

# **PSP 1059. Beveridge North West Precinct Structure Plan**

**Part B Submission**



July 2020



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## 1 Introduction

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These submissions constitute the VPA's Part B submission in respect of amendment C106m1th (amendment). These submissions are supplementary to the Part A submission filed 13 July 2020

The Panel's directions dated 13 March 2020 require the Part B submission to address the following:

- Any changes to the initial response to submissions.
- Response to expert evidence.
- Any further changes to the VPA proposes to make to the Amendment.
- The VPA's final position on the Amendment overall.

These matters are addressed below before a discussion of the key issues raised in submissions.

## 2 RESPONSE TO PANEL DIRECTION

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### 2.1 Any changes to the initial response to submissions

- The VPA's Part B submission includes a number of refinements to the position previously presented. These are highlighted in the respective sections of the submission and will be incorporated into the next updated PSP, Ordinance and list of changes.

### 2.2 Response to expert evidence

The VPA has considered the expert witness statements filed by the parties. Where relevant to submission points discussed below, the VPA's response to the expert evidence is included in the discussion of substantive issues in dispute.

The VPA observes that this Part B is delivered at the commencement of a long hearing. Submissions were made a significant time ago, before further negotiations were held to resolve submissions and prior to the preparation of further technical work. Throughout this time, parties including the VPA, have been endeavouring to learn from one another which of all the items raised in submissions are in fact the issues in the case.

Approximately 30 witnesses shall be called on a diverse range of issues. The great majority of these witnesses are independent witnesses. Accordingly:

- The witnesses formulate their views in responses to questions posed by their instructors. Their views are independent. This means that, and it particularly arises in PSP hearings, that views expressed do not always represent the position of a submitter. Until such time as submissions are delivered and in circumstances where many negotiations are ongoing the VPA does not know what issues are in fact being pursued in all cases.
- The experts have prepared their evidence without the benefit of the evidence of other like experts. Views may evolve having regard to the other evidence.

It is the VPA's intention to test the evidence. This means that its understanding of the written word may be qualified, augmented or upon proper evaluation discarded.

For these reasons and no doubt others, the Part B submission is a point in time understanding which is intended to assist the Panel and the parties to understand the live issues and the position of the VPA. This is important for the conduct of the hearing but it is appropriate that the VPA will have the opportunity to address the evolution of these matters in its reply.

### 2.3 Any further changes and the VPA's final position on the amendment

The VPA has continued to refine its revisions to the Amendment since its initial consideration of submissions in 2019.

The VPA proposes further changes to the Amendment. These changes build on the version circulated with the Part A submission and are the result of further discussions with submitters and the VPA's review of expert reports. These changes are identified in the text of this submission.



The VPA's final position is that the Panel should recommend the Amendment is adopted subject to the revisions set out in the tracked changes document circulated on Monday 13 July 2020.

## 2.4 Submissions

The VPA's submission response table identifies approximately 570 individual submission items. Many of these items, however, address similar substantive issues and frequently multiple submitters address the same substantive issues.

In the interests of an efficient hearing, the VPA does not propose to address each submission item in this Part B. The VPA relies on its response to submission document for a 'line by line' response to each item. This Part B submission will focus on the major issues in dispute.



### 3 SPRING HILL QUARRY – WA1473

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#### What is the issue?

The PSP was exhibited on the basis that the land in the location of work authority WA1473, would be developed for residential purposes and set aside for landscape values through an applied General Residential Zone and a Rural Conservation Zone.

The Amendment does not support stone extraction (a quarry) in the precinct and the future urban structure has not been prepared to include a quarry. However, given WA1473 relates to land within the PSP, it is acknowledged on the Precinct features Plan.<sup>1</sup>

Submissions regarding the proposed quarry generally fall into two irreconcilable categories:

1. Submitters who are opposed to the PSP accommodating a future quarry, assert the PSP should not support the quarry and that Plan 2 – Precinct Features – should be updated to omit reference to WA1473.
2. Submitters who support the proposed quarry and seek revisions to the PSP to allow the grant of a permit for extractive industry.

#### Discussion

As set out in the Part A submission, the VPA's position on the quarry is grounded in two primary issues:

1. The quarry is a contemplated, as opposed to a current, land use. No approval for extractive industry has been granted and consequently it is not an operating or approved quarry, and the proposed quarry is not identified in the North Growth Corridor Plan
2. Quarrying is not compatible with the predominantly residential land use intended for both Beveridge North West and Wallan South as indicated in the North Growth Corridor Plan and proposed in the Beveridge North West PSP.

#### Expert evidence on quarry matters

The expert evidence tabled by a variety of submitters addresses planning and economic aspects of the proposed quarry. In the broadest terms, there are expert reports that assert the proposed quarry will have a detrimental effect on residential development in the region and there are contrary witness statements that assert there will be no detriment. Similarly, there are statements that assert the impacts on infrastructure delivery would be acceptable and others that suggest impacts would be far more severe.

Planning evidence is also split between those witnesses who consider primacy should be given to policy that favours urban development and those who's view is that the resource covered by WA1473 should be protected. These issues will be further explored in cross examination and in relevant witness conclaves.

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<sup>1</sup> Page 3 (exhibited).



It is also asserted that the resource is a State significant resource while others opine the resource is not required to meet demand.

The purpose of this submission is to articulate the VPA's position on quarry issues in support of the exhibited PSP. The details of expert evidence will be addressed through cross-examination by the VPA and other submitters and will be addressed where necessary in closing submissions.

### **Orderly Planning**

The PSP land was introduced into the urban growth boundary through the changes augmented by *Delivering Melbourne's Newest Sustainable Communities* report, dated June 2009. At the time of the preparation of that report, the potential for a quarry was known and contemplated.

The land to the north of the PSP (Wallan South) was introduced via the logical inclusions process. The Advisory Committee<sup>2</sup> in considering what was then 'Mitchell 2' was also clearly aware of the possibility of a quarry as it existed at that time having heard from 'Crystal Creek Properties' that development of land to the north would need to accommodate appropriate buffers to the future quarry<sup>3</sup> and having heard from Conundrum in the context of the same hearing.

In November 2011 the GAA embarked upon a 6 week public consultation program on the draft Growth Corridor Plans.<sup>4</sup> The draft plans ultimately resulted in the June 2012 Growth Corridor Plan. The GCPs are intended to guide the future transition of largely rural land to urban uses. The document contains a range of useful references to its purpose. At page 5 the GCP state:

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<sup>2</sup> Logical Inclusions (AC) [2011] PPV 115 (11 November 2011)

<sup>3</sup> Page 62 of Advisory Committee Report.

<sup>4</sup><http://www.urbanalyst.com/in-the-news/victoria/858-gaa-releases-draft-plans-for-melbournes-growth-corridors.html>



## WHAT THEY DO



At Page 7 of the GCP it states:

*Before development can commence, detailed planning for each precinct must occur in the form of individual Precinct Structure Plans (PSPs), which must be 'generally in accordance' with the Growth Corridor Plans.*

*A PSP is a consultative process and allows all stakeholders the opportunity to participate in the detailed planning of a precinct.*

.....

