of reference, the key planning scheme provisions have been consolidated at Appendix D of this report.

(ii) Evidence and submissions

The VPA sought to put the IUB policy in context and submitted that:

It represents a difficult task to correlate the IUB policy with the substantial, even transformational changes which are sought to be achieved by policy for the area (and more broadly for large areas at the periphery of Melbourne in the identified growth areas). A policy conceived at a time when Melbourne's growth areas did not exist in their current form should not be utilised to dictate any substantial limitation on the achievement of the more recent policy. This includes the proposed policy represented within the incorporated documents forming part of this Amendment.

The VPA referred to the Strategic Framework Plan¹ in the Hume Planning Scheme that distinguishes between Lindum Vale, that has a "Future residential land" designation and the RLZ area to the east that has a 'Low density/rural residential' designation. In noting this distinction, the VPA submitted that:

A planning decision maker must give some weight to this different designation. Clearly the Scheme contemplates different outcomes for the sites identified as residential and low-density or rural living. The approach of the VPA has been to give effect to that text while still paying an appropriate level of respect to the character that larger lots to the east create. However, in the context of urban development in the area the extent to which this character acknowledgement must guide future development is necessarily limited.

Satterley submitted that:

¹ Clause 21.01-3 Vision and Strategic Framework Plan

When conceived, the inter urban break relied on a number of fundamental concepts:

- *Urban growth (a self-imposed and localised UGB) would halt at Mount Ridley Road;*
- *As a consequence of the above, the subject land (together with land to its east) was not, and would never be, urban land;*
- *Accordingly, this land could form a non-urban (semi-rural) break between urban development to the south and the north.*

While the land still sits between urban land to the north and south, a consequence of the land's urban status is that it cannot be expected to have the character of semi-rural land. A subdivision of this nature and size must be reasonably expected to bring a change of character to this precinct.

Satterley relied on the evidence of Mr Woodland who submitted that the IUB should be applied “judiciously” “because of the policy tensions that arise by designating Lindum Vale for urban purposes and the various non-urban aspirations that are also expressed for the wider inter-urban break”. The VPA agreed with this observation.

Mr Woodland noted that Clause 10.04 of the SPPF requires that planning authorities balance conflicting objectives in favour of net community benefit and sustainable development, and submitted that “a reasonable balancing of conflicting objectives would be achieved” if the Amendment provides for the following outcomes:

- *Setting aside areas of land for open space, drainage and retention of preserved native vegetation.*
- *Creating an urban structure that provides connectivity of conservation and open space areas throughout the precinct and into adjoining areas*
- *Creating an informal landscape treatment along Mickleham and Mt Ridley Roads.*
- *Creating a physical buffer between the existing low density residential areas and Lindum Vale by locating drainage reserves, conservation areas and open space along this boundary. Where this is not practical, then lots adjoining this interface should make provision for landscaping.*
- *Developing the remaining developable land for a range of dwelling types and sizes, at an average residential density of circa 16.5 dwellings per ha.*

Council highlighted that the IUB concept dates back to 1993 and that its strategic importance was recently reinforced through the HIGAP process and continues to be recognised in the current planning scheme. Council also submitted that the policy has evolved to take account of changing circumstances, including Hume's role within a growth area and that the IUB “is now practically expressed as a low density residential outcome”.

In terms of Lindum Vale, Council submitted that:

The current PSP proposes a significant departure from the prevailing character of the IUB. Council has sought to take a pragmatic approach to this PSP and accepts that a higher density should be achieved on land within an identified PSP provided appropriate transition is made to preserve the character of the surrounding area and define the boundary of the IUB (Mt Ridley and Mickleham Roads).

Council has proposed the inclusion of some straightforward interface treatments to appropriately manage the transition between the prevailing low density character and the urban residential densities provided for in the PSP, as well as ensuring that development of the site responds to the objectives of the IUB policy by providing a 'different' development character to that typical of new growth areas in visually prominent areas of the site.

Council relied on the evidence of Ms Bell who provided an overview of the IUB and other relevant policies, and concluded that:

The local policy in particular clearly states the importance of retaining the Inter Urban Break for predominantly larger lots and protecting the high number River Red Gums and conservation reserves. The urban design response therefore needs to be tailored to achieving a sustainable density of development, whilst responding to the objectives of the Inter Urban Break.

Mr Goodman raised concerns about 'planning' for the rural residential estate to the east of the precinct, submitting that the PSP was not "*reflective of inter urban break principles*", including the setback to existing rural residential properties to the east.

(iii) Discussion

The IUB is a longstanding planning policy initially intended to provide a 'low density', physical separation between Craigieburn and Mickleham. The policy has been refined over time, reflecting changed circumstances, including the HIGAP process and the extension of the UGB to Mickleham Road. The current iteration of the policy was introduced through Amendment C176 that was approved in October 2017. The Panel was advised by Council that the IUB was not raised as an issue during that process.

In terms of the Lindum Vale precinct, the earlier IUB vision of a low density residential or rural residential area, such as exists in the RLZ area to the east, is no longer directly relevant. Instead, Lindum Vale has been identified in State and local policy for urban residential development as indicated in the MSS and reflected in the applied General Residential Zone (GRZ). Confusingly, the MSS includes overarching references to "*low density rural residential development*" in the IUB, an outcome that is applicable to the RLZ land to the east but clearly inconsistent with policies that support urban residential development within Lindum Vale.

Having reviewed the IUB provisions and the relevant reference documents, the Panel is satisfied that the IUB policy remains relevant and has a role to play in determining the urban form in the precinct. However, the Panel agrees with Mr Woodland that the policy must be applied judiciously given the policy 'tension' that exists and the primacy of state policies that seek to accommodate urban residential growth in Melbourne's growth areas.

In this context, low density residential or rural residential development is not an option for the precinct, although the Panel believes that there is scope for larger lots and other treatments along interfaces where they would:

- contribute to a broader perception that the precinct (or parts of it) are a low density residential area
- create a sense of 'openness' and visual permeability

- provide a contrast with existing and future residential development outside the precinct, particularly to the south of Mount Ridley Road.

Council and the VPA have been pragmatic in giving effect to the IUB policy and in drafting their respective 'character' controls and have recognised that the precinct has an urban residential, rather than low density residential, future. However, Council's proposals are more prescriptive than the VPAs and provide for larger lots and setbacks. Council has also focussed on four interface areas (refer to Figure 6), whereas the VPA has focused on three interfaces (refer to Figure 5).

The challenge for the Panel is to determine how to give effect to the IUB policies while ensuring that the precinct's capacity to support urban residential development is not needlessly constrained.

In this context, the Panel believes that the Mount Ridley Road interface will make the most significant contribution to maintaining the IUB. Council advocated that this interface should create an impression of 'open space', but it is difficult to understand how this might be fully achieved without designating a significant depth of this interface for low density residential development (perhaps lots greater than 0.2 hectare) and to a greater depth than the 'two rows of lots' proposed by Council. Such an approach would significantly reduce the residential capacity of the precinct and is not one that the Panel supports or that would be consistent with broader urban consolidation policies. The Panel believes that the IUB is best expressed in this area by clearly differentiating the density and style of development between the northern and southern interfaces along Mount Ridley Road, rather than trying to replicate the low density (open space) character of the RLZ area to the east.

In forming this view, the Panel notes that the difference in character along this interface is most evident when viewing the western end of Mount Ridley Road, including the Lindum Vale interface, from Mount Ridley and the approach from the east. This contrast in character is stark in some areas, particularly where there is conventional density residential development to the south (with small front and side setbacks) and rural residential development to the north (for example, the area between Jolly Lane and Forest Red Gum Drive). The Panel believes that differentiating between these areas, rather than continuing the low-density character that exists within the RLZ area to the east should be the principal means of implementing the IUB in this area. This is consistent with Mr Woodland's observation that *"creating larger lots along the arterial road frontages will set a different residential character to that likely to be created across the balance of the precinct"*, although he submitted that this character would still be an *"urban residential character"*. How this interface should be achieved is discussed in section 4.2 of this report.

Council submitted that the Mickleham Road interface was also an important contributor to maintaining the IUB, although *"this interface is more about 'landscaping' than open views"*. The Panel agrees that this interface (particularly the southern section up to the local access street) should make a contribution to the IUB given that it defines a highly visible part of the IUB boundary, but believes that it has a less significant role than the Mount Ridley Road interface. The Mickleham Road interface is also discussed in section 4.2 of this report.

Council also proposed detailed interface treatments for the north-south boulevard connector and eastern RLZ interface as a means of maintaining the IUB in these areas. The Panel does not believe that these interfaces are particularly relevant to the IUB, given that

they are internal to the precinct and will not make a significant contribution to the perception of the precinct as a low density residential area. These areas are also discussed in section 4.2 of this report.

In terms of open space and drainage infrastructure, the Panel believes that the location and size of these areas within the VPA's revised Future Urban Structure will make a positive contribution to maintaining the IUB, particularly the conservation area located along Mount Ridley Road. Although the removal of the open space area along Mount Ridley Road (between the north-south boulevard connector and Mickleham Road) from the exhibited Future Urban Structure creates some challenges in maintaining the IUB, the Panel accepts that the rearrangement of open space areas and the creation of more open space links throughout the precinct is a positive outcome.

(iv) Conclusions

The Panel concludes:

- The Mount Ridley Road interface makes the most significant contribution to maintaining the IUB.
- The Mickleham Road interface, particularly the southern section between Mount Ridley Road and the local access street, contributes to maintaining the IUB.
- The north-south boulevard connector interface and the eastern RLZ interface do not make a significant contribution to maintaining the IUB.
- The quantum and arrangement of open space, conservation areas and drainage areas will contribute to maintaining the IUB.

4.2 Interface treatments

4.2.1 The issues

The issues are what interface treatments should be applied to the following interface areas:

- Mount Ridley Road
- Mickleham Road
- the central boulevard connector
- the 'rural residential' area along the eastern boundary.

The exhibited PSP includes various provisions related to interfaces and integration, including:

- 'Objective' O3:

Ensure subdivision and development sensitively integrates into the broader urban context. Important interface objectives include:

- *Protect the privacy and minimise visual impact on the existing rural-residential lots along the eastern boundary of the precinct;*
- *Creation of an appropriate landscape character along Mount Ridley Road that softens the visual prominence of development from Mount Ridley Road; and*
- *Enhancement of the existing native vegetation landscape along Mickleham Road that defines the extent of the Urban Growth Boundary.*
- Various 'requirements', including:

- R6 Development along Mickleham Road must respond to the existing native vegetation interface with appropriate landscaping and built form.*
- R7 Development along Mount Ridley Road must create an appropriate interface that reflects the natural features of the precinct and softens the visual prominence of development along Mount Ridley Road.*
- R8 Development along the eastern boundary of the precinct must have regard to the privacy and amenity of the adjacent rural living lots and minimise visual impact on the adjacent rural living lots through the use of:*
- Appropriate use of screening vegetation, fencing and landscape buffers that accommodates trees and understorey species to screen the new dwelling from adjoining rural residential lot; and*
 - Appropriate building materials and setbacks that minimise the visual impact on adjoining rural residential lot.*
- R17 Residential subdivisions must respond appropriately to the site conditions and the adjoining rural residential areas to the east of the precinct ...*
- R18 Residential subdivision must achieve dwelling diversity through the delivery of a range of lot sizes, including the provision of larger lots along the eastern interface with existing rural living lots and the southern interface with Mount Ridley Road.*
- Various 'Guidelines', including:
 - G6 Visual impact of development with a direct interface to Mount Ridley Road should be minimised by:*
 - Landscaping that replicates the open woodland features of the precinct;*
 - Ensuring all dwelling address the open space and create opportunities for passive surveillance; and*
 - Avoiding side or rear fence treatments.*
 - G7 Dwellings on lots adjacent to the east boundary of the precinct should achieve:*
 - A 10 metre setback from rear property boundaries; and*
 - A 3 metre setback from side property boundaries.*
 - G8 The street layout, subdivision and development adjoining local parks adjacent to Mount Ridley Road should reduce the visual prominence of development from Mount Ridley Road. Visual impacts should be minimised through the consideration of building heights, setbacks, location of garages and boundary fencing.*

As noted earlier, the interfaces were the subject of comprehensive submissions and evidence that prompted various changes to the exhibited amendment leading up to and during the Hearing. The Panel has had to be selective in repeating this material and has focused on the final positions put by the parties at the Hearing.

The VPA proposed that three 'sensitive interfaces' be shown on the Future Urban Structure plan (refer to Figure 5).

Figure 5 VPA's proposed 'sensitive interfaces'



Council proposed that four interface areas be managed as four 'character areas' shown on Figure 6 and that they be subject to the design controls shown in Figure 7. Council submitted that these provisions should be implemented through the UGZ9 and a S173

agreement. Council relied on Ms Bell's evidence in support of this approach, although the specific provisions recommended by Ms Bell were refined by Council following further review and analysis.

