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c/- Amendment C241wsea or Shenstone Park

Dear Paul

**City of Whittlesea Amendment C241wsea – Shenstone Park Precinct Structure Plan - Golina**

Tract has been engaged by Golina Holdings Pty Ltd to lodge a submission to Amendment C241wsea to the Whittlesea Planning Scheme, being the *Shenstone Park Precinct Structure Plan* (the PSP). As you are aware from our previous discussions with the VPA and City of Whittlesea, Golina Holdings owns the land identified as 570, 620 and 650 Summerhill Road, Wollert. Their land sits directly south of the PSP and is identified in Figure 1 below.

On behalf of Golina Holdings, we congratulate the VPA on the Exhibition of Amendment C241wsea and all the work done to date by the VPA and Council. We take this opportunity to provide a submission on key matters of interest to our client regarding the PSP.

There are several matters raised in this submission and we would be pleased to hold a meeting to further discuss the matters at your convenience.

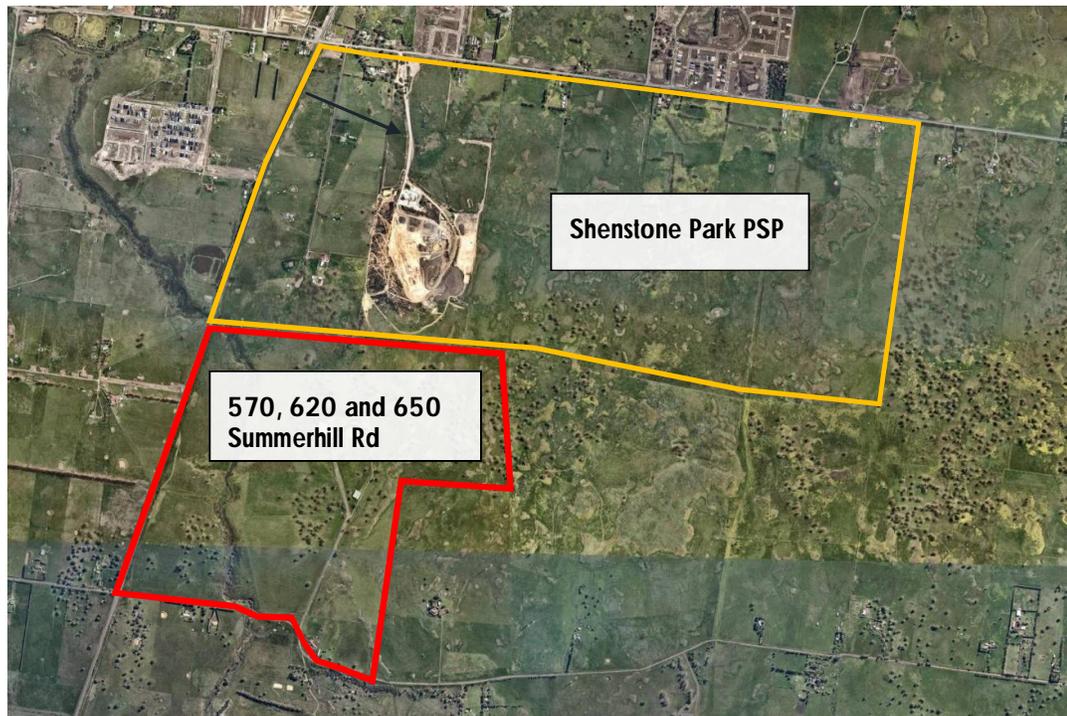


Figure 1: 570, 620 and 650 Summerhill Road

## 1. Utilities in Public Use Zone

- 1.1. Table 1 - Summary Land Use Budget of the PSP deducts land identified for utilities from the Net Developable Area on the basis that they are not proposed to be developed for purposes beyond their designation of utilities.

It is therefore unclear why the land affected by the power line easements in the south-west corner of the PSP (directly north of the Golina property) is proposed as a Special Use Zone - Schedule 11 (SUZ11). The schedule is very broadly drafted to allow for a variety of uses including industry, shipping container storage and other uses of potential concern to Golina. It is submitted that the land should remain in the PSP with the Public Use Zone - Schedule 1 Service & Utility (PUZ1) being applied. This would be a more appropriate use of the Victorian Planning Provisions.

