



# **A Different City**

## **Amendment C106 to the Mitchell PS**

**Navigating the  
cities of tomorrow.**

**Expert Evidence**

**Jonathon Fetterplace**

**Prepared for:**

**The Gilbo Family**



**A  
Different  
City**

**This report has been prepared by:**

Jonathon Fetterplace  
Director  
A Different City Pty Ltd

Date: 6 July 2020

**A Different City  
info@adifferentcity.com.au  
+ 61 402 257 709**

**Level 2, 52 Albert Road  
South Melbourne  
Victoria, 3205**



## Introduction

1. My name is Jonathon Cobbley Fetterplace and I am a Director of A Different City Pty Ltd which conducts its business at Level 2, 52 Albert Road, South Melbourne. My qualifications and experience are described in Appendix 1.
2. I have been requested by Norton Rose Fulbright on behalf of the Gilbo family (Gilbo), who own the land at 55 Northern Highway, Beveridge (the Subject Site), to prepare an expert report considering the planning matters relevant to the Subject Site and the Beveridge North West Precinct Structure Plan (BNWPSP).
3. Specifically, I have been requested to consider and provide my opinion in relation to Amendment C106 to the Mitchell Planning Scheme in relation to the following matters:
  - the implications of a possible quarry within the BNWPSP area;
  - the appropriateness of the location of the Spring Hill Reserve boundary;
  - the appropriateness of the drafting of the provisions for credited open space;
  - the application of a retail floor area cap on the Eastern Local Town Centre; and
  - any other planning matter, relevant to the Subject Site.
4. The Amendment applies to 1,276 hectares of land and is bound to the north by Hadfield Road, to the east by the Hume Freeway, to the south by Camerons Lane and to the west by Old Sydney Road (the PSP Area).
5. The Amendment proposes, amongst other things, to incorporate the BNWPSP (August 2019) into the Planning Scheme and to rezone the Subject Site to the Urban Growth Zone Schedule 3 to facilitate the urban development of the land.
6. In undertaking my assessment, I have inspected the Subject Site and surrounds and have considered various documents relating to the Amendment and the BNWPSP.
7. I have also reviewed a submission made by the Gilbo family and submissions made by other parties to the exhibition of the Amendment. I have also reviewed the relevant provisions of the Mitchell Planning Scheme and a number of relevant policy documents. I provide a list of the relevant policy documents that I have had regard to at Appendix 3 of my report.
8. A summary of my opinion with respect to my instructions is as follows:
  - The proposed quarry (and buffer) will likely have significant implications on the use and development of the Subject Site and the BNWPSP area, including the timely and efficient delivery of the PSP and public infrastructure to support the incoming population;
  - The proposed quarry does not appear to have regional or local strategic planning support, has not received planning approval and therefore should not be included within the BNWPSP;
  - The Spring Hill Reserve boundary (including southern boundary of the proposed Rural Conservation Zone) should be amended to include the land surrounding the existing homestead located on the Subject Site and adopt the recommendations of Barry Murphy;
  - The drafting of the provision related to credited open space should be amended to provide greater flexibility for the siting of open space to respond to the physical site context;



- The inclusion of a permit trigger 'cap' for retail floor area is unnecessary and should be amended to provide an equitable distribution of retail services across the PSP area;
  - Guidelines G16 and G17 contained within the PSP relating to the provision of affordable housing lack statutory weight and clarity in their implementation and should be deleted (and further work undertaken).
9. I declare that I have made all the inquiries that I believe are desirable and appropriate. No matters of significance that I regard as relevant have, to my knowledge, been withheld.

## The Subject Site

10. The Subject Site is rectangular in shape and comprises a total land area of approximately 115.49 hectares within the BNWPSP.
11. The Subject Site is identified as lot 2 on Title Plan 841310F, Volume 08772 Folio 323. Refer Figure 1 below.

Figure 1 – Aerial photograph of the Subject Site below. Source: Nearmap



12. The Subject Site is zoned part Urban Growth Zone and part Rural Conservation Zone. The northern portion and eastern boundaries of the Subject Site are Rural Conservation Zone. A Vegetation Protection Overlay, Schedule 2 (VPO2) is also located along the eastern frontage of the Subject Site.
13. The Subject Site has frontage to the Northern Highway (to the east) and is accessed by an existing road reservation adjacent the Hume Highway.
14. The land contains two (2) dwellings and a number of sheds associated with the existing use of the land for farming purposes.
15. The land gently rises from the southern boundary of the property to an existing fence line located approximately within the middle of the land. From this point the land begins to rise more sharply towards the northern boundary near the peak of the Spring Hill Cone.



16. Vegetation, including canopy trees, is located along the fence lines, between the existing paddocks and around the dwellings. There are a few patches of remnant trees located in the northern paddock, which also contains a number of small rocky outcrops within the southern slopes of the Spring Hill Cone.
17. An area of potential heritage sensitivity is identified along towards the low point (south-east corner) of the Subject Site, adjacent to a small natural waterway the flows south through the adjoining land holdings within the PSP area.

## The Surrounding Land

18. The land immediately to the north of the subject site (175 Northern Highway – Referred to as Property 5 within the BNWPSP) forms the highest point in the BNWPSP area and is subject to steep slopes and rocky outcrops to the peak of the Spring Hill Cone. This land is subject to a draft Works Area plan for a proposed quarry (WA1473) and a current planning permit application to use and develop the land for stone extraction and the creation of road access. I am instructed that the permit application was lodged with Council in 2019, is currently subject to a VCAT dispute relating to a request for further information and is yet to be determined.
19. The Hume Freeway is located immediately east of the Subject Site. The Freeway carries large volumes of traffic and forms part of the primary north south road connection between Melbourne and Sydney.
20. The land immediately to the west of the Subject Site is owned by Yarra Valley Water (YVW). This land is referred within the BNWPSP as Property 4. I understand this land is used for water treatment. A large constructed waterbody (treatment reserve) is located to immediately west of the western boundary of the Subject Site.
21. The southern boundary of the Subject Site adjoins two (2) properties (referred as Properties 14 & 15 within the BNWPSP). Both these land holdings appear to be presently used for farming purposes.
22. The Subject Site is located in proximity to the surrounding other features:
  - Beveridge township is located 2.5kms to the south-east;
  - Wallan Town Centre is located approximately 2.5kms north;
  - Views to the surrounding hills to the west, north west and east are key features of the context. The Spring Hill Cone, located immediately north of the Subject Site is a significant environmental feature in the landscape, as is the Mount Fraser hilltop located to the south-east of the Subject Site and the eastern side of the Hume Freeway.
  - The majority of the surrounding land appears to be used for various agricultural and hobby farm purposes at present.

## Beveridge North West Precinct Structure Plan

23. The Beveridge North West Precinct Structure Plan (BNWPSP) applies to the Subject Site and sets the long term vision and guidance for the future development of the land.
24. Plan 4 (p. 7) of the BNWPSP identifies property boundaries. The Subject Site is identified on this Plan as Property number 6.
25. The Future Urban Structure (Plan 3, p.5 of the PSP) identifies land uses, key infrastructure items and environmental features to deliver urban development within the precinct. A copy of

**A Different City**  
**info@adifferentcity.com.au**  
**+ 61 402 257 709**

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**



the proposed Future Urban Structure is contained at Appendix 2 of my report. An extract of the Future Urban Structure is provided below in Figure 2.

Figure 2 - Extract from Plan 3 – Future Urban Structure (BNWPSP August 2019)



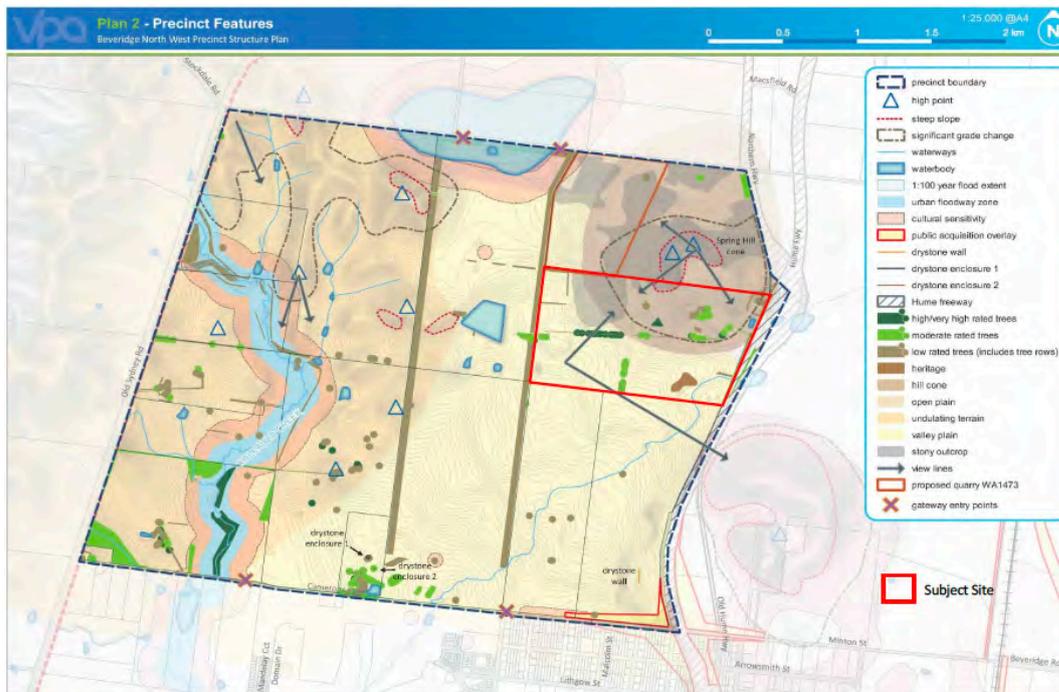
26. Features of the Future Urban Structure, as it relates to the Subject Site, includes:

- The majority of the property to be developed for residential purposes;
- A local town centre is proposed to be located within the centre of the site, adjacent to a future government school, local community facilities and credited open space linked to the Spring Hill Reserve;
- Residential land west of the local town centre is designated as being within the 'walkable catchment';
- A second credited open space area is identified to the north western portion of the Subject Site, however this open space is designated to be flexible in its location.
- The north-eastern portion of the land is subject to 'landscape values' and reserved for encumbered open space.