*PSPs fill in the detail of the broader picture presented by the Growth Corridor Plans. They set the pattern for neighbourhood development and ensure that individual developments, which may occur over a number of years, effectively fit together to create an attractive, convenient and sustainable local community*

It is common ground in this matter that the NGCP, notwithstanding the awareness of the quarry proposal throughout the period outlined above, does not identify the quarry in this location. The area is depicted as Landscape Values and is subject to the note that the RCZ would be reviewed through the PSP process.<sup>5</sup>

The PSP Guidelines of 2009 refer to Growth Area Framework Plans as step one in a three step approach to planning of which the PSP is the second step and the permit the third and ultimate step in growth area development.<sup>6</sup> While it cannot be said that a growth corridor plan is absolute in its distribution of uses and infrastructure, it can fairly be said that a growth corridor plan provides a detailed outline of the PSP area.

With this context in mind, it is important to consider the temporal element of the policy debate; namely, when is the appropriate point in the planning hierarchy (identified as steps in the PSP Guidelines at pg 4) for a decision on substantial not established and inherently incompatible uses to be made in a strategic planning context.

It is the VPA position that the time for this is most appropriately at the earlier formative stage of the PSP. It is submitted that this assists in contextualising what on their face may be seemingly competing policy directions.

Mr Barnes considers that the appropriate stage to consider the protection of natural resources is at the Growth Area Framework Plan stage of strategic planning when broad land use patterns are identified. For the purposes of the Beveridge North West PSP, this implements the North Growth Corridor Plan. When the North Growth Area Corridor Plan was adopted in 2012, it was done so without any identified quarry.

The PSP Guidelines indicates that:

“a PSP sets the future structure for the suburb. It provides more detail on the land uses defined by the Growth Area Framework Plan. ... PSPs should: Meet state planning policy objectives and resolve competing issues...”.<sup>7</sup>

Following on from the above, natural resources were clearly contemplated at Growth Area Framework Planning stage, as indicated by the multiple references to general and specific quarries - including the Conundrum proposal. It was at this time that the principal role of the policies was discharged.

To make a decision about the appropriateness of this proposed quarry at the PSP Stage is a significant departure from the continuum described above. It is not required as there is clear evidence that the matter has been considered and resolved previously at a higher level within the planning hierarchy. Of course, that hierarchy can change but here it has not. No evidence has been provided that new information is available that was previously unknown at the time that previous decisions were made that would result in the matter being reconsidered. For this Panel's purposes the NGCP remains relevantly unchanged.

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<sup>5</sup> Note 1.

<sup>6</sup> The GCP adopts the same diagram from Page 4 of the PSP Guidelines but updates the reference to Growth Area Framework Plans to GCPs.

<sup>7</sup> Page 5.

## Policy

With the above context it is appropriate to return to the joint statement filed 2 July 2020 which seeks to identify the relevant policy framework regulating growth areas planning and extractive industries. That policies might on their face appear inconsistent is nothing new or surprising. Many activities are either encouraged or discouraged in a particular location or zone under the Planning Scheme. In this case the VPA highlights the following policy provisions in particular outlined in the joint statement:

- The policy *Delivering Melbourne's Newest Sustainable Communities* report, dated June 2009, set out the proposal to at that time revise the UGB. The report identifies the PSP area as within the UGB, but does not show a proposed quarry in the PSP area. This is consistent with the statement at 3.2.4 to the effect that quarries adjacent to the UGB have been omitted from the UGB. That is not the case with the proposed quarry location instead included within the UGB.
- Plan Melbourne includes a policy direction at clause 1.4.2 for strategic resources to be extracted ahead of urban development. Plan Melbourne looks to growth area planning, and in particular precinct structure planning to manage land use conflicts.
- The development of PSP's is guided by the relevant growth corridor plan. Although the North Growth Corridor Plan does show quarry locations within the corridor, the plan does not place a quarry in the Beveridge North West PSP area. The relevant part of the PSP area is noted as being of 'landscape values'. The Growth Corridor Plan<sup>8</sup> states that '*[t]he Growth Corridors contain significant mineral resources and a number of operating quarries. To avoid the need to transport construction materials substantial distances it is important to enable the continued operation of these quarries and for appropriate buffers to be maintained from the working surfaces of all quarries*'.
- State planning policy includes directions to ensure sufficient supply of land, manage natural resources, ensure land use compatibility, to encourage resource extraction through measures such as protecting "*the opportunity for exploration and extraction of natural resources where this is consistent with the overall planning considerations*"<sup>9</sup>
- Particular provisions in the Planning Scheme establish relevant considerations in quarry permit applications related to the effects and impacts of extractive industry on the environment, and the ability of the use to manage these impacts.
- The proposed quarry is within an Extractive Industry Interest Area (EIIA), however as Planning Practice Note 89 states "*EIIAs do not imply that a quarry can be established 'as-of-right' in these areas, nor do they preclude extractive industry from being established outside EIIAs. EIIAs should not be regarded as totally inclusive of all attainable stone resources in Victoria.*"
- Planning Advisory Note 92 addresses buffer issues. The following comment is especially pertinent in the context of submissions that seek to insert a proposed quarry into the

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<sup>8</sup> At 3.7.4.

<sup>9</sup> Clause 14.03-1S

exhibited PSP that was not designed to manage conflicts between extractive industry and the proposed residential and commercial developments - “*Ensuring land use compatibility is fundamental to the objectives of planning in Victoria. Where separation between incompatible uses is not considered as part of the planning process, land use conflict can occur. This often results in situations where the operation and viability of industries, including critical infrastructure, is threatened while communities are put at risk.*”

Planning Practice Note 46, Strategic Assessment Guidelines guides the reader to evaluate whether ‘*the amendment adequately address any environmental, social and economic effects (sections 12(2)(b) and (c) of the Act)? The normal way of assessing the social and economic effects is to consider whether or not the amendment results in a net community benefit*’. The relevant policy is articulated at planning policy is Clause 71.02-3. That clause states:

*Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.*

As described in the witness statement of John Glossop, “In practice, what this means is that competing demands (the need for stone vs the need for housing) need to be determined and balanced in favour of net community benefit and sustainable development for the benefit of present and future generations.”<sup>10</sup>

This is true but the context is important. This context is for the purposes of precinct structure planning. As set out in the PSP Guidelines “Precinct structure plans provide a balance between meeting complex policy requirements and providing affordable development. Any balancing of conflicting objectives is made in favour of net community benefit and sustainable development.”<sup>11</sup> In the VPA’s submission, sudden recognition of the proposed quarry would serve to entrench, rather than resolve, land use conflicts in circumstances where the PSP, following the direction of the Growth Corridor Plans, has not been prepared to accommodate these issues.

The resolution of these conflicts may, in practical terms, occur at one of two stages. Either at the master planning stage, where the master planning must be undertaken to avoid and minimise conflicts, or alternatively the proponent of use with adverse amenity potential must respond to the planning and environmental context in which they propose to establish. These matters are reflected in the witness statement of John Glossop.