Figure 6 Council's proposed 'character areas'



Figure 7 Council's proposed Table 4 (character area provisions)

Description	CHARACTER AREA		
	A	B & C	D
Dwellings per lot	Only one dwelling must be constructed on a lot		
Depth of interface	Two rows of dwellings	Single row of dwellings	Single row of dwellings
Lot size and dimensions	Min. Average: 1600sqm Minimum: 1400sqm Lot depth: 40m	Min. Average: 900sqm Minimum: 750sqm Lot depth: 40m	Min. Average: 1600sqm Minimum: 1400sqm Lot depth: 40m
Dwelling setbacks	Minimum: 10m - all sides	Minimum: 5m - front, rear and one side	Minimum: 10m - all sides

4.2.2 Mount Ridley Road

(i) Evidence and submissions

The Mount Ridley Road interface in the exhibited PSP consisted of a local park and conservation area along the precinct's southern boundary (refer to Figure 2). The VPA's revised PSP removed most of the local park from the area to the west of the north-south boulevard collector (refer to Figure 3), creating an urban residential interface with Mount Ridley Road in this area. In order to address this interface issue, the VPA proposed to:

- Include a new Mount Ridley Road interface/cross-section that includes a 10 metre landscape zone between the two-way bike path and the local access road. This is intended to create "*the sense of openness*" sought by the IUB policies.
- Include a new 'requirement':

Unless otherwise agreed to by the responsible authority, the first two rows of lots identified on Plan 5 as sensitive interfaces along Mount Ridley Road and Mickleham Road must:

- *Achieve a minimum 5 metre setback from the rear and one side of the property boundary;*
- *Be a single dwelling on a lot; and*
- *Allow for the planting of canopy trees on each lot.*

In addition, the VPA proposed to retain the exhibited provisions that provide general support for larger lots within this interface.

The VPA submitted that:

These changes are not intended to mimic or recreate the different condition that exists to the east. They are intended to create an opportunity for there to be clear breaks between houses and for lots to accommodate canopy trees. This will provide an appropriate level of deference to the policy by achieving a sense of openness and visual permeability that responds to the ground conditions in that location.

Council highlighted that the Mount Ridley Road interface was an important element within the IUB policy and warranted the proposed provisions included in Figure 7.

Council submitted that:

These setbacks will provide the necessary spacing to create visual permeability in and around dwellings and allow for long ranging views through dwellings to distant landscaping features. The setbacks proposed will reduce the number of dwellings permitted along the Mount Ridley Road frontage, minimising the overall appearance and dominance of built form along the interface.

Council relied on the evidence of Ms Bell who made similar recommendations based on her analysis of the various interfaces.

Satterley opposed Council's approach and submitted that:

- It was inconsistent with the site's designation for urban residential development.
- It was an impediment to achieving population densities sought under State policy.
- There would be little or no demand for larger lots and their location would be unattractive.
- Larger lots would not promote affordable housing.
- Every square metre of net developable area should be used effectively.
- Council's proposition that development in this section of Mount Ridley Road would be perceived as 'non-urban' was not substantiated.

Satterley relied on the evidence of Mr Woodland who provided an assessment of possible built form outcomes along this interface, particularly in the context of the IUB policy. Mr Woodland identified a number of strategic and policy issues arising from Council's support for larger lots, and also submitted that requiring larger lots *"on the basis that such lots would be 'more in keeping with the intent of the Inter Urban Break policies is also conceptually flawed"*. He submitted that lots in the 800-1500 square metre range are still essentially urban in character and are different to the larger detached housing and low density/rural residential development to the east. He provided a number of examples to demonstrate this.

Mr Woodland also submitted that the proposed cross-section for Mount Ridley Road (including a 10 metre landscape strip) *"would make a more meaningful contribution towards referencing or creating a connection to the low density, semi-rural areas east of Lindum Vale"*. He added that this *"soft landscape interface"* could be designed *"to replicate 'a rural roadside character' that is more typical of what is found along roadsides in low density or rural living environments"*.

Mr Woodland also recommended some changes to the VPA's new 'requirement' relating to setbacks and the deletion of Requirement 7² on the basis that it was made redundant by the new requirement.

(ii) Discussion

As discussed in Section 4.1, the Panel believes that the most effective expression of the IUB policy, having regard to the residential designation of the land, is to maintain a different character between development on the northern and southern sides of Mount Ridley Road. This is achieved to the east of the north-south boulevard connector by the proposed

² Development along Mount Ridley Road must create an appropriate interface that reflects the natural features of the precinct and softens the visual prominence of development along Mount Ridley Road.

conservation reserve but is an issue for the area to its west that has been identified for residential development.

Satterley and Mr Woodland argued that the relatively short interface in this area mitigated the need for larger lots and setbacks, and although the Panel agrees that this is a factor, it does not overcome the need to provide some form of interface treatment in response to the IUB policy.

The Panel also believes that while the proposed Mount Ridley Road cross-section (and its landscape strip), together with the Mickleham Primary School and the adjacent community centre (on the south side of Mount Ridley Road) will contribute to achieving visual separation between the north and south of Mount Ridley Road, they will not assist in creating the different residential character that the Panel believes is warranted. This will require a built form outcome within this area of the precinct that is clearly different from the conventional urban residential development that is likely to occur along the southern side of Mount Ridley Road (such as the development that has occurred in the Trillium Boulevard area).

For these reasons, the Panel agrees with the VPA and Council that this interface warrants a built form and subdivision response to the IUB policy and is satisfied that larger lots and setbacks should form part of this. The key difference between the two approaches is that Council has proposed a minimum lot size (1,400 square metres) and 10 metre setbacks, while the VPA 'encourages' larger lots (without specifying a minimum size) and 'requires' a minimum 5 metre setback to the rear and one side of lots. Given the Panel's findings about the significance of this interface and the need to respond to IUB policies, it prefers Council's approach and supports its proposed minimum lot size and larger setbacks. Although the choice of a minimum lot size and setback are in some respects arbitrary, the Panel is satisfied that Council's provisions will provide a suitably different character outcome from the area to the south of Mount Ridley Road and an appropriate level of visual permeability and openness within this area of the precinct. The Panel is satisfied that this is a reasonable and measured response to the IUB policies in this area.

Satterley and Mr Woodland argued that larger lots in this area would not be commercially attractive, although the Panel was not provided with any specific evidence about this issue. While Satterley's concerns might be warranted, the Panel's findings are based on the preferred planning outcome, rather than commercial outcomes sought by the landowner. Satterley also argued that the expected loss of lots and reduced lot yield across the precinct militated against Council's larger lots and was inconsistent with broader policies in support of residential consolidation. The Panel believes that concerns about reduced lot yield are overstated given that this is a very small area and there will be some scope to 'make up' any lost lots elsewhere in the precinct. More importantly, the Panel is satisfied that requiring larger lots in this area is an appropriate response to the range of policies that affect the precinct, not just urban consolidation policies.

For these reasons, the Panel supports Council's position and agrees that the Mount Ridley Road interface should be subject to the provisions described in Figure 7. Although Council recommended that its 'character' provisions be implemented through the UGZ9 and S173 agreements, the Panel believes that the appropriate statutory mechanism requires further consideration by the VPA and Council. The preferred approach should be determined taking

account of the Panel's recommendations in relation to other interface treatments so that there is a consistent and transparent approach to drafting and positioning the provisions. Consequently, the Panel has made a general recommendation about these matters and has not drafted a specific provision or provisions.

Finally, the Panel agrees with the VPA and Mr Woodland that 'requirement' R7 is made redundant by the inclusion of other provisions (including those recommended by the Panel) and can be deleted. The Panel also agrees with the VPA that an updated 'requirement' R18 should be retained in light of the Panel's findings about the Mount Ridley Road and eastern boundary interfaces. These matters are addressed in the VPA's revised version of the Amendment and do not require a separate recommendation.

(iii) Conclusions

The Panel concludes:

- The Mount Ridley Road residential interface makes a significant contribution to maintaining the IUB.
- The Mount Ridley Road residential interface should be subject to Council's 'character area' provisions described in Figure 7.

(iv) Recommendation

The Panel recommends:

- 1. Apply the 'character area' provisions to the Mount Ridley Road interface proposed by the City of Hume and described in Figure 7 of the Panel's report.**

4.2.3 Mickleham Road

(i) Evidence and submissions

The exhibited PSP includes various objectives, requirements and guidelines relating to Mickleham Road, including references to existing native vegetation within the road reserve and to landscape and heritage character. It also includes a Mickleham Road Interface plan at Figure 1.

Following its consideration of submissions, the VPA proposed to:

- Identify 'sensitive interface issues' along Mickleham Road on Plan 5 (image, Character and Housing) between Mount Ridley Road and Local Park 06.
- Include a revised Requirement R6 that makes reference to "key views":

Landscaping, including nature strip planting, along Mickleham Road must respond to the Avenue of Honour, existing native vegetation within the road reserve and the relationship of this interface with key views into and across the site.

- Include a revised Mickleham Road cross-section that recognises the Avenue of Honour and overhead power lines.
- Include a new 'requirement':

Unless otherwise agreed to by the responsible authority, the first two rows of lots identified on Plan 5 as sensitive interfaces along Mount Ridley Road and Mickleham Road must:

- *Achieve a minimum 5 metre setback from the rear and one side of the property boundary;*
- *Be a single dwelling on a lot; and*
- *Allow for the planting of canopy trees on each lot.*

The VPA submitted that:

This again represents an appropriate level of transition for the area. It is noted that Mickleham Road is a substantial road which will be expanded and accordingly it will constitute a physical and visual barrier to the land further to the west and the PSP area. It is simply not necessary or appropriate utilisation of urban zoned land to adopt a different approach.

Council supported a different character outcome along Mickleham Road up to the local access street and adjoining open space (Character area B on Figure 6), submitting that:

This would provide an appropriate transition point for a change in 'character' to one that is more conventional moving north.

Council added that *"this interface is more about 'landscaping' than open views"*.

Council relied on the evidence of Ms Bell who supported a similar approach to the Mount Ridley Road interface.

Satterley opposed the additional controls sought by Council, raising similar issues to those discussed in relation to Mount Ridley Road. Satterley also submitted that Requirement R6 should be deleted.

Satterley relied on the evidence of Mr Woodland who also raised concerns about applying prescriptive lot size and setback controls to this area and submitted that they would not achieve the outcomes sought by Council. Mr Woodland also submitted that the proposed cross-section for Mickleham Road (including a 14.3 metre landscape zone) would provide for a *"soft landscape interface"* and could be designed *"to replicate 'a rural roadside character' that is more typical of what is found along roadsides in low density or rural living environments"*.

(ii) Discussion

As discussed in section 4.1, the Panel believes that the Mickleham Road interface (particularly the southern section up to the local access street) contributes to maintaining the IUB but is not as impactful or relevant as the Mount Ridley Road interface.

For this reason, the Panel does not support the overly prescriptive character provisions sought by Council and is satisfied that the general policy guidance in the exhibited PSP, in conjunction with the new 'requirement' proposed by the VPA, will provide an appropriate framework to manage this interface. However, the Panel believes that the VPA's new 'requirement' should also achieve a minimum 5 metre setback from the front, as well as the rear and one side of the property boundary proposed by the VPA. This will provide a better outcome in the IUB context and also provide the opportunity for a better landscape outcome as sought by Council. The Panel also supports the VPA's revised Requirement R6 and notes that it only relates to landscaping outcomes, not built form or subdivision outcomes.

The Panel believes that the ‘heritage overlay interface area’ associated with the Parnell Inn on Mickleham Road and the extensive provision for landscaping within the Mickleham Road cross-section will also serve to soften the visual impact of development in this area.

Finally, the VPA’s position on this issue is reflected in its revised Amendment documentation and does not require a separate recommendation, however it has been necessary to include a recommendation relating to front setbacks as discussed earlier.

(iii) Conclusions

The Panel concludes:

- The Mickleham Road interface, particularly the southern section between Mount Ridley Road and the local access street, contributes to maintaining the IUB.
- The revised PSP adequately addresses the Mickleham Road interface, subject to providing front setbacks in this area.

(iv) Recommendation

The Panel recommends:

- 2. Modify the Victorian Planning Authority’s proposed ‘Mickleham Road sensitive interface’ ‘Requirement’ to apply a minimum 5 metre dwelling setback from the front, as well as the rear and one side, of the property boundary.**

4.2.4 The north-south boulevard connector

(i) Evidence and submissions

The VPA did not support the identification of the north-south boulevard connector as a ‘sensitive interface’, submitting that:

...as it is in the centre of the PSP and does not share an interface with any of the sensitive areas to which the characters of openness and permeability apply. The intersection of the Boulevard with multiple areas of open space adequately provides for views into these areas without the need for additional requirements. Further, the proposed update to Requirement R43 requires that the street layout “Ensure views across the site to open space and to significant trees are maintained;”. The character within the PSP area will be driven by the nature of development. This development will be standard density development.

Council proposed that the southern section of the boulevard connector be within Character area C (refer to Figures 6 and 7) and submitted that it is *“an important and visually sensitive interface as it is the primary gateway and passage through the precinct, and therefore is fundamental in defining the character of the area”*.

Satterley adopted the VPA’s position on this interface and also noted Mr Woodland’s evidence that providing larger lots along the interfaces (including this connector) was not an appropriate response to State and local planning policies.

(ii) Discussion

As discussed in section 4.1, the Panel does not believe that the central boulevard connector is significant in maintaining the IUB and agrees with the VPA that the connector is not a 'sensitive' interface in the IUB context. For this reason, the Panel does not support the character area provisions sought by Council.

Nevertheless, the Panel notes that the MSS includes the strategy:

Ensure a strong informal landscape treatment is established along the north south connector road through the western end of the Inter Urban Break that reflects a rural landscape character.