27. Plan 2 – Precinct Features (P. 3 of the BNWPSP) identifies a number of key features within the PSP area and specifically the Subject Site. Refer Figure 3 below.



Figure 3 – Plan 2 Precinct Features (BNWPSP August 2019)



28. The Plan shows that the Subject Site is impacted by the Spring Hill Cone, significant grade changes and stony outcrops which affect the northern portion of the site.
29. The Spring Hill Reserve is identified as a visually important landscape feature of the PSP area that will create a unique sense of place for future residents. View lines to and from the Subject Site to the top of the Cone and Mount Fraser are significant features and attributes for the PSP area.
30. Objective 1 of the PSP seeks to 'provide a framework for a high amenity and integrated urban environment that encourages a sense of place and community, as well as responds to the existing natural, cultural and built features'.
31. Plan 2 also identifies the extent of the 'proposed quarry WA1473' adjoining the north western boundary of the Subject Site. There is no other reference or guidance contained within the PSP in relation to the quarry apart from the identification in this plan.
32. The PSP establishes seven (7) elements to implement the vision and objectives of the future urban structure. These are:
  - Image, character, heritage and housing;
  - Town centres & employment;
  - Open space, community facilities & education;
  - Biodiversity and bushfire management;
  - Transport and movement;
  - Integrated water management and utilities; and
  - Precinct infrastructure plan and staging;

**A Different City**  
**info@adifferentcity.com.au**  
**+ 61 402 257 709**

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**



33. Each element includes requirements and guidelines which articulate where outcomes are mandatory and where discretion may be exercised.
34. The requirements for Clause 3.1 (Image, Character, Heritage and Housing) directs at R1 that subdivision layouts, lot diversity and housing typologies must respond to natural features of the area, including ‘topographical features and slopes’ and ‘landscape values’.
35. The requirements for Clause 3.1.2 (Housing) provide direction for achieving housing diversity and greater densities within identified ‘walkable catchments’ and ‘mixed uses areas’. Overall average minimum densities to be achieved are provided in Table 4 (Housing Density Guide). Refer figure below.

Figure 4 - Extract of Table 4 at P.14 of the PSP (BNWPSP, August 2019)

RESIDENTIAL TYPE	NDAR (HA)	DWELL / NDHA	DWELLINGS
Residential within walkable catchment (applied RGZ)	238.43	30.00	7,153
Standard residential outside walkable catchment (applied GRZ)	380.08	17.00	6,461
Residential outside walkable catchment - Sensitive Interface Area A (applied GRZ)	13.00	9.50	124
Residential outside walkable catchment - Sensitive Interface Area B (applied GRZ)	8.87	15.50	137
Residential outside walkable catchment - Sensitive Interface Area C (applied GRZ)	130.67	9.00	1,176
Mixed use	27.98	30.00	840
Town Centre (applied CZ1)	15.81	25.00	395
<b>Totals Residential Yield Against NDA</b>	<b>814.85</b>	<b>20</b>	<b>16,286</b>
Anticipated population @ 2.8 persons per dwelling			45,601
Anticipated population @ 3.1 persons per dwelling			50,487

36. A Local Town Centre (LTC) is proposed to be located within the Subject Site (referred to as the Eastern LTC) and is proposed to be used and developed for 3,300sqm of retail floor space and 1,400sqm of commercial floor space. The design of the Eastern LTC is to be prepared to generally respond to the location within the future urban structure plan and the concept plan contained at Figure 4 (P. 20) of the PSP.
37. Open Space and Community facilities are shown within Plan 7 (P. 23) of the PSP. The Subject Site is proposed to contain up to 5 open space reserves (LP-07, LP-24, LP-02, LP-25 and LP-06). LP-07 is nominated specifically as having ‘location flexibility’.
38. The PSP land budget (Clause 4.2, P 55) identifies that the Subject Site will contribute 5.32ha of credited open space and 17.85ha of ‘service open space’. In addition, the Subject Site will contribute 3.5ha of land for a government school and 0.8ha of land for the local community facility (CI-02). The Subject land will also contribute to Precinct Infrastructure Projects including part of 2 x intersections (IN-10 and IN-11), for a combined land area of 0.61ha according to the PSP land budget.

## The Strategic Planning Policy Context

39. I have undertaken a review of the relevant strategic planning policy context associated with Amendment C106. I have also received a copy of the Statement circulated on behalf of the Victorian Planning Authority in relation to In-situ Hard Rock Resource and Quarry Application (02/07/2020).

**A Different City**  
**info@adifferentcity.com.au**  
**+ 61 402 257 709**

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**



40. I provide at Appendix 3 of my report a list of the relevant State and Local Planning policy and other relevant adopted policy documentation that that I have reviewed and considered to be relevant to this matter.
41. I provide a summary below of some of the key guidance contained within these policy documents, including:

## **Plan Melbourne 2017-2050**

42. Plan Melbourne identifies that Melbourne will need 1.6million new homes to 2050. Its sets a framework for metropolitan planning policy to be implemented across the city.
43. Outcome 2 relates to the provision of housing choice. Policy states that Metropolitan Melbourne has at least 25years supply of greenfield land available for residential development and that *'new residential suburbs being created in growth areas are to be guided by the Precinct Structure Planning Guidelines'*.
44. Direction 2.1 seeks to *'manage the supply of new housing in the right locations to meet population growth and create a sustainable city'*. This will be done by policy that *'maintains a permanent urban growth boundary around Melbourne to create a more consolidated sustainable city'* and *'plan and define expected housing needs across Melbourne's regions'*.
45. Policy 2.2.5 requires development in growth areas to be sequenced and staged to better link infrastructure delivery to land release. Future planning and development of growth areas should *'provide around 15years supply of land approved for development'* and *'be sequenced to ensure new precincts are contiguous with previously approved precincts'*.
46. Beveridge North West is identified as a growth area in Plan Melbourne. Refer Figure 5 below.

Figure 5 - Extract of Map 2 from Plan Melbourne showing the location of the BNW PSP area.  
Source: VPA, PSP 1059 – Beveridge North West - Draft Background Report (August 2019)



47. Outcome 5 provides policy directions for *'creating a city of 20minute neighbourhoods'*. Policy 5.1.1 aims to create mixed-use neighbourhoods at varying densities to offer more housing choice, creating opportunities for local business and new jobs, and to deliver better access to local services and facilities.

**A Different City**  
**info@adifferentcity.com.au**  
**+ 61 402 257 709**

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**



48. Policy 1.4.2 of Plan Melbourne also identifies directions to identify and protect extractive resources 'important for Melbourne future needs'. The policy notes that demand for extractive industry resources is expected 'to almost double by 2051' and will be driven largely by sustained residential growth, including within Melbourne's growth areas.
49. This policy outlines that 'effective strategic planning for these resources will increase industry certainty and improve community confidence'. With reference to a 'small number of extractive industry interest areas' located within the urban growth boundary (UGB), the policy states:

*The sequencing of urban development in growth areas should allow strategic resources such as stone and sand to be extracted ahead of establishing urban areas, with provision for these areas to proceed outside defined buffer zones that can be subsequently in-filled by other urban land uses.*

50. The policy states that 'current extractive industries must be protected' and 'future extractive resource areas must be identified' to secure long term supply.

### The North Growth Corridor Plan (2011)

51. The Growth Corridor Plans: Managing Melbourne's Growth (GCP) are high level strategic land use and transport plans that aim to provide strategic policy for the development of Melbourne's Growth corridors over 30 to 40 years. They aim to guide the delivery of key housing, employment and transport infrastructure across in Melbourne, as well as identify industrial and recreation precincts.
52. The Subject Site is identified as part residential and part 'landscape values' within the North Growth Corridor Plan (NGCP). Refer Figure 6 below.

Figure 6 - Extract from the North Growth Corridor Plan (2011)



A Different City  
info@adifferentcity.com.au  
+ 61 402 257 709

Level 2, 52 Albert Road  
South Melbourne  
Victoria, 3205



53. Clause 5.7 (Other Infrastructure) identifies that the Corridor Plan recognises and protects a range of existing and prospective infrastructure and facilities. With reference to quarries, the Plan states:

*The North Corridor Plan ensures that approved and operational quarries are protected from encroachment by sensitive land uses. It also locates industrial or commercial development activities adjacent to existing quarry sites within/adjacent to the UGB. On that basis, these precincts would be rezoned to Urban Growth Zone, but any buildings proposed within 200m of the title boundary of such quarries will be subject to a risk assessment to be undertaken at PSP stage, to ensure that the impact of rock blasting is acceptable.*

54. It is noted that a number of existing quarries are identified on the NGCP, including those in Donnybrook and Wollert. However, there is no reference to any proposed quarry at the northern end of the Plan area or with reference to the land at 55 Northern Highway. Instead the land is nominated as 'Landscape Values' within the NGCP.