### **The evidence of John Glossop**

The statement of John Glossop supports the amendment as exhibited. Mr Glossop refers to the NGCP and observes that ‘structure planning for the Beveridge North West precinct has not taken place in a vacuum’.

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<sup>10</sup> Page 26.

<sup>11</sup> Page 3.

Mr Glossop contends that this is not a case where decision makers need to effectively choose which activity is 'best' (i.e. a housing development or stone extraction) but rather to consider whether the current planning process (as discussed in the Background Report) is appropriate.

To this end, Mr Glossop identifies four processes available to the planning authority and considers the 'reasonableness' of each approach:

- Amend the PSP to facilitate the quarry. On this approach Mr Glossop identifies:
  - It would be 'poor planning' to amend the PSP to include the quarry (and effectively recast significant elements of the plan 'on the run') at this Panel.
  - The extent of changes required to facilitate the quarry are likely to be significant and far reaching.
  - There is likely to be a number of planning issues that require resolution and the consideration of these are potentially beyond what is reasonable for a Panel of this nature to resolve.
- Delay the adoption of the PSP until after the planning permit process has been resolved (and then amend the PSP to reflect the planning permission if granted). On this approach Mr Glossop identifies:
  - Delaying the PSP to await the outcome of the planning permit process would create uncertainty for all landowners and (effectively) places the resolution of the PSP itself into the hands of third parties. The VPA notes that this would be a statutory planning exercise driving the strategic plan. Further how would this statutory process deal with the exhibited amendment at that time.
  - Delaying this planning process to wait for another to be resolved may have consequences for other Panels and their planning process in the future. For instance, what would stop another landowner in another matter in the future from lodging their own planning permit for a permitted use and then seeking to put on hold an important strategic planning process?
  - There are important public policy reasons that argue against the process being 'delayed' in that way.
- Abandon the PSP and await the outcome of the planning permit application;
  - To this option Mr Glossop notes that it would give rise to even more significant implications in that it implies that the planning process must 'start again' presumably because it was found to be so fundamentally flawed as to justify that approach.
- Maintain the exhibited PSP.
  - Mr Glossop's statement concludes that only this approach will provide an acceptable planning outcome and is strategically justified.

In respect of prejudice to the quarry proponent, Mr Glossop observes that the approval of the PSP in a form that does not protect the quarry does not preclude all possibilities of WA1473 achieving planning permission. At Paragraph 145, Mr Glossop states

*The quarry proponent is able proceed with the permit application process or else it could pursue a planning scheme amendment process (down the track) should it wish to. A package or material can be put forward that attempts to resolve how the quarry and development of the rest of the PSP would be planned to co-exist in a manner that avoids land use conflict; what changes are required to the PSP and its supporting documents. The planning authority is then able to determine whether (or not) these adjustments are appropriate. In that way, all of the strategic and other consequences of the quarry can be considered as part of a detailed and stand-alone planning process.*



It should be noted that issues raised above concerning applied zones, walkable catchments and land use budget implications are the sort of detailed planning that a second process would be required to consider.

The VPA relies on the evidence of Mr Glossop in respect of the options available to the Panel and the VPA supports his ultimate conclusion that the appropriate option to retain the exhibited PSP.

### **Planning & economic evidence**

Panel will hear from a range of planning experts over the Course of the hearing. While no means intended to summarise all of that evidence in total, the VPA notes in particular the following principles which it takes as having key importance or relevance to the matters before the Panel.

- Clause 14.03-1S of State Policy relating to extractive industries states the protection of such resources should only occur where it is 'consistent with overall planning considerations'. Setting land contained within WA1473 aside to protect the stone resources within the land is inconsistent with State Policy. (Woodland YVW. Barnes YVW)
- There exists an absence of a definition for 'Strategic Extractive Resource Areas'. 'The hard rock resources within WA 1473 are not 'strategic resource'<sup>12</sup> as described in various reports in that they do not meet the 'Strategic Resource Determination Criteria' contained within the PWC report, the SRA criteria of the Jacobs Report or the SERA criteria in the draft Pilot report. (Woodland YVW).
- The Minister for Planning determined that the BNW PSP should be exhibited without the quarry shown on the Future Urban Structure, and that the planning permit application for WA1473 has not been included on the priority project 'hot list' established under the Joint Ministerial Statement – Extractive Resources. (Woodland – YVW)
- Land within the PSP is likely to be fully developed within a 30-40 year horizon. Considering a development rate of approximately 350 lots per annum across the wider PSP area, the logical development will potentially result in urban development reaching the edges of a notional 500m buffer from the boundary of WA 1473 within circa 15 years. (Woodland, Fetterplace – YVW)
- There is no mechanism determine for the interaction between the two incompatible uses. (Woodland - YVW)

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<sup>12</sup> Having regard to, Extractive Resources in Victoria: Demand and Supply Study 2015-2050' (PWC, 2016); 'Strategic Extractive Resource Areas: Victoria's Existing Planning System' (Jacobs, October 2016); and Strategic Extractive Resource Areas Pilot Project.

- In Plan Melbourne, Policy 1.4.2 explanatory text refers to sequencing of growth in urban growth areas to allow strategic resources to be extracted ahead of urban development. This text is explanatory and not a policy, is not in the Planning Scheme and is inconsistent with other policies in scheme. (Barnes – YVW)
- The Melbourne Supply Area - Extractive Industry Interest Areas Review (Geological Survey of Victoria Technical Record, 2003/2) being identified as a policy document in Clause 14.03-1 SEIIAs is relevant at early stage of planning process when land is designated for urban development. In Beveridge North West earlier planning decisions have been made which then determined that stone resources would not be protected in favour of urban development. (Barnes YVW)
- Growth corridor plans do not protect the quarry work authority area. (Barnes – YVW)
- While 500m may be sufficient to mitigate tangible impacts of quarrying such as noise, odour dust there are intangible impacts over a wider area. Corridor plans normally indicate non-sensitive uses within quarry buffers and surrounds to mitigate intangible impacts. This has not occurred with WA1473 as corridor plan did not include potential quarry (Barnes YVW).
- Resource value does not justify the risk to long term community benefit of development of the PSP vision and Yarra Valley Water objectives. (Barnes – YVW)
- The identification of a quarry in the north of the PSP is likely to constrain and delay the timing of development of the northern part of the PSP from year 12 of urban development. This will impact the ability to collect funds and deliver infrastructure projects identified within the Precinct Infrastructure Plan. (Fetterplace – YVW)
- The presence of a possible quarry and its buffer creates uncertainty and risk to the market for development of the northern part of the Subject Site. The possible amenity impacts associated with the quarry and the likely delays in delivering the Northern Local Town Centre and community infrastructure may deter prospective purchasers from buying lots even in proximity to the quarry buffer. This would also likely result is a slower rate of sale or require price discounting to maintain sales volumes. (Fetterplace YVW)
- The strategic choice to exclude the resource from the UBG could have been easily undertaken in 2009 but was not. (Milner – Council)
- Including new quarries and their substantial buffers zones within the UGB intrinsically compromises the founding premise of the growth area/UBG/green wedge planning framework. (Milner – Council)
- The quarry would sever the planned northern linkages but also impose upon and detract from the landscape values envisaged by the PSP. (Milner – Council)
- The ability to realise a future urban use of the quarry should be approached with caution given the long term time frames and intervening uncertainties that might delay or compromise this outcome. (Milner – Council)



