

PSP 4.5 Officer – Town Centre Review



Part A Submission

Amendment C232 to the Cardinia Planning Scheme

November 2018

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1 INTRODUCTION

This Part A submission is made on behalf of the Victorian Planning Authority (**VPA**).

The VPA is the Planning Authority for Amendment C232 to the Cardinia Planning Scheme (**the Amendment**).

The Amendment has been prepared by the VPA in collaboration with the Cardinia Shire Council (**Council**), with the support of the relevant stakeholders, landowners and government agencies.

Formal exhibition of the Amendment commenced on 22 March 2018 until 27 April 2018. A total of 17 submissions have been received. The VPA has worked diligently with Council, landowners, and other stakeholders, including State agencies, to resolve as many of the submissions as practicable.

Unresolved submissions are detailed in **Appendix 2**.

1.1 Panel Directions – Preliminary Issues Raised

The Panel Directions of 9 October 2018 outlined a number of matters for the VPA to address in this Part A submission being:

- Background to the Amendment including chronology of events
- Strategic context and assessment
- A table of responses to each submitter
- Particularly, a response to the further notice issue raised in the Sweet 46 Pty Ltd submission (submission #15)
- Changes to the Amendment documentation proposed after considering the issues raised in submissions, and comment on whether any such changes could impact on other landowners
- An index of background reports prepared for the original and revised Officer Precinct Structure Plan.

These matters are outlined in subsequent sections of this submission.

1.2 Response to Submissions

The VPA provided a written response to all submitters regarding their matters raised between March and November 2018, and where necessary, has also discussed these matters verbally.

A table outlining a summary of each issue raised by submitters and the VPA's response to the issues, including the status whether they are resolved or unresolved is included at **Appendix 2**.

A matrix of changes detailing amendments proposed by the VPA in response to submissions made in response to the exhibited Officer Precinct Structure Plan (**the PSP**) and Officer Development Contributions Plan (**the DCP**) is included at **Appendix 3**.

Proposed changes to the Cardinia Planning Scheme (**Scheme**) ordinances that have been updated following exhibition are included at **Appendix 4** with tracked changes depicting agreed changes.

Further changes may also be made in the lead up to the commencement of Panel as a result of further discussions with submitters. If this occurs, a revised Table of Changes will be provided during the course of the Panel Hearing.

1.3 Extent of land affected by the Amendment

The Amendment applies to the Officer PSP area, which is an area of approximately 1,021 hectares and generally bound by the major electricity transmission line easement to the north; Gum Scrub Creek to the east; Princes Freeway to the south; and May Road, Princes Highway, Brunt Road (part), Kenilworth Avenue and Cardinia Creek to the west. (see **Figure 1** Regional Context Plan).

The site sits within the South East Growth Corridor and is currently zoned Urban Growth Zone Schedule 3 (**UGZ3**) and Urban Growth Zone Schedule 4 (**UGZ4**). The UGZ4 specifically applies to the Officer Town Centre.

The scope of this Amendment focusses on the Officer Town Centre and UGZ4. There are minor changes proposed to UGZ3 to reflect the updated date in the title of the Officer PSP. There are no changes to the mechanics of the UGZ3.

1.4 Whole of government position

The position presented by the VPA in this submission where possible represents a whole of government submission. The VPA received submissions from several State government agencies and departments, and the following submission represents the agreed position (unless otherwise stated within this submission) of the following:

- Department of Environment, Land, Water and Planning (**DEWLP**)
- Transport for Victoria and VicRoads (**TfV**)
- Department of Education and Training (**DET**)
- Melbourne Water (**MW**)
- Environment Protection Authority (**EPA**).

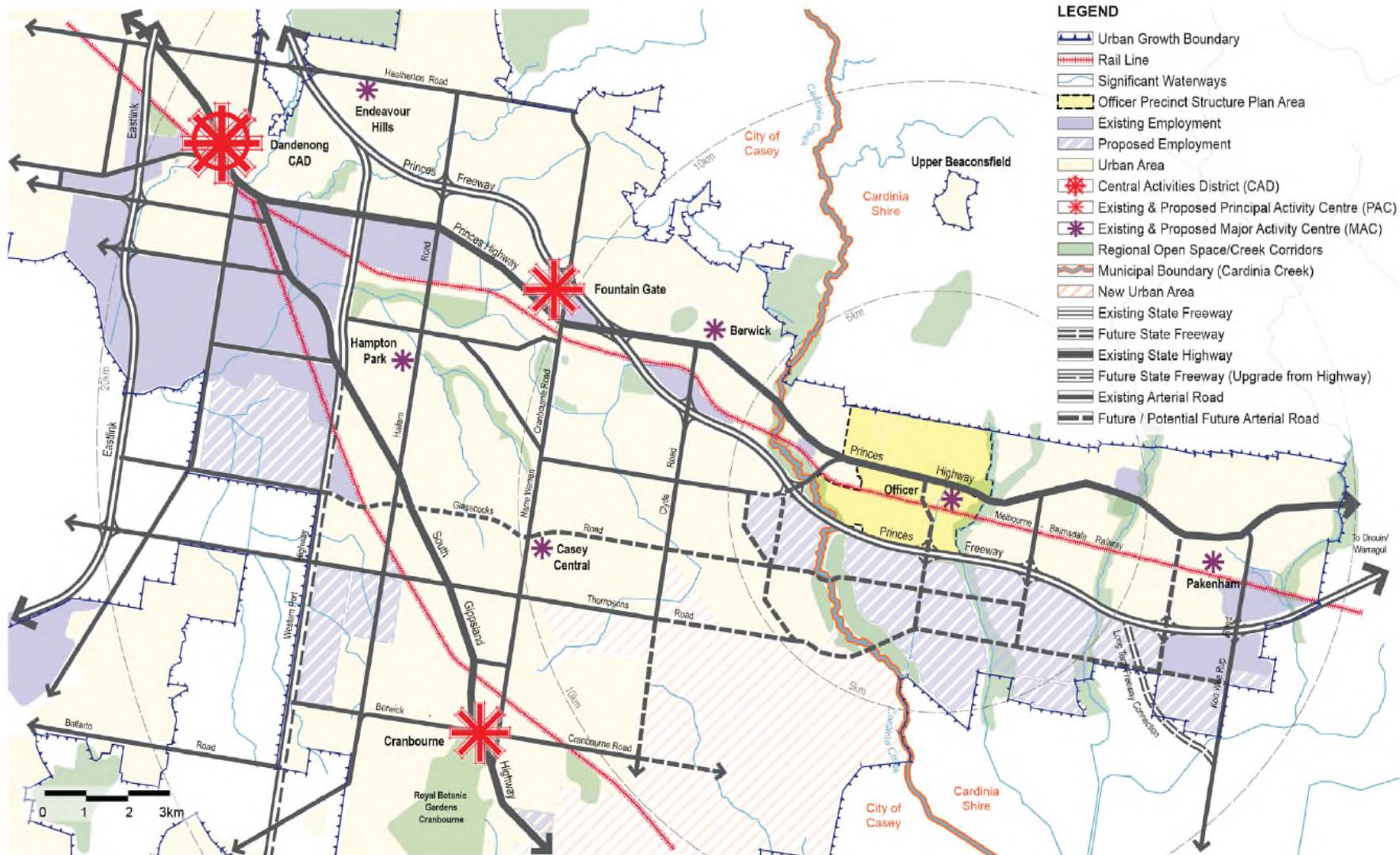


Figure 1 - Regional Context (Cardinia Shire Council)

2 BACKGROUND TO THE AMENDMENT

2.1 Background

The PSP and associated Amendment C149 to the Scheme was prepared by Council and was gazetted in January 2012. The PSP provides direction for appropriate use and development within the Precinct reflective of the strategic incentive of *Melbourne 2030* (now replaced by *Plan Melbourne 2017 – 2050*).

Amendment C149 allowed for the development of approximately 10,900 dwellings housing 28,300 people. To service this new population, the PSP identifies land for a range of new activity centres, roads, education and community facilities, conservation and public recreation areas. Amendment C149 also put in place arrangements for monetary contributions towards development and community infrastructure and to manage the protection and removal of remnant native vegetation in the Precinct by way of the incorporated *Officer Development Contributions Plan (the DCP)*.

Specifically, the Officer Town Centre will capitalise on the existing Officer train station, performing a sub-regional role in the provision of services and amenities to the Officer and broader community.

Since approval of Amendment C149 the following has been delivered within the Officer Town Centre:

- new Council Offices and Civic Centre
- constructed main street including intersection with Princes Highway and rail underpass
- recently upgraded Officer train station
- adjoining government secondary school with 1,200 students.

However, there has been little private investment in the Officer Town Centre, resulting in a lack of services and amenities required by the growing community of Officer. This is in part due to:

- restrictive built form requirements, such as mandatory minimum building heights across the town centre;
- repetitive planning and design guidelines that make it difficult for landowners, applicants and planners to understand what is required of development proposals;
- highly specific planning and design guidelines that are inconsistent with the strategic nature of a PSP and allow little flexibility; and
- a complex table of uses in the schedule to the Urban Growth Zone that make it difficult for landowners, applicants and planners to understand what types of development are or are not allowed within the town centre sub-precincts.

Consequently, the Minister for Planning directed the VPA to undertake a review of the Officer PSP, with a particular emphasis on the Officer Town Centre (see **Figure 2** below) to facilitate the private sector investment expected in a major town centre.