### **State Planning Policy Framework of the Mitchell Planning Scheme**

55. The State Planning Policy Framework (SPPF) seeks that the objectives of Section 4 of the *Planning and Environment Act 1987* are implemented through land use and development addressing environmental, social and economic factors in order to achieve sustainable development.
56. Clause 11 (Settlement) provides guidance on planning for the needs of existing and future communities. Strategies contained at 11.01-1S (Settlement) include to:
- *Plan for development and investment opportunities along existing and planned transport infrastructure.*
  - *Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.*
  - *Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.*
  - *Ensure land that may be required for future urban expansion is not compromised.*
57. The objective of Clause 11.02-1S (Supply of Urban Land) is 'to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. Amongst other matters the strategies include to 'ensure that sufficient land is available to meet forecast demand' and to 'maintain access to productive natural resources and adequate supply of well-located land for energy generation, infrastructure and industry'.
58. Clause 11.03-2S provides objectives for Growth Areas, which states:
- To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.*
59. The strategies to implement the objectives include to develop growth area framework plans that, amongst other matters, include:
- *Identify the long term pattern of urban growth;*
  - *Identify the boundaries of individual communities, landscape values and, as appropriate, the need for discrete urban breaks and how land uses in these breaks will be managed; and*
  - *Identify appropriate uses for constrained areas, including quarry buffers.*



60. The policy directs that Precinct Structure Plans are developed consistent with the Precinct Structure Planning Guidelines (GAA, 2009) and 'consider as relevant' the following other policy documents:

- *The Victorian Transport Plan (Victorian Government, 2008)*
- *Any applicable Growth Area Framework Plans (Department of Sustainability and Environment, 2006)*
- *Ministerial Direction No. 12 – Urban Growth Areas*

Policy for land use compatibility is contained at Clause 13.07-1S. The objective is to 'protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts'. Strategies include to:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

61. Policy for resource exploration and extraction is contained at Clause 14.03-1S. Strategies include to 'Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice'.

62. This policy also outlines the need for buffers between extractive activities and sensitive land uses. The strategies include:

- *Develop and maintain buffers around mining and quarrying activities.*
- *Ensure planning permit applications clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.*
- *Determine buffer areas between extractive activities and sensitive land uses on the following considerations:*
  - *Appropriate limits on effects can be met at the sensitive locations using practical and available technology.*
  - *Whether a change of land use in the vicinity of the extractive industry is proposed.*
  - *Use of land within the buffer areas is not limited by adverse effects created by the extractive activities.*
  - *Performance standards identified under the relevant legislation.*
  - *Types of activities within land zoned for public use.*

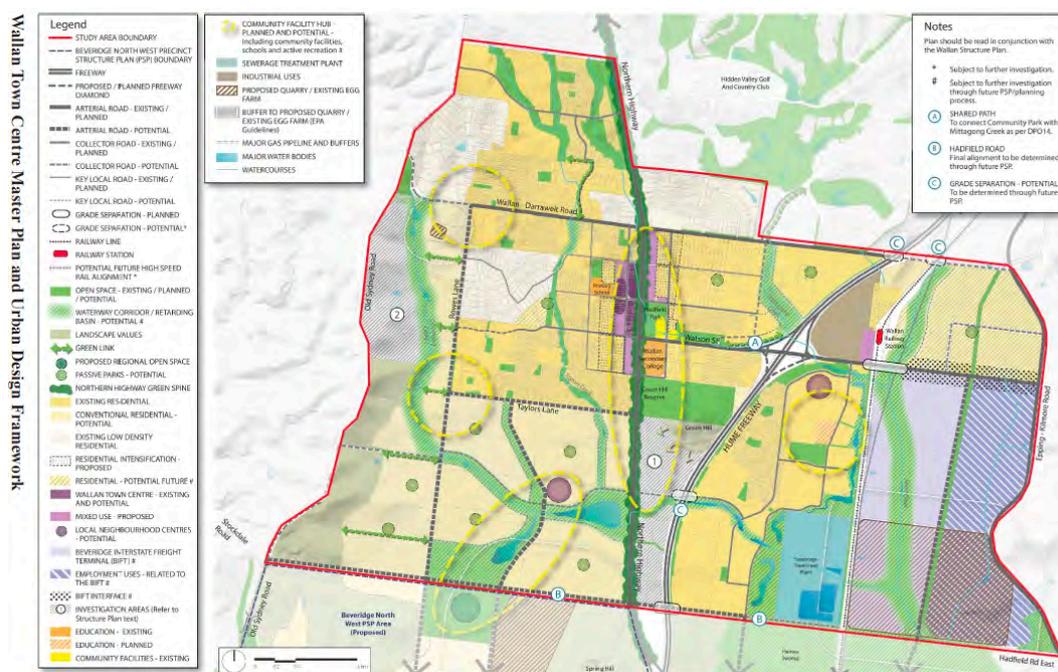


- 63. Policy documents listed as relevant to consider at this Clause include the Melbourne Supply Area - Extractive Industry Interest Areas Review (Geological Survey of Victoria Technical Record, 2003/2).
- 64. Policy for sustainable industry contained at CI 17.03-2S provides operational strategies including to 'Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards'.

### Local Planning Policy Framework of the Mitchell Planning Scheme

- 65. The Municipal Strategic Statement and Local Policies provide local directions to implement State policy.
- 66. In particular, Settlement policy identifies the role of Mitchell Shire in continuing to evolve in line with the North Growth Corridor Plan, movements of the UGB and the progressive implementation of Precinct Structure Plans. The objectives provide policy for managing urban growth and efficiently utilising and providing necessary infrastructure, including open space.
- 67. Clause 21.03-2 recognises the role that significant and diverse landscapes play in making a major contribution to the amenity and lifestyle of residents, which needs to be protected from inappropriate use and development. In particular these policies aim to find a balance between protecting and enhancing visual quality and integrating with the emerging metropolitan area.
- 68. Local Area's policy contained at Clause 21.11-9 (Wallan) refers to the Wallan Town Centre Master Plan and Urban Design Framework plan. I note that the Plan contained within this Clause shows the 'proposed quarry' and 'proposed buffer to quarry' on the land at 175 Northern Highway, however it does not form part of the Wallan Town Centre study area. Refer copy of Plan in Figure 7 below.

Figure 7 - Wallan Town Centre Masterplan and Urban Design Framework (Clause 21.11-9 of the Mitchell Planning Scheme)



- 69. I note within the VPA Statement on In-situ Hard Rock Resource and Quarry Application (02/07/2020), Council has advised that the siting of the proposed quarry on the Plan is as a 'mapping error' and not consistent with the adopted Wallan Structure Plan 2015 (Paragraph

**A Different City**  
**info@adifferentcity.com.au**  
**+ 61 402 257 709**

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**

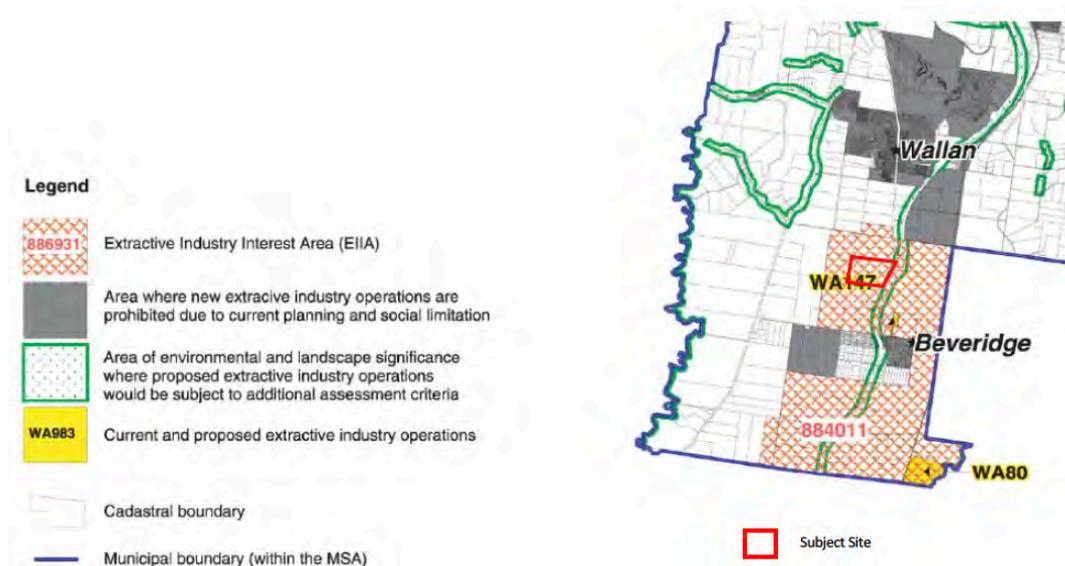


82, P. 27 of the VPA Statement on In-situ Hard Rock Resource and Quarry Application (02/07/2020).

## Particular Provisions and General Provisions of the Mitchell Planning Scheme

70. Clause 52.09 of the Planning Scheme provides particular provisions for Extractive Industry and Extractive Industry Interest Area's (EIIA's). The purpose of the Clause includes to 'ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction' and to 'ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development'.
71. The Clause applies to applications for extractive industry and to use or develop land within an EIIA or within 500metres of an existing or proposed extractive industry operation.
72. Notice is required to be given to the Secretary of the Department administering the Mineral Resources (Sustainable Development ) Act 1990 for an application to use or subdivide land or construct a building for accommodation, childcare centre, education centre or hospital within an EIIA or within 500 metres of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.
73. I am aware that the wider Beveridge area (including the Subject Site and land proposed for the quarry - 175 Northern Highway) was identified within the Melbourne Supply Area Review (2003) as being within EIIA 884011. Refer Figure 8 below.

Figure 8 - Extract from the Melbourne Supply Area Review (2003)



74. I note the land subject to EIIA 884011 includes land which has since been approved for urban purposes under approved Precinct Structure Plans, including Beveridge Central.
75. I also note Clause 52.08 (Earth and Energy Resources Industry) and Clause 66.02-8 (Extractive Industry) of the Planning Scheme provide permit exemptions, requirements and referrals provision for extractive industry.