- The Quarry cannot “be accommodated within the northern reaches of the site within and adjoining the Spring Hill Cone, without compromising its important landscape values and its significance to the boarder new development area”. The technical assessment identifies the quarry would have a moderate impact at 4 of the assessed locations, substantial impact at one further location and would have an extreme impact at two locations. (Czarny – Council)
- It is a State significant resource. Quarries are temporary uses. The quarrying activity would cease 30 years after commencement and that rehabilitation of the land would be completed within a further 10 year period. The sequencing by which the land would be quarried (regulated by the work plan and planning permit) could be managed to minimise the impact of the quarry in terms of the intended land use deliverables on adjoining and nearby land to the west and south (i.e. land not controlled by the lessee). (Linke – Conundrum)
- The cumulative effect of existing quarries, the Woody Hill Quarry expansion, the development of the Phillips Quarry and a cluster of four WA's at Bulla with Applied status. Concludes that together, the amount of hard rock resource available within the Northern LGAs amounts to 261.8 million tonnes for 2020-2050, almost twice the amount required for the Northern LGAs during this period (i.e. 143.8 million tonnes). (Ganly – Council)
- The quarry operations and associated buffer area relates to approximately 15% of developable land in the PSP area. Approximately \$27 million of ICP funds may be withheld from the PSP area until the quarry ceases operation. (Hrelja – Council)

The VPA submits that the propositions above support the retention of the exhibited future urban structure and the rejection of a structure that includes potential for a working quarry.

### **Intersecting controls – planning and extractive industries**

Extractive industries are one point where the planning system intersects with another statutory regimes. In particular, the regimes see an intersection between the requirement to obtain planning permission, where permissible under the relevant zone(s), under the *Planning and Environment Act 1987* (Vic) and the approvals process under the *Mineral Resources (Sustainable Development) Act 1990* (Vic) (**MRSDA**). The MRSDA relevantly requires a proponent to obtain an approved Work Authority prior to commencing extraction. Relevant preliminary steps prior to approval of a Work Authority include the endorsement of a work plan and the obtaining of planning permission, where required.<sup>13</sup> The approvals process for this proposed quarry has therefore obtained only the first of the three key permissions.

In parallel, Clause 52.09-2 requires a permit application for stone extraction to be accompanied by “A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.” This requires the work plan to be endorsed under section 77TD prior to a proponent lodging a planning permit application. It follows that just because a work plan has been so endorsed, does not

<sup>13</sup> See generally, MRSDA, section 77I.

mean that it will obtain planning permission.<sup>14</sup> A work plan approved under the MRSDA is an approval under MRSDA and does not necessarily respond to the considerations under the PE Act.<sup>15</sup>

### **The relevance of an existing permit application**

Conundrum currently has a planning permit application on foot. The permit application is accompanied by an endorsed work plan. There is also a proposed amended work plan accompanying the application which depicts necessary changes to the approved work plan to make it consistent with the permit application. Through the permit application process the planning proposal may also be amended by the proponent, may be amended by conditions imposed by the responsible authority, or it may be amended by conditions imposed by the Tribunal. Any permit granted may be further amended, may be acted upon, or a permit may not be acted upon at all.

For these reasons, while the track changes work plan may suggest that work will progress in a certain direction, or that rehabilitation will occur with fill engineered to a certain specification, or that the depth of quarry may be a certain depth, these intentions are not reliable for the strategic exercise at hand.

For these reasons the application before Council is a matter of little if any relevance for the Panel. This Panel cannot (and indeed is not being asked) to consider the underlying merits of that proposal or any other alternative proposal for a planning permit. Accordingly, the content of the approved Work Plan, and the 'tracked changes' work plan within the permit application are not useful to the determination of the strategic questions before this Panel. At best they are illustrative of what one proposal might potentially look like. Planning includes the recognised concept of a seriously entertained planning proposal where a proposed planning scheme amendment can constitute a relevant matter in the determination of a planning permit application. The same is not said of the reverse, an application lodged but not evaluated does not impact the strategic process.

This is important for a number of reasons. Timing of the quarry use is clearly a matter of contention between parties concerning when and if a quarry use will have a retarding action on the development of the PSP. This is not a question that can be definitively resolved. If a quarry is to be accommodated, the end use to which the quarry will be put must necessarily be resolved at this time unless the quarry itself is to be excised. This is because unlike other proposals, the urban structure in this amendment contemplates residential use adjacent to the quarry and within it.

However, many matters remain unresolved. What yield is appropriately relied upon, what water management? When could any progressive development of a quarry floor begin within appropriate amenity limits? – Is it at the end of the use and how does this relate to delivery of commercial and community facilities? How does this impact the location of community facilities? These would be difficult questions to resolve with a specific approved or operating proposal to accommodate and plan around, much less the conceptual approval of a large hard rock quarry.

<sup>14</sup> See, e.g., *Vanderlei Holdings Pty Ltd v Golden Plains SC* [2019] VCAT 1518

<sup>15</sup> *Vanderlei Holdings Pty Ltd v Golden Plains SC* [2019] VCAT 1518 (2 October 2019) (at footnote 10) the Tribunal observed 'It is worth repeating that the relevant considerations for the approval of a work plan are very different from those relevant for the grant of a planning permit. Hence, an approved work plan is not sufficient evidence of satisfaction of the wide range of matters relevant for a planning permit.'

To take one live example. The permit application materials (lodged after the commencement of exhibition) include the ‘track changes’ draft work plan. This plan includes at 9.1 Closure and Rehabilitation a statement that:

*The end use landform will work with the recommendations of the Beveridge North West Future Structure Plan and may include green wedge, residential, and community/and/or sporting facilities’*

In the exhibited plan the quarry area is in an applied General Residential Zone, an applied Residential Growth Zone, and a Rural Conservation Zone. How will the end use landform work with the recommendations? More fundamental strategic planning questions arise such as whether the RCZ land should remain in a zone which is used in the PSP for land depicted with ‘landscape values’. Does the RGZ, applied to land within a walkable catchment, apply to part of the community in a quarry hole? What do any such changes do to the land use budget and are there implication for the ICP? What if the quarry does not proceed?

It is simply not as straightforward as making a quarry a permitted use and letting matters evolve however ‘superficially attractive’.<sup>16</sup> The residential zones of the Planning Scheme prohibit extractive industry. The implication of applying a residential zone is that extractive industry, a fundamentally incompatible use, will not occur. The examples of closed quarries being utilised for residential uses are products of later strategic planning decisions.

#### **What impact would the proposed quarry have on the PSP?**

As stated above, the contested expert witness statements explore a raft of planning, safety and economic consequences that would flow from including the proposed quarry in the PSP. These will be explored through cross examination by various parties.

However, should Panel determine that a quarry ought to be permitted at WA1473, the VPA highlights the following high-level impacts that may arise. These matters reflect the VPA’s assessment of the types of issues that will arise from the inclusion of the quarry uses. It not simply a case of ‘making extractive industry permitted.