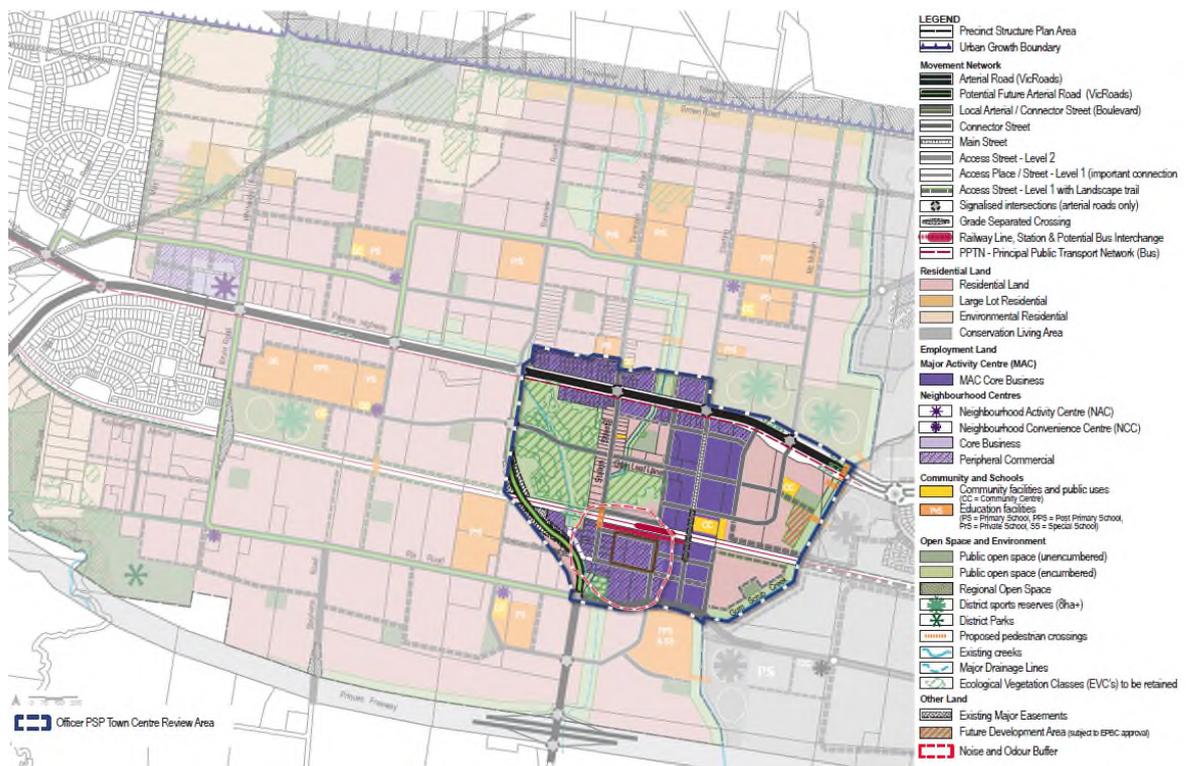


Figure 2 - Officer PSP town centre review area (VPA, 2018)

2.2 Amendment C232 to Cardinia Planning Scheme

Amendment C232 to the Scheme proposes to amend the existing *Officer Precinct Structure Plan, September 2011* and to amend the relevant Scheme ordinances, specifically to facilitate the development of Officer Town Centre.

The following list is reflective of the exhibited amendment changes to the Scheme. Specifically, the Amendment proposes to:

- Introduce Clause 32.07 (Residential Growth Zone) and Clause 45.09 (Parking Overlay) to the Scheme;
- Insert an amended UGZ3 that reflects the updated date reference of the Officer PSP and Officer DCP;
- Insert an amended UGZ4 that reflects the changes to the Officer PSP in response to the Officer Town Centre review;
- Insert an amended Schedule 4 to the Development Contributions Plan Overlay (DCPO4) to reflect the date of the amended incorporated Officer DCP;
- Insert Schedule 1 to the Parking Overlay (PO1) and apply the overlay to all land within the Officer Town Centre that is zoned UGZ4;
- Amend the map of the Land Subject to Inundation Overlay (LSIO) to delete it from all the land within the Amendment area;
- Amend the Schedule to Clause 72.03 to update the list of maps included by this Amendment;
- Consequential amendments to Scheme maps;
- Amend the Schedule to Clause 66.04 to include the VPA as a referral authority for permit applications that include 1,000 square metres or more of retail floor space on land within the Officer Town Centre;
- Incorporate a document into the Scheme by amending the Schedule to Clause 72.04:
 - *Officer Precinct Structure Plan (September 2011, Amended March 2018)*
 - *Officer Development Contributions Plan (September 2011, Amended March 2018).*

2.3 Purpose of the Amendment

In keeping with the Minister's direction to the VPA to undertake a review of the Officer PSP in order to facilitate the private-sector development required to deliver the services and amenities required by the growing Officer community (Refer **Appendix 1**), the key objectives of the review are:

- to consolidate and simplify the controls that relate specifically to the Officer Town Centre
- to revise the Urban Growth Zone schedule to apply standard zones within the Officer Town Centre.

The aim of the review process is to simplify the planning requirements that relate to the town centre – balancing the desired outcomes, such as a quality public realm, with the need to facilitate timely development.

The PSP review does not intend to:

- revisit the underlying assumptions of the PSP;
- make significant changes to the Future Urban Structure of the Officer Town Centre;
- make any changes to land outcomes beyond the town centre;
- alter the strategic intent of the approved Officer PSP or Urban Growth Zone schedule; or
- alter or amend the land budget or impose significant changes on the DCP.

2.4 Chronology of the Amendment

The following provides a timeline for the preparation of the original PSP and Amendment C232:

- **July 2011:** Landowners were notified of the intent to approve the Officer PSP and associated documentation through Amendment C149 to the Scheme and given an opportunity to comment on the plan and meet with the VPA to discuss the amendment.
- **2011:** The Officer PSP was completed by Council and Amendment C149 to the Scheme was approved by the Minister for Planning under section 40(4) of the *Planning and Environment Act 1987*.
- **January 2012:** Amendment C149 was gazetted.
- **July 2016:** The Minister for Planning directs the VPA to undertake a review of the Officer PSP, under section 46AU of the *Planning and Environment Act 1987*, with particular emphasis on the Officer Town Centre.
- **August 2016 to February 2018:** VPA reviews the Officer PSP and associated Scheme ordinances.
- **November 2016:** Landowners within the Officer Town Centre were first notified of the commencement of the Officer PSP town centre review.
- **28 July 2017:** Informal landowner information session held. Council and VPA staff were available to answer questions about the review scope and process. The session was attended by approximately 60 landowners and interested parties.
- **October 2017:** A draft revised *Officer PSP* was circulated to 35 government departments, agencies, non-government organisations, and Council for 'agency' consultation. A total of 11 submissions were received.
- **November 2017:** Officer Development Contributions Plan (amended July 2017) was amended by Amendment GC75.
- **27 February 2018:** VPA formally submitted the proposed Amendment C232 to DELWP for the Minister for Planning, to consider and release for public exhibition.
- **22 March to 27 April 2018:** VPA formally exhibited Amendment C232 to the Scheme notifying all landowners and occupiers within the whole PSP area.
- **April to June 2018:** VPA considered submissions on the Amendment, refined the PSP and Ordinance, and worked to resolve outstanding issues.
- **01 June 2018:** The VPA formally requested a Planning Panel and to refer submissions (resolved and unresolved) to Planning Panels Victoria.
- **15 June 2018:** First Panel direction hearing was held which lists the matter for hearing commencing on 13 August 2018.

- **1 August 2018:** VPA requests an adjournment of the hearing and requests a further directions hearing. The request was made as the VPA was reviewing the findings of the GHD Report dated 31 July 2018 and to facilitate the circulation of reports.
- **13 August 2018:** Second Panel direction hearing was held. The Panel adjourned the Hearing that was originally scheduled, scheduled a further Directions Hearing and re-scheduled the Hearing to commence on 12 November 2018. The Panel's directions required the EPA to provide to the VPA its position on the Amendment, GHD Report recommendations, and draft PEC Report by 27 August 2018.
- **30 August 2018:** EPA letter sent to the VPA with comments on the GHD Report and the Draft PEC Report and recommended that further assessment be conducted around the HyGain facility.
- **31 August 2018:** VPA sends letter to the Panel indicating that VPA proposes to further consult with EPA to formulate a position, further consult with parties, and convene a meeting of experts. VPA has requested that the Panel adjourn the scheduled Hearing and defer compliance with the directions to a date to be determined.
- **8 October 2018:** Third Panel direction hearing was held. The Panel directions included for:
 - Provision of reports and VPA position in October 2018.
 - Submissions and VPA response in November 2018.
 - VPA Part A Submission to be circulated on 19 November 2018.
 - Exchange of expert witness reports on 26 November 2018.
 - Expert witness meeting before the hearing.
 - The Hearing to commence on 3 December 2018.
- **12 October to 12 November 2018:** Landowners and occupiers of land potentially impacted by the revised buffer to the HyGain Feeds site given the opportunity to make submissions to the VPA.
- **3 December 2018:** Panel hearing scheduled to commence.

2.5 Public Exhibition and Engagement

Landowner, Council and agency consultation was ongoing throughout the preparation of the revised PSP, including public and post exhibition periods. This has enabled the VPA to resolve key issues, and to consider and balance competing issues to ensure the achievement of key objectives for the area.

Landowners and the broader community were formally notified of the public exhibition by the following:

- public notice in the local circulating newspaper (Pakenham Gazette) and Government Gazette
- notification letter and newsletter sent to land owners and tenants within the whole Officer PSP area
- Government website updates.

Two community drop-in sessions were held at the Cardinia Council offices on 17 and 19 April 2018 and attended by approximately 30 community members in total.

A total of **17 submissions** have been received. A total of **12 submissions sought changes** to the Amendment and the VPA worked to resolve these submissions where possible, and where they would not undermine the strategic objectives of the amendment.

The VPA endeavoured to resolve as many of the submissions as possible prior to requesting a Panel hearing, however there are currently **six (6)** written submissions which are considered 'unresolved'.

The VPA provided all submissions (resolved and unresolved) to the Panel prior to the directions hearing, and forwarded all late submissions received after the request to appoint a Panel.