**A Different City**  
info@adifferentcity.com.au  
+ 61 402 257 709

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**

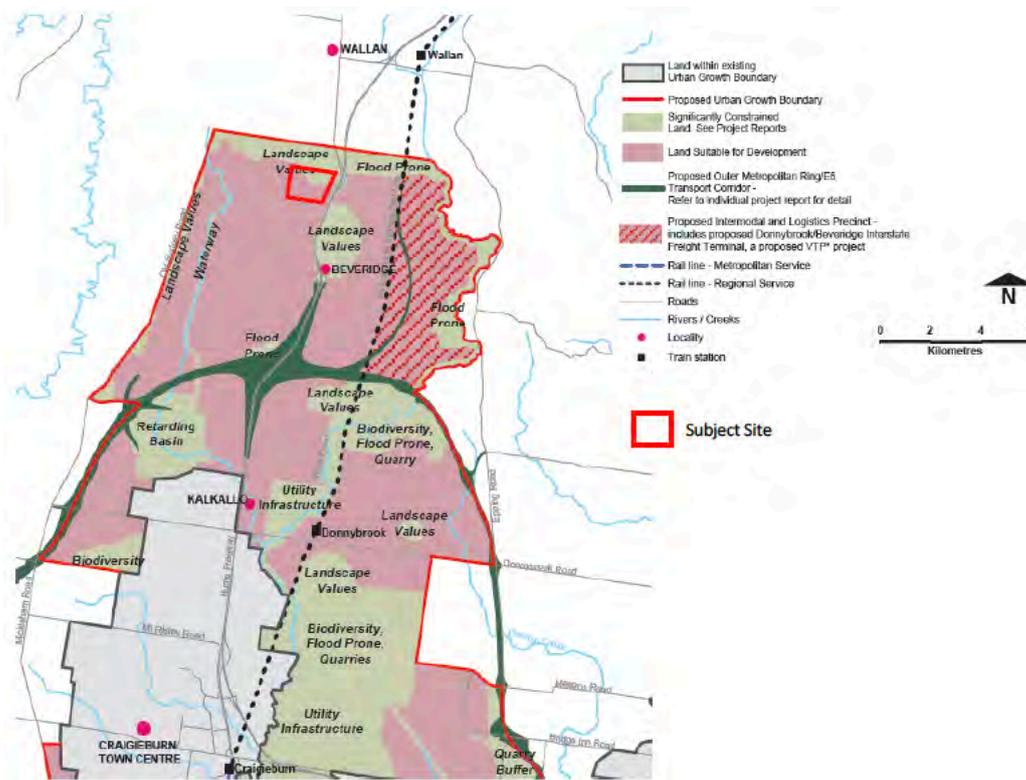


## Other Relevant Current Policy References or Documents

### Delivering Melbourne's newest sustainable communities (June 2009)

76. This policy document was prepared by the Victorian State Government in 2009 following the decision to review the location of the Urban Growth Boundary (UGB) and the release of Melbourne @ 5Million. The document sets the foundation for the consideration of the North Growth Corridor and the Subject Site to be considered for urban development. While this policy document has now been superseded, it nevertheless provides background to the consideration of land for urban development.
77. The Subject Site is located within the Melbourne North Investigation Area (Hume-Mitchell-Whittlesea). Refer Figure 9 below.

Figure 9 – Extract of Melbourne North Investigation Area (Hume-Mitchell-Whittlesea) – Delivering Melbourne's Newest Sustainable Communities (June 2009)



78. The Subject Site is identified within the plan as being subject to 'landscape values' and 'suitable for development'. The land subject to the proposed quarry appears to be contained within the area subject to 'landscape values'.
79. Clause 3.2 (Opportunities and Constraints) highlights the need to take into consideration a range of issues and government policy objectives, including quarries, in determining the appropriateness for urban development.
80. The role of quarries is further acknowledged at Clause 3.2.4 of the document. The Clause states that the 'review has carefully examined current and proposed extractive areas, their buffer and access requirements'. Further reference is provided to explain that where quarries are identified in the investigation area, they have either been left out of the UGB (if they are at



the edge or their buffer overlaps). Where the entire tenements of quarries are located inside the UGB, the area and buffer has been excluded from the 'potential urban area'.

81. The assessment within the report concludes that *'urban development should generally avoid quarries and their buffers. The future use and management of these locations will need to be determined through more detailed planning and will become clearer over time as quarries are worked out'*.
82. I note that following public consultation a number of changes were made to the investigation areas, including changes to recognise quarries. The Final Report on Submissions (November 2009) states that changes to the status of quarries and buffers identified in the Plans, including examples in Mambourin and Clyde North. I am not aware that any changes were made with respect to the Subject Site and proposed quarry location.

#### Helping Victoria Grow – Extractive Industry Strategy (June 2018)

83. This document was prepared by the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) and provides the State Government long term strategy for the extractive resources sector.
84. The Strategy acknowledges the complexity of competing land uses and states that *'effective and integrated resource and land use planning is required to identify the areas that are most suitable for resource extraction, taking account of other complementary and competing land use values such as cultural heritage, biodiversity, landscapes and housing'*.
85. EIIA's are identified as the starting point for any assessment. The strategy acknowledges that EIIA's require ongoing review and *'do not currently provide a clear mechanism to secure extractive resources of strategic importance to the State'*. While quarries are recognised in Growth Corridor Plans, EIIA's are not.
86. It further outlines priorities and implementation actions, which include to *'refresh the EIAs to delineate areas of importance to the State and recognise these within the planning system'*. This will *'allow excision of areas considered unsuitable for development of extractive industries, while redefining the remaining areas based on resource characteristics that are of value to the Victoria'*.

#### Whole of Victorian Government - Joint Ministerial Statement on Extractive Resources (2018)

87. The joint Ministerial Statement provides an aligned approach between the Minister for Resources and the Minister for Planning to deliver a better approach for land use planning and regulation that will secure quarry resources to meet growing needs.
88. The Statement commits the State Government to priority actions which include to *'Identify and protect extractive resources of strategic importance'* and fast track approval of a 'hot list' of identifies quarries. The proposed quarry does not form part of the list of identified priorities.



## Assessment

89. As outlined earlier, the scope of my instructions is to consider the development of the Subject Site for a master planned community.
90. I have been specifically instructed to consider Amendment C106 to the Mitchell Planning Scheme in respect the Subject Site, in particular:
- the implications of a possible Quarry within the PSP area;
  - the appropriateness of the location of the Spring Hill Reserve boundary;
  - the appropriateness of the drafting of the provisions for the location of open space;
  - the application of a retail floor area cap on the Eastern Local Town Centre; and
  - any other planning matter, relevant to the Subject Site.
91. In forming my views, I have had regard to relevant State and Local Planning policies and background documents that have informed the preparation of the Amendment. I have also considered other relevant strategy documents prepared by the State Government in relation to extractive resources.
92. I have also undertaken a detailed review of the proposed objectives, requirements and guidelines of the exhibited BNWPSP (August 2019) and have read the submissions of other parties to the exhibition of the Amendment. I address each of the above matters below:

### Implications of a possible Quarry within the PSP area

93. The exhibited BNWPSP identifies the location of the proposed quarry on Plan 2 - Precinct Features (P.3 of the PSP). With the exception of this Plan, the PSP does not provide any further reference or guidance in relation to the proposed quarry (or possible buffer) within the document.
94. I note that the background reports prepared for the VPA acknowledge the interest in the establishment of the proposed quarry and the existence of the statutorily endorsed draft Works Area (WA1473).
95. The draft Works Area immediately adjoins the north western boundary of the Subject Site. Should the quarry proceed a 500m 'buffer' would extend from the edge of the northern property boundary south covering approximately a third of the Subject Site (ie. approx. 28.86ha per the PSP Land Budget). Refer Figure 10 below.



Figure 10: Location of the proposed quarry and extent of potential buffer on the Subject Site.  
Source: Phase Extraction Boundaries & Buffer (Figure 10, date 28/08/2019) - Conumdrum Holdings Permit Application (PDF P.99)



96. I note that the proponent for the quarry proposes different phases of activity within the works area and therefore the restrictions and extent of the buffer may vary over time. It cannot be assumed, however, that works within the area will rollout as proposed and therefore the full extent of the buffer area would need to be considered in relation to the implications on urban development.
97. I note the permit application for the quarry nominates an operational timeframe of 30 years, however the life of the quarry would likely be determined by the pace of extraction and market demand for materials and is therefore the timeframe is unknown at this time.
98. With reference to the exhibited BNWPSP urban structure and land budgets, I also note that the proposed quarry and buffer area would cover the following, including:
- All net developable area (NDA) for residential purposes contained within property 5 (ie. 53.13ha per the PSP Land Budget p.55);
  - Approximately 40% (approx. 33.9ha of the PSP land budget) of the NDA of Property 4, which includes the Northern Local Town Centre and residential land within the walkable catchment. In addition the buffer would also cover a future government school (3.5ha), local community centre (1.20ha), local indoor recreation (4.99ha), local sports reserve (20.01ha), local network park (4.73ha), and the extension of the eastern north-south arterial road (10.73ha) in Property 4.
99. I note that the arterial road, community facilities, local indoor recreation centre, local sports reserve and local network parks are all to be delivered using infrastructure contributions collected via the future Infrastructure Contribution Plan (ICP which is yet to be prepared) for the PSP.
100. In total the quarry and buffer would delay approx. 161 ha of residential / commercial NDA and local community infrastructure land / projects within the PSP area and the future ICP. The buffer would constrain urban development within properties 4, 5 and 6 (the Subject Site) and likely delay the timing and sequence of development within the broader PSP area.