#### Changes in Future Urban Structure

- A proposed school, town centre and recreational facility would fall within the quarry buffer. These facilities may require reshaping/redesign to be provided outside of the buffers. Even if outside of the buffers consideration must be given to the timeframe in which the uses will be delivered if part of the appropriate catchment demanding the establishment of those uses is delayed.
- A reduced population catchment in the area may further delay the establishment of these facilities.
- Changes to the road network may be required. This would have broader impacts on the road network and connections with Wallan South.

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<sup>16</sup> Glossop Page 30.

#### Changes to applied zones and uses

- This would require consideration of the applied zone with specific buffers, qualifications and controls to manage the lifetime operational effects of the quarry and rehabilitation.
- The question of rehabilitation would need to consider how the extractive use would respond to the landscape values currently, and proposed to be, protected through the application of the Rural Conservation Zone.
- Ensure appropriate controls are applied to the operation of the quarry including:
  - Buffer management, so that a maximum 500 metre sensitive land use buffer is maintained.
  - On cessation of the quarry, the landowner/manager must remediate the land to facilitate the identified PSP land uses - residential development and potentially landscape values.

#### Changes to the planning scheme ordinance:

- The applied General Residential Zone and Residential Growth Zone currently prohibit the use of 'Extractive industry' and accordingly would need to be varied through the UGZ to facilitate the use of the quarry.
- Any necessary referrals, permit conditions, application requirements or decision guidelines in the planning scheme ordinance – for instance a referral to DJPR for sensitive uses proximate to the quarry or a risk based assessment approach when uses encroach within the designated 500 metre quarry.
- It may be appropriate to include a 'sunset clause' on when the use must commence to provide certainty for surrounding landowners of when adjacent land may be developed.

#### Changes to the land use budget.

- Any change to the area of the RCZ would adjust the land use budget for the PSP and accordingly the ICP.
- A loss of land would reduce the collection and threaten what the VPA considers will be a standard level ICP. An increase would mean the opposite. The Panel will note that the Parcel Specific Land Use Budget at 4.2 of the exhibited PSP is calculated to the level of 2 decimal places or 100m<sup>2</sup>.

Clearly the impacts of recognising the potential for a quarry requires amendments to the PSP and associated Planning Scheme provisions. While, for example Mr Linke for Conundrum suggests it can be done, his report does not explain *how* it should be done in this instance.

This is important because the VPA considers it probable that the Panel will receive submissions contending that the introduction of a quarry into the PSP may constitute a transformation of the proposal before it and accordingly whether it is open to the Panel to recommend the relief Conundrum seeks. Dealing with what is a mixed question of fact and law is not possible in the abstract. For its part the VPA is not presently able to resolve this question. What is clear, however, is that if the inclusion of the quarry would constitute a transformation, and that transformation caused the current Amendment to be abandoned and a new Amendment exhibited, this would clearly frustrate the delivery of the PSP and accordingly the implementation of accepted planning policy that the PSP represents. Returning to the evidence of Mr Glossop, in these circumstances a preferable approach would be a further amendment to a gazetted PSP.

## Requested outcome

The linear progression of strategic planning for this area through the expansion of the UBG, the preparation of the Growth Corridor Plans and the implementation of this plan through the exhibited PSP supports the development of this area for urban purposes.

The quarry seeks to insert itself into this progression apparently on a claim that effectively amounts to 'having the best of both worlds'. It is true that there is policy that supports the realisation of stone resources and it is apparent that the resources in this this location is of sufficient commercial quality to have an appropriate end use. There was policy supporting such outcomes in 2012 when the NGCP was prepared.

However, it is the VPA's submission that the realisation of the quarry cannot achieve a best of both worlds. It would forever compromise the intended values of the place, would compromise the progression of development (and the proposed urban structure). Further the future development of the quarry area for urban purposes must be regarded as uncertain. There is a a work plan, a track changes work plan, but no permit. It is simply not known what constraints may arise during or after the 30 plus year development of the area. This type of uncertainty is serious where infrastructure must be funded and community facilities depend on a population base. On the evidence, the stone resource is a 'good to have' rather than a strategically justified imperative or on the facts a must have resource.

For these reasons the VPA requests that the Panel recommend adoption of the PSP in exhibited form.

## 4 IMAGE, CHARACTER, HERITAGE & HOUSING

### 4.1 Walkable catchments and density

#### What is the issue?

Submissions variously support the exhibited provisions regarding walkable catchments and density (in particular Plan 3, requirements R2 and R3, guideline G15 and tables 3 and 4), or seek to amend density requirements and/or delete or reduce the extent of the walkable catchments.

#### Discussion

The changes circulated with the Part A submission propose the following revisions in response to submissions:

- Amend the extent of the walkable catchments on Plan 3 to reflect a 400m/5min walkable 'ped shed' from future activity centres and the future Principal Public Transport Network (PPTN) (see Figure 5).
- Delete Requirement 2 and 3, and Tables 3 and 4, and replace with proposed Requirement 2 and Table 2.
- Revise the minimum density requirements (provided in the proposed Table 2).
- Consequential amendments to several guidelines.

These changes will allow greater flexibility. This will be achieved through replacing reference at exhibited requirements R2 and R3 to dwelling and lot sizes in table 3, and the 30 dwellings per net developable hectare, with neighbourhood characteristics in revised Table 2. Revised Table 2 sets out different development areas (defined by reference to the walkable catchments plan and applied zoning) and outlines the planned character and density targets for each area.

Submissions assert the walkable catchments should not be shown or should be smaller, and that density targets should be higher or lower than provided in the exhibited PSP.

#### Evidence

##### Walkable catchments

- On walkable catchments, Mr Czarny asserts that “walkable catchments’ bear little relationship to this Town Centre radial approach... varied according to topographical features or other influences.”<sup>17</sup>

The VPA notes this criticism and submits that the proposed revised attachment areas appropriately reflect a 400m/5min walkable catchment from activity centres and the future PPTN.

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<sup>17</sup> Page 20.

- In respect of walkable catchment Mr Woodland asserts:<sup>18</sup>
  - 400m distance from a neighborhood scale town center is a reasonable catchment for medium density housing delivery.
  - It should define a 400m walkable catchment from the PT corridor where it runs alongside the northern and southern town centers. Provide locations for medium density housing along higher order public transport routes such as that proposed in the BNW PSP and define a 400m walking catchment from the edge of the relevant activity node along the route.
- On the topic of 20-minute neighbourhoods, Mr Glossop<sup>19</sup> similarly asserts that the PSP appropriately responds to the policy direction that seeks to create 20-minute neighbourhoods because:
  - The highest densities are encouraged within a 400m or 5-minute walkable catchment of services and proposed public transport. At a high level, a significant amount of State and regional policy is directed towards achieving this outcome;
  - The majority of residential land is within a 400m catchment of local parks and sports reserves and a large proportion of residential land (with the exception of land in the north-west) is within a 1km catchment of the four larger sporting reserves. In this regard, the provision of open space is generous and well-sited to achieve a high level of accessibility;
  - From a town planning perspective, the alignment of the two north-south roads appears logical. The arterial roads are sited in proximity to the local town centres, open space and services; and
  - From a town planning perspective, the location of the town centres appears appropriate. In this regard, they are generally co-located with government and non-government school sites and community infrastructure. They form reasonable connections to the arterial road network and shared path links.