This strategy is at least partly addressed where the connector abuts areas identified in the PSP for 'landscape values' or drainage (the north-east section of the connector) but is problematic in areas with residential abutments. In fact, it is not clear how it would be possible to 'reflect a rural landscape character' in a connector street within an urban residential area, without providing extensive setbacks and open space areas, well beyond the provisions proposed by Council in relation to the IUB.

Implementing this strategy would significantly reduce the area available for residential development, an outcome that would be problematic given the precinct's designation for urban residential development. For these reasons, the Panel has not been able to attribute this 'strategy' any significant weight in its considerations about how this area should be treated.

(iii) Conclusions

The Panel concludes:

- The north-south boulevard connector interface does not make a significant contribution to maintaining the IUB.
- The revised PSP adequately addresses the north-south boulevard connector interface.

4.2.5 The eastern boundary**(i) Evidence and submissions**

The VPA submitted that the eastern interface has been largely addressed by the location of open space and drainage assets along the precinct's eastern boundary that provide a "continuous green link" (refer to Figure 3).

In addition, the VPA proposed to update exhibited Guideline G7 and convert it into a 'requirement':

Dwellings on lots adjacent to the east boundary of the precinct must achieve:

- A 10 metre setback from the PSP boundary, and
- Where the rear of the lot abuts the PSP boundary, 3 metre setbacks from each side.

The VPA also proposed an updated Requirement R18:

Residential subdivision must achieve dwelling diversity through the delivery of a range of lot sizes, including the provision of larger lots along the eastern interface with existing rural living lots and the southern interface with Mount Ridley Road.

The VPA also proposed to add a requirement under clause 4.0 (Conditions and requirements for permits) of the UGZ9 that any subdivision permit in this area include a requirement that the developer implement a “*consistent landscaping along the edge*”. The VPA did not draft a provision to achieve this and sought a general recommendation from the Panel.

Council sought a minimum 10 metre setback to all sides of dwellings in order to “*minimise the visual impact on the adjoining area*”. Council added that a lesser setback (as proposed by Mr Woodland and Mr Patrick) would not address the “*visual and amenity impacts of a solid wall of built form*”. Council added:

Whilst landscaping treatments are needed to soften the development interface, the ‘breaking up’ of built form and providing a more balanced ratio between ‘space’ and building is considered a more pertinent issue.

Satterley opposed the additional controls sought by Council, raising similar issues discussed in relation to Mount Ridley Road and Mickleham Road. Satterley also noted that most of the eastern boundary is now dedicated to conservation and drainage reserves and that only three properties will abut residential development on the Precinct. For these reasons the setback and larger lot requirements sought by Council are “*largely redundant*”.

Satterley also relied on Mr Woodland’s evidence that providing larger lots along the interfaces (including the precinct’s eastern boundary) was not an appropriate response to State and local planning policies.

Mr Gauci and Mr McLean expressed concerns about the proposed residential interface to the rear of their properties on Billabong Close and sought a vegetated 30 metre ‘buffer zone’ to residential development within the precinct. Mr McLean also raised various issues about the siting and impacts of the proposed water storage within the adjacent drainage reserve.

(ii) Discussion

As discussed in section 4.1, the eastern boundary interface does not make a significant contribution to the IUB and the Panel does not believe that there is any justification for applying IUB specific provisions in this area.

As noted by the VPA and Satterley, land uses along the eastern boundary largely consist of open space and drainage areas, with any interface issues confined to amenity impacts associated with the three RLZ lots that abut the precinct’s eastern boundary and the future residential development that will occur in this area of the precinct.

In considering the potential for amenity impacts along this interface, the Panel notes that the three rural residential lots have the capacity for boundary landscaping, but that two of the three lots have dwellings that are relatively close to the PSP boundary. The proximity of future ‘urban’ dwellings in the precinct to these rural residential properties is likely to have some amenity impact and warrants the provision of larger lots and increased setbacks within this area of the precinct.

For this reason, the Panel supports the VPA's proposed setback 'requirement' and Requirement R18 relating to larger lot sizes. However, the Panel does not believe that a minimum lot size, as proposed by Council, needs to be specified. Determining a suitable lot size in this area should be a function of the subdivision design process having regard to Requirement R18. However, the Panel believes that any lots that adjoin this boundary should be limited to a single dwelling and be capable of supporting canopy trees (consistent with the proposed 'requirement' for Mickleham Road), and that dwellings should be set back from the precinct boundary by 10 metres.

In addition, the Panel agrees with the VPA that a consistent landscaping treatment, to be implemented by the developer, would be a positive outcome along this interface and that this should be reflected in the Amendment, possibly in the UGZ9.

Not all of these matters are addressed in the VPA's revised Amendment, so the Panel has included recommendations relating to dwellings, canopy trees and landscaping. As noted in relation to the Mount Ridley Road interface, the VPA will need to consider the appropriate statutory mechanism to implement these and other 'interface' recommendations.

In relation to the submissions from Mr Gauci and Mr McLean, the Panel is satisfied that the revised Future Urban Structure (that locates a local park along this boundary) will address their concerns. In terms of Mr McLean's concerns about the proposed water storage within the drainage reserve, this facility will be constructed in accordance with Melbourne Water's guidelines and designed to take account of off-site impacts.

Finally, the revised Future Urban Structure changes the interface treatment between the precinct and 35 Cooina Avenue from 'open space' to part 'open space' and part 'residential'. The Panel raised this during the Hearing and directed that the VPA advise the landowners of this change and invite comments. The VPA did so and advised the Panel that the landowners did not oppose the change although they expressed concern about the planting of vegetation along the boundary that might be poisonous to horses.³ This issue could be addressed as part of the landscape treatment to be implemented for this area.

(iii) Conclusions

The Panel concludes:

- The eastern boundary interface does not make a significant contribution to maintaining the IUB.
- The PSP should provide guidance relating to matters such as lot sizes and dwelling setbacks to address amenity issues associated with rural residential development to the east.

(iv) Recommendations

The Panel recommends:

- 3. Modify the Victorian Planning Authority's proposed 'eastern boundary sensitive interface' 'Requirement' to require that any residential lots adjoining the precinct's eastern boundary are limited to a single dwelling and are capable of supporting canopy trees.**

³ Document 11.

4. **Require that the developer provide a consistent landscaping treatment along the eastern boundary interface with the three Rural Living Zone lots that abut the precinct.**

4.3 Dwelling density

(i) The issue

The issue is what dwelling density should be achieved within the precinct.

The exhibited PSP (Requirement R19) includes:

Subdivision must deliver a minimum average dwelling density of 16.5 dwellings per Net Developable Hectare.

(ii) Evidence and submissions

Council submitted that the dwelling density 'requirement' should be reduced to 15 dwellings per Net Developable Hectare (NDH) to take account of its proposed 'character area' provisions. It submitted that this would result in a net loss of 88 lots⁴ compared to Satterley's preferred outcome.⁵

Council submitted that 15 dwellings per NDH "*is entirely appropriate having regard to the site's strategic and environmental context*" and that "*it meets the policy guidelines on development density but does so in a site responsive way*".

Satterley supported the exhibited 16.5 NDH, consistent with its opposition to the character area provisions and interface treatments proposed by Council. Satterley submitted that these provisions, in combination with an expansion of the conservation reserve and the provision of open space would "*present an obstacle to the achievement of the strategic planning goals for the site*". Satterley also noted that although higher density development could be used to compensate for the larger lots sought by Council, the precinct did not include any features or facilities that would warrant or support medium density residential development.

The VPA noted that the PSP Guidelines include:

*Housing across a PSP should achieve an average density of at least 15 dwellings per net residential hectare, which will be achieved by providing a range of lot sizes.*⁶

The VPA submitted that 16.5 dwellings per NDH is "*feasible*" for the precinct taking into account its proposed "*interface conditions*" and would be consistent with the "*yield throughout the growth areas in Melbourne's north and west*".⁷ While the VPA conceded that there are circumstances where a lower yield might be appropriate⁸, it also highlighted that land within the UGB was a valuable and finite resource that needed to be used effectively.

⁴ Council's closing submission (Document 29)

⁵ Satterley's submission advised that 103.41 NDH would yield 1,706 dwellings (Document 24)

⁶ Standard S1

⁷ VPA's Part B submission

⁸ For example, Sunbury South and Lancefield Road.

(iii) Discussion

The Panel has not calculated the impact on dwelling yield and density that would result from its recommendations about interface treatments. However, it does not anticipate that the impacts will be significant given that the differences between the Panel's recommendations and the VPA's revised position are relatively modest. For this reason, the Panel expects that 16.5 dwellings per NDH will be achievable, although if further analysis by the VPA and Satterley suggests that a marginally lower figure should be applied, the Panel would support this.

(iv) Conclusions

The Panel concludes:

- Based on the material presented at the Hearing, 16.5 dwellings per NDH is appropriate for the precinct.

4.4 Conservation area

(i) The issues

The issues are:

- whether the extent of the proposed Conservation Area is appropriate
- what extent of recreational and other infrastructure works should occur within the reserve.

The exhibited PSP included a conservation reserve of approximately 4.83 hectares in the south-eastern corner of the precinct (refer to Figure 2). Its purpose was to protect remnants of the endangered Ecological Vegetation Class (EVC) Plains Grassy Woodland (EVC 55) and which also corresponds to the *EPBC Act* listed community Grassy Eucalypt Woodland of the Victorian Volcanic Plain (GEWVVP). The conservation reserve would also protect habitat for the *EPBC Act* listed critically endangered Golden Sun Moth (*Synemon plana*) (GSM) which was identified from surveys of the precinct.

The VPA's revised Future Urban Structure (refer to Figure 3) proposes to enlarge the conservation reserve by 1.32 hectares. The increase in size to 6.15 hectares predominantly includes areas west along Mount Ridley Road to the proposed north-south connector boulevard that included proposals for open space and a landscape value area containing native trees.

(ii) Evidence and submissions

The Lindum Vale precinct has been well recognised as having important environmental attributes. This was acknowledged by the Logical Inclusions Advisory Committee in its report recommending the precinct be incorporated into the UGB, and why it recommended the land be included in the Farming Zone (FZ) as part of a holding pattern whilst detailed investigations and planning for a PSP were undertaken. Those investigations of the flora and fauna biodiversity values of the precinct were initially conducted by Biosis in 2014. That work identified a number of Habitat Zones (HZ) across the precinct.

The south-eastern corner of the precinct was identified as having significant value in terms of native vegetation and habitat and represented the best location for protecting

biodiversity values. This area contains two HZs (HZ1 and HZ2) with Plains Grassy Woodland and an equivalent area for GEWVVP, particularly within HZ1 and high suitability as habitat for GSM.

The VPA response was to include all of HZ1 and approximately a quarter of HZ2 in the proposed conservation reserve with another quarter of HZ2 included in open space and a landscape values area, in the exhibited PSP. Council's submission to the exhibited PSP was critical that the extent of conservation reserve was insufficient and should be enlarged to include more of the HZ2 area and all of the open space and landscape values area.

In response to ongoing post-exhibition discussions, the VPA proposed (in its Part A submission) to increase the size of the conservation reserve which included the open space and landscape values area along Mount Ridley Road that formed part of the HZ2 area.

The VPA and Satterley both submitted that this increase in the size of the conservation reserve represented an improved conservation outcome that strikes an appropriate balance between providing for the conservation of important habitat for flora and fauna and ensuring efficient use and development outcomes of land for residential purposes.

The ecological evidence from Mr Harvey and Mr Organ varied over the extent and purpose of the conservation reserve. Whilst Mr Harvey considered the increased extent of the conservation reserve proposed by the VPA to be an improved ecological outcome, the evidence of Mr Organ was that the extent of the conservation area should be further increased. Whilst Mr Organ supported the extension of the conservation reserve to the west to include the HZ2 patch, he considered it appropriate to also expand the reserve further north by approximately 0.81 hectares to incorporate additional GEWVVP and suitable habitat for the GSM (refer to Figure 8).

Figure 8 Proposed inclusion (red hatched area) of an additional area of remnant Plains Grassy Woodland within the proposed conservation reserve.



Mr Organ considered that the key benefits of expanding the conservation reserve would be:

- an additional area of GEWVVP (Plains Grassy Woodland patch) and the highest quality GSM habitat within the precinct being retained and protected
- a greater area and depth for the conservation reserve which would result in a larger 'core' area that would have less exposure to 'edge effects' (e.g. weed incursion from surrounding areas) and hence increase the resilience of the reserve
- protection of an additional remnant tree within the reserve
- additional areas for natural regeneration of retained trees to occur.

Mr Harvey did not consider it necessary to further increase the conservation reserve due to limited additional benefits. He considered the additional areas of HZ2 to be of limited ecological value due to poor understorey condition compared to the higher quality habitat value of HZ1.

Satterley reinforced the habitat quality difference, referring to the lack of appreciation in Mr Organ's evidence of the distinctions between HZ1 and HZ2 identified by Mr Harvey and the difference in understorey habitat quality between the two HZs. Satterley submitted that Mr Organ's suggestion to extend the conservation reserve was inappropriate for the following reasons:

- *The conservation reserve has already been expanded by over 20% from 4.83 ha to 6.15ha.*
- *The proposed area of expansion incorporates Habitat Zone 2 which contains a significantly lower habitat score than the expanded area earmarked for protection.*

Mr Organ's evidence is that the critical factor in ensuring that the conservation reserve remains a viable Golden Sun Moth habitat is appropriate management. This is much more important than the size of the reserve. Mr Organ also conceded that larger offset areas secured in perpetuity were likely to achieve a superior conservation outcome compared to a reserve in a highly urbanised area abutting a major arterial road.