There are five properties along Langley Park Drive that are identified in Plan 3 - Future Urban Structure for "Utility" purposes. It is understood that these properties were acquired by Yarra Valley Water for the purposes of waste water recycling and whilst these properties will not comprise the Sewerage Treatment Plant; they will be required for ponding and water treatment prior to discharge and disposal. Accordingly, it is not clear why the land has been applied with an industrial land use zone when it is identified to be used for utility purposes in the future structure plan and as it was acquired for? Again, the appropriate land use zone under the VPP that should be applied is PUZ1.

It is recommended that land designated within the PUZ1 (as per our suggestion) remain outside of the land budget and a more defined plan be included in the PSP which directs the use and development of the land in more specificity. Alternatively, if any of the land identified as "utilities" is intended to be used and developed for industrial purposes, add the land into the land budget so that it provides infrastructure contributions under the future Infrastructure Contributions Plan (ICP).

- 1.1. Table 2 of the Urban Growth Zone -Schedule 7 (UGZ7) lists what land uses are permissible within the PSP area. There is a drafting error under Section 3 of the table.

The table states that "Shop" on land identified as "business", "industry", and "light industry" in the PSP is prohibited. As the PSP identifies land for utilities as "Utility" (notwithstanding the applied zone is Industrial 1 Zone) – this would mean that "shop" would be permissible on the land identified as Utility but prohibited on land identified for "business", "industry", and "light industry". This error would be clearly resolved and confusion avoided if the applied land use zone was changed to PUZ1.

## 2. Woody Hill Quarry

- 2.1. The Woody Hill Quarry is also deducted from the land budget and a portion of the Quarry is proposed to be rezoned from Farming Zone to the Special Use Zone, which would also exempt the Quarry from ICP charges being applied to the land.

This would appear unreasonable as the Quarry would expect to use and benefit from facilities such as IN01 and IN02 heading north and IN06 and RD-01 Koukoura Drive east (which then provides further north/south arterial function).

- 2.2. Under the new Work Authority WA006437, the Quarry will most likely cease to operate for quarry purposes within the life of the PSP and ICP and likely be developed for industrial purposes. It is

therefore recommended that the PSP include an alternative Future Urban Structure (Plan 3) on how the road network and layout of the area would occur subject to the future closure of the Quarry, and that traffic analysis etc be reviewed based on that revised layout so as to inform the ultimate land use of the PSP area.

The Quarry land should also be apportioned as development land for industrial purposes and attributed to ICP contributions so that when it is further developed following conclusion of the Quarry use, it can fairly contribute to infrastructure identified in the PSP.

### **3. Access**

#### **3.1. Langley Park Drive**

Langley Park Drive is presently a 20 metre-wide road reserve, and it extends to the northern boundary of our clients property. The PSP is not clear on the role of the road nor its extent.

Plan 3 - Future Structure Plan of the PSP indicates that the road will be constructed to a "local access street - level 1" for the majority of its length but then stops short of continuing to the southern boundary of the PSP.

Turning then to Plan 09a on page 28 of the PSP, the road south of the dashed line (Langley Park Drive) is shown green. This effectively removes our client's right of access to the existing road reserve and does not explain how vehicles will access the proposed Sewerage Treatment plant.

Respectfully, the road should continue south to our client's boundary. Having regard to the potential future development of the future Northern Quarries PSP area, Langley Park Drive should also be upgraded to a connector street, as opposed to a local access street, and with a re-route allowing future egress to Donnybrook Road through Intersection IN-01 (as identified on Plan 14 of the PSP).

#### **3.2. Phillips Land**

Plan 3 - Future Structure Plan of the PSP includes a distinct blue arrow across the northern boundary of our client's land to provide access to Phillips Quarry. The PSP and associated amendment documentation do not address how the land required for this access will be acquired, noting that there is no Public Acquisition Overlay (PAO) exhibited as part of Amendment C241wsea to allow for the acquisition of that land. Our client strongly opposes the creation of this access road as it serves to only benefit one owner's property at the expense of our client's property and interests.