The VPA submits that the revised walkable catchment plan included in the Part A submission (Figure 5) is consistent with this evidence in demarcating the walkable catchment along the eastern, north-south arterial which is proposed to deliver principal public transport network connections.

#### Neighborhood Delivery

- On neighbourhood delivery, Mr Czarny comments that “the VPA has adopted a rather generic approach to neighbourhood design (for example distinguishing only between the UGZ and RCZ in the new Zone regime and then in the residential areas – the GRZ and RGZ)” and seeks greater “articulation of these features to be distinguished within the PSP that draw on the unique natural, environmental and scenic qualities of the land”<sup>20</sup>

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<sup>18</sup> pages 12, 58.

<sup>19</sup> Page 38-9.

<sup>20</sup> Page 21.

In response, the VPA submits that proposed Table 2 provides considerably greater nuance and guidance relating to neighborhood character, while still being at a reasonably high level, which is appropriate for a long-term strategic document.

The VPA experience of utilising more nuanced approaches to neighborhood design has received criticism for being too prescriptive and reducing flexibility. The approach followed in BNW is the typical approach used in PSP and provides a high level of flexibility for developers to provide a range of product within a requirement for an average density.

#### Proposed density requirements

In respect of density requirements, Mr Woodland:<sup>21</sup>

- Notes the Plan Melbourne policy of increasing residential densities to over 20 dwellings per hectare in future signals more efficient use of land in Melbourne's growth areas to reduce urban sprawl and support the delivery of public transport and urban services and amenities.
- Notes the location and topography will make meeting the residential density of 20 d/ha particularly challenging. The area lacks direct access to train stations, large employment precincts or major activity centres, and substantial parts of the precinct are affected by sloping terrain, which will make delivery of medium density housing challenging.
- Considers density targets of 20-25 dwellings per hectare within defined walkable catchments; and 17-18 d/ha for areas outside of the walkable catchment and otherwise unconstrained by slope; whilst the residential density in areas that are affected by slope or interface areas should be determined by reference to the design measures that are relevant to nature of each interface.

In response, the VPA notes that these density targets are broadly consistent with the revised density targets included in the tracked changes version of the PSP filed with the Part A submission – in particular the 25 dwelling per hectare average for land within walkable catchments, 18 dwelling per hectare average for residential areas and 15 dwellings per hectare average for residential land subject to sloping topography.<sup>22</sup>

The VPA notes that slope does not preclude the delivery of medium densities and medium density built form can be an efficient response to sloping environments, managing the impact of slope while allowing active frontages and reducing the need for extensive benching and retaining structures. Additionally, the medium density delivered in sloping environments can appear less dense, and allow more light / unobstructed views if terracing is used appropriately.

#### Requested outcome

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.

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<sup>21</sup> Pages 12, 58-60

<sup>22</sup> Table 2, Annexure 2 to the Part A submission.



## 4.2 Affordable housing

### What is the issue?

Guidelines 16 and 17 of the exhibited PSP address affordable housing, including that subdivision should provide up to 10% of NDA for affordable housing and that land for affordable housing should be within walkable catchments and provide a range of housing typologies.

Submissions were received that both asserted the 10% target was too onerous and that its status should be elevated to a requirement.

Other submissions challenged the locational requirements and whether affordable housing requirements should only be applied to land owned by Yarra Valley Water.

### Discussion

In response to submissions the VPA proposes the following revisions to the PSP and Ordinance:

#### PSP

Delete Guideline 16 and replace with proposed Guideline 17.

Renumber Guideline 17 to Guideline 18.

#### Ordinance

Amend the UGZ3 to include a new application requirement for an affordable housing assessment and decision guidelines relating to affordable housing.

The revised provisions will include less specific guidelines that subdivision should make a contribution towards affordable housing and should be provided within walkable catchments and provide a range of housing typologies. These guidelines are proposed to work in conjunction with proposed application requirements that will provide the responsible authority with relevant information to assess the extent of any contribution to affordable housing. Proposed decision guidelines will allow express consideration of whether a subdivision will contribute towards affordable housing, without mandating a specific outcome. The VPA relies on the evidence of Mr Glossop in support of this approach.

Mr Glossop's witness statement expresses support for including a guideline for the provision of affordable housing within the PSP.<sup>23</sup> Mr Glossop provided the following recommended drafting:

*Subdivision of land should make a contribution towards affordable housing for low income and very low income households as defined by the Planning and Environment Act 1987 (as amended).*

The VPA is concerned to ensure that low and very income affordable housing provision is considered at the time of permit applications. Section 3AA of the PE Act defines affordable housing as (extracted) as housing 'appropriate for the housing needs of any of the following—

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<sup>23</sup> Paragraphs 163-164.

- (a) *very low income households;*
- (b) *low income households;*
- (c) *moderate income households'.*

Section 3AB provision the mechanism by which incomes for each of these categorizations can be prescribed. The current (June 2020) order identifies these income levels as follows:

**Table 1 – Greater Capital City Statistical Area of Melbourne**

	Very low income range (annual)	Low income range (annual)	Moderate income range (annual)
Single adult	Up to \$ 26,090	\$26,091 to \$41,750	\$41,751 to \$62,610
Couple, no dependant	Up to \$ 39,130	\$39,131 to \$62,620	\$62,621 to \$93,920
Family (with one or two parents) and dependent children	Up to \$ 54,780	\$54,781 to \$87,670	\$87,671 to \$131,500

The income range is diverse and the VPA is of the view that there will be a high proportion of housing in the PSP area that responds to moderate incomes and therefore within the definition of affordable housing.

The VPA proposed format of the PSP therefore seeks to ensure that other income levels are considered in the application process and that if appropriate (these are guidelines and not requirements) they are included in the housing offer.

The VPA's proposed guideline 17 is in similar terms to the wording suggested by Mr Glossop.

Mr Glossop also recommended that the amended guideline be accompanied by modifications to the UGZ3 schedule that would require applications to provide material that demonstrates an appropriate demand and response to affordable housing with any application for subdivision. In the VPA's submission, the proposed revisions to the UGZ schedule are consistent with Mr Glossop's evidence.

### **Requested outcome**

The VPA requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.

## **4.3 Sensitive interface areas**

### **What is the issue?**

Submissions 11, 12, 22, 24 and 27 raise issues of interfaces to sensitive areas, and generally seek increased detail or clarity regarding the required treatments.

### **Discussion**

Firstly, the VPA notes that the intended purpose of the exhibited provisions is to facilitate a contextually appropriate design response for development that interfaces with the Urban Growth Boundary, the Rural Conservation Zone, and the Hume Freeway. Poorly managed interfaces have



the potential to detract from character and landscape values. The sensitive interface provisions are therefore designed to ensure appropriate outcomes.