Regarding the reserve extension, Mr Harvey concluded that the expansion of the conservation reserve proposed by the VPA would be *"an improved ecological outcome, largely because of the increase in the size of the proposed conservation reserve. The larger reserve will provide for active ecological management for the conservation of all native species and habitat present, including the critically endangered Golden Sun Moth"*.

Council submitted that the additional 0.81 hectares to the conservation reserve would further increase its overall viability, including an increased capacity for more active ecological management. Council contended it represents a reasonable request, given its previous concessions regarding reductions in the extent of open space and landscape value areas, and is an acceptable planning outcome.

Both Council and Mr Organ considered the conservation reserve should have no intrusions into it from construction activity, pathways and other recreational infrastructure in order to safeguard its role for conservation purposes. The VPA and Satterley both considered there is merit in providing some access for management purposes and improved connectivity with other areas of the precinct and beyond. Mr Harvey also considered there would be merit in

allowing access to improve community awareness of environmental values and to improve management of the reserve.

Overall, Council sought the following changes regarding the conservation reserve:

- Amendment of Plan 2 (Precinct Features) in the PSP to show the full extent of Grassy Eucalypt Woodland in HZ2 patch in the south-east corner of the precinct.
- Amendment of Plan 3 (Future Urban Structure) in the PSP and subsequent plans to include all of the open space land (identified in the PSP as LP-01) as well as the additional area suggested in the evidence of Mr Organ.
- Amendment of Table 1 (Summary Land Use Budget) in the PSP to include all of the open space land (LP-01 in the exhibited PSP) and additional land as shown in the evidence of Mr Organ within the conservation reserve. This equates to approximately 0.81ha of additional land in the conservation reserve.
- Replace Requirement R34 with:

No public paths or infrastructure resulting in significant ground disturbance are to be located within conservation areas.

(iii) Discussion

The precinct is recognised as containing features of environmental significance. The Panel acknowledges this value. The combination of River Red Gum (*Eucalyptus camaldulensis*) and Grey Box (*Eucalyptus microcarpa*) trees with Plains Grassy Woodland EVC and presence of both GEWVVP and GSM highlights the need for sensitive planning with respect to land use change from farming to residential use.

The expansion of the conservation reserve proposed by the VPA in the revised Future Urban Structure plan is supported by the Panel and it agrees with the sentiment of Mr Harvey that this expansion will improve biodiversity protection in the precinct.

However, the Panel also agrees with the suggestion for a further extension of 0.81 hectares to the reserve sought by Mr Organ.

Although there was some debate amongst the experts over identification and habitat value between HZ1 and HZ2 and how they relate to the sizing of the conservation reserve, the Panel notes the view of Mr Mueck, Senior Consultant Botanist from Biosis in a *Biosis Memo - Ground Truthing Native Vegetation at Lindum Vale* dated 2 February 2018. Although Mr Mueck did not provide evidence, his report was tabled by the VPA (Document 2) and addresses this relationship and how both HZs can contribute towards an improved response to ecological management in the precinct:

Both patches of native vegetation have conservation values but the retention of all of HZ1 avoids impacts to an additional matter of national environmental significance. The retention of areas of HZ2 would augment the conservation value of the proposed woodland reserve and would contribute a significant conservation benefit. It would also reduce the overall ecological impact of the development and its offset requirements under both state and federal legislation.

The Panel considers Mr Organ's suggested extension to the conservation reserve reinforces Mr Mueck's observation and represents a relatively small and minor addition to the

conservation reserve which would have a significant benefit by further improving protection of both a rare and fragmented grassy woodland vegetation community found on the Victorian Volcanic Plains as well as habitat that is of value to the GSM. This is distinct from the issue of tree retention which relates to landscape aesthetics (despite the biodiversity benefits of scattered remnant trees), in that the conservation reserve can provide protection for vegetation communities that can be managed in an integrated manner in terms of trees, grasses and landform as habitat for a range of flora and fauna species.

The Panel agrees with Mr Organ's summation of the benefits of the extended conservation reserve including increasing its size to improve resilience from the effects of close residential development and increased human presence and activity. The Panel acknowledges that ecological communities within the precinct have experienced a relatively hostile environment from agricultural activity and that providing for a slightly larger conservation reserve than that exhibited or revised by the VPA will assist in protecting biodiversity values, well recognised by the Logical Inclusions Advisory Committee as well as generally by the parties.

The Panel's views in this regard are reinforced by the recognition in Mr Harvey's evidence of the high habitat suitability of land in the south-east of the precinct for the GSM and the records of its presence. The Panel considers that extending the conservation reserve goes some way towards offsetting the removal of open space areas from the south-western corner of the precinct (in the revised Future Urban Structure plan), which also contains good habitat suitability for the GSM and high numbers of GSM recordings.

The issue of what 'works' should be allowed within the conservation reserve is a matter that would be best addressed through a management plan prepared by Council. Extensive works and infrastructure within the reserve should generally be avoided given that the primary role of the conservation reserve is to protect flora and fauna species and associated habitat. Items of infrastructure, whether for services, recreational pursuits or for management purposes, should be avoided and where necessary minimised in extent.

However, the Panel accepts that it may be necessary and appropriate for access pathways to cross the reserve to provide connectivity with areas beyond. The Panel considers such works should be limited in number and extent to ensure the integrity of the conservation reserve is not diminished.

As a matter of completeness and given the Panel's support for an expansion of the conservation reserve, the Amendment will need to be modified to also expand the proposed application of the Rural Conservation Zone (RCZ) and Incorporated Plan Overlay (IPO3) to cover the expansion.

(iv) Conclusions

The Panel concludes:

- The conservation reserve should be expanded based on both the VPA's revised Future Urban Structure plan and the additional area suggested in the evidence of Mr Organ.
- Determining the extent of works within the conservation reserve should be addressed through a management plan for the conservation reserve.

- Any works within the conservation reserve should be limited to those required for providing connectivity with adjoining land and management purposes.
- The RCZ and IPO3 will also require expansion commensurate with the extended conservation reserve.

(v) Recommendations

The Panel recommends:

5. **Amend Plan 2 (Precinct Features) in the Lindum Vale Precinct Structure Plan to show the full extent of both the Plains Grassy Woodland Ecological Vegetation Class 55 and Grassy Eucalypt Woodland in the Victorian Volcanic Plain across all Habitat Zones in the precinct.**
6. **Amend Plan 3 (Future Urban Structure) in the Lindum Vale Precinct Structure Plan and related plans to reflect the combined extensions to the conservation reserve shown in the Victorian Planning Authority's revised Future Urban Structure plan and the additional 0.81 hectares sought in the evidence of Mr Organ and shown in Figure 8 of the Panel's report.**
7. **Amend Table 1 (Summary Land Use Budget) in the Lindum Vale Precinct Structure Plan to reflect the expanded conservation reserve.**
8. **Amend the plans in the Lindum Vale Native Vegetation Precinct Plan to reflect the expanded conservation reserve.**
9. **Amend the Lindum Vale Native Vegetation Precinct Plan to adjust the extent of tree removal resulting from the expanded conservation reserve and re-calculation of offsets.**
10. **Expand the extent of the Rural Conservation Zone and Incorporated Plan Overlay Schedule 3 to match the extended area of the conservation reserve.**

4.5 *Environment Protection and Biodiversity Conservation Act, 1999*

(i) The issue

The issue is whether the Amendment should be adopted before approval under the *Environment Protection and Biodiversity Conservation Act* (the *EPBC Act*) is obtained for the site.

The Lindum Vale precinct was included within the UGB as a result of the 2011 Logical Inclusions review. Consequently, it was not included in regionally based urban growth planning e.g. the North Growth Corridor Plan and associated integrated planning for the conservation of ecological values. Thus, the precinct falls outside of the umbrella of the Melbourne Strategic Assessment (MSA) and the Biodiversity Conservation Strategy (BCS) that integrates State planning processes for urban growth with Commonwealth environmental approval processes under the *EPBC Act*. Hence, a separate approval under the *EPBC Act* is required due to the presence of the listed GEWVVP and the GSM within the precinct.

(ii) Evidence and submissions

Due to the presence of GEWVVP and GSM in the precinct, approval is required from both the State and Federal Governments before works are undertaken on the land that might affect the habitat of these species or vegetation communities. Satterley has sought approval from the Federal Government under the *EPBC Act* for a residential subdivision in the precinct.

Council submitted that the PSP and NVPP should not be adopted prior to *EPBC Act* approval because of the possibility of any approval requiring further changes to the PSP, particularly to the Future Urban Structure plan and land use budget.

Council submitted there is uncertainty over the extent of habitat for GSM that may be impacted by future residential development and it is premature to approve the PSP and NVPP until the approval outcome under the *EPBC Act* is known. There are high concentrations of GSM that have been recorded in the south-west section of the precinct, which the VPA's revised Future Urban Structure now designates for residential development which would deem that area lost as GSM habitat. The frequency and extent of revisions to the Future Urban Structure plan does not provide any certainty that approval will be granted in the current form supported by Satterley and the VPA.

Council submitted that this 'out of sequence' approval process is not reflective of proper and orderly planning and the PSP and NVPP should not have to be subject to further amendment processes at a later stage.

In contrast, the VPA and Satterley submitted that approval under the *EPBC Act* is a separate process that should run its course and if further changes are required to the PSP and NVPP, they can be undertaken when and if required.

The VPA advised that application for approval under the *EPBC Act* has been made and a decision is expected from the Federal government in approximately six months. The VPA noted that no development can occur on the land until approval is obtained. The VPA does not believe the Federal approval process renders progression of the PSP inappropriate. If the *EPBC Act* approval process requires changes, these can be accommodated via a separate amendment process, which the VPA would facilitate.

Mr Harvey's evidence was that the Panel's report might assist in streamlining the Federal approval process and that alterations to the development footprint would be unlikely to arise from the *EPBC Act* approval process. Mr Organ indicated that impacts on GSM habitat would be a matter of balance between the final extent of the conservation reserve, open space areas and landscape value areas and offsets required for habitat loss arising from the extent of area in the precinct earmarked for residential development.

Council submitted that in the event that their suggestion for delaying adoption of the PSP until *EPBC Act* approval had run its course was not accepted, a note should be added to Section 2.0 (Vision) of the PSP stating:

The PSP has been prepared prior to the granting of the EPBC Act approvals for the site.

(iii) Discussion

The Panel does not consider adoption of the PSP and NVPP should be postponed in the absence of any approval under the *EPBC Act*. It is a separate process that will run its course. Any changes that may arise from the *EPBC Act* approval can be included in a revised PSP/NVPP, as necessary, and processed through a separate amendment facilitated, as indicated, by the VPA.

The Panel does not believe that these separate approval processes will undermine progress on environmental protection with the planning for the precinct. The PSP and NVPP are high level strategic planning tools that can be amended if, and when, necessary. Works cannot proceed until *EPBC Act* approval is in place. These are appropriate safeguards.

The Panel is satisfied that the conservation reserve, including the expansion suggested by the Mr Organ is appropriate, and provides further insurance for protection of ecological habitat values. The approval process allows for consideration and regard being given to further impacts on GEWVVP and/or GSM which can be appropriately and separately addressed, when and if required.

Accordingly, Council's suggestion that the Vision section of the PSP should include a note that the PSP has been prepared prior to the granting of approval under the *EPBC Act* is not considered necessary and is not supported by the Panel.

(iv) Conclusion

The Panel concludes:

- The Amendment should be allowed to progress without waiting on the outcome of the approval process under the *EPBC Act*.

4.6 Scattered trees

(i) The issues

The issues are:

- whether scattered trees located outside of the conservation reserve, open space and landscape value areas should be retained
- whether the Environmental Significance Overlay Schedules 5 – *Mount Ridley Grassland and Woodland* and 11 – *River Red-Gum and Grassy Woodlands* (ESO5 and ESO11) should be retained to afford these trees protection through the planning permit process.

The precinct contains a large number of River Red Gum and Grey Box trees located as both scattered trees and in small patches or groups of trees. Investigations by Biosis in 2014 identified approximately 273 individual trees and 14 tree groups across the precinct.

Following exhibition of the PSP and NVPP, there was some confusion raised in submissions regarding trees shown to be retained and removed between the two plans. The VPA clarified this situation in its Part A and Part B submissions.

Following ongoing discussions, there is now general agreement between the VPA, Council and Satterley over the majority of tree retention within the conservation reserve, open

space areas and in landscape value areas. The area of remaining dispute relates to the status of those scattered trees (approximately 32 trees) located outside of these areas.

(ii) Evidence and submissions

Council submitted scattered remnant trees located out of the conservation reserve, open space areas and landscape value areas should be included in the PSP and NVPP as being retained and that any proposals for their removal should be dealt with separately by permit application.

Mr Organ expressed the view that scattered remnant trees located outside of the conservation reserve, open space areas and landscape value areas should be retained where possible in open space areas. Alternatively, he considered the permit application process should be retained through the ESO5 and ESO11. Both Council and Mr Organ considered there was merit in incorporating the statements of environmental significance and objectives of Schedules 5 and 11 of the ESO into the NVPP to guide the consideration of their environmental values.