2.6 Background Documents

Following is a list of background documents that informed the preparation of the proposed amendments to the Officer PSP and associated amendments to the Scheme:

- GHD: Hygain Feeds Pty Ltd – Buffer Assessment, September 2011 prepared for VicUrban

In preparation of the original Officer PSP the following background reports were relied on:

- Biosis Research Pty. Ltd. 2008: Growling Grass Frog Conservation Management Plan for the VicUrban Development, September 2008
- Biosis Research Pty. Ltd. 2006: Officer Structure Plan: Flora and fauna assessment draft report. Unpublished report prepared for Cardinia Shire Council
- Biosis Research Pty. Ltd. 2005: Pakenham Bypass: Conservation Management Plan for the Growling Grass Frog *Litoria raniformis*, Pakenham, Victoria. Unpublished report prepared for VicRoads
- Biosis Research Pty. Ltd. 2004: Pakenham Bypass: Growling Grass Frog *Litoria raniformis* 2003/04 survey, Pakenham and surrounds Victoria. Unpublished report prepared for VicRoads
- Biosis Research Pty. Ltd. 2006: Officer Structure Plan, Flora and Fauna Assessment, March 2006
- Buchan Group 2011: Officer Town Centre Masterplan, Revision E, May 2011
- Butler & Associates 1996: Cardinia Shire Heritage Study, Vol 3 Heritage Places
- Context Pty Ltd 2011: Response to GAA comments on revisions to Officer HO boundaries, January 2011
- Context Pty Ltd 2010: Proposed revisions of HO boundaries in Officer Township, Final Report, October 2010
- Department of Planning and Community Development (DPCD) 2007: Development Contributions Guidelines, March 2007
- Department of Sustainability and Environment (DSE) 2006: A Plan for Melbourne's Growth Areas
- Department of Sustainability and Environment (DSE) 2005: Potentially Contaminated Land, General Practice Note, June 2005
- Department of Sustainability and Environment (DSE) 2005: Safer Design Guidelines for Victoria, June 2005
- Department of Sustainability and Environment (DSE) 2005: Activity Centre Design Guidelines, January 2005
- Department of Sustainability and Environment (DSE) 2004: Guidelines for Higher Density Residential Development, October 2004
- Department of Sustainability and Environment (DSE) 2002: Victoria's Native Vegetation Management - a Framework for Action
- Department of Transport (DOT) 2008: Public Transport Guidelines for Land Use Development.
- Ecology Australia Pty. Ltd. 2011: Officer Precinct Structure Plan Cardinia Creek Conservation Management Plan, September 2011
- Ecology Australia Pty. Ltd. 2004a: Shire of Cardinia, Indigenous Vegetation Survey, Pakenham Growth Corridor & adjoining area. Unpublished report by Ecology Australia Pty. Ltd. prepared for Cardinia Shire Council.
- Ecology Australia Pty. Ltd. 2004b: Shire of Cardinia, Indigenous Vegetation Survey, An Inventory of site of Biodiversity Significance in the Pakenham Growth Corridor and adjoining area. Unpublished report by Ecology Australia Pty. Ltd. prepared for Cardinia Shire Council.
- Ecology Partners Pty. Ltd. 2011a: Biodiversity Assessment Report: Officer Precinct Structure Plan, Officer, Victoria, May 2011
- Ecology Partners 2011b: Officer Precinct Structure Plan Conservation Management Plan (excluding Cardinia Creek), Officer, Victoria, September 2011
- Ecology Partners 2011c: Officer Native Vegetation Precinct Plan, September 2011
- Ecology Partners 2011d: Officer Net Gain Strategy, September 2011
- Ecology Partners 2009: Officer Precinct Structure Plan, Target Significant Flora and Fauna Surveys, Officer, Victoria April 2009

- Ecology Partners Pty. Ltd. 2008: Flora and Fauna Assessment of the Cardinia Employment Corridor (west), Officer, Victoria. Unpublished report by Ecology Partners Pty. Ltd. prepared for Cardinia Shire Council.
- Ecology Partners 2008: Officer Structure Plan, Flora and Fauna Assessment, Officer, Victoria June 2008
- Ecology Partners 2006: Strategic Advice on the Growling Grass Frog *Litoria raniformis*: Officer Structure Plan, Officer, Victoria June 2006
- Growth Areas Authority 2009: Precinct Structure Planning Guidelines
- Hansen Partnership 2011: Officer West, Cardinia, Landscape Assessment, Prepared by Hansen Partnership Pty Ltd for Cardinia Shire Council Pty Ltd, January 2011
- Heritage Council of Victoria 2010: Conservation Management Plans: Managing Heritage Places – A Guide, June 2010
- Meinhardt Infrastructure & Environment 2011: Officer Precinct Structure Plan Desktop Environmental, Hydrology and Geotechnical Assessment, Prepared for the Growth Areas Authority, February 2011
- Parks Victoria, Cardinia Creek Parklands Future Directions Plan, December 2002
- SMEC 2011a: Officer Precinct Structure Plan Future Traffic Estimates and Road Infrastructure Requirements report, August 2011
- SMEC 2011b: Officer Development Contributions Plan Infrastructure Costs for Road, Traffic Management & Trail Items, September 2011¹
- SMEC 2011c: Officer Road Network – Intersection Layout Plans, September 2011
- SMEC 2011d: Officer Road Network – General Layout Plans, September 2011
- Stormy Water Solutions 2011: Officer South Road Drain, Officer, Proposed Drainage Strategy, September 2011
- Stormy Water Solutions 2011: Drainage Strategy – Officer Road Drain West, Downstream of the Railway, April 2011
- Stormy Water Solutions 2011: Grasslands Retarding Basin and Wetland Functional Design, Officer, April 2011
- Tardis Enterprises Pty Ltd 2011: Officer Precinct Structure Plan, Desktop Cultural Heritage Assessment, January 2011
- Tardis Enterprises Pty Ltd 2009: Officer Precinct Structure Plan, Desktop Cultural Heritage Assessment, May 2009
- Terramatrix Pty Ltd 2011: Fire Risk Assessment Study North West Corner - Officer Precinct Structure Plan, Report Commissioned by Cardinia Shire Council
- VicRoads 2006: Access Management Policies, Version 1.02 including Guidelines for Transport Impact Assessment Reports, May 2006

¹ This is listed in the Officer PSP, 2011 as a reference document, however the VPA does not have a copy of the document.

3 STRATEGIC PLANNING CONTEXT

3.1 South East Growth Corridor Plan

The Growth Corridor Plans (**GCP**), produced by the VPA (then known as the Growth Area Authority), were released by the Minister for Planning in June 2012. The GCP's are high level integrated land use and transport plans that provide a strategy for the development of Melbourne's growth corridors over the next 30 to 40 years. These plans guide the delivery of key housing, employment and transport infrastructure and open space in Melbourne's newest metropolitan suburbs.

The GCP identifies:

- the long term pattern of land use and development
- committed transport networks as well as network options for investigation
- committed regional open space networks as well as investigation sites
- opportunities for creating green corridors

The GCP informs the development and review of local planning schemes and the preparation of future strategies, structure plans and other planning tools. They also provide a strategic basis for infrastructure and service planning as well as sequencing of land release.

The preparation of PSPs is the primary vehicle for the implementation of the relevant GCP.

The South East Growth Corridor, which includes the municipalities of Casey and Cardinia, is expected to accommodate a population of 230,000 people with a capacity to provide 86,000 jobs.

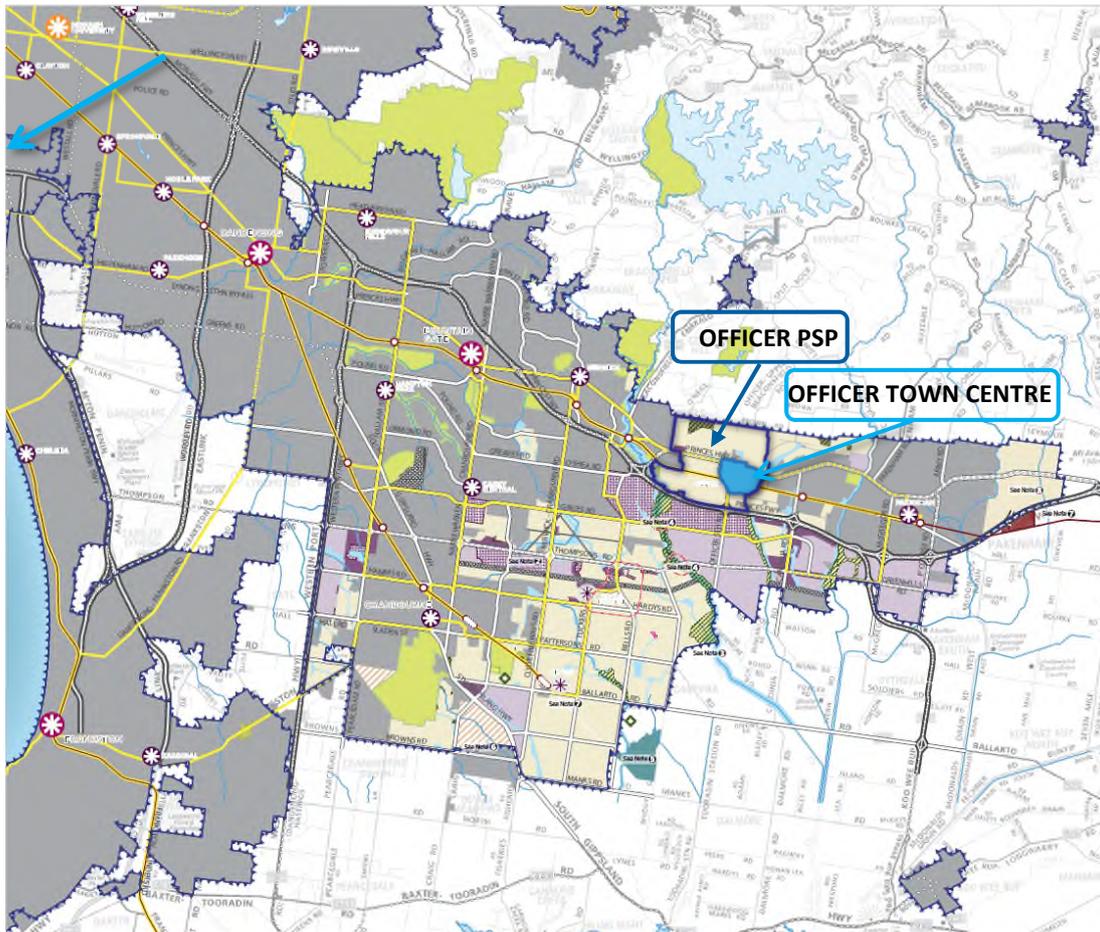


Figure 3 - South East Growth Corridor and Officer Major town centre (VPA, 2017)

3.2 Plan Melbourne 2017 – 2050

The Urban Growth Boundary (**UGB**) designates the long-term limits of urban development and where non-urban values and land uses should prevail in metropolitan Melbourne, as outlined by Plan Melbourne 2017-2050. The UGB first came into effect in 2002 in conjunction with the release of Melbourne 2030. The metropolitan strategy established a long term plan for land within the UGB, including the intention to review the boundary at an appropriate time in the future. The Officer precinct has been included within the UGB since its inception in 2002.