The VPA proposes the following revisions to the PSP in response to submissions on interface issues:

- Update Plan 5 to improve legibility. This will allow the user to more readily understand which parts of the PSP will need to respond to interface issues. While these changes are yet to be prepared, they will likely include:
  - Removal of superfluous information to make the plan easier to read – such as minimising information from the future urban structure base layer that does not add additional information but contributes to clutter in the graphic.
  - Enhancing how relevant information is displayed – such as by better aligning graphics (for example the steep slope and landscape values designations that depart in the exhibited graphic), and using clear lines and shading.
  - The inclusion of the proposed walkable catchments in this plan.
- Renumber Requirement 4 (now Requirement 3) and make consequential amendments
- Renumber Table 2 (now Table 3) and:
  - delete Column C – Steep Slopes, and the exhibited general requirement for steep slopes to “respond sensitively to steep slopes”.
  - delete last row relating to bushfire management. Bushfire management is more appropriately addressed under the provisions relating to bushfire, than a section focused on character.
  - make minor amendments to wording to more clearly state the desired outcomes.

### Requested outcome

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.

## 4.4 Topography and slope

### What is the issue?

Submissions regarding topography and slope generally seek clarification regarding the slope that will trigger the requirements for slope management plans and detail of management measures.

Submitters also seek clarification of the meaning of slope – natural or design slope.

### Discussion

The VPA acknowledges the general desire expressed in submissions for greater clarity regarding how development will be required to respond to topography and slope.

The VPA notes that the reference to slope in R5 is the design slope – that is the final slope to be developed which can after earthworks vary from the natural slope condition.

The proposed revisions:

- Revise requirement R5 to require a contextually appropriate response to slope, addressing construction methods specified in proposed table 4 – inserting performance-based



requirements in lieu of the exhibited figures and alternate methods such as suspended floors and split levels.

- Insert requirement R6 to ensure retaining structures make a positive contribution to the landscape.
- Update plan 5 to improve legibility.

The VPA submits that these changes will simplify and improve legibility, while providing stronger guidance on expected development outcomes.

### **Requested outcome**

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.

## 5 TOWN CENTRES & EMPLOYMENT

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### 5.1 Location and layout of activity centres

#### What is the issue?

Submissions seek changes to the location and layout of activity centres (northern and western town centre), an increase to the eastern town centre retail floor area cap and generally relate to the addition of an emergency services facility (fire station), and amendments to the location or layout of centres and the associated concept plans.

#### Discussion

The VPA considers the following changes proposed in the Part A submission appropriately address submissions on most of these matters:

- Addition of an emergency services (fire) facility to Plan 3 – FUS, in a location beside the Local convenience centre in Parcel 14.
- Delete the town centre concept plans in figures 4, 5 and 6.
- Delete Guideline 25.
- Addition of proposed Requirement 8, requiring applications to respond to the proposed design guidelines in Appendix 4.3 and 4.4.
- Amendments to the Local Town Centre and Local Convenience Centre design principles in Appendix 4.5 (previously Appendix 4.4).

The VPA considers submissions regarding the location of the western Local Town Centre in parcels 7 and 8 to be unresolved. At the core of these submissions is the asserted shared catchment with the western and northern local town centres, and a desire by the submitter to locate the western Local Town Centre further south. The VPA submits that the location of local town centres appropriately responds to catchment, topographical and accessibility constraints and are subject to the flexibility afforded by the concept of generally in accordance.

#### Evidence

- Mr Czarny asserts “town centres should be illustrated” <sup>24</sup>
  - The VPA notes that illustration is one possible application of broad principles to a particular circumstance but there are many potentially desirable approaches e.g. one design team could (and routinely would) conceive of multiple different design solutions for the same place.
  - Prescribing a single spatial outcome in the context of a high-level strategic document without the necessary design consideration is inappropriate. By way of example, a matter of design is whether the main street should run north-south or east west? It could conceivably work both ways so prescribing a particular outcome in a concept

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<sup>24</sup> Page 18.

- plan is unnecessary and will constrain the possible range of potentially desirable outcomes.
- A concept plan will be developed at the appropriate time (prior to subdivision) to the satisfaction of the council. That plan will respond to the guidance in the PSP and will be finalized at a time when the vision of the developers is better known.
  - Mr Fetterplace in his statement for the Gilbo Family notes “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.”<sup>25</sup>
    - The VPA proposes to revise Table 7 (Table 5 in the tracked changes version) to refer to Shop. The VPA also notes that there is a mistake in the tracked changes served with the Part A submission. The Part A version says ‘Retail Shop Floor’ when it should say ‘Shop Floor Space’.
  - Mr Fetterplace also expresses the view that 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.”<sup>26</sup>
    - In response, the VPA notes that the ordinance allows for provision of greater retail floor area subject to a retail impact assessment.

### Requested outcome

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.

## 5.2 The Southern Town Centre Flexible Design Area

### What is the issue?

At the core of submissions regarding the Southern Town Centre is the inherent tension between a desire by submitters to afford flexibility in the future configuration of, and uses within, the flexible design area and a desire for the PSP to provide certainty. These raise issues of drafting (such as the permitted uses), but also the need for further master planning of this area.

Frequently a PSP will include a plan to which future permit applications must respond to or build upon. In this instance the exhibited PSP included guidance for the northern and western LTCs. The PSP document therefore guides a particular outcome. This is appropriate where the outcome is known and the principles are important to the realisation of the planning intent. In the case of the Southern Town Centre the parties principally YVW, Council and the VPA have been engaged in discussions for a flexible town centre that will permit the developer to respond to market within parameters at the time of development.

In substance, the VPA regards the vision as agreed amongst stakeholders. The implementation of the vision continues to be reviewed.

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<sup>25</sup> Pp153

<sup>26</sup> Pp158

## Discussion

The witness statements of Mr Czarny, Mr Milner and Mr Woodland all express support for a flexible approach to the Southern Town Centre.

Mr Czarny considers that “detail is lacking in relation to the southern town centre, contending it is proposed to be exempt from Urban Design Guidelines for Victoria”<sup>27</sup>

- In response the VPA notes that the Part A recommended revisions include additional guidance and disagrees with the comment that the Urban Design Guidelines for Victoria will not apply to Southern Town Centre.
- Further detail to be provided at application stage through the preparation and approval of a concept plan (subject to further drafting to be progressed between the parties during the hearing).

Mr Czarny also asserts that the “Southern TC relies on ambiguous set of ingredients set out in PSP Table 9, in addition to a somewhat generic design principles for Local Town Centers in Appendix 4.3” and calls for “some baseline configuration is required to demonstrate Centre typology, relationships and interfaces”<sup>28</sup>

- The VPA observes that:
  - Table 9 and Appendix 4.3 have been updated to provide more specific guidance. Read in conjunction these provisions provide a cascade from more prescriptive quantitative requirements, to more loosely applicable qualitative criteria.
  - Principles and performance criteria provide baseline criteria. These will be configured through the STC layout plan, to the satisfaction of council.