Council's position was supported by Ms Bell who submitted that River Red Gums within the PSP are significant contributors to the rural character of the area, and that long range views to them help signify the separation between the urban areas of Craigieburn and Mickleham. She recommended, where possible, that trees located outside of the conservation reserve, open space areas and landscape value areas should be retained, preferably in the public realm within road reserves and other spaces.

The VPA submitted that the NVPP is the appropriate tool for managing the retention and removal of native vegetation and that the ESOs should be removed. The VPA also agreed that the NVPP can be updated to include further detail from the relevant ESO5 and ESO11.

The evidence of Mr Patrick focussed on those scattered remnant trees located outside of the conservation reserve, open space areas and landscape value areas. Out of the 32 trees, he recognised that ten trees had been identified in the VPA's revised Future Urban Structure plan for removal due to limited useful life expectancy or low arboricultural ratings. Mr Patrick also identified that one tree identified for removal should be retained. It was a young River Red Gum that he considered had merit in retaining due to its age. Mr Patrick also identified an additional five trees which he considered should be listed for removal due to poor health or low arboricultural rating:

Trees 20 (6) and 47 (90) both River Red Gums (Eucalyptus camaldulensis) and Tree 86 (27), Tree 91 (55) and Tree 92 (62) all Grey Box (Eucalyptus microcarpa). The single tree I recommend for retention is Tree 220 (69), a River Red Gum (Eucalyptus camaldulensis).

Mr Patrick also identified one tree (Tree 36) located within one of the proposed stormwater retarding basins which he considered could be removed due to extensive limb loss and with a low retention value. Overall, Mr Patrick's observations were that:

My review of the site suggests that it contains 172 remnant indigenous trees of which 140 are proposed to be within reserves and 32 within the broader landscape. Of these 160 are proposed for retention on the site, 15 are proposed for removal (allowing for the removals and retention which I have

nominated). This represents a retention of 91% and 9% removals. Amongst the 32 scattered trees, the 15 proposed for removal have all been identified as having low retention values.

Council did not agree with Mr Patrick's evidence and considered that Tree 20 should be retained, particularly if the extended conservation reserve is accepted by the Panel and that Trees 47 and 92 should also be retained.

(iii) Discussion

It is clear to the Panel that there has been much discussion between the VPA, Council and Satterley regarding the identification of trees within the precinct for retention and removal. It is also clear to the Panel that the majority of trees found on the precinct are proposed to be retained.

In an ecological sense, retention of scattered remnant trees offers some value. The Panel notes that the trees occur within a modified environment and due to their isolation offer limited connectivity for biodiversity other than for more mobile fauna species. However, they also offer a unique contribution to landscape and aesthetic value. Combined, these attributes provide sufficient justification for the Panel to conclude that these scattered remnant trees are of value and should be retained.

Tree retention is achieved through the provision of an extended conservation reserve, open space areas and landscape value areas. The Panel considers this an appropriate and reasonable outcome.

Regarding the additional trees identified by Mr Patrick, the Panel is comfortable that they have been appropriately assessed and that his recommendations regarding the retention of Tree 220 and the removal of Trees 47, 86, 91 and 92 are acceptable. The Panel considers Tree 20 should now be retained given it would now be included within Mr Organ's suggested extended conservation reserve that the Panel has supported.

The Panel also supports the following agreed changes proposed by the VPA in its Part A and Part B submissions regarding updating/correcting the trees to be retained and removed in both the PSP and NVPP with the exception for Trees 47 and 92, which the Panel considers should be identified for removal based on its acceptance of the evidence of Mr Patrick:

- *Trees 23, 53, 89, 205, 209, 212, 216, currently shown as to be retained in the NVPP will now be shown as to be removed.*
- *Trees 257, 221, & 96, which are currently identified as trees to be retained for landscape values, will be shown as to be removed.*
- *Tree 85, currently shown as to be removed, will be retained.*
- *Tree 131, 153, 159, 162, 163, 177, 178, 179, 180 & 193 (currently shown as to be removed) are planted trees and should not be included in the NVPP.*
- *Trees 27, 36, 47, 73, 75, 76, 92, 98, 109, 110, 111, 203, 204, 219 & 277, currently shown as to be removed in the NVPP but shown as trees retained for landscape values in Plan 5 of the PSP, will be shown in the NVPP as to be retained.*

A note will be made that trees retained outside of open space should be retained wherever possible for their landscape values, however, permits for

their removal should take their location outside of open space into consideration.

The Panel also considers it is appropriate that the NVPP replace the ESO5 and ESO11 that applies within the precinct. The relevant statements of environmental significance and objectives from Schedules 5 and 11 of the ESO should be incorporated into the NVPP to further guide the assessment of permit applications triggered for the removal of scattered remnant trees located outside of the conservation reserve, open space areas and landscape value areas or located elsewhere within the precinct.

(iv) Conclusions

The Panel concludes:

- The proposed changes/updates for tree retention and removal in the PSP and NVPP are appropriate.
- The retention of Tree 220 and the removal of Trees 47, 86 (noting this tree was identified in the exhibited NVPP for removal), 91 and 92 is acceptable.
- Tree 20 should now be retained given it will be included within an expanded conservation reserve.
- The NVPP should incorporate relevant references from the statement of environmental significance and objectives from Schedules 5 and 11 of the ESO.

(v) Recommendations

The Panel recommends:

- 11. Update the Lindum Vale Native Vegetation Precinct Plan and Lindum Vale Precinct Structure Plan where relevant to identify Tree 220 for retention and Trees 47, 91 and 92 for removal.**
- 12. Update the Lindum Vale Native Vegetation Precinct Plan to incorporate the relevant 'statements of environmental significance' and 'environmental objectives to be achieved' from Schedules 5 and 11 of the Environmental Significance Overlay.**

4.7 Drainage (passive irrigation)

(i) The issue

The issue is to what extent the PSP should provide for the passive irrigation of trees from the stormwater drainage system.

The exhibited version of the PSP showed a large consolidated drainage basin concept for stormwater retention and management located on the central eastern boundary of the precinct (refer to Figure 2). The drainage network was proposed to link with the Malcolm Creek tributary and its associated open space network located within the rural residential area to the east of the precinct.

Satterley submitted that the exhibited concept was excessive in area. In response, the VPA amended the drainage concept to a decentralised system in its revised Future Urban Structure. This features a system of stormwater retarding basins along the eastern

boundary of the precinct with a drainage reserve in the north, a single drainage reserve in the central open space area and a drainage reserve in the south as well as a 60 metre wide drainage reserve from the north-south boulevard connector to the central drainage reserve (refer to Figure 3).

The other key feature of the drainage design was the use of the connected open space areas and stormwater basins to allow passive irrigation of River Red Gum trees through surface stormwater flows.

There is significant support from the parties, including Melbourne Water, for the decentralised stormwater drainage management system. However, there is some debate regarding passive irrigation and what effects it might have on vegetation health.

(ii) Evidence and submissions

The majority of submissions and evidence on drainage related to detailed design matters. For example, Ms Mag and Mr McLean spent considerable time debating mechanisms for achieving passive irrigation of trees including the use of shallow trenching, swales and bubble-up drainage pits.

There was also discussion over what is the appropriate stormwater drainage strategy to use as a background document to the PSP with a number of versions from both Alluvium and Ms Mag proffered to the Panel as suitable candidates.⁹

The VPA acknowledged that it is important that where a drainage strategy has been prepared and agreed to, that it is referenced under the PSP and can inform the permit application process. The VPA submitted that the drainage strategy should be listed as a background document in Section 1.5 of the PSP under 'Background Information' and invited a recommendation on this from the Panel.

Much of the debate centred on what level of detail should be included in the guidelines and requirements of the PSP and the UGZ9 for drainage management and passive irrigation for the sustainability of River Red Gums within the precinct. Satterley and Mr McLean focussed on the need for flexibility and to not be locked in to any particular or detailed form of drainage strategy, whilst Council and Ms Mag considered it paramount for the PSP to be clear that the stormwater drainage system be designed to ensure that retained trees are passively irrigated to ensure their long-term survival and health.

The VPA considered that adequate requirements and guidelines for passive irrigation had already been included in the PSP and will facilitate a permit application process through which the means of achieving healthy sustainable trees can be appropriately determined without locking in any particular form or means for achieving this outcome. This provides sufficient scope to accommodate changed conditions, designs and uncertainty with drainage design and development processes. Accordingly, the VPA suggested that Requirement R65 in the PSP, which requires delivery of drainage to be in accordance with the relevant

⁹ These include the Alluvium Surface/Storm Water Management Strategy: 1960 & 2040 Mickleham Road, Mickleham Lindum Vale Satterley Group report dated December 2017, the Alluvium Surface/Storm Water Management Strategy: 1960 & 2040 Mickleham Road, Mickleham Lindum Vale Satterley Group report dated February 2018, the Stormy Water Solutions Lindum Vale, Mickleham, Independent Hydrological Assessment dated May 2015 and Ms Mag's Expert Witness Statement dated February 2018.

strategy, should be amended to refer to 'generally in accordance' in order to retain flexibility with future drainage designs.

Council submitted that it has always supported passive irrigation of vegetation in the precinct because it goes to the heart of protecting the health and longevity of the significant biodiversity values (most notably the River Red Gums) found on the site. To reinforce this aim, Council requested that the proposed changes to the PSP be implemented through the UGZ9, specifically including the requirement for a 'vegetation survey and assessment' identified in the revised Requirement R30 to also be included as an application requirement in the UGZ9.

Council also submitted that it:

... has always considered that the objective for achieving passive irrigation outcomes on the site should be a fundamental principle which underpins how drainage on the site is designed, rather than being seen as an additional technical 'add-on'. This is particularly important in this PSP given its significant and unique environmental values.

Council supported the concept of replicating the natural flow paths through the precinct. This includes the specific needs of the River Red Gums, which generally exist in a low flood plain that allows for periods of sheet flooding and dry conditions that are specific to the watering requirements for each tree. Council considers that how this is best achieved is a matter of detail.

The evidence of Mr Harvey, Mr Patrick and Mr Organ was generally that these trees have existed and survived till now (over 100 years) in a dry farmed paddock and that sudden watering whether or not on a regular basis may be detrimental to them because they have physiologically adjusted to not being regularly watered or even periodically drowned. In other words, would passive irrigation described by the drainage engineers lead to the early demise or reduction in health of the trees due to over-watering.

To avoid such a calamitous outcome, there was general agreement amongst the parties that some form of eco-hydrological investigation into the physiological watering needs of the trees should be conducted to help inform detailed design of the stormwater drainage system to ensure tree health is achievable.

In this regard, the VPA submitted that the following steps would support the requirements in the PSP:

- *the preparation of a hydro-ecological plan for the trees to be retained;*
- *the implementation of passive drainage solutions where practical; and*
- *an overall objective of reducing the reliance of retained trees on other water solutions.*

Satterley submitted that tree damage might also occur from incursion into Tree Protection Zones (TPZ) from works associated with constructed swales, gravel trenches and the network of bubble-up pits.

The VPA submitted that the PSP should be updated to ensure a requirement for passive irrigation is linked to the detailed drainage design at subdivision stage. It suggested replacing Requirement R30 with the following two separate Requirements to read:

A vegetation survey and assessment of trees to be retained across the site, particularly River Red Gums, must be undertaken by an ecological expert to identify measures to protect and enhance the long term viability of the trees including any specific individual watering requirements.

The design and construction of drainage infrastructure including wetlands, retarding basins, swales and drainage pits and pipes must, where practical, include provisions for watering of the trees to be retained based on the outcomes of the vegetation survey assessment and generally in accordance with the background report "Surface Stormwater Management Strategy – February 2018" prepared by Alluvium.

Guideline G36 should also be converted to a Requirement and updated to read:

Development must reduce reliance on reticulated non-potable water for irrigation of vegetation, including existing mature River Red Gums, through utilisation of passive irrigation facilitated by appropriate subdivision and road design, where practical.

Satterley supported the VPA's change to Requirement R30 and sought the following amendments to objectives, guidelines and requirements in the PSP:

O19

Amend as follows:

~~"Ensure~~ Provide where appropriate and practicable, passive irrigation of parks and open space that sustain the health of retained biodiversity values, particularly River Red Gums, through subdivision design and innovative Water Sensitive Urban Design (WSUD) practices."

O20

Amend as follows:

"Divert stormwater, including the current catchment through the open space network to maximise the retention of natural flow paths where practicable".

R22

Amendment not supported. This section of the PSP addresses open space as distinct from watering or drainage issues.

G36

Having regard to its text, its elevation to a requirement is not logical.

R38

Amend as follows:

"Water Sensitive Urban Design (WSUD) principles must be used so that ~~excess~~ stormwater ~~run off from within~~ where appropriate, ~~external to the park, is directed to support park planting and/or rain gardens,~~ is directed to support retained vegetation and park planting to the satisfaction of the responsible authority and be informed by an ecological assessment of individual tree

moisture needs. Any WSUD must complement the open space function and quality."

Plan 9 (Integrated Water Management)

Agree to an amendment to show environmental culvert works for the purpose of passive irrigation at the intersection of Mickleham Road and the local access street.