Plan Melbourne 2017-2050 and the Plan Melbourne Implementation Plan (see Figure 3) outlines a target of 1.6 million new homes and 1.5 million new jobs over the next 35 years, and sets a strategy for supporting jobs, housing and transport, while building on Melbourne's legacy of distinctiveness, liveability and sustainability. Melbourne's Southern Region is anticipated to deliver 105,000 jobs by 2031 and 125,000 new homes in Greenfields areas up to 2051.

3.3 Planning Policy Framework

The Planning Policy Framework (**PPF**) ensures that the objectives set out in section 4 of the *Planning and Environment Act 1987* are implemented through appropriate land use development by addressing environmental, social and economic factors to achieve sustainable development.

The explanatory report accompanying the Amendment outlines how the Amendment considers the State planning policies, local planning policies and Ministerial Directions relevant to the Amendment.

3.4 Ministerial Directions

The Amendment complies with the applicable Ministerial Directions as outlined in the explanatory report. More broadly, the Amendment complies with the following Ministerial Directions relating to the preparation of an amendment within the urban growth areas, including Ministerial Direction 11 – Strategic Assessment of Amendments and Ministerial Direction 12 – Urban Growth Areas, as detailed further below.

3.4.1 Ministerial Direction 11 - Strategic Assessment of Amendments

The Amendment has been strategically assessed in accordance with the assessment criteria set out in Ministerial Direction 11. The Amendment will implement the objectives of planning in Victoria by providing for the fair, orderly, economic and sustainable use of land identified for urban purposes.

The Amendment has addressed environmental effects, as the evolving development of land within the precinct has altered land subject to flooding therefore the existing Land Subject to Inundation Overlay (LSIO) is proposed to be deleted. The review of the PSP ensures land identified for conservation purposes remains protected.

The purpose of the Amendment is to review the PSP to facilitate development of the Officer Town Centre, which currently remains stagnant, as this will cater for the economic development of the area and service the growing community of Officer.

The Amendment has considered the relevant social, environmental and economic effects, and thus will result in a net community benefit.

3.4.2 Ministerial Direction 12 - Urban Growth Areas

This Direction applies to the preparation of any planning scheme amendment that provides for the incorporation of a PSP in the scheme or the introduction of, or changes to, provisions in a schedule to the Urban Growth Zone (**UGZ**). Therefore, the Direction applies to the Amendment.

The Direction calls for that the Amendment must implement the *Growth Area Corridor Plan* relevant to the land and must be in accordance with applicable *Precinct Structure Plan Guidelines*.

The Amendment aims to improve the *Officer PSP* and ensures that it maintains consistency with the expected development of land as per the South East Growth Corridor Plan and Plan Melbourne, consistent with the relevant *PSP Guidelines*.

4 LOCAL CONTEXT

4.1 Surrounding Precincts and Structure Plans

The Officer precinct lies directly between the established area of Berwick that is directly to the west of the precinct, and established township of Pakenham directly to the east. Berwick and Pakenham each include existing major town centres, identified in Plan Melbourne 2017 – 2050 and the South East GCP.

The precinct forms part of a residential corridor extending east along the southern boundary of the Princes Freeway toward Pakenham; a strategy which is identified to support localised employment opportunities for the surrounding new communities.

The precinct is based around a transit-oriented Major Activity Centre, being designated as the Officer Town Centre, and is further supported by a Neighbourhood Activity Centre and multiple Neighbourhood Convenience Centres, with predominantly residential areas.

Recently completed PSPs (Cardinia Road and Officer) sit on the west side of Pakenham, and are estimated to support the delivery of around 55,850 homes and 6,550 jobs, including schools, community facilities and open space. Numerous employment precincts (Cardinia Road, future Pakenham West and Pakenham South) sit to the south of the Princes Freeway and are estimated to support the delivery of over 21,700 jobs.

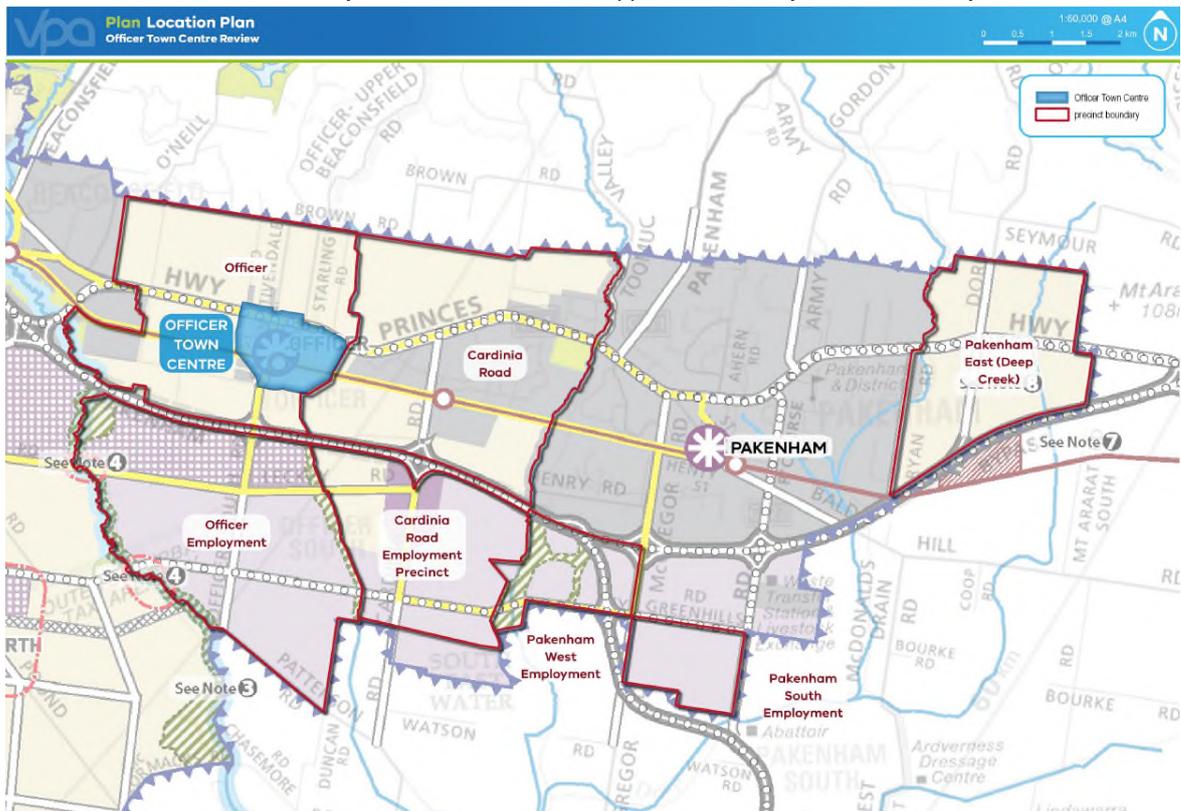


Figure 4 Surrounding Precincts and Structure Plans

4.1.1 Cardinia Road PSP (east of Officer PSP)

The Cardinia Road PSP was approved in November 2008 through Amendment C92 to the Scheme. The precinct lies to the west of Pakenham East and the Pakenham Township. The Princes Highway runs east-west through the centre of the precinct, with the railway line running through the southern area. The 1051 hectare precinct is planned to be largely residential, with a large Neighbourhood Activity Centre (NAC), a small NAC and a Neighbourhood Convenience Centre (NCC).

4.1.2 Pakenham East PSP (east of Officer PSP)

The Pakenham East Precinct is located at the eastern edge of the south east growth corridor sitting adjacent to the Pakenham Township and established residential area. Pakenham East is expected to provide for over 7,100 dwellings supporting between 20,000 and 22,200 residents. The Precinct provides a boundary to the urban growth area and supports the Pakenham Township. It also supports a future employment corridor which extends west along the southern boundary of the Princes Freeway from Pakenham; a strategy which is identified to support localised employment opportunities for the surrounding new communities.

On 10 September 2018, the Panel released its report regarding Amendment C234 to the Scheme and in October 2018 the Amendment was submitted for approval.

4.1.3 Pakenham South Employment PSP (south east of Officer PSP)

This PSP is currently being planned with Council as the planning authority. Pakenham South Employment precinct lies to the south-west of Pakenham East. The precinct comprises approximately 190 hectares of existing employment land, and is bordered by the Princes Freeway to the north, McGregor Road to the west, Koo Wee Rup Road to the east, and the Urban Growth Boundary to the south. The precinct is planned to provide opportunities for industries to operate in a defined employment hub.

4.1.4 Cardinia Road Employment PSP (south east of Officer PSP)

Cardinia Road Employment PSP is located to the south-west of Pakenham East. The PSP was approved in October 2010 through Amendment C130 to the Scheme. It will guide the development of a 595 hectare integrated business and industrial park, supported by a neighbourhood activity centre and some high density housing.

4.1.5 Officer Employment PSP (south of Officer PSP)

The Ministerial Direction and Statement of Expectations for the VPA provides that the VPA will prioritise Officer Employment PSP & ICP project in 2018/19. Officer South Employment PSP is 1,069 hectares in area and is identified for predominantly for industrial uses with a business and residential area along the northern side of the precinct. Detailed precinct planning will determine the ultimate land use structure.

The employment area is expected to accommodate commercial, industrial and logistic industries providing local employment and job diversity to Minta Farm's residential area and the surrounding established areas. Minta Farm's envisaged employment area will complement the Officer South Employment area with its planned knowledge based precincts.

5 PRECINCT STRUCTURE PLANNING AND THE URBAN GROWTH ZONE

On 7 October 2009, the former Minister for Planning released the *Precinct Structure Planning Guidelines*. The Guidelines provide a tool for designing and delivering better quality communities in growth areas. They set out the key objectives of growth area planning and include a step-by-step guide on how to achieve the identified objectives.

The overarching objectives for PSPs as set out in these guidelines are as follows:

- Establish a sense of place and community
- Create greater housing choice diversity and affordable places to live
- Create highly accessible and vibrant activity centers
- Provide local employment and business activity
- Provide better transport choices
- Respond to climate change and increase environmental sustainability
- Deliver accessible, integrated and adaptable community infrastructure.