**A Different City**  
**info@adifferentcity.com.au**  
**+ 61 402 257 709**

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**



101. Any delay to urban development within the PSP would also cause delay for the collection of ICP funds. This will also impact Council's ability to deliver important community projects across the PSP area and may result in the PSP failing to deliver adequate access to infrastructure for incoming residents.
102. In my view, the proposed quarry may have a significant impact on the ability to deliver a coordinated and cohesive new residential community envisaged by the proposed future urban structure and vision of the PSP.
103. While the use and development of the land for a quarry may support State policy directions for extractive industry, it may conversely come at the expense of Settlement policy (in particular Clause 11 of the SPPF) in 'balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level'.
104. Further, in my view, locating a quarry in the PSP area would not result in the provision of 'appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan' (Clause 11 of the SPPF). Nor would it enable the appropriate sequencing of urban development 'to ensure new precincts are contiguous with previously approved precincts' sought by Plan Melbourne.
105. In effect, the location of the quarry within the PSP area would create a 'hole' or break between contiguous urban development within this section of the North Growth Corridor (ie. between the BNWPSP and the Wallan South PSP area, which is also be impacted), due to the implications of the buffer and impacts on sequencing of development.
106. I have assessed whether there is adequate strategic justification for proposed quarry in this location, and therefore, on balance considered whether it should be included in the BNWPSP.
107. The PSP Guidelines state the role of PSP's in the planning hierarchy is to 'enable decisions about the use and development of land to be made'. The Guidelines direct that the preparation of PSP's should consider the SPPF (including Plan Melbourne), the LPPF and Growth Area Framework Plans.
108. Background technical reports are to be prepared to form the basis for making a 'strategic assessment of competing land uses and for determining decisions on how these issues can be resolved through the planning process in the best interests of future residents' (P.5 PSP Guidelines – Part 2).
109. At a State level, Plan Melbourne sets the overarching framework policy to deliver 1.6million homes by 2050. It is policy to 'manage the supply of new housing in the right locations to meet population growth and create a sustainable city', ensuring there is at least 15 years residential land supply in growth areas.
110. The SPPF and Plan Melbourne also provide support for extractive industry to deliver essential materials required for the development of new housing and infrastructure. More specifically, State policy, via Clause 14.03-1S, seeks to protect the 'opportunity for exploration and extraction of natural resources' where it is 'consistent with overall planning considerations and acceptable environmental practice'.
111. This Clause also directs to 'develop and maintain buffers around mining and quarrying activities'. It states where a planning permit application is required, that any buffer should be 'owned or controlled by the proponent of an extractive industry'. While a permit is yet to be granted, from my review of the proposed works area and buffer, it is not possible for the proponent to 'own and control' the buffer. The proposed quarry relies on 'other land' outside of their ownership or leasehold control that is strategically identified for urban purposes, including the Subject Site. In my view, this does not represent an approach that appropriately balances competing land uses and / or is 'consistent with overall planning considerations' sought by State policy.



112. The North Growth Corridor Plan (NGCP) provides the most recent regional strategic planning guidance for the BNWPSP area. The purpose of the document includes to guide the delivery of key housing employment and transport infrastructure and to ensure 'that approved and operational quarries are protected from encroachment by sensitive land uses'.
113. While the Beveridge area was identified for extractive industry investigation in 2003 (via EIA 886931), it does not appear that that the site of the proposed quarry was considered to be seriously entertained or subject to any strategic justification for the inclusion in the NGCP at the time as it was not in operation, no works authority or planning permission had been obtained and seemingly no further investigation had been undertaken. It also appears no changes relevant to the Beveridge North West area were made to the Delivering Melbourne's Newest Sustainable Communities (2009) following public consultation that preceded the preparation of the NGCP.
114. I note, however, a number of other quarries had their interests addressed and are identified within the NGCP, including at Donnybrook and Wollert. The NGCP clearly delineates buffer zones and areas around these quarries to ensure the planning and development of sensitive uses (such as residential) does not encroach on their operations. Where buffers are necessary, the NGCP identifies this land as unavailable for urban development.
115. I note that the submission of the landowner of 175 Northern Highway advises he entered into a commercial agreement to lease the land for the proposed quarry in 2014. I am also aware that the draft Works Plan (WA1473) was endorsed by DEDJTR in 2015. I understand that in order for a Works Authority to be formalised and allow operations to commence a planning permit is also required to be approved by Council under the *Planning & Environment Act (1987)*.
116. I understand that planning approval for the proposed quarry was first sought by the proponent in 2015 and subsequently refused by Council. While a new permit application was lodged by the proponent in 2019, I am advised that no decision has been made by Council at this time, which is also subject to VCAT action in relation to a request for further information.
117. Notwithstanding, in my view, the issue of a draft Works plan and the submission of a permit application to Council, does not constitute strategic justification of the use.
118. Further, I note that the proposed quarry is not identified on the 'hot list' of proposed quarries identified in the joint Ministerial Statement on Extractive Resources that would suggest it is of strategic importance, urgently required or identified for extractive industry or planning priority by the State Government.
119. From my review of the LPPF and other local strategic planning documents relevant to the preparation of the PSP, in my view there also does not appear to be any regional, local or site specific strategic planning support for the use and development of the land at 175 Northern Highway for a quarry.
120. Whilst it is acknowledge that the Wallan Town Centre Master Plan and Urban Design Framework plan at Clause 21.11-09 (Wallan) shows the 'proposed quarry' and 'proposed buffer to quarry', I note Councils position that this is a mapping error and that it does not form part of the Wallan Town Centre study area or Structure Plan. It does not, in my view, represent any acceptance of the use or demonstrate any strategic policy intent to support the proposed quarry. Further I consider the identification of the proposed quarry on this plan is misleading and confusing for the implementation of local planning policy and should be changed.
121. There are a number of policy references, including Clause 21.02-1 (Urban Growth), for urban development to continue to evolve in line with the '*North Growth Corridor Plan, movements in the UGB and the progressive implementation of Precinct Structure Plans for developing areas*'. Growth should be managed to '*ensure infrastructure provision does not lag behind population and housing growth*'.
122. I also note the importance of policy directions contained within the NGCP, LPPF and the proposed PSP aimed at protecting and enhancing valued natural landscapes and features



within the urban environment, including the Spring Hill Cone. While quarries are required to undertake strict remediation protocols once they cease operation, in my view the presence of the quarry will unmistakably impact the valued landscape that defines the BNWPSP area ability for the PSP to deliver its vision for a significant network opens spaces and diverse residential neighbourhoods.

123. From my review, it is clear that whilst there is high level strategic policy support for the investigation and promotion of new quarry operations across metropolitan Melbourne, there is clear competing policy guidance to ensure the delivery of coordinated and cohesive community planning and development in growth areas.
124. While the EIA and issue of the draft Works Area plan provides a good indication of industry and commercial interest in the use of the land for a quarry, in my view there appears to be limited strategic planning work undertaken that would suggest, on balance, strategic planning priority should be directed to extractive industry in this location.
125. In contrast, I consider there is substantial combined State, Regional and Local policy support and guidance for the development of the land for urban residential purposes, in particular through the NGCP.

Recommendations:

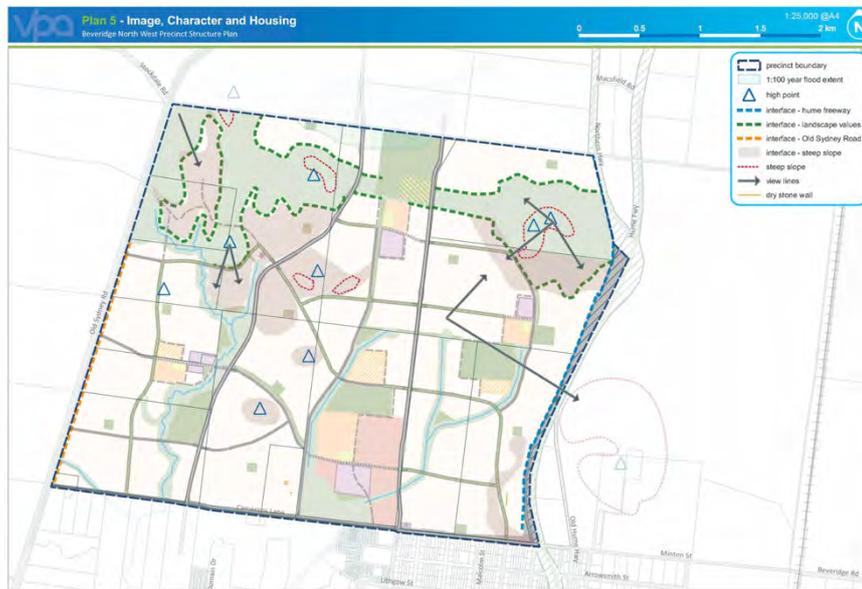
126. On balance, I consider the BNWPSP has been appropriately prepared to exclude the proposed quarry and should proceed as per the proposed Future Urban Structure.
127. I also consider that the inclusion of the proposed quarry on Plan 2 of the PSP to be inappropriate as it is not an existing or proposed 'precinct feature', which may confuse the implementation of the PSP. At this stage there is little demonstrated strategic policy support for the quarry in this location and Council have not indicated any likelihood of support to issue a permit. Therefore, I consider that the draft Works Plan area has no relevance to the 'Precinct Feature' plan and should be deleted.