R65

Amend as follows:

"Stormwater conveyance and treatment must be designed generally in accordance with the relevant drainage strategy, to the satisfaction of Melbourne Water and the responsible authority including:

- Overland flow paths and piping within road reserves will be connected and integrated across property/parcel boundaries; and*
- Melbourne Water and the responsible authority freeboard requirements for overland flow paths will be adequately contained within the road reserves and drainage reserves."*

R67

Amend as follows:

"The design and layout of roads, lots, and public open space ~~must optimise water use efficiency~~ must ensure the long-term viability of vegetation (especially existing mature River Red Gums) and optimise water use efficiency and public uses through the use of overland flow paths and stormwater harvesting for passive irrigation and Water Sensitive Urban Design initiatives such as rain gardens and or/locally treated storm water for irrigation."

UGZ Schedule

Amend the 9th dot point under Section 3.0 (Applications requirements - Subdivision – Residential Development) to:

"An assessment of the existing surface and subsurface drainage conditions on the site, including any potential impacts on the proposed development, prepared by a suitably qualified professional. The assessment must include:

- any measures required to mitigate the impacts of the development on groundwater and drainage; and*
- where and how stormwater will be used to provide passive irrigation to retained vegetation across the site. This must be informed by a vegetation survey and ecological assessment of the tree moisture needs to the satisfaction of the responsible authority."*

Council supported the VPA's changes to R30 and G36 and generally supported the suggested changes from Satterley with the exception of:

- Objective O19 where "appropriate and" should be removed
- the deletion of Guideline G36
- Requirement R38 where "appropriate" is replaced with "practicable".

(iii) Discussion

The strategic direction for stormwater drainage within the precinct has been the subject of significant investigation and ongoing discussions between the parties. It is clear to the Panel that much agreement has been reached regarding the issues that have been in contention.

The PSP is a strategic level planning tool that guides future land use elements and key supporting infrastructure associated with development for urban residential purposes. The Panel agrees with the VPA that the PSP is not intended to determine detailed development outcomes. With respect to drainage, the important role of the PSP is to outline the general design approach and appropriate outcomes to be achieved, and to identify supporting documentation that guides future detailed planning and design processes.

With respect to this, the Panel supports the proposition that the 2018 Alluvium Drainage Strategy should be included as a background document in the PSP and notes that Council and Satterley have reached agreement on including a list of principles, as well as including 'passive irrigation' as a purpose in the Strategy. The Panel supports this agreed approach and recommends that the Strategy be amended accordingly.

The Panel also supports the proposition that Requirement R65 should require that drainage design be "*generally in accordance*" with the relevant drainage strategy.

The Panel also notes agreement amongst parties with respect to updating the drainage strategy and Plan 9 (Integrated Water Management) in the PSP to include a culvert on Mickleham Road adjacent to the connected open space reserve as well as the addition of a 100 year ARI culvert adjacent to the east-west boulevard connector. These will ensure diversion of stormwater runoff into the precinct from areas further to the west through an overland flow path across the open space network.

Most of the changes have been included in the VPA's revised version of the Amendment and do not require separate recommendations.

(iv) Conclusions

The Panel concludes:

- The PSP should require passive irrigation of trees within the precinct, if supported by the findings of an eco-hydrological investigation of the watering requirements of the trees.
- Stormwater drainage design should maintain some flexibility regarding how passive irrigation might be undertaken and is a matter of further detailed design.

(v) Recommendations

The Panel recommends:

- 13. Update the Alluvium Surface/Storm Water Management Strategy: 1960 & 2040 Mickleham Road, Mickleham Lindum Vale Satterley Group report dated February 2018 to:**
 - a) Include 'Passive irrigation' as a purpose of the drainage strategy.**
 - b) Provide for an ecological assessment of tree moisture needs before the site specific functional design response for the subdivisional layout and drainage which should be guided by the following principles (where practical):**

- that the drainage system maximises passive irrigation opportunities;
 - that water remains as close to the surface as possible in areas identified for passive irrigation;
 - that the subdivision is designed to delineate small catchments to minimise pipe sizes;
 - that internal and external stormwater are considered as a means to passively irrigate retained native vegetation;
 - that open spaces areas are designed to act as overland flow paths where practical;
 - that the alignment of road reserves assist with local passive irrigation opportunities; and
 - that drainage infrastructure does not impact on the health of retained trees.
14. Amend Section 1.5 of the Lindum Vale Precinct Structure Plan to include the Alluvium Surface/Storm Water Management Strategy: 1960 & 2040 Mickleham Road, Mickleham Lindum Vale Satterley Group report dated February 2018 as a background document.
15. Amend the ninth dot point under Section 3.0 (Application requirements - Subdivision - Residential Development) of Schedule 9 to the Urban Growth Zone to read:
- An assessment of the existing surface and subsurface drainage conditions on the site, including any potential impacts on the proposed development, prepared by a suitably qualified professional. The assessment must include:*
- *any measures required to mitigate the impacts of the development on groundwater and drainage; and*
 - *where and how stormwater will be used to provide passive irrigation to retained vegetation across the site. This must be informed by a vegetation survey and ecological assessment of the tree moisture needs to the satisfaction of the responsible authority.*

4.8 Community ‘hub’

(i) The issue

The issue is whether an expansion of the proposed ‘Community hub’ in the Merrifield West precinct should be partly funded under the future Lindum Vale ICP.

Section 1.3 of the exhibited PSP foreshows the preparation of the Lindum Vale ICP and notes that it will contribute to the development of several projects outside of the precinct.

The PSP also includes a Precinct Infrastructure Plan (PIP) (Table 6) that lists various infrastructure and how it will be funded. Table 6 identifies that the Lindum Vale ICP will contribute to the funding of a ‘Community Hub’ in the Craigieburn West precinct.

It is not intended that a community hub will be developed in Lindum Vale given its relatively small area and expected population.

(ii) Submissions

Council submitted that the references to the ICP in Section 1.3 and Table 6 should provide for contributory funding of the community hub in Merrifield West. Council submitted that residents in the northern area of the Lindum Vale precinct will make use of the Merrifield West community hub, while residents in the south will make use of the Craigieburn West community hub. Consequently, the ICP should contribute to both. Council noted that the land for the Merrifield West community hub has been fully accounted for through the Merrifield West Development Contributions Plan (DCP) and that the Lindum Vale ICP would only need to fund the construction of an additional 700 square metres of floorspace.

The VPA did not support the submission, noting that the Lindum Vale ICP will include a 50% contribution to the Craigieburn West community hub and a 10% contribution to the library in the Mickleham Major Town Centre.

The VPA also submitted that:

The Southern Community Hub was fully funded through the Merrifield West DCP and so cannot receive any further funding. An additional contribution to the Southern Community Hub could only be included if in the Lindum Vale ICP it can be demonstrated that the Hub needs to be expanded beyond what was identified in the Merrifield West PSP because the Lindum Vale PSP is creating additional demand that was not considered at the time of the Merrifield West PSP / DCP and that the demand is greater than the contribution to the Craigieburn West – Northern Community Hub.

Satterley adopted the VPA's position on this issue.

(iii) Discussion

The Panel accepts that both community hubs will service residents within Lindum Vale, however Council did not provide any evidence or detailed analysis of the extent of the Merrifield West catchment within Lindum Vale or in support of its proposition that an additional 700 square metres of floorspace would be required. In addition, the Panel was not presented with any detailed material relating to the funding of the community hub under the Merrifield West DCP and on what basis that funding was determined.

Without this analysis, it is not possible for the Panel to form any considered views about whether the proposed Merrifield West facility might need to be expanded, how much it might need to be expanded by and whether any expansion should be funded through the Lindum Vale ICP. For these reasons the Panel does not support the changes sought by Council.

If Council intends to pursue this issue, it should continue its discussions with the VPA and make further submissions during the ICP process.

(iv) Conclusion

The Panel concludes:

- Council has not adequately justified its proposition that the Lindum Vale PSP and the future ICP should provide for additional floorspace at the Merrifield West community hub.

4.9 Boulevard connector street

(i) The issue

The issue is whether the north-south ‘connector street – boulevard’ (the north-south boulevard connector) should be funded under the future Lindum Vale ICP.

The exhibited and revised PSPs provide for a north-south boulevard connector (refer to Figures 2 and 3), including a cross-section.

The PSP also includes a Precinct Infrastructure Plan (PIP) (Table 6) that lists various road and intersection projects and how they will be funded. The boulevard connector is not listed in the table, although the interim intersection with Mount Ridley Road is identified as an ICP item.

(ii) Evidence and submissions

Satterley submitted that the north-south boulevard connector should be identified as an ICP item and relied on the evidence of Mr Walsh and Mr Woodland. Satterley submitted that the Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans provides for ‘Council arterial roads’ to be a ‘standard levy allowable item’¹⁰, although it does not define the specifications of an ‘arterial’ road.

Mr Walsh gave evidence that the connector will *“service a more strategic role than a typical boulevard connector, and its function, in the absence of an alternative north south arterial, will likely attract more than just local traffic”*. Mr Walsh also indicated that projected traffic volumes would be at the upper end of the target range for a boulevard connector, but that the proposed cross-section was appropriate. He also discussed anticipated traffic movements when Merrifield West and Lindum Vale are built out, particularly in the context of providing a ‘one-mile grid’ for arterial roads.

Mr Walsh supported the early construction of the connectors, and concluded that they will, in part, serve an ‘arterial function’.

Mr Woodland submitted that the north-south connector would play an important role in distributing traffic given that there is only one arterial road proposed between Mickleham Road and the Hume Freeway.

Satterley concluded that the connector *“will have a vital role to play in unlocking the local road network”* and that including it in Table 6 (as an ICP project) would *“facilitate its early delivery”*.

The VPA did not support the connector being nominated as an ICP item, noting that the Infrastructure Contributions Plan Guidelines state that ‘connector roads’ are ‘developer-provided works’. The guidelines allow a ‘supplementary levy’ where a developer-provided road is located on or adjoins land in fragmented ownership, however this situation does not exist in Lindum Vale.

¹⁰ Table 3: Transport construction standard levy allowable items.

The VPA also noted that while the Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans includes ‘Council arterial roads’ as allowable items, it does not include collector roads, consistent with the ICP Guidelines.

The VPA also submitted that:

- the Lindum Vale north-south connector is a continuation of the Merrifield West, north-south connector that is a developer-funded project under the Merrifield West DCP.
- The Lindum Vale north-south connector can meet the projected traffic volumes, including any additional traffic that might be generated by the connector having a broader function. For this reason, *“Satterley is not ‘out of pocket, because it is not funding more than its fair share”*.
- Identifying the connector as an ICP project is not necessary in order to achieve its *“timely provision”* (as advocated by Mr Walsh), given that the precinct is likely to be built out in 10 years, well before the delivery of the Outer Metropolitan Ring (OMR), the build-out of the Merrifield West precinct and any substantial development within the Craigieburn West precinct which is yet to commence pre-planning.
- The connector has not been identified in evidence as an ‘arterial road’, which typically consists of at least four lanes.

Put simply, the VPA submitted that Satterley has to build a connector road to service its development and because there is no need for an enhanced cross-section to provide additional capacity, there is no justification for external funding.

Council supported the VPA’s submissions on this issue.

(iii) Discussion

The Panel is satisfied that the designation of the north-south connector as a ‘connector street – boulevard’ is appropriate and that the proposed cross-section will accommodate the predicted traffic levels. While the connector may have some ‘arterial’ function, it is principally a connector road and there is no basis on which to designate it as an arterial road. These findings are consistent with the evidence that was presented to the Panel.

The ICP Guidelines and the Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans do not support the inclusion of collector roads in ICPs and although they make provision for supplementary levies, the Panel agrees with the VPA that circumstances of Lindum Vale do not warrant a supplementary levy.

(iv) Conclusion

The Panel concludes:

- The north-south ‘connector street boulevard’ should be provided by the developer.

4.10 Melbourne Airport

(i) The issue

The issue is whether the Amendment should include additional requirements to address aircraft noise and building height associated with Melbourne Airport.

(ii) Submissions

Australia Pacific Airports (Melbourne) Pty Ltd (Melbourne Airport) was represented at the Hearing by Ms Gale who made submissions in relation to noise impacts and airspace protection associated with the airport. Ms Gale submitted that the Amendment should include:

- a requirement in the UGZ9 and SUZ7 for a S173 agreement to be registered on titles that acknowledges that the land is affected by aircraft noise and within an Obstacle Limitation Surface (OLS)
- a note in the PSP advising stakeholders of the presence of the Night Above Contour (N Contour) and the OLS.

Ms Gale provided background information relating to the airport's OLS, Australian Noise Exposure Forecasts (ANEF) and N Contours. She advised that the precinct is located entirely within the Melbourne Airport N60 Contour.¹¹ The National Airport Safeguarding Framework (NASF) recommends that potential noise impacts be considered as part of greenfield strategic planning proposals to ensure the risk of aircraft noise exposure is appropriately mitigated for future residents.

Ms Gale noted that similar submissions were put to the VPA in relation to Amendments C207 and C208 to the Hume Planning Scheme. These submissions were considered by a Panel¹² that concluded:

The Panel does not support Melbourne Airport's suggestion that section 173 Agreements should be entered into with all landowners within the N Contour as this is considered onerous for all parties concerned. The Panel agrees that this would create an unnecessary administrative burden. The Panel considers the measures proposed by the VPA provide adequate notification to owners and potential purchasers of the existence of potential noise associated with the Melbourne Airport.

Ms Gale drew various distinctions between those Amendments and Amendment C205, and submitted that a different approach was warranted.