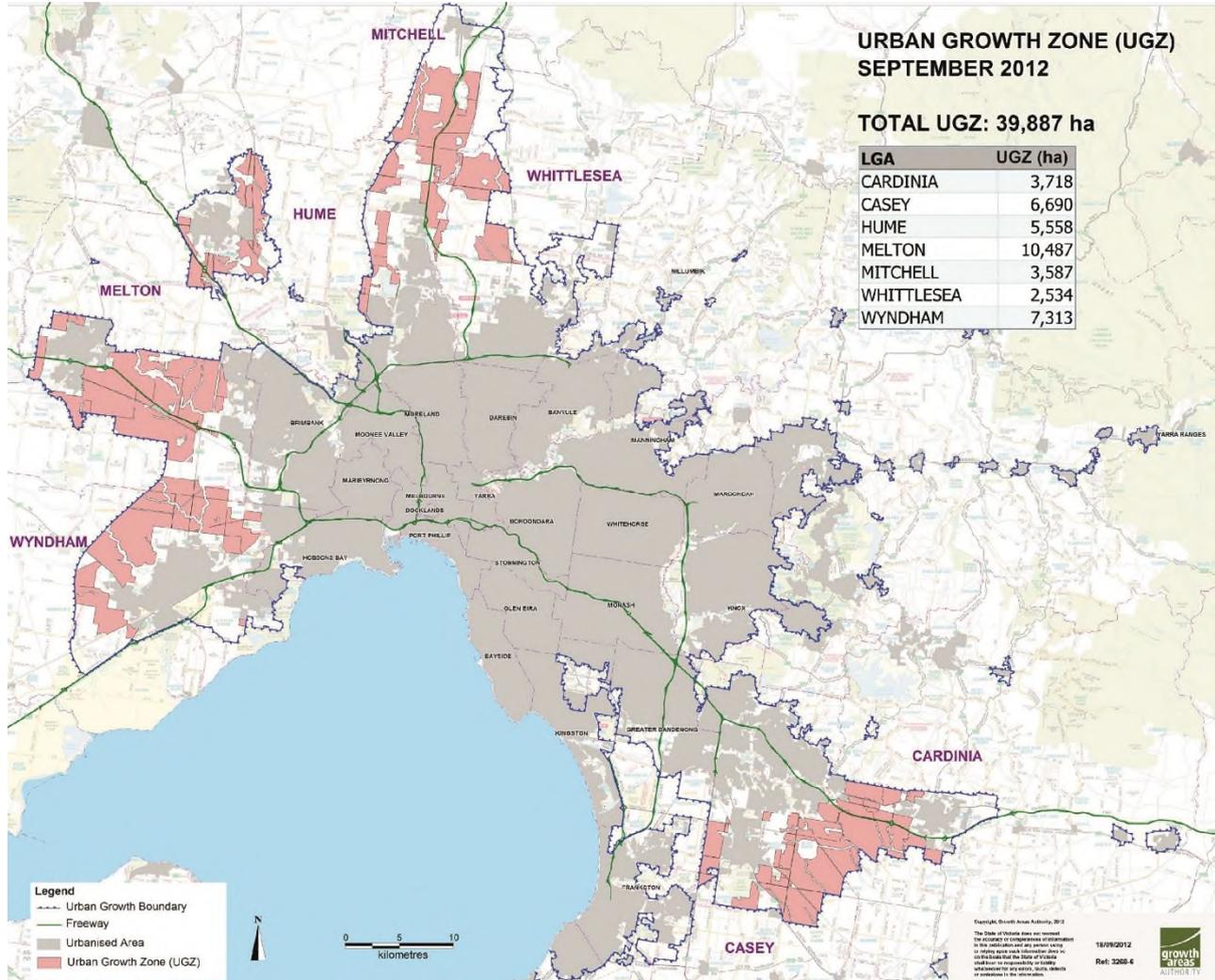
The UGZ applies to land that has been identified for future urban development within the UGB. The UGZ sits within the suite of zones within the *Victorian Planning Provisions*. It has been specifically designed to implement an incorporated PSP and ensure that future development accords with the approved PSP.

The UGZ includes two parts:

- Part A, which applies to land when no PSP applies
- Part B, which applies to land when a PSP applies

The UGZ includes zone provisions that seek to provide certainty about the nature of future development, streamline the approval process and ensure that any land use and/or development within a Precinct does not prejudice its future growth.

Figure 5 - Urban Growth Zone (VPA, 2012).



A Schedule to the UGZ is drafted for each PSP area and can include requirements for land use, buildings and works, application/advertising requirements, decision guidelines and any other conditions/requirements.

The proposed amended UGZ4 has been designed to apply a suite of Victoria Planning Provision zones to guide future use and development of the Precinct through the specification of permit triggers, application requirements, referral and/or notification requirements, and permit conditions so that land use and development within the Precinct is generally in accordance with the PSP.

UGZ4 is specific to the proposed amendment to the Officer PSP as it includes certain permit triggers and requirements that respond to strategic assessment undertaken as part of the review of the PSP and the intent to facilitate the vision of the Officer Town Centre.

The design of UGZ4 promotes consistency in the manner that planning authorities deal with land use issues and ensures that the zone implements the PPF and LPPF. It has been structured in such a way that the ultimate translation to conventional Victorian Planning Provision zones can occur in a timely and efficient manner once the land has been developed.

6 OFFICER PRECINCT STRUCTURE PLAN REVIEW

6.1 Role and Function of the Plan

The PSP is a long term strategic plan to guide urban development within the precinct. It describes how the land is expected to be developed, the infrastructure and services planned to support the new community and how they will be delivered. As stipulated in the Officer PSP the plan:

- enables the transition of non-urban land to urban land;
- sets out the vision for how land should be developed and the desired outcomes to be achieved;
- determines the overall layout of future land use and development;
- outlines projects required to ensure that future residents, visitors and workers within the Precinct can be provided with timely access to services, transport, jobs, shops, open space and recreation facilities to support a quality, affordable lifestyle;
- details the form and conditions that must be met by future land use and development;
- informs the use and development controls that apply in the schedule to the UGZ and what permits may be granted under the Schedule to the Zone; and
- provides developers, investors and local communities with certainty about future development.

6.2 Objectives for the Precinct

PSPs are informed by the Precinct Structure Planning Guidelines (**PSPG**). The PSPG encompasses seven objectives for Growth Area Planning, which are:

- To establish a sense of place and community
- To create greater housing choice, diversity and affordable places to live
- To create highly accessible and vibrant activity centres
- To provide for local employment and business activity
- To provide for transport choices
- To respond to climate change and increase environmental sustainability
- To deliver accessible, integrated and adaptable community infrastructure

6.3 Vision for the Officer Town Centre

The Plan specifically sets out the vision for the Officer Town Centre that is identified in the PSP as a Major Activity Centre (**MAC**) founded on a transit oriented design with an active main street linking the Princes Highway (PPTN bus route) to the Officer Railway Station. The original PSP outlined how the PSP delivers the vision of the Officer PSP for the Town Centre (at 3.2.3):

The Officer Town Centre will:

- *have a regional retail function with regional and sub-regional core retail anchor stores, peripheral commercial and office uses with a diversity of discretionary and higher-order goods and services;*
- *be a key focus of the Precinct providing residents with convenient access to office and retail developments, community facilities and jobs; and*
- *be an attractive, accessible, functional MAC with an urbanised environment through the delivery of higher dwelling densities within and around the Town Centre.*

To ensure a high level of pedestrian activity in and around the Officer Railway Station, the station will be supported by a range of community facilities immediately adjacent to it, including the new regional library and potentially health services.

A new grade separated crossing of the railway reservation and the new Main Street will form part of the Officer Town Centre contributing to safe pedestrian, bicycle and vehicle permeability to, from and within the Town Centre. It will also assist in bus circulation to/from the Officer Railway Station and future bus interchange.

The Officer PSP envisages that Station Street will provide opportunities for a range of services, including professional/commercial, medical and personal services, in addition to service business within the Precinct. Importantly, it will complement the uses proposed for the core of the MAC and enable Station Street properties to progressively redevelop over time into more land-intensive uses.

This is further expanded with the inclusion of specific objectives to be achieved for the Town Centre (at 4.3.1):

In addition to the objectives for activity centres, objectives specific to the Officer Town Centre (MAC) are to:

- *Provide a clear structure and layout, including:*
 - *a grid that is well integrated with surrounding development;*
 - *a block size that is capable of accommodating additional development;*
 - *a central north-south Main Street from Princes Highway to Rix Road, that provides the primary activity spine;*
 - *supporting east-west streets, that provide secondary spines;*
 - *a 'multiple-loop' circulation system, with several roads providing access to the retail core and its edges;*
 - *a road hierarchy and reservation widths that cater for all modes of transport; and*
 - *a structure that allows for flexibility and change over time.*
- *Establish sub-precincts to provide a clear framework for land use and development, including:*
 - *a defined retail core area north of the railway line as the primary location for major retail anchor stores;*
 - *civic and entertainment precincts, located in proximity to the Officer Railway Station;*
 - *a mixed use urban village south of the railway line; and,*
 - *dedicated high density residential areas in proximity to high amenity open space, creek corridors and public transport.*
- *Respond to existing uses and manage change in use over time.*

6.4 Purpose of the review

The amendment to the PSP does not seek to alter the existing objectives or vision for the Officer Town Centre. The intent is to consolidate and simplify the Officer PSP as it relates to the Town Centre components.

To date, there has been substantial public investment in and around the town centre in the form of:

- An operational train station
- A government secondary school (Officer Secondary College)
- New multi-level municipal offices
- Main street construction, inclusive of an intersection with Princes Highway and rail underpass.

However, due to the onerous and complex requirements set out in the PSP there has been no private investment in the town centre.

Consequently, the Minister for Planning wrote to the VPA (then MPA) in July 2016, directing the VPA to undertake a review of the Officer PSP, with a particular emphasis on the Officer Town Centre. This direction recognises the onerous nature of the requirements and guidelines that apply to the Town Centre and the subsequent lack of private sector investment needed to stimulate development.

The review seeks to:

- consolidate and simplify the controls that relate specifically to the area defined in the current approved PSP as “Cell 2 – Officer Town Centre” (see pages 30 - 32)
- revise the UGZ schedule to apply standard zones within the town centre
- redraft the Urban Design Framework (**UDF**) to reduce duplication with the PSP and increase flexibility (Council to prepare in consultation with, and to the satisfaction of the VPA. VPA and Council are currently finalising an agreement detailing arrangements for the preparation of the UDF).