Mr Milner contends that: the absence of a concept masterplan is a principal shortcoming of the PSP, and that the “BNWPSP would be assisted by an urban design framework or a requirement in the schedule to the Urban Growth Zone requiring the preparation of such a plan prior to the issue of permits unless the permit to issue is in fact a use and development proposal for the whole center”.<sup>29</sup> Whether an Urban Design Framework in name or some other concept plan – the VPA agrees.

Mr Woodland supports the approach in providing flexibility and notes that agreement on the preferred mechanism for delivering this has not yet been agreed.

The VPA submits that the appropriate principles to guide the development of the Southern Town Centre are:

- The gazetted PSP future urban structure will be amended to clearly identify the flexible town centre through the addition of a perimeter identification (or equivalent).

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<sup>27</sup> Page 18.

<sup>28</sup> Page 19.

<sup>29</sup> Para 200.

- The gazetted PSP will include the core components of mixed use areas, commercial areas and community uses and Table 1 of the UGZ3 will operate to apply zones consistent with this depiction.
- The PSP will call for the preparation of a southern town centre plan that is to be approved by the RA before a permit is issued (and which can be amended from time to time).
- The requirements of the plan and its contents are to be included within the PSP which will call up the matters contained in Table 9 and Appendix 4.3. These matters provide guidance on the key design components and the principles by which those components must be designed.
- The UGZ will include specific provisions under use, subdivision, and works, stating that a permit cannot be granted until that plan is prepared (subject to standard exemption that may be granted by the RA).

It is understood that there is broad agreement on the above format though it may be that further drafting changes to the specific text may emerge. The VPA is hopeful that the parties will address the Panel with an agreed approach to the Southern Town Centre later in the hearing.

### **Requested outcome**

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.

## **5.3 Local Town Centre and Local Convenience Centre Design Principles**

### **What is the issue?**

Submissions seek minor amendments to the requirements applying to these centres and the relevant appendices.

### **Discussion**

The following changes to the PSP are proposed in response to submissions:

- Addition of proposed Requirement 8.
- Amendments and renumber of the relevant Appendices now proposed Appendix 4.5 and 4.6.

In conjunction, this requirement and revised appendices will guide the development of the local and convenience town centres according to clearly articulated performance criteria.

### **Requested outcome**

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.





## 6 OPEN SPACE, COMMUNITY FACILITIES & EDUCATION.

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### 6.1 Schools and community facilities

#### What is the issue?

Submissions seek changes to figures 4, 5 and 6 (town centre plans), revisions to the location and size of school sites and minor wording changes.

#### Discussion

Following exhibition of the PSP in 2019, the VPA commissioned ASR Research to undertake a peer review of the proposed provision of schools and community infrastructure as part of the Wallan South PSP background reporting process. Although the full report is incomplete, initial findings relevant to Beveridge North West were that:

- An additional 0.8ha community facility is required within the PSP.
- The community facility in the southern town centre should be increased in size from 1.5ha to 2.0ha.

These changes are a product of refined yield and household size.

Having regard to the submissions, and the initial findings of a community infrastructure assessment (still underway), the following changes are proposed to the PSP:

- Increase the size of the southern town centre community centre from 1.5ha to 2.0ha.
- Addition of a new 0.8ha community centre to be located adjacent to LP-05 on Plan 7.
- Increase size of non-government primary schools from 2.4ha and 2.5ha to 3.0ha.
- Consequential amendments to the PSP.
- Minor wording amendments, such as better phrasing of the road frontage requirements of proposed Requirement R11 (exhibited R8) and the new proposed guideline G34 that lots for a government school should be designed to the satisfaction of the department.

These findings are an application of population which has been revised upwards based on evolving understanding of household sizes, dwelling yield within the PSP, with the product of these factors being an overall increase in the population base. The size of community facilities is intrinsically linked to population.

The location of schools within town centres means the schools are proposed for a context where the detailed design is, appropriately, not resolved at this time. This is linked to the submissions which seek the omission of figures 4, 5 and 6. Given the high-level nature of the concept plans, the VPA agrees with the submissions that the expected design outcomes are more appropriately expressed through requirements, guidelines or other performance criteria. Accordingly, the VPA proposes to omit figures 4, 5 and 6 in favour of allowing the text-based description, in conjunction with the broad direction provided by the future urban structure, to guide the detailed design process.

The final location of the proposed schools is subject to detailed design and can be refined through the planning application process, subject to being generally in accordance with the PSP.

In respect of non-government schools, Catholic Education Melbourne have demonstrated there is an appropriate level of demand to justify the increase in school size and the proposed increase in size to non-government schools is commensurate with the size of their government school counterparts.

### Requested outcome

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.

## 6.2 Local parks and open spaces

### What is the issue?

Submissions seek revisions or the deletion of figures 7-11 (concept plans for parks and interface treatments), amendments to the size and location of open space and minor wording changes.

### Discussion

In response to submissions the VPA proposes to rationalise the distribution of credited open space. In particular the proposed revisions:

- Delete LP-21.
- Increase the size of LP-23 from 0.75 to 1.2ha.
- Relocate LP-04 away from RD-01 to a location north of the proposed east-west connector street.
- Insert a new 0.75ha local park on Parcel 14 to a location south of the proposed east-west connector street.
- Reduce size of LP-05 from 1.01ha to 0.75ha.
- Delete LP-25.
- Increase the size of LP-07 from 0.75ha to 1.0ha.
- Re-orientate of SR-01 from north-south to east-west.

These revisions respond to submissions from various landowners and are understood to be generally agreed between submitters and the VPA.

Guideline 26 (proposed Guideline 27)<sup>30</sup> allows for alternative park locations for credited open space to be considered through the planning application process. This guideline has been revised to clarify that open space with locational flexibility should only be moved into another landownership with the agreement between affected landowners.

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<sup>30</sup> The VPA acknowledges that this is referred to as G28 in the Part A submission in error.

The proposed re-orientation of SR-01 will minimise the potential for land fragmentation and ensure that a physical open space link can be provided between the two arterial alignments, as well as providing an urban 'break' that links areas protected for landscape values to the east and west. These matters are further discussed below in the context of the Rural Conservation Zone.

### Requested outcome

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.

## 6.3 The Rural Conservation Zone

### What is the issue?

Submissions seek changes to the boundary of the area subject to the Rural Conservation Zone (RCZ), providing open space credit for parts of the area within the RCZ and amendments to the land uses and key points of interest within the RCZ.

### Discussion

Submissions regarding the RCZ are primarily concerned with what land should be protected.

This is consistent with the purposes of the RCZ, which include:

- *To conserve the values specified in a schedule to this zone.*
- *To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.*
- *To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes.*

The VPA notes general agreement between submitters that a degree of protection should be afforded to the creek side hills in the north-western part of the PSP and to the Spring Hill Cone in the north-western corner of the PSP. The extent of RCZ shown on the future urban structure of the exhibited PSP is (with the exception of small areas in the north-western corner of the PSP) generally a reduced extent of RCZ compared to the current zoning. The key issue for the Panel to consider is therefore what extent of land should be moved out of the RCZ and made developable through the application of the UGZ.

The existing extent of the RCZ is also relevant to submitters who seek credit for land as open space. The VPA does not