The Panel sought further information from Ms Gale about various matters and she provided a written response following the Hearing.¹³

The VPA did not agree that S173 agreements should be required to address aircraft noise and the OLS. The VPA noted that this issue had been considered by the C207/C208 Panel and submitted that a similar approach should be adopted by this Panel. The VPA did not agree with Melbourne Airport that the circumstances relating to Amendment C205 were different and that a different approach was warranted.

However, the VPA agreed to add a note to the PSP relating to potential noise impacts from the airport and the N Contours. The VPA also agreed to include a provision in the UGZ7 requiring that Melbourne Airport be notified of applications within the N Contours.

¹¹ Ms Gale advised that the N60 Contour indicates that, on average, the land would experience a minimum of 6 overflights to a level of 60db(a) between the hours of 11pm and 6am.

¹² Panel report December 2017.

¹³ This additional material was circulated to the other parties for comment.

Council agreed with the VPA and Satterley that *“a section 173 Agreement is not required or appropriate”*.

Satterley submitted that the requirement for a S173 agreement *“is not warranted and is unnecessarily onerous”* and that S173 agreements *“are not the preferred approach to address these matters”*. In relation to noise, Satterley submitted that:

- Australian Standard AS2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, Standards Australia Limited, 2015 (AS2021-2015) is an Incorporated Document at Clause 81.01 of the Hume Planning Scheme.
- AS2021-2015 identifies noise contours within which residential development is *“acceptable”* (less than 20 ANEF), *“conditionally acceptable”* (20-25 ANEF) or *“unacceptable”* (greater than 25 ANEF).
- The Melbourne Airport Master Plan 2013 provides ANEF contours for the *“ultimate four runway capacity”*.
- The precinct is *“many kilometres distant”* from the projected 20 ANEF contour and is therefore *“unconditionally acceptable”* for residential development.
- The N Contours shown on the Melbourne Airport Master Plan 2013 are *“speculative”*, have not been endorsed by Air Services Australia and were not supported by any acoustic evidence during the Hearing.

Satterley concluded:

No useful purpose will be served by imposing a section 173 Agreement on all future titles containing a ‘warning’ that the land is in an area affected by aircraft noise. It is completely unwarranted.

In relation to the OLS, Satterley noted that the construction of buildings within the precinct will be a *“controlled activity”* under the *Airports Act 1996* (Cth) and that controlled activities, including the need for notice, are regulated under the *Airports (Protection of Airspace) Regulations 1966* (Cth). In short, this requires that Melbourne Airport be given notice of relevant proposals (controlled activities) by the building surveyor.

Satterley concluded:

A section 173 Agreement is simply not required to provide notice that a building permit is required. Neither is it appropriate that a section 173 Agreement be required to address this issue. It does not further a relevant planning purpose. Further a sections 173 Agreement is unlikely to reach its appropriate target audience, namely the relevant building surveyor.

(iii) Discussion

The Panel is not satisfied that there is adequate justification to require S173 agreements as sought by Melbourne Airport. As the Panel for Amendments C207 and 208 concluded, this requirement would be onerous, and it is not clear what it would achieve in light of the existing controls outlined by Satterley and the changes to the Amendment proposed by the VPA, including the referral of planning permit applications to Melbourne Airport and the inclusion of an explanatory note in the PSP. The Panel supports these changes and is satisfied that they will contribute to addressing the concerns raised by Melbourne Airport

without the need to require S173 agreements. These changes are included in the VPA's revised Amendment documentation and do not require a separate recommendation.

Finally, the Panel notes that the issues raised by Melbourne Airport are likely to affect future PSP areas, and it would be useful if the VPA, relevant Councils and Melbourne Airport discussed how these issues might be consistently addressed and whether the existing airport related planning scheme controls might need to be augmented.

(iv) Conclusions

The Panel concludes:

- The Amendment should require the referral of applications to Melbourne Airport and include explanatory material relating to the impacts of the Airport.
- The inclusion of a requirement for S173 agreements relating to the impacts of the Airport is not supported.

4.11 Electricity transmission easement

(i) The issue

The issue is whether the electricity transmission easement along the northern boundary of the precinct should be transferred to Council and used for public open space.

The exhibited PSP identifies the easement (refer to Figure 2) and includes the following 'key objectives' and 'guidelines':

- 08 *Create a passive recreation network via the high voltage electricity transmission easement and series of local parks linking the Mount Ridley Woodland Nature Conservation Reserve to the north and the BCS conservation areas to the south of the PSP area.*
- G20 *Development of land in the power transmission easement should be utilised for open space, recreation including those outlined in Table 4 - Powerlines Easement Possible Use and Development and other activities permitted by the relevant electricity authority.*
- G21 *Where landscaping in the powerlines easement is required as part of subdivision, treatment should include provision of a shared path and extensive planting of indigenous grasses and shrubs to the satisfaction of the responsible authority and in accordance with Figure 2 - Powerline Easement Concept, Table 4 - Powerline Easement Possible Use and Development and Appendix D - Service Placement Guidelines and the SP Ausnet – A Guide to Living with Transmission Easements.*

The exhibited PSP also includes a 'Powerline Easement Concept' at Figure 2 and an associated table describing 'Powerline Easement Possible Use and Development' (Table 4). The easement is also included within the 'service open space' designation in the Summary Land Budget (Table 1).

(ii) Submissions

Council raised concerns about the use of the easement for recreation and drainage infrastructure and sought changes to various references in the PSP. Council advised that it did not *“propose to accept ownership of this land and does not wish to assume responsibility for its maintenance”*. It added that obtaining approvals from SP Ausnet *“can pose an administrative burden on Council and has potential to complicate responsibility and liability”*. In particular, Council opposed *“the development of paths and other community infrastructure”* where it is to be *“managed and maintained by Council”*.

The VPA submitted that it:

...does not support the position that no paths or infrastructure should be located within the electricity easement. The easement provides an opportunity to create open space and amenity value for future residents of the precinct. Prohibiting the incorporation of paths or infrastructure in the easement through the PSP precludes possible future uses of this area that could be of benefit to the community.

The VPA noted that transmission easements have been used for open space in other PSPs and provided various examples of this.

In response to Council’s concerns, the VPA agreed that Table 4 should be deleted and that Guidelines G20 and G21 should be revised. It did not support the changes to Objective O8 sought by Council.

Satterley adopted the VPA’s position on this issue.

(iii) Discussion

The Panel agrees that easements, including the transmission easement, can have utility for open space and infrastructure, including pathways. For this reason, it is reasonable that the PSP identify this opportunity, particularly as an ‘objective’ with associated ‘guidelines’. The PSP does not include any ‘requirements’ relating to the easement and does not compel Council to construct or maintain any infrastructure or to accept ownership of any land within the easement.

Clearly the issues raised by Council will require further discussion with the VPA, Satterley and SP Ausnet, but in the interim, the Panel is satisfied that the references to the easements in the VPA’s revised PSP should be adopted, including the deletion of Table 4 that provided an unnecessary level of specificity. However, the Panel believes that the reference to the easement in Objective O8 should be revised to indicate it’s ‘potential’ open space use:

Create a passive recreation network, potentially including the high voltage electricity transmission easement, and series of local parks linking the Mount Ridley Woodland Nature Conservation Reserve to the north and the BCS conservation areas to the south of the PSP area.

Finally, the Panel notes that the easement seems to extend within the Merrifield West PSP to the north, although that PSP does not include any guidance about its future use for open space or other purposes. Although any implications arising from this were not discussed

during the Hearing, the Panel assumes that similar issues about the use and ownership of this part of the easement have arisen and might be relevant to the Lindum Vale PSP.

(iv) Conclusion

The Panel concludes:

- The PSP should identify the possible use of the electricity transmission easement for public use.

(v) Recommendation

The Panel recommends:

16. Revise Objective O8 in the Lindum Vale Precinct Structure Plan to read:

Create a passive recreation network, potentially including the high voltage electricity transmission easement, and series of local parks linking the Mount Ridley Woodland Nature Conservation Reserve to the north and the Biodiversity Conservation Strategy for Melbourne's Growth Corridors conservation areas to the south of the Precinct Structure Plan area.

4.12 Dry stone walls

(i) The issues

The issues are:

- whether Dry Stone Walls (DSW) should be re-classified
- whether DSWs of moderate or high condition could be removed in response to future residential development of the precinct.

The Lindum Vale PSP area contains approximately 12 sections of DSW in various states of intactness that have been accorded ratings relating to their condition. The majority of the DSW within the precinct have a low Rating 1, which is recognised under the PSP for removal. Significant DSWs located within the precinct include:

- DSW1 which is a section of wall located on an east-west alignment extending from the south-east corner of the adjacent Parnell's Inn property. It has a Rating 2 – Moderate condition.
- DSW2 which is a longer section of wall extending from the eastern end of DSW1 in the same alignment. It has a Rating 3 – High condition.
- DSW3 is located along the Mickleham Road frontage between the Parnell's Inn property and Mount Ridley Road intersection with Rating 2 – Moderate condition.

(ii) Evidence and submissions

The VPA in response to submissions to the exhibited PSP submitted that moderate to high condition DSWs should receive stronger incentive for retention and reinstatement under the PSP and be incorporated into open space areas or road reserves where possible. The VPA recognised that any removal or alteration of DSWs in the future would remain subject to a permit application process. In accordance with this position, the VPA suggested the following amendments to the PSP:

- Change Guideline G11 to a Requirement and amend it to read:

Dry stone walls identified on Plan 5 Image, Character and Housing as 'Dry Stone walls to be retained and repaired - rating 2-3 (moderate to high value)' must be retained unless otherwise agreed by the responsible authority. Dry stone walls to be retained must:

- *Be situated within public open space or road reserve to the satisfaction of the responsible authority;*
- *Have a suitable landscape interface;*
- *Be checked by a suitably qualified dry stone waller for any loose stones and risk to public safety. Any loose stones are to be reinstated in the wall in secure positions;*
- *Retain post and wire or post and rail fences situated within the walls, with any wire protruding beyond the vertical face of the wall reinstated to its original position or removed; and*
- *Be incorporated into subdivision design to minimise disturbance to the walls (e.g. utilisation of existing openings for vehicle and pedestrian access).*

The VPA also proposed that Guideline G12 be made a Requirement and be amended to read:

Land uses abutting retained dry stone walls must enhance public visibility of the walls. Relevant uses include open space, conservation reserve or road verge.

Council supported the above intent and changes.

Satterley relied on the evidence of Mr Travers.¹⁴

Mr Travers identified that DSW1 should be re-classified from Rating 2 – Moderate condition to Rating 1 – Low condition. His evidence suggested this section of wall is in poor condition and no longer constitutes a continuous line of stones with little structure. Mr Travers also included the suggestion that DSW3 should be re-classified from Rating 2 – Moderate condition to Rating 3 – High condition to better reflect its better-preserved structure and role in demarcating a property, rather than an internal fence boundary. He considered DSW3 better represents the history of dry stone walling in the area.

Regarding DSW2, Mr Travers considered the location of this wall internally within the precinct meant it will eventually be surrounded by residential rather than rural land uses and its significance in the landscape will diminish as a result. There will also be a greater need for breaks within the wall to provide connectivity between different areas of the site upon development for residential or open space purposes. Hence, he considered greater flexibility will be required in allowing breaks in DSW2.

In guiding discretion to permit partial or total removal of DSW2, Mr Travers suggested that any loss could be mitigated through preparation of a Dry Stone Wall Management Plan that could include other management works undertaken in relation to dry stone walls in the precinct.

¹⁴ With the agreement of the parties, Mr Travers was not called to present his evidence report.

Satterley acknowledged that *“the retention of dry-stone walls will require ongoing maintenance and may entail a safety risk in a densely populated area”*.

Satterley submitted that Guideline G11 (proposed by the VPA to become a Requirement) should retain some discretion for DSWs to be altered or removed (whether in part or in total) and that Guideline G12 in the PSP relating to land use enhancing the visibility of DSWs and including them into open space areas should be deleted. In relation to the matter of flexibility, Satterley suggested the following wording should be added as a new Guideline G11:

Where it is not practicable to retain all elements of a dry stone wall identified on Plan 5 (Image, Character and Housing) as ‘Dry stone walls to be retained and repaired – rating 2-3 (moderate to high value)’ the portion of the wall to be removed should be reinstated in an alternate location with the agreement of the responsible authority.

The VPA agreed with the re-classification of DSW1. It also reinforced its position that moderate and high condition rating DSWs should be retained. The VPA acknowledged however, that a permit can be sought for removal of all or part of the wall. The permit application process could facilitate the relocation and reconstruction of DSW2 to an alternative location within the PSP and provides an opportunity for recording the removal of dry stone walls of moderate to high heritage value.

The VPA supported¹⁵ the inclusion of a new guideline that included Satterley’s suggested new G11 wording.

The VPA did not support the deletion of Guideline G12, submitting that the incorporation of dry stone walls of moderate-high heritage value into open space, conservation reserves or road verges will improve the amenity of the PSP and create a reference to the area’s rural history in the urban landscape.

(iii) Discussion

The Panel considers the issues around the DSWs are relatively settled. The Panel agrees that DSW1 should be re-classified from a moderate to low condition given the evidence of Mr Travers. The Panel does not express a view regarding the re-classification of DSW2 and DSW3. Irrespective, these walls are considered the better-quality forms and hence should be encouraged to be retained, reinstated and incorporated into the public realm for the appreciation of their role in the history of the area for the benefit of the future community.