The revised PSP does not intend to:

- revisit the underlying assumptions of the PSP
- make significant changes to the Future Urban Structure of the Officer Town Centre
- make any changes to land outcomes beyond the town centre
- alter the strategic intent of the approved Officer PSP or UGZ schedule
- alter or amend the land budget or impose significant changes on the DCP.

7 SUBMISSIONS ON THE AMENDMENT

7.1 Submissions

A total of 17 submissions were received in response to the exhibited amendment. Of these, 11 made specific requests for changes to the PSP or associated Scheme ordinances. The remaining six sought further information or clarification in relation to the PSP, or provided comment of a general nature in support of the Amendment.

Submissions can be generally categorised into the following groups:

- Landowners and/or residents (11)
- Community associations (1)
- Local government (1)
- Other local government organisations (1)
- State agencies (3).

The key issues raised by submitters to the Amendment can be summarised into the following issue categories:

- Built form and urban design
- HyGain Feeds site buffer
- Land use budget
- Dwelling densities
- Access
- Walking and cycling
- Car parking
- Presentation of information – plans, figures and tables.

A summary of outstanding matters raised by key stakeholders and those registered to be heard are noted below. Also highlighted below are those submissions that sought changes and have since been resolved in the lead up to the Panel hearing.

The following is a summary of the outstanding unresolved submissions. A complete summary of all submissions and the VPA's response to each submission are available in **Appendix 2**.

7.2 Submission 3 – Victorian Local Government Association

The Victorian Local Government Association submitted that due to the significant social and economic impacts of electronic gaming machines (EGMs) on local communities, UGZ4 in the Scheme should be amended to remove the third party notice and appeal exemption for planning permit applications that include this use. The submitter notes that this issue has broader implications for other PSPs in which EGMs are considered an ancillary use to uses that are generally in accordance with land uses in the PSP.

The VPA does not propose to change the amendment in relation to this submission, noting that section 52(3) of the *Planning and Environment Act 1987* does allow responsible authorities to give notice of applications, even where the scheme exempts some notice requirement. Additionally, the VPA does not consider it within the scope of this Amendment to make changes to the Scheme that would have broader implications for planning policy and that should be addressed at a broader level across the State. It is more appropriate for DELWP to consider changes to particular provisions that have broader State wide implications.

7.3 Submission 4 – Coles Group

On behalf of Coles Group, BMDA Development raised a number of issues relating to the interpretation of guidelines that 'must be met', viability of the Officer Town Centre, vehicle access and built form. VPA has liaised

extensively with the submitter and Council an effort to reach a position that is mutually agreeable to each party on the issues raised by the submitter. Outstanding matters are noted below.

Outstanding issues:

Issue	VPA response
<p>Suggests that the role and scale of the Officer Town Centre has reduced since the original PSP was prepared and therefore it is likely that the main-street element of the town centre will be more compact; and may not extend over the 4-6 blocks along Siding Avenue.</p>	<p>The status of the Officer major town centre remains unchanged in the revised PSP. Table 9 now identifies the town centre as playing a sub-regional rather than regional and sub-regional role, bringing the role of the town centre into line with the hierarchy set out in the growth corridor plan while the forecast indicative retail floor space identified was changed from 'minimum 30,000 square metres' to '30,000 square metres' to remove ambiguity.</p> <p>While the core of the Officer Town Centre is planned to extend along the length of Siding Avenue, development south of the railway line is planned to have a more commercial and residential focus, with retail development to be focused in the two blocks south of Orchard Street, as identified in the Officer Town Centre Concept Plan.</p>
<p>The lack of convenient access to the Coles site from the Princes Highway as well as the established road network /design is a major impediment to the creation of convenient customer access and prohibits the development of the site for the purpose of a supermarket and shops. The planning and design guidelines must provide for a direct access-way from Siding Avenue into the site.</p>	<p>The VPA proposes to amend the Officer Town Centre Concept Plan to show a 'vehicle access point' from Siding Avenue, supported by a new Planning and Design Guideline in Table 10a: Officer Major Activity Centre, worded as follows:</p> <p><i>The vehicle access point on Siding Avenue should be:</i></p> <ul style="list-style-type: none"> <i>i. constructed to be at grade with the footpath</i> <i>ii. designed to be utilised by customers vehicles only and to restrict use by large delivery vehicles.</i> <p>VPA notes that during subsequent conversations, Council has requested that a time limit from the time that this PSP is approved should apply to the delivery of the vehicle access. VPA does not support this request as it is contrary to the intent of a strategic planning document.</p>
<p>Suggest that the requirement for a continuous active frontage across the lengths of the street blocks on Siding Avenue would be unusually long when compared with successful main-street centres in established areas.</p>	<p>The VPA proposes to remove active frontages from Figure 6a: Officer Town Centre Concept Plan, with this detail to be determined in the UDF. Further, active frontages will only be mandatory along Siding Avenue (with exceptions) and discretionary throughout the remainder of the town centre for specialty retail and commercial land uses only.</p>
<p>The guideline requiring two storey buildings to be developed along Siding Avenue and Gumleaf Lane may result in the development within the OTC not being economically viable.</p> <p>Given the lack of development in the town centre and the surrounding residential areas, there is unlikely to be demand for the second-storey tenancies in the</p>	<p>In order to facilitate development in the Officer Town Centre, the VPA proposes to remove the mandatory requirement in relation to minimum building heights, and include a discretionary guideline encouraging minimum two storey built form or minimum 7 metre street wall heights along street frontages.</p> <p>VPA notes that during subsequent conversations, Council has indicated that they do not support this</p>

near future. A requirement to develop unviable tenancies will hinder development of the Town Centre while not achieving an economic land use outcome. It is likely that such tenancies will not be required/viable for some time.

position, which in their view would risk an underdevelopment of the Officer Town Centre.

The VPA does not entirely share this view. In response to this submitters concern the VPA has proposed alternative wording to relax the mandatory building height, yet maintain the intent of ensuring potential for increased height. The following has been suggested:

1. Rewording of the Table 10a guidelines to allow for a single storey built form fronting Siding Avenue provided it is two storeys in scale and appearance; and

2. Introducing a new guideline to Table 10a stating that single storey development fronting Main Street be designed to enable its future redevelopment to greater height.

7.4 Submission 5 – HyGain Feeds Pty Ltd

HyGain Feeds made submissions primarily in relation to the allowance of sensitive uses as section two uses within the dust and odour separation distance created by their site and the encroachment of such uses on their continued operation; site access following the closure of Station Street. In relation to sensitive uses, the submitter contends that any such development could restrict HyGain's ability to continue to operate their business should conflicts arise with sensitive users.

By letter to the Panel dated 23 July 2019, HyGain advised the Panel that it intends to make a number of submissions going to the basis of the current proposal including querying the strategic justification supporting the proposed Amendment. HyGain also advised that it intends to make submissions that will touch on a range of matters including:

1. the creation of land use conflicts;
2. the agent of change principle;
3. existing use rights;
4. legitimate expectation to continue use of their site;
5. the economic activity and value of HyGain's operations to the local economy; and
6. any other matters that may arise during the course of the hearing.

As a result of the separation distance assessment review (refer **Appendix 8**), the VPA proposes to retain the applied zones proposed by Amendment C232, thus maintaining the strategic intent for the town centre, but making sensitive uses permit required within the separation distance.

The EPA has provided input as to appropriate considerations and decision guidelines for allowing sensitive uses within the separation distance, consistent with the EPA Publication Number 1518 "Recommended separation distances for industrial residual air emissions" and similar planning decisions at Fisherman's Bend. This would still enable uses compatible with the long-term vision for the town centre to be developed, but allows for sensitive land uses when it can be demonstrated that off-site impacts from the HyGain facility will be acceptable.

Give the low impact of the HyGain emissions compared to some other industrial activities and there has been no impact to human health demonstrated, this is considered an acceptable balance to the existing operations of the HyGain facility and the vision for the precinct as a mixed use area.

In relation to the issue of access, the proposed amendment does not make any changes to the approved PSP in terms of the road network. The planned road network caters to the long-term vision for the precinct, anticipating that existing industrial uses are unlikely to operate within a major town centre in the long-term.

Further, Station Street will remain open south of the railway line until the future north-south arterial is delivered by VicRoads, and even then, would not be closed if alternative access to any affected property is not available. The VPA will however, review relevant road cross-sections to ensure they are able to accommodate vehicles that require access to HyGain's site.

The additional submission received following notification of the updated controls in response to the buffer review also highlights issues in relation to the strategic justification for the Cardinia Amendment C149 that approved the Officer PSP.

The VPA submits that Amendment C232 is confined to reviewing the controls for the Officer Town Centre component of the PSP in order to facilitate the development of the town centre. It is not a forum to ventilate issues submitters have with the strategic justification of Amendment C149.

As required by the Panel Direction of 9 October 2018, the VPA will provide a more detailed response regarding the HyGain facility in its Part B submission after reviewing expert evidence and the conclave statement circulated on environmental matters including odour and buffer. The Part B submission will also provide an explanation of how relevant changes proposed by the Amendment align with recommendations in the Report for HyGain Feeds Pty Ltd, Hicksons Road, Officer, Buffer Assessment, prepared by GHD in September 2011.

7.5 Submission 10 – Outlook (Vic) Inc.

Outlook (VIC) Inc. submits that the proposed Amendment does not allow their preferred use and development of the site for the purposes of a waste transfer station, and that their preferred use should be considered an innominate use thus giving potential for approval via a planning permit. However, the VPA contends that any industrial use is inconsistent with the vision and long-term plan for the Officer Town Centre, and therefore does not support a change to the UGZ4 to make a waste transfer station an as-of-right or permit required use.

In discussions with this submitter regarding the proposed applied Commercial 1 Zone to their property, and the commercially viable advantages this allows for, appears to have allayed their concern on the limitations of the intended industrial use for the site.

The submitter also sought clarification in relation to the area of encumbered land on the northern portion of their site. VPA has confirmed with DELWP and Melbourne Water that with the exception of the area of vegetation to be retained shown on *Plan 13: Biodiversity Management* in the PSP, the reserve is not required for biodiversity conservation and the remainder of the area may not be required for drainage purposes. As is always the case, this can be confirmed with Melbourne Water at the time of any planning permit application under the 'generally in accordance' provision of the UGZ4.