### **The Spring Hill Reserve Boundary**

128. The Spring Hill area is located to the northern portion of the BNWPSP and is presently zoned Rural Conservation Zone (RCZ). The PSP proposes changes to the RCZ to integrate the Spring Hill area with urban development and form part of a highly valued landscape reserve and open space.
129. The PSP identifies key view lines to and from the Spring Hill Reserve as an important feature of the PSP area. Refer Figure 11 below.



Figure 11 - Plan 5 - Image, Character and Housing within the BNWPSP (August 2019).



130. In addition, the PSP provides a number of requirements and guidelines that seek to ensure subdivision layouts respond to topographical features, slopes and landscape values which should be used a 'focal points to view lines'.
131. I have reviewed the submission prepared by Niche Planning Studio on behalf of the landowner to the exhibition of the PSP. I note the submission appends a 'Preliminary Development Concept Plan', dated 09.10.2019 (the Niche Plan). A copy of the Niche Plan is contained at Appendix 4 of my Report.
132. The Plan considers of the boundary of the Spring Hill Reserve and I am instructed that it has formed the basis of negotiation between the landowner and the VPA regarding the southern reserve boundary.
133. With reference to the Niche Plan, the southern slopes of the Spring Hill Reserve are located within the northern portion of the Subject Site. The topography of the land rises approximately 66m from south west of the property (contour line 288) to the peak of the Spring Hill Reserve (contour line 354). At its highest point the northern boundary of the Subject Site sits at contour line 350. The landform is varied and undulating to the eastern property boundary which sits at contour line 310 at the north eastern corner of the Subject Site.
134. I note the existing family homestead is located within the southern slope of the Spring Hill landscape between contour line 320 and 321.
135. From my review of the Niche Plan and my inspection of the site, I observe the land surrounding the homestead is generally flatter than the surrounding slopes of the Spring Hill area. The environment surrounding the homestead does not appear to be of significant landscape value, given it has been substantially altered (filled and / or excavated in some parts to suit residential use) and contains various outbuildings, fences and introduced plantings.
136. I have also reviewed the Landscape Architectural evidence prepared by Barry Murphy. I agree with the visual analysis provided by Mr. Murphy in his report. I also note his recommendations in relation to changes to the boundary of the Spring Hill reserve, including the incorporation of the homestead within the development area.

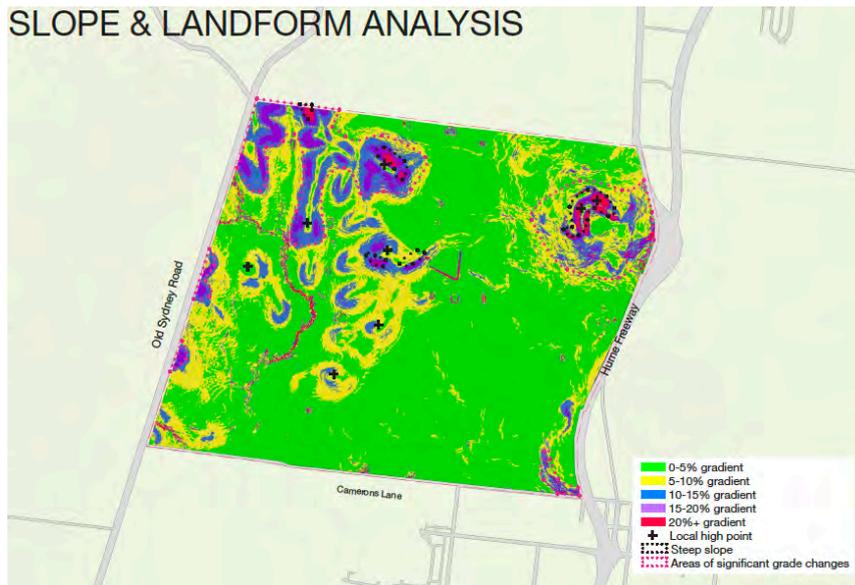
**A Different City**  
**info@adifferentcity.com.au**  
**+ 61 402 257 709**

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**



137. I have also had regard to the Landscape and Visual Assessment background report prepared by Planisphere (September 2014) shows the gradients surrounding the location homestead are generally between 0-5% to 10-15% to the south-eastern side of the plateau. Refer to Figure 12 below.

Figure 12 - Slope & Landform Analysis (p. 31 of the Planisphere Report).



138. Planisphere recommend areas with 20% slope or more are not appropriate for development, while development on land with gradients of 10-15% would require more sensitive urban and built form controls.
139. The topography of the land and interface with the Spring Hill Reserve creates a number of challenges for the development of the land for urban purposes, however it presents a significant opportunity to integrate with the landscape, for which the PSP provides extensive guidance.

### Recommendations

140. I do not consider it appropriate for the existing dwelling and surrounds of the homestead to be included in an RCZ and form part of the Spring Hill Reserve. Given the alterations to the landform in this location and being generally flatter than the nearby slopes, I consider that the reserve boundary should be amended to exclude this area.
141. I defer to the evidence of Mr. Murphy in relation to assessing landscape values and critical view lines in order to determine the precise location and contour of the Spring Hill reserve boundary in this location and support his recommended changes.

### **The Drafting of Open Space Provisions**

142. I have considered the drafting of open space provisions contained within the Requirements (R7) and the Guidelines (G27 to G34) of the exhibited PSP. Guideline G28 seeks to provide flexibility for the locations and configuration of credited opens space identified as having 'location flexibility' as shown on Plan 7 of the PSP. Refer Figure 13 below:

**A Different City**  
**info@adifferentcity.com.au**  
**+ 61 402 257 709**

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**



Figure 13 – Extract of the Subject Site from Plan 7 of the BNWPSP (August 2019)



143. There are 11 identified parcels of ‘credited open space with location flexibility’ identified within the PSP area. Each identified parcel is nominated as passive open space and its role identified within the location attributes of the PSP (refer Table 10 – Credited Open Space Delivery Guide, P24 of the PSP).

144. Within the Subject Site, LP-07 (Passive Open Space, central to the surrounding residential community) is nominated for ‘location flexibility’, while LP-24 (Linear Open Space, adjacent to boulevard connector street, connects LP-02 and landscape value areas – Spring Hill Cone), LP 25 (Passive Open Space, located at the southern edge of the Eastern Local Town Centre LTC-2, adjoining SR-02), LP-02 (Linear Open Space to protect aboriginal heritage site) and LP-06 (Linear Open Space, running east west) are not.

145. From my review, the intent of the guidelines and table is to provide proponents with flexibility for masterplan design to critically respond (at more detailed level) to physical site context and ensure open space areas are integrated to maximise connectivity within the urban layout, appropriate to its identified role.

146. I note the intent for LP-25 to be located adjacent the Eastern Local Town Centre and with connection to LP02 in order to provide a linear open space connection to the Spring Hill Reserve, north. However, should an alternative layout be explored with the town centre design (as allowed by G25 of the PSP) or the north south connector road alignment be altered, flexibility within the Guidelines may not be apparent.

147. I am instructed that the VPA has agreed to rewording of Requirement 1 to maintain flexibility of site responsive design for road alignments and has indicated that there is discretion to consider alternative alignments to those shown within the PSP (refer to p. 55 of the VPA submission summary – BNWPSP – Amendment C106 – 26 June 2020 – version 1).

148. In my view the nomination of some open spaces to be provided with ‘location flexibility’ at the exclusion of others, in particular linear open spaces, may constrain the urban layout and confuse the implementation of other requirements and guidelines.

**A Different City**  
**info@adifferentcity.com.au**  
**+ 61 402 257 709**

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**



## Recommendations

149. I consider further flexibility is required in the drafting to achieve the objectives for open space connectivity. I recommend the following minor changes should be implemented to the drafting of the PSP:

- G28 

Alternative locations and configurations for <b>all</b> credited open space, <b>in particular</b> with location flexibility, as illustrated on Plan 7, may be considered subject to: <ul style="list-style-type: none"><li>○ walkable access <b>and connectivity shown as demonstrated</b> on Plan 7 not being adversely impacted</li><li>○ not diminishing the quality or usability of the space</li><li>○ not adversely impacting on the overall diversity of the precinct open space network</li><li>○ being equal to or more than the passive open space provision shown in table 10</li><li>○ still being <b>supported by connected to</b> the preferred path network outlined in Plan 9.</li></ul>
--
- With reference to Table 10 and the locational attributes of LP-24, I recommend deleting the words '**adjacent to boulevard connector street**'. I consider the intent of this park is to provide walkable connection between LP-25 to the Spring Hill Reserve. As such in my view priority should be given to the connection rather than the connector road alignment in the event that the Eastern Local Town Centre layout, including park and road connections, result in a different design.

## **The Application of a Retail Floor Space Cap on the Eastern Local Town Centre**

150. Table 7 (P.17) of the PSP identifies the Eastern Local Town Centre (ELTC) to be developed between the Eastern Arterial (Patterson Road / E14 Extension) and the Hume Freeway within the east of the PSP area. The ELTC is proposed to comprise 3,300sqm of retail floor space and 1,400sqm of commercial floor space.
151. Under the provisions of the draft Schedule 3 to Clause 37.07 of the Urban Growth Zone, no permit is required for shop use under the Schedule, provided that the combined leasable floor area of all shop floor area in the centre does not exceed 3,300sqm, per the BNWPSP.
152. An application to use land for a shop that exceeds the combined leasable floor area of the Schedule must be accompanied by a retail economic impact assessment prepared by a suitably qualified professional.
153. I note the drafting of the Table 7 of the PSP and the draft Schedule 3 differs as the PSP refers to 'Retail' floor space, whereas the Schedule 3 refers to 'Shop' floor area.
154. I understand the background economic report for the PSP (Economic Assessment, July 2019, prepared by Ethos Urban) formed the view that the proposed ELTC is unlikely to draw a sufficient catchment to support a full line supermarket. However, from my review of the Ethos Urban report the boundary of the catchment area's appears arbitrary and the reasons for its delineation with regard to the ELTC, in my opinion, is unclear.
155. While the catchment area for the ELTC may be physically constrained by the proximity of the site to the Spring Hill Reserve and the Hume Freeway, it is considered that the role of the Town Centre is essentially the same as the Northern and Western LTC's, which serve a local catchment and are subject to a higher permit trigger caps (6,300sqm of retail floor area).
156. Given the potential implications of the quarry referred at paragraphs 93 to 105 of my report, the development of the Northern LTC may be constrained for 30+ years resulting in a delay of services, including retail to serve the evolving PSP population. As such it is my view that the PSP should remain flexible to deliver retail services (including the possibility for a full line supermarket), should they be required to meet needs at that time.