The Panel also considers that the conversion of Guidelines G11 and G12 into Requirements in the PSP is appropriate and will ensure that the limited extent of DSW2 and DSW3 will receive the most significant protection from development. It also encourages the design of future subdivision to incorporate these high quality DSWs into the layout to ensure they are retained and enhanced, and that breaks where they are required are due to the need for connectivity within the precinct.

The Panel supports the wording changes to Guideline G11 proposed by the VPA and an additional Guideline that incorporates the suggested wording from Satterley regarding

¹⁵ Through the Document Changes Matrix tabled post-hearing (Document 35).

flexibility with DSW removal. Although Council does not support Satterley's suggested changes, the Panel is satisfied that the conversion of G11 and G12 to Requirements reflect a strengthening of protection for the walls, recognition of the desire for their incorporation into future subdivision design and any future permit application processes and the need for reinstatement where sections of wall may need to be removed arising from future residential development design.

The Panel considers that future management of the DSWs would benefit from a Dry Stone Wall Management Plan, as suggested by Mr Travers. Such a plan could be developed to inform future subdivision applications or could be required as part of future planning permit processes.

Most of the agreed changes are included in the VPA's revised Amendment documentation. The only additional recommendation that is required relates to the classification of DSW1.

(iv) Conclusions

The Panel concludes:

- DSW1 should be re-classified from Rating 2 – Moderate condition to Rating 1 – Low condition.
- The classification of DSW2 and DSW3 should remain unchanged.
- The VPA's suggested changes to Guidelines G11 and G12 in the PSP and conversion to Requirements are supported.
- The additional Guideline relating to flexibility with regards to any removal of DSW is supported.
- Any future permit application should incorporate DSW2 and DSW3 into the future subdivision layout to ensure their retention and enhancement, including the necessity for any breaks in the wall required for connectivity within the precinct.

(v) Recommendation

The Panel recommends:

- 17. Amend Plan 5 – Image, Character and Housing in the Lindum Vale Precinct Structure Plan to re-classify the section of Dry Stone Wall identified as Dry Stone Wall 1 in Figures 1 and 2 in the statement of evidence of Ian Travers (Extent Heritage dated 12 February 2018) from Rating 2 – Moderate condition to Rating 1 – Low condition.**

4.13 Other issues

4.13.1 Active transport infrastructure

Mr Balaam raised concerns about the timely provision of active transport infrastructure (including cycling infrastructure), particularly associated with the redevelopment of Mount Ridley Road and its intersection with Mickleham Road.

The VPA submitted that the revised PSP resolved these issues, noting that:

- the upgrade of Mount Ridley Road and Mickleham Road will involve the construction of two-way off road bike paths

- the timing of the Mount Ridley Road and Mickleham Road intersection has been reduced to medium to long term (5-10 years) from long term (10 years plus)
- the timing of the intersection of Mickleham Road and the boulevard connector has been reduced to short term (0-5 years) from medium term (5-10 years).

The Panel is satisfied that the revised cross-sections and proposed timings are reasonable and will assist in addressing Mr Balaam's concerns.

4.13.2 The rural residential area to the east

Mr Goodman submitted that the precinct should have been planned in conjunction with the rural residential area to the east, particularly in terms of physical services, including roads. Mr Goodman noted that this area is poorly serviced and does not have mains water, natural gas or sewer and submitted that this has been overlooked in the PSP.

The VPA submitted that the rural residential area was considered during the preparation of the PSP, but that a specific review of this area was *"beyond the ambit of the PSP"* and that *"Any planning for the redevelopment of the Rural Living Zone would need to be led by Hume City Council"*. The VPA noted that the revised Future Urban Structure includes local access streets linking the precinct with Callaway Drive and Coinda Avenue, and a requirement for a future connection at Billabong Close.

While the Panel acknowledges Mr Goodman's concerns, it agrees with the VPA that the future of this area is a matter for Council. In terms of the PSP process, the Panel is satisfied that it has had adequate regard to the interrelationship between these two areas, particularly the interface treatments along the eastern boundary discussed earlier.

4.13.3 Open Space

Council and Satterley made extensive submissions in relation to open space provision in their responses to the exhibited Amendment. The VPA advised¹⁶ that it had reached agreement with Council and Satterley and that these submissions had been resolved. The Panel understands that these matters are addressed in the VPA's revised amendment.

¹⁶ The VPA's closing submission (Document 30).

Appendix A Submitters to the Amendment

No.	Submitter
1	Kevin Balaam
2	Wayne Gauci
3	Matthew Goodman
4	Glenn McLean
5	Satterley Pty Ltd
6	Yarra Valley Water
7	Environment Protection Authority
8	Transport for Victoria
9	Hume City Council
10	Department of Environment, Land, Water and Planning
11	Catholic Education Office
12	Melbourne Water
13	Department of Education and Training
14	Australia Pacific Airports (Melbourne) Pty Ltd

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Victorian Planning Authority	Greg Tobin (Harwood Andrews) and Ella Adams (Victoria Planning Authority)
Hume City Council	Jessica Kaczmarek (King and Wood Mallesons), who called the following expert witnesses: <ul style="list-style-type: none">- Valarie Mag, hydraulic engineering, Stormy Water Solutions- Aaron Organ, ecology, Ecology and Heritage Partners- Julia Bell, urban design, David Lock Associates (Australia) Pty Ltd
Satterley Pty Ltd	Mr Paul Connor (counsel) and Mr Haroon Hassan (counsel) instructed by Norton Rose Fulbright who called the following expert witnesses: <ul style="list-style-type: none">- Mark Woodland, town planning, Echelon Planning- Jason Walsh, traffic, Traffix Group Pty Ltd- Jonathon McLean, drainage, Alluvium Consulting Australia Pty Ltd- Aaron Harvey, ecology, Biosis Pty Ltd- Ian Travers, heritage, Extent Heritage (with the agreement of the parties Mr Travers was not called to present his evidence report)- John Patrick, landscape, John Patrick Landscape Architects Pty Ltd
Australia Pacific Airports (Melbourne) Pty Ltd (Melbourne Airport)	Stephanie Gale (legal counsel, Melbourne Airport) John Carey (Minter Ellison)
Matthew Goodman	

Appendix C Document list

No.	Date	Description	Tabled by
1	19 February 2018	Copy of email from Melbourne Water dated 16/2/18 in response to the Alluvium Surface Water Management Strategy 2017	VPA
2	"	Biosis letter dated 2/2/18	"
3	"	Updated NVPP Trees to be Retained and Removed plan (Map 2)	"
4	"	Victorian Planning Authority (VPA) Part B Submission	"
5	"	VPA Hearing Folder	"
6	"	Extracts from Hume C207 & C208 Panel Reports	"
7	"	Extract of section 46 GF of <i>Planning and Environment Act 1987</i>	"
8	"	Biosis Figure 1: Ecological Features of Lindum Vale Plan	Satterley
9	"	Melbourne Airport submission	Ms Gale
10	'	Airspace Protection Fact Sheet	"
11	20 February 2018	Copy of email from John & Marina Ranno landowners at the end of Coinda Court regarding changed interface conditions on the north-east boundary of Lindum Vale	VPA
12	"	Council revised changes and table of changes to the Lindum Vale Future Urban Structure	Council
13	"	Tree Protection Plan	VPA
14	"	Copy of Clause 42.01 - Environmental Significance Overlay and Schedule 5 (ESO5)	Satterley
15	"	Copy of Clause 52.16 – Native Vegetation Precinct Plan (NVPP)	"
16	"	Julia Bell - expert witness for Hume City Council PowerPoint	Council
17	"	Hume City Council's submission	"
18	"	ENSPEC Visual Tree Assessment Report dated March 2015	"
19	21 February 2018	VPA Panel Updates Sheet	VPA
20	"	Copy of email from Ms Kaczmarek dated 20/2/18 on Drainage Strategy principles including passive irrigation	Council

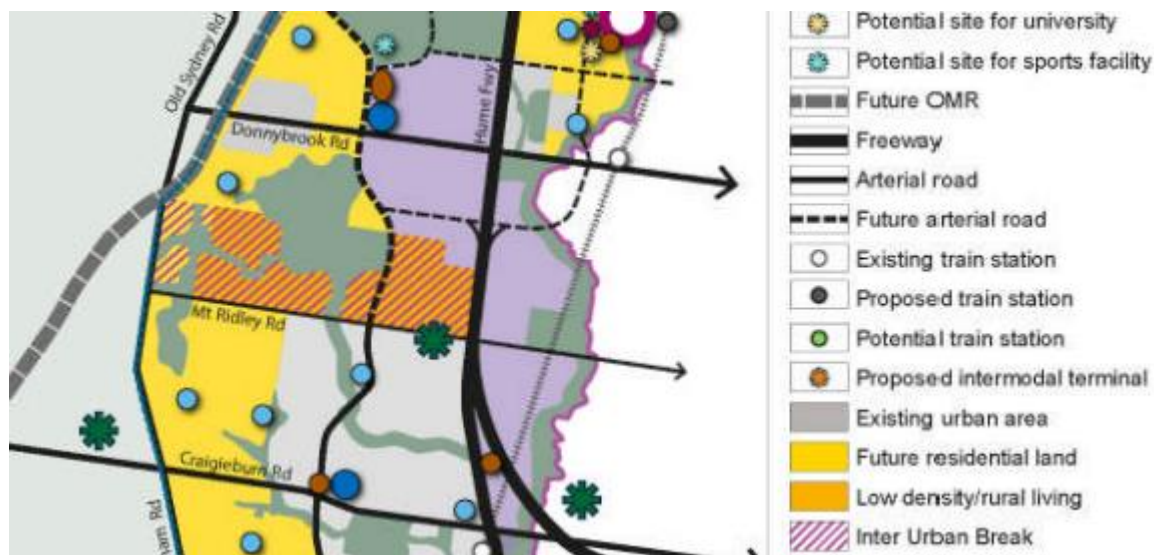
No.	Date	Description	Tabled by
21	“	Copy of email from Melbourne Water dated 16/2/18 on wetland design	VPA
22	22 February 2018	Bundle of aerial photographs	Satterley
23	“	Regional Road Network Map	Mr Walsh
24	“	Satterley submission	Satterley
25	“	Example plans of tree retention & spacing	“
26	“	Extracts from Melbourne Airport Master Plan 2013	“
27	23 February 2018	Updated Plan 3 – Future Urban Structure	VPA
28	“	Satterley list of clarified & resolved issues as at 23/2/18	Satterley
29	“	Hume City Council right of reply submission	Council
30	“	VPA right of reply submission	VPA
31	“	VPA Table of responses to Hume City Council submission	“
32	“	VPA Table of responses to Satterley submission	“
33	“	Copy of Merrifield West Future Urban Structure Plan	“
34	27 February 2018	Response from Melbourne Airport to matters raised during the Hearing	Ms Gale
35	6 March 2018	Post Panel Changes Matrix	VPA

Appendix D Inter Urban Break provisions

The key IUB provisions in the Hume Municipal Strategic Statement include:

- The identification of the IUB on the Strategic Framework Plan at Clause 21.01-3 Vision and Strategic Framework Plan (refer to Figure 9)

Figure 9 Extract from the Strategic Framework Plan at Clause 21.01-3



- The following context material in Clause 21.02-2 Hume Corridor:

The Inter Urban Break continues to provide a permanent separation between the urban areas of Craigieburn and Mickleham. Supporting low density rural residential development, it provides for the ecological connectivity between the Mt Ridley Conservation Reserve and conservation and open space areas in Craigieburn.

- The following objective and strategies in Clause 21.02-2 Hume Corridor:

Objective 8

To reinforce the role of the Inter Urban Break as a permanent separation and conservation and landscape buffer between conventional density development areas.

Strategies

- 8.1 *Maintain the Inter Urban Break for predominantly larger detached housing and low density rural residential development that supports the conservation of biodiversity and landscape values.*
- 8.2 *Facilitate the connectivity of conservation and open space areas through the Inter Urban Break.*
- 8.3 *Facilitate an additional north-south connector road through the Inter Urban Break between Mickleham Road and the future extension of Aitken Boulevard.*

- The following objective and strategies in Clause 21.03-2 Housing:

Objective 4 To increase the diversity of housing in Hume.

Strategies

...

4.5 *Maintain the Inter Urban Break in the Hume Corridor and the Rolling Meadows areas in Sunbury for predominantly larger detached housing and low density rural residential development.*

- The following objective and strategies in Clause 21.04-3 Landscape Character Objective 12

To protect and encourage significant roadside vegetation that contributes to Hume's landscape character.

Strategies

...

12.3 *Ensure a strong informal landscape treatment is established along the north south connector road through the western end of the Inter Urban Break that reflects a rural landscape character*

The following 'further strategic work' in Clause 21.08-1 Natural Heritage

Prepare a Precinct Structure Plan for the western end of the Inter Urban Break that protects the biodiversity values, including scattered trees, across the site in conservation and open space areas, and connects them into the wider open space network in the Mickleham and Craigieburn precincts.

In addition, the following documents are included as 'reference documents' in the MSS:

- *Hume Corridor HIGAP Spatial Strategy and Delivery Strategy, Hume City Council, 2015*
- *Mt Ridley Local Structure Plan for Inter Urban Break Mickleham, Greenaway and Katz Pty Ltd, 1997.*