The VPA proposes to add a note to *Plan 12: Integrated Water Management* stating "Stormwater quality treatment and drainage assets and waterway widths on this plan are subject to confirmation through detailed design to the satisfaction of Melbourne Water". Additionally, *Plan 5: Future Urban Structure* and *Plan 13: Biodiversity Management* will include a similar notation.

The VPA does not propose to remove the encumbrance from the PSP plans, so as to avoid flow on impacts on the land use budget and the net developable area of the precinct, which are considered beyond the scope of this amendment.

7.6 Submission 11 – Thompson Land Pty Ltd

The submission by Spiire for Thompson Land seeks to amend/remove the guidelines requiring the extent of blank walls to be minimised and off-street car parks to be screened from the public realm and also to amend UGZ4 to enable reduction of car parking spaces required.

In response to this submission, the VPA proposes to amend the guideline relating to the extent and visibility of blank walls to allow additional flexibility. However, the VPA does not agree to reduce the mandatory requirement for screening of off-street car parking to a discretionary guideline, noting that the requirement does allow for flexibility in how this screening may be achieved in the case of shallow lots.

Additionally, where on-site car parking is not feasible, landowners can already apply to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-3 of the Scheme.

It is understood that the proposed changes in response to this submission have adequately addressed their concerns and thus this submission is considered to be resolved.

7.7 Submission 12 – Transport for Victoria

Transport for Victoria (TfV) raise a number of issues in relation to the provision of walking and cycling infrastructure within the Officer Town Centre. The VPA notes that these issues are not significant in nature and that the VPA will continue to liaise with TfV and Council prior to the finalisation of the PSP to reach mutually agreeable positions on the issues raised.

TfV are not a party to be heard at the Panel, given the agreed position.

7.8 Submission 13 – Development Victoria

Development Victoria made a submission in relation to a range of issues, which are addressed in detail in **Appendix 2**. Key outstanding issues discussed below.

Dust and odour separation distance

Development Victoria submitted that the proposed applied zones in the vicinity of the HyGain facility were appropriate, and supported the completion of a review of the buffer originally identified by GHD (Report for HyGain Feeds Pty Ltd, Hickson Rd, Officer, Buffer Assessment, GHD, 2011). However, Development Victoria submitted that separate noise and odour buffers should apply to land surrounding the HyGain facility, with appropriate applications requirements and decisions guidelines required to protect sensitive uses identified for each.

A review of what is currently referred to in the PSP as the “noise and odour buffer” previously identified by GHD has recently been completed (see **Appendix 8**) with further work done to refine where the separation distance is measured from and the applicable planning controls for sensitive uses within the separation distance.

Following the further notification of the proposed dust and odour separation distance and associated planning controls, a further submission has been received confirming their support including suggested changes to the drafting of the UGZ4 to provide clearer and further guidance in decision making of applications for the use and development of land within the separation distance.

This submission also highlighted an error in the drafting of the permit triggers for land uses in the specific provisions of the UGZ4. As is currently drafted the UGZ4 is written to read as if the sensitive land uses (Accommodation, Child care centre, Education centre, and Informal outdoor recreation) are prohibited if not located within the separation distance. These uses should be located under ‘Section 1’ with a condition that the use must be on land outside the separation distance thereby becoming a ‘Section 2’ use if within the separation distance.

Similarly there is a drafting error with regard to ‘Industry (except Service industry and Research and development)’. These should be listed under ‘Section 2’ as opposed to ‘Section 3’ prohibited, with a condition that the use must not be located in the applied Mixed Use Zone.

The VPA agrees there is an error in the drafting and will correct accordingly to ensure the same intent of triggering a permit to use land for sensitive uses within the separation distance. A corrected version of the UGZ4 will be circulated during the course of the hearing.

Leber Reserve

Development Victoria has submitted that the PSP should be variously amended to provide flexibility to enable reallocation of parts of Leber Reserve for high density development. Subsequent wording provided to the VPA suggested potential development within Leber Reserve may consist of open space and/or community facilities (refer **Appendix 7**).

VPA has sought comment from the DELWP’s Melbourne Strategic assessment team who advised that Leber Reserve comprises remnant native vegetation with significant biodiversity values and that as part of developing the Officer PSP in 2011, a strategic precinct wide process was undertaken to ensure that future development is in accordance with the Native Vegetation Framework (native vegetation regulations for Victoria at the time). A

critical part of this was ensuring that sufficient steps are taken across the precinct to avoid the removal of and minimise impacts on native vegetation. This was principally achieved through the requirement to protect native vegetation, including within the Leber Reserve.

Consequently, in order to ensure the strategic biodiversity requirements for avoiding impacts to native vegetation in the precinct are achieved, it is important that native vegetation shown in the NVPP as native vegetation to be protected within the Leber Reserve is retained. Locating community and civic facilities in areas comprising native vegetation would not be compatible with protecting the native vegetation. Additionally, DELWP does not support plans identifying a potential for EVC's to be removed nor that DELWP approval may be sought for any change to conservation area boundaries.

Given DELWP's advice is very definitive in relation to this issue, VPA does not support the inclusion of flexibility in relation to the extent of Leber Reserve in addition to that which is already allowed by the PSP under the 'generally in accordance' provision of the UGZ.

7.9 Submission 14 – Cardinia Shire Council

Council made a submission in relation to a range of issues, which are addressed in detail in **Appendix 2**.

Council generally supports Amendment C232 and its proposed planning controls, subject to specific changes requested in Attachments 1, 2 and 3 of their submission.

Council does not support the Amendment that proposes to insert the VPA as a referral authority for the Officer Town Centre. Council submits that adding further 'red tape' to the planning permit application process is contrary to the intent and scope of the review.

Key outstanding issues discussed below.

VPA referral status for permit applications within the Officer Town Centre

The exhibited Amendment proposed VPA would be a determining referral authority for planning permit applications to subdivide land, or construct a building or carry out works (if the application includes 1,000 square metres or more of leasable floor space) on land identified on Figure 6 in the PSP. This represents a change in VPA's historic position, where the threshold for referrals was a construction cost of \$500,000. Additionally, the proposed Schedule to Clause 66.04 would reduce the VPA to a recommending referral authority only following completion of an approved UDF for the Officer Town Centre.

The VPA's position is based on the significant role that major town centres play in developing communities, and the VPA's continued interest in ensuring that quality outcomes are delivered following the completion of the PSP process. The VPA does not seek to duplicate the role of the Responsible Authority in town centres. Rather, as a referral authority, the VPA is primarily concerned with assessing general consistency against the PSP as well as aspects of applications that will affect the quality and function of the public realm e.g. landscaping, active street frontages and permeable street networks.

The VPA does not propose to alter its position in relation to this issue at this stage.

Interface road with Gilbert Reserve

While not specifically raised within Council's submission, during subsequent discussions, Council has raised concerns in relation to the location of the road interface between Gilbert Reserve and developable land west of Siding Avenue. Due to the shallow lot depths and fragmented land ownership between Station Street and Gilbert Reserve, Council is concerned about the poor built form outcomes that would result if developable land was lost to the interface road required to mitigate bushfire risk to residents and facilitate emergency vehicle access to the reserve. Council's preferred outcome is for the interface road to be located within the conservation reserve, thus maintaining the extent of developable land.

VPA has sought comment from DELWP's Melbourne Strategic assessment team who advised that much of Gilbert Reserve is classified as "habitat zone" with native vegetation to be protected within the Officer PSP. The Officer Precinct Conservation Management Plans (excluding Cardinia Creek) (Ecology Partners, 2011) lists much of the area as ecological vegetation classes to be retained. This area is therefore required to be protected under the Melbourne Strategic Assessment program.

VPA therefore does not support the relocation of the required interface road within Gilbert Reserve. However, VPA notes that the setback requirements from bushfire prone areas within the Officer Town Centre in order to satisfy Clause 13.02 of the Scheme will require further consideration following completion of the Bushfire Assessment and Development Report for the Officer PSP (Terramatrix, 2018) (see **Appendix 9**). This is addressed in the following section under bushfire development requirements.

Dust and odour separation distance

Following the further notification of the proposed dust and odour separation distance and associated planning controls, a further submission has been received identifying issues and further revisions to the PSP to address these issues.

Council has identified issues with the revised separation distance (referred to as the buffer in the PSP) with regards to UGZ3, particularly the lack of any changes to the UGZ3 to address the land outside the town centre that is affected by the separation distance. Council also is unclear as to whether the UGZ4 adequately addresses matters raised by the EPA in its correspondence of 4 and 30 August 2018.

In addition, concern has been raised with regard to the Council's and/or EPA's respective obligations and responsibilities with respect to odour complaints in the future (if any).

Council has identified certain parts of the PSP that will require revisions to reflect the revised approach for allowing sensitive uses within the revised separation distance.

The VPA is continuing to work with Council in the lead up to the Panel hearing to address these issues and recommendations, and will make further submissions with respect to separation distances in its Part B submission.

7.10 Submissions 15 & 17 – Sweet 46 Pty Ltd & Bethany Rice

HWL Ebsworth on behalf of their clients, whose properties are outside the Officer Town Centre, submitted that the proposed Amendment does more than amend the planning context for the Officer Town Centre by the introduction of the property specific land use budget. Even though the land use budget is not referenced in the explanatory report, its introduction via Amendment C232 affects all property owners within the PSP by specifically identifying net developable areas and landowners were not appropriately notified of this change according to this submission.

The VPA notes that the property specific land use budget was created by Council at the time the original PSP was completed in 2011, but never included in the approved PSP for reasons unknown. This land use budget is the basis for all the plans in the PSP, including *Plan 6: Land Use Budget*, and also the basis for Council's assessment of land to be set aside for public uses and infrastructure in permit applications.

Its inclusion in the amended PSP was done so at the request of Council and was not intended to represent a material change for landowners, but rather provide improved transparency by including information that is necessary to take into consideration when developing land in the PSP and is used by Council in assessing applications.

The VPA notes that the original amendment for the Officer PSP was done by way of a section 20(4) amendment and thus formal exhibition pursuant to section 19 of the Act was not undertaken. Therefore, under the original amendment there would have been no opportunity for landowners to comment or contest land use allocations had the Property Specific Land Use Budget been included in the PSP.