157. Furthermore, in my experience with retail planning, a supermarket operator would not likely proceed with the use and development of land for full line supermarket in the event that an inadequate catchment was available.

Recommendations:



158. In my view, the application of a retail floor area cap of 3,300sqm is unnecessary and should either be raised to 6,300sqm, commensurate to the Northern and Western LTC's to provide flexibility within the PSP, or deleted altogether.

**Other relevant Planning Matters:**

Affordable Housing Guidelines

159. Clause 3.1.2 (Housing) within the PSP includes Guideline G16, which states that 'subdivision of land should provide up to 10% of the NDA for the provision of affordable housing as defined by the Planning & Environment Act 1987 (as amended)'. The Planning & Environment Act (1987) defines that affordable housing 'is housing, including social housing, that is appropriate for the housing needs of very low, low, and moderate-income households'.

160. G17 outlines that affordable housing should be provided within walkable catchments and 'provide for a range of housing typologies to meet demonstrated local need'.

161. I support the intent of G16 & G17, and inclusion within the BNWPSP, however I consider that the implementation of the guideline is unclear and lack definition as it relates to Mitchell Shire Council. Further, no strategic basis for the percentage target proposed is provided.

162. While I note State planning policy directions in relation to affordable housing, the documentation associated with Amendment C106 does not include any other new or revised local policy or statutory mechanisms that would give weight or mandate the affordable housing targets proposed within the PSP.

163. I am unaware of the application of affordable housing targets in PSP guidelines in other approved PSP's. Notwithstanding, I note recent planning scheme amendments, such as Amendment C88 to the Hobsons Bay Planning Scheme, have defined affordable housing needs and targets based on a localised review and introduced statutory mechanisms into the planning scheme.

164. In my view the inclusion of the proposed guidelines, G16 & G17, without a local policy or strategic basis and the use of any other statutory mechanism will create confusion in their implementation.

Recommendations:

165. In the absence of any local strategic justification or without the provision of other statutory mechanisms that would guide the local definition and implementation of G16 and G17, I recommend they be deleted from the BNWPSP.

166. In my view, Council (and / or the VPA) should undertake a review of housing affordability considerations in Mitchell Shire to understand current issues and provide clear direction for the introduction and application of housing affordability initiatives on a growth area wide basis.

## Conclusion

167. In conclusion, taking into consideration the factors that would likely impact the development of the Subject Site for a master planned community, I summarise my opinion as follows:

**A Different City**  
**info@adifferentcity.com.au**  
**+ 61 402 257 709**

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**



- The proposed quarry (and buffer) will likely have significant implications on the use and development of the Subject Site and the BNWPSP area, including the timely and efficient delivery of the PSP and public infrastructure to support the incoming population;
- The proposed quarry does not appear to have regional or local strategic planning support, has not received planning approval and therefore should not be included within the BNWPSP;
- The Spring Hill Reserve boundary (including southern boundary of the proposed Rural Conservation Zone) should be amended to include the land surrounding the existing homestead located on the Subject Site and adopt the recommendations of Barry Murphy;
- The drafting of the provision related to credited open space should be amended to provide greater flexibility for the siting of open space to respond to the physical site context;
- The inclusion of a permit trigger 'cap' for retail floor area is unnecessary and should be amended to provide an equitable distribution of retail services across the PSP area;
- Guidelines G16 and G17 contained within the PSP relating to the provision of affordable housing lack statutory weight and clarity in their implementation and should be deleted (and further work undertaken).

Jonathon Fetterplace  
**Director**  
**A Different City Pty Ltd**

**A Different City**  
**info@adifferentcity.com.au**  
**+ 61 402 257 709**

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**



## Appendix 1 – Statement of Qualifications and Expertise

### 1. Name and Professional Address of Expert:

Jonathon Cobbley Fetterplace  
Director  
A Different City Pty Ltd  
Level 2, 52 Albert Road  
South Melbourne VIC 3205

### 2. Qualifications and Experience:

I hold a Bachelor of Applied Science (Planning) and a Bachelor of Social Science (Environment), both from RMIT.

Professional experience is as listed below:

- 2019 to Current: Director, A Different City Pty Ltd
- 2012 – 2019: Director Planning & Design (and other positions), Dacland Pty Ltd
- 2004 – 2012: Director (and other positions), Urbis Pty Ltd
- 2003: Senior Consultant, Mouchel Parkman Pty Ltd
- 1999 – 2002: Urban Planner, Coomes Planning Pty Ltd
- 1999: Urban Planner, Stonnington City Council

### 3. Area of expertise includes:

- The development, design and planning of Greenfield master planned communities, including advice and management of project acquisition, capital raising, design development, planning, sales and marketing, and delivery phases of development projects.
- Private planning consulting advice and property development advisory services to a wide range of commercial clients addressing the design and management of urban development projects, statutory planning processes and project delivery strategies.
- Planning and development advice to project boards, development managers, project managers, architects, financial providers and other professionals involved in a range of property development projects and issues associated with the development of land.
- Statutory and strategic planning advice to State and Local Government on a range of residential, retail, commercial and industrial matters.

### 4. Expertise to prepare this report:

Professional qualifications and expertise in town planning, both in the public and private sectors and my expertise in property development having managed the planning and development of multiple greenfield master planned community projects for private developer, Dacland.

### 5. Instructions received in relation to this matter:

My instructions required me to undertake a review of the development considerations of the following:

- the implications of a possible quarry within the BNWPSP area;
- the appropriateness of the location of the Spring Hill Reserve boundary;
- the appropriateness of the drafting of the provisions for credited open space;

**A Different City**  
**info@adifferentcity.com.au**  
**+ 61 402 257 709**

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**



- the application of a retail floor area cap on the Eastern Local Town Centre; and
- any other planning matter, relevant to the Subject Site.

In so doing, I have relied upon those matters outlined below.

## **6. Facts, Matters and Assumptions relied upon**

I have relied upon the following in the preparation of this report:

- Inspection of the Subject Site and surrounds;
- Review of the relevant planning controls within the Mitchell Planning Scheme;
- Review of Amendment C106 to the Mitchell Planning Scheme & exhibited documentation;
- Review of the draft Beveridge North West Precinct Structure Plan (August 2019), exhibited documentation and background reports;
- Review of the North Growth Corridor Plan;
- Review of the Precinct Structure Plan Guidelines (2012);
- Review of the submissions made on behalf of the Gilbo family by Niche Planning Studio regarding the drafting of the draft Precinct Structure Plan and Amendment C106;
- Review of the submissions made by Council, relevant authorities and other parties regarding the drafting of the draft Precinct Structure Plan and Amendment C106;
- Review of the Tract Planning Permit Report, dated 2019-10-02, associated with the Permit Application lodged by Conundrum Holdings Pty Ltd on 4 October 2019;
- Plan Melbourne 2017-2050 (Victorian Government, 2017);
- Growth Corridor Plans – Managing Melbourne’s Growth (Growth Areas Authority, June 2012);
- Northern Growth Corridor Plan (Growth Area’s Authority, 09 August 2012);
- Precinct Structure Planning Guidelines (Growth Areas Authority, 2009);
- Delivering Melbourne’s Newest Sustainable Communities (Victorian Government, 2009);
- Final Report on Submissions - Delivering Melbourne’s Newest Sustainable Communities (Victorian Government, November 2009);
- Ministerial Direction No. 12 – Urban Growth Areas (Planning & Environment Act 1987, Minister for Planning, 10 June 2008);
- Melbourne Supply Area - Extractive Industry Interest Areas Review (Geological Survey of Victoria Technical Record, 2003/2);
- Planning Practice Note 89 – Extractive Industry and Resources (DELWP, February 2020);
- Planning Advisory Note 92 - Managing buffers for land use compatibility (DELWP, May 2020);
- Helping Victoria Grow – Extractive Resource Strategy (DEDJTR, June 2018);
- **Joint Ministerial Statement on Extractive Industry (Victorian Government, 2018);**
- VPA Statement on In-situ Hard Rock Resource and Quarry Application (02/07/2020);
- Mitchell Planning Scheme Amendment C106, BNWPSP, 55 Northern Highway Beveridge, Landscape Architecture Evidence, Barry Murphy (3 July 2020).

## **7. Identity of persons undertaking the work:**

Jonathon Fetterplace

## **8. Summary of opinion:**

A summary of my opinions in relation to this matter is included at paragraph no. 89 to 166 of my evidence.