An alternative access configuration would be to extend the proposed local access street circling the Woody Hill Quarry (in the area identified as BCS boundary realignment) and aligning the access back through the Industrial and quarry land to avoid disturbance of the BCS conservation area.

Again, to allow for and plan the future Northern Quarries PSP, that road should be upgraded to a connector street.

#### **4. Third Party Notice and Appeal Rights**

##### **4.1. Woody Hill Quarry (Special Use Zone- Schedule 4)**

Special Use Zone - Schedule 4 Woody Hill Quarry (SUZ4) currently applies across the Woody Hill Quarry and will continue to do so under the proposed PSP. The SUZ does not exempt third party notice and appeal rights.

Amendment 241wsea proposes to introduce the PSP as an incorporated document and apply Clause 43.03 Incorporated Plan Overlay (IPO) across the PSP area. The application of the IPO, and more specifically Clause 43.03-2 (Exemption from notice and review) will mean that planning applications which are in accordance with the incorporated plan (i.e PSP) will be exempt from third party notice and review.

This removes our client's existing rights to review and make submission on future planning permits associated with the quarry. We strongly object to the proposed regime given that neither the Incorporated Plan nor the PSP provides any detail or specificity on the Quarry layout and/or use – especially as the drafted material presents potential expansion closer to our client's boundary and interests.

##### **4.2. Electricity Easement (Special Use Zone – Schedule 11)**

In accordance with the drafted SUZ11, applications for use, subdivision and buildings and works would be exempt from third party notice and appeal rights.

As discussed above under point 1.1, there is no reason for the application of this zone and that it should be zoned UGZ with an applied zone of PUZ. Alternatively, the land (and utility land to the north of the proposed SUZ11) could be zoned PUZ1 as the appropriate VPP Zone.

##### **4.3. Utility land**

As outlined under point 1.1, land identified for Utility is proposed to have an applied zone of Industrial 1 Zone with an allowance presently for "shop". UGZ7 does not include a requirement for third party notice and appeal and therefore the provisions of 37.07-13 would avoid any notice being provided. Also noting that the IPO would also exempt a planning application which is generally in accordance with the PSP from third party notice and review.

It is submitted that the PSP needs to include further details and/or a plan of the utility land to apply the notice and review exemption, and ensure planning permits are generally in accordance with a more specific plan and not just open ended. Alternatively, notice and appeal rights should not be exempt for land identified for utilities. This applies equally to the proposed SUZ11 land (notwithstanding our recommendation for PUZ).

## 5. Conservation Area Land Acquisition

- 5.1. Clause 4.0 of the draft UGZ7 and Clause 3.0 of the draft Incorporated Plan Overlay - Schedule 8 (IPO8) includes a requirement for a Land Management Co-operative Agreement (LMCA) in relation to the BCS conservation area shown on Plan 3 of the PSP.

The BCS conservation area is classified as 'Nature Conservation' under the Melbourne Strategic Assessment (MSA). The Melbourne Strategic Assessment outlines conservation strategies for growth corridors and was approved under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.

The MSA requires Nature Conservations to be acquired by the State government, as opposed to be being gifted by land owners.

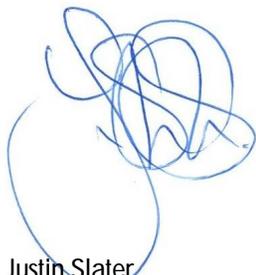
The drafting of the LMCA requirements in UGZ7 and IPO8 should be revised to align with the MSA and ensure the BCS conservation area will be acquired by the State and not required to be gifted by land owners.

## 6. Reservation of rights

As mentioned above, we would be happy to meet and discuss these matters with you. Our client does however reserve their rights to make further submissions to a convened Planning Panel that may be appointed by the Minister to consider submissions, if we are unable to resolve these matters with you directly. Our client also reserves their right to make further submissions on any matter that may be of interest to them including in response to any other submissions which may be made by any other party.

We look forward to resolving the above matters with you to ensure the ongoing prosperity of Victoria including the settlement of the PSP area. Please do not hesitate to contact me to discuss any matter as required on 0427-201-111, or by email as below.

Kind regards,



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Director  
Tract  
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CC: George Saisanas – Manager Strategic Planning Whittlesea City Council