All landowners within the Officer PSP area were notified of Amendment C232 and had an opportunity to make submissions on the proposed changes. Changes to the PSP are clearly identified in the contents page of the document as well as at relevant locations throughout the document. The explanatory report does not include a list of all changes to the PSP, given the extent of changes. The PSP itself demonstrates what the changes are in terms of where things have been added or deleted.

In response to Council's submission to Amendment C232, primarily due to the discrepancies created by updating the property specific land use budget from CAD data to GIS data as it reflects more accurate data, the VPA has agreed to remove the property specific land use budget from the amended PSP on the understanding that Council will undertake a separate amendment to the Officer PSP and DCP at a later date to include the property specific land use budget.

In addition, Council have publicly released their version of the property specific land use budget that is relied upon in assessing permit applications. By this information now being made publicly available negates the potential for landowners with the Officer precinct to be disadvantaged by it not being included in the amended PSP.

By letter dated 12 November 2018, the VPA advised the Panel that the VPA intends to withdraw the Property Specific Land Use Budget from the proposed amendment and any reference to the Property Specific Land Use Budget in the Officer PSP (2018) should be read as references to the figures and categories from the Officer PSP (2011).

Lawyers for Cardinia Shire Council and Development Victoria advise that their clients support the withdrawal of the Land Use Budget from the proposed amendment and will not be making any submissions with respect to the Land Use Budget. On that basis, HWL Ebsworth (on behalf of Mr Tim Rice and Sweet 46 Pty Ltd) has also agreed to support the withdrawal and will not be making any submissions with respect to the Land Use Budget.

The VPA acknowledges that it remains open to other parties to make submissions in relation to the Land Use Budget on the basis that it was included with the exhibited materials as part of the amendment. At this time, there are no submissions from other parties before the Panel in relation to this issue.

By removing this information from the amended PSP, the VPA is of the understanding that this satisfies the concerns of both submitters and thus considers these submissions to be resolved.

7.11 Submission 16 – Croft Developments

Taylor on behalf of their clients Croft Developments who own 20A Tivendale Road that is located outside the Officer Town Centre, submitted their property should be entirely zoned UGZ3. Currently the southern portion of 20A Tivendale Road is included in the Officer Town Centre and is zoned UGZ4, with the majority of the site being outside the boundary of the town centre and zoned UGZ3.

This submitter requests their entire property be zoned UGZ3 and the town centre boundary amended to ensure none of the property is within the town centre, and subsequently all relevant plans in the PSP and the UGZ3 and UGZ4 be updated accordingly.

The VPA supports this request and this will be undertaken as part of this amendment.

8 PROPOSED CHANGES TO AMENDMENT DOCUMENTATION

Following evaluation of submissions, a Key Changes Table has been prepared detailing the proposed amendments to the exhibited documentation and ordinance in response to submissions and further technical assessment. These changes are detailed in **Appendix 3** and a summary of key changes made to date and outcomes are noted below.

The Scheme ordinances that have been updated following exhibition are included at **Appendix 4** with track changes depicting agreed changes.

Changes made to the original Officer PSP prior to exhibition are detailed in **Appendix 6**.

Further changes may also be made in the lead up to the commencement of Panel as a result of further discussions with submitters. If this occurs, a revised Table of Changes will be circulated during the course of the Panel Hearing.

This work will continue following the further evaluation of expert evidence and panel outcomes on the Amendment until a final plan is prepared for consideration by the Minister for Planning.

An overview of key changes to the amendment proposed by the VPA in response to submissions is provided below.

Property specific land use budget

Refer to the response to submissions 15 and 17 in Section 7.10 for an overview of the background to the inclusion of the property specific land use budget as part of the amendment. Further to this, the property specific land use budget provided to VPA in a CAD format was translated to GIS with the agreement of Council in order to improve accuracy. Additionally, land use categories, particularly in relation to open space, were updated to make them more consistent with current VPA terminology.

The VPA's intention when including the property specific land use budget in the amended PSP was to make transparent information that was already in use by Council when assessing planning permit applications. As has been highlighted through the exhibition process by submitters, and reconsideration by Council on this matter, there has been issues in including the property specific land use budget.

This being the intent to improve the data by converting it from CAD to GIS, which has resulted in consequential changes to individual properties net developable area affecting all properties throughout the Officer precinct thus being beyond the scope of this PSP review. The VPA believes that our revised position is more in keeping with the scope of this amendment that is to review the controls and provisions specifically for the Officer Town Centre.

Council has indicated it will undertake a separate amendment to review and include the property specific land use budget in the PSP. In addition, as per the direction of Panel the information that is currently relied upon by Council officers for infrastructure requirements in assessing development applications has been made publicly available.

Dust and odour separation distance

In response to submissions 5, 13 and 14 the VPA commissioned a review of the extent and appropriateness of sensitive uses within what has been referred to in the 2011 PSP as the noise and odour buffer and shown in the exhibited PSP, as described in Section 7.8 above.

Given the independent advice provided to the VPA that sensitive uses only be allowed within the revised separation distance under certain conditions, the VPA proposes that the only prudent option is to retain the exhibited applied zones, therefore maintaining the strategic intent, but making sensitive uses permit required within the separation distance. This would still enable uses compatible with the long-term vision for the town centre to be developed (e.g. commercial, retail) within the separation distance, and allows for sensitive uses when it can be demonstrated that the amenity impacts on sensitive uses are acceptable.

The VPA has sought input from the EPA on this matter who provided guidance and support for the proposed amendment and supporting planning controls.

Accordingly, the VPA has now updated the Amendment to reflect these recommendations and proposes to:

- Replace the existing 'noise and odour buffer' around the HyGain Feed facility with a '250m separation distance' measured from the envelope of sources that create dust and odour emissions, with additional adjustments for local meteorological conditions.
- Amend UGZ4, which applies to land within the Officer Town Centre, to require a planning permit for use of land for sensitive uses (this includes Accommodation; Child care centre; Education centre; and, Informal outdoor recreation) located within the separation distance area.
- Include in the UGZ4, application requirements and decision guidelines for sensitive use applications on land within the separation distance area.
- Include EPA as a recommending referral authority for applications for sensitive uses within the separation distance area.

The VPA notified affected landowners and occupiers of land within the Officer PSP area and provided them with an opportunity to make submissions that relate to the revised separation distance and subsequent changes.

Built form requirements

In response to submissions 4, 11 and 13 the VPA is proposing a number of amendments to the planning and design guidelines set out in Table 10: Employment and Activity Centres Planning and Design Guidelines and Table 10a: Officer Major Activity Centre. These changes are summarised in **Appendix 5**, and generally improve the flexibility applied to built form outcomes in the town centre. These aim to take a more performance-based approach to balancing the desire for a high quality public realm with the need to remove barriers to private-sector investment in the town centre, as per our direction from the Minister for Planning.

Bushfire development requirements

Since the approval of the original PSP in 2011, Clause 13.02 *Bushfire* has been introduced to the Scheme which has the objective 'to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life'.

As a result of this change, the VPA commissioned a bushfire assessment and development report (Terramatrix, 2018) (refer Appendix 9) to assess how the planning controls in the Officer PSP need to respond to bushfire risk.

Following advice from the DELWP that as the changes proposed to the Schedule 3 of the Urban Growth Zone will not result in an intensification of development nor will it result in a greater risk from bushfire to human life than what is already approved, only Schedule 4 to the Urban Growth Zone needs to respond to Clause 13.02.

Following submissions made by the CFA and DELWP during the agency consultation process, the VPA showed an interface road along the full extent of Gum Scrub Creek within the Officer PSP. However, following the aforementioned advice from DELWP as well as the submission from Council, VPA proposes to remove this interface road outside the Officer Town Centre as this is considered outside the scope of this review.

In relation to the requirements needed to implement Clause 13.02 in the Officer Town Centre area, the VPA proposes to work with the CFA, Council and any other relevant stakeholders to determine an appropriate approach.

The Terramatrix report recommends that providing the appropriate setbacks to buildings from Gilbert and Leber Reserves is the only additional requirement necessary to satisfy Clause 13.02. The road network is adequate to give access and egress and water supply for fire-fighting can be supplied by the conventional reticulated hydrant system. In response to this, it is proposed to amend Table 15 so that:

- Subdivision designs must allow for adequate setback from Gilbert, Leber and Gum Scrub Creek open space / conservation reserves to separate development from areas of bushfire risk, to the satisfaction of the Country Fire Authority and the Department of Environment, Land, Water and Planning.
- Development adjoining Gilbert, Leber and Gum Scrub Creek open space / conservation reserves must have as their primary address an interface road (which may include a 'paper' road) that allows adequate emergency service vehicle access, to the satisfaction of the Country Fire Authority and the Department of Environment, Land, Water and Planning.

The VPA is continuing to liaise with the CFA and DELWP to develop an appropriate response to the bushfire risk identified in the Terramatrix report.

APPENDIX 1 – MINISTER FOR PLANNING DIRECTION TO REVIEW OFFICER PSP

APPENDIX 2 – AMENDMENT C232 – OFFICER PSP TOWN CENTRE REVIEW - SUMMARY OF SUBMISSIONS & VPA RESPONSES

APPENDIX 3 - AMENDMENT C232 – OFFICER PSP TOWN CENTRE REVIEW – KEY CHANGES TABLE–POST EXHIBITION

APPENDIX 4 - AMENDMENT C232 – OFFICER PSP TOWN CENTRE REVIEW – ORDINANCE CHANGES

APPENDIX 5 - AMENDMENT C232 – OFFICER PSP TOWN CENTRE REVIEW – TABLE 10 AND TABLE 10A CHANGES

APPENDIX 6 - AMENDMENT C232 – OFFICER PSP TOWN CENTRE REVIEW – KEY CHANGES TABLE – PRE-EXHIBITION

APPENDIX 7 – DEVELOPMENT VICTORIA – LEBER RESERVE DRAFT WORDING

APPENDIX 8 – OFFICER PSP BUFFER ASSESSMENT REVIEW

APPENDIX 9 – OFFICER PSP BUSHFIRE ASSESSMENT AND DEVELOPMENT REPORT FOR THE OFFICER PRECINCT STRUCTURE PLAN