**A  
Different  
City**

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

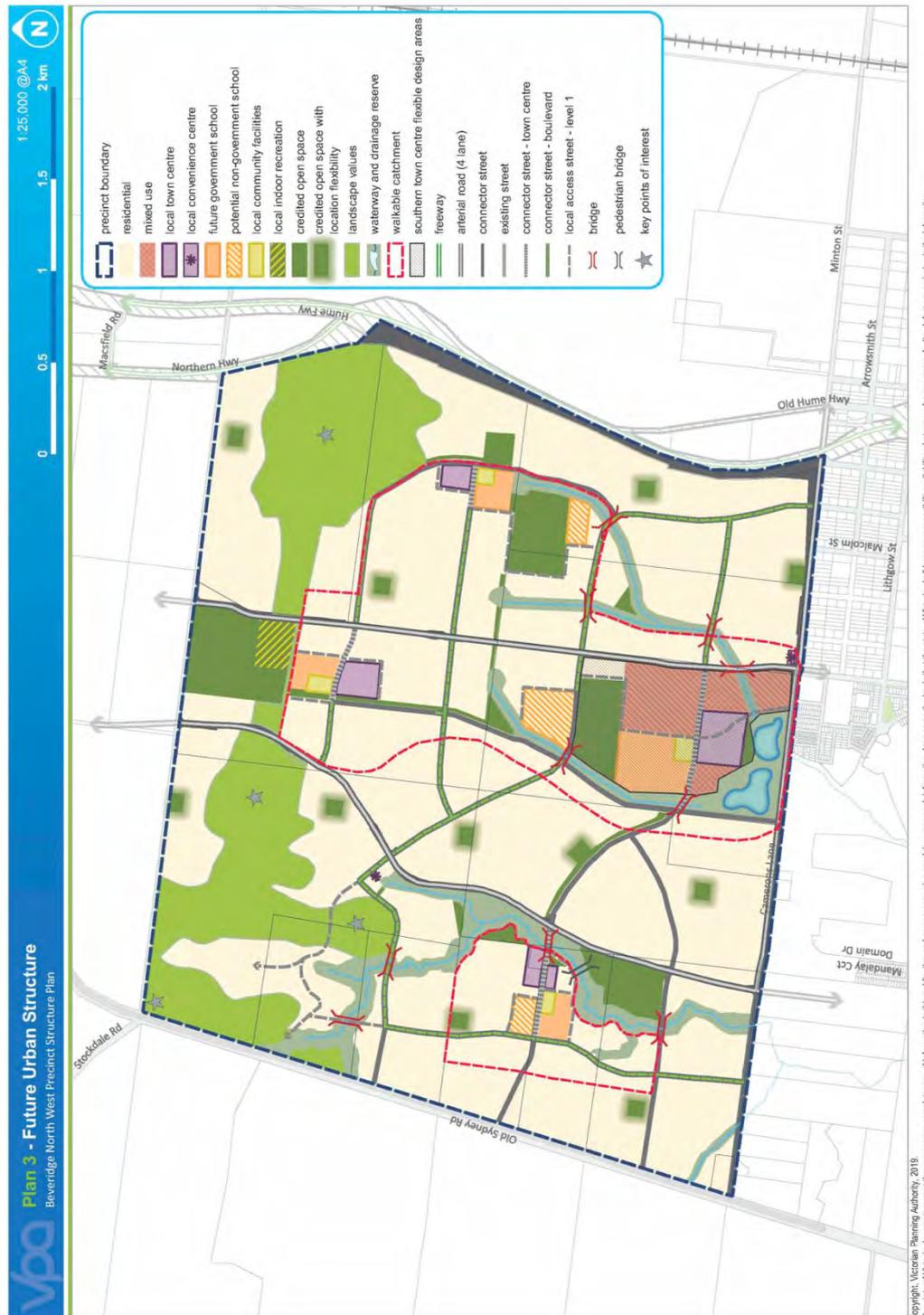
Jonathon Fetterplace  
**Director**  
**A Different City Pty Ltd**

**A Different City**  
**info@adifferentcity.com.au**  
**+ 61 402 257 709**

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**



## Appendix 2 – Plan 3 Future Urban Structure (BNWPSP August 2019)



**A Different City**  
[info@adifferentcity.com.au](mailto:info@adifferentcity.com.au)  
 + 61 402 257 709

**Level 2, 52 Albert Road**  
**South Melbourne**  
**Victoria, 3205**



## Appendix 3 – List of Relevant Planning Policy and Other Policy Documents

<p><b>Relevant policies contained within the Mitchell Planning Scheme include:</b></p> <p><u>SPPF:</u></p> <ul style="list-style-type: none"> <li>○ Clause 11 Settlement <ul style="list-style-type: none"> <li>○ Clause 11.02-1S – Supply of urban Land</li> <li>○ Clause 11.02-3S – Sequencing of Development</li> <li>○ Clause 11.03-2S – Growth Areas</li> <li>○ Clause 11.03-ss – Peri-urban Areas</li> </ul> </li> <li>○ Clause 12 Environmental Values</li> <li>○ Clause 13 Environmental Risks and Amenity <ul style="list-style-type: none"> <li>○ Clause 13.07-1S – Land Use Compatibility</li> </ul> </li> <li>○ Clause 14 Natural Resource Management <ul style="list-style-type: none"> <li>○ Clause 14.03-1S – Resource Exploration and Extraction</li> <li>○ Clause 14.03-1R – Resource Exploration and Extraction - Hume</li> </ul> </li> <li>○ Clause 15 Built Environment and Heritage <ul style="list-style-type: none"> <li>○ Clause 15.01-1S – Urban Design</li> <li>○ Clause 15.01-1R – Urban Design – Metropolitan Melbourne</li> <li>○ Clause 15.01-3S – Subdivision design</li> <li>○ Clause 15.01-4R – Healthy neighbourhoods – Metropolitan Melbourne</li> </ul> </li> <li>○ Clause 16 Housing <ul style="list-style-type: none"> <li>○ Clause 16.01-3S Housing Diversity</li> <li>○ Clause 16.01-3R Housing Diversity – Metropolitan Melbourne</li> <li>○ Clause 16.01-4S – Housing affordability</li> </ul> </li> <li>○ Clause 17 Economic Development <ul style="list-style-type: none"> <li>○ Clause 17.03-2S – Sustainable Industry</li> </ul> </li> <li>○ Clause 19 Infrastructure <ul style="list-style-type: none"> <li>○ Clause 19.02-6S Open Space</li> </ul> </li> </ul>	<p><b>Relevant Current Policy Documents include:</b></p> <ul style="list-style-type: none"> <li>○ Plan Melbourne 2017-2050 (Victorian Government, 2017)</li> <li>○ Growth Corridor Plans – Managing Melbourne’s Growth (Growth Areas Authority, June 2012)</li> <li>○ Northern Growth Corridor Plan (Growth Area’s Authority, 09 August 2012)</li> <li>○ Precinct Structure Planning Guidelines (Growth Areas Authority, 2009)</li> <li>○ Ministerial Direction No. 12 – Urban Growth Areas (Planning &amp; Environment Act 1987, Minister for Planning, 10 June 2008)</li> <li>○ Melbourne Supply Area - Extractive Industry Interest Areas Review (Geological Survey of Victoria Technical Record, 2003/2)</li> <li>○ Planning Practice Note 89 – Extractive Industry and Resources (DELWP, February 2020)</li> <li>○ Planning Advisory Note 92 - Managing buffers for land use compatibility (DELWP, May 2020)</li> <li>○ Helping Victoria Grow – Extractive Resource Strategy (DEDJTR, June 2018)</li> <li>○ Joint Ministerial Statement on Extractive Industry (Victorian Government, 2018)</li> </ul>
<p><u>LPPE:</u></p> <ul style="list-style-type: none"> <li>○ Clause 21.01-2 – Key Planning Issues</li> <li>○ Clause 21.01-3 - Strategic Vision</li> <li>○ Clause 21.08-2 - Industry</li> <li>○ Clause 21.02 - Settlement</li> <li>○ Clause 21.03 -Environmental and Landscape Values</li> <li>○ Clause 21.05 - Natural Resource Management</li> <li>○ Clause 21.07 - Housing</li> <li>○ Clause 21.08 - Economic Development</li> <li>○ Clause 21.10 - Infrastructure</li> <li>○ Clause 21.11 - Local Area’s</li> </ul>	<p><b>Other Relevant Documents:</b></p> <ul style="list-style-type: none"> <li>○ The Victorian Transport Plan (Victorian Government, 2008)</li> <li>○ Delivering Melbourne’s Newest Sustainable Communities (Victorian Government, 2009)</li> <li>○ Final Report on Submissions - Delivering Melbourne’s Newest Sustainable Communities (Victorian Government, November 2009)</li> <li>○ Melbourne 2030: a planning update / Melbourne @ 5 Million (Victorian Government, December 2008)</li> <li>○ Plan Melbourne – Metropolitan Strategy (Victorian Government, May 214)</li> <li>○ Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)</li> <li>○ Victorian Planning Authority Business Plan 2019/2020 (VPA)</li> </ul>
<p><u>Particular Provisions &amp; General Provisions</u></p> <ul style="list-style-type: none"> <li>○ Clause 52.08 – Earth and Energy Resources Industry</li> <li>○ Clause 52.09 – Stone Extraction and Extractive Industry Areas</li> <li>○ Clause 53.10 – Uses and Activities with Potential Adverse Impacts</li> <li>○ Clause 66.05 – Notice of Permit under State Standard Provisions</li> </ul>	



**A  
Different  
City**

**Appendix 4 - Preliminary Development Concept Plan (09.10.2019), prepared  
by Niche Planning Studio**

**A Different City  
info@adifferentcity.com.au  
+ 61 402 257 709**

**Level 2, 52 Albert Road  
South Melbourne  
Victoria, 3205**





**A  
Different  
City.**

**The cities of  
tomorrow will  
be different.  
We'll lead  
you there.**

**A Different City  
info@adifferentcity.com.au  
+ 61 402 257 709**

**Level 2, 52 Albert Road  
South Melbourne  
Victoria, 3205**

**[ADifferentCity.com.au](http://ADifferentCity.com.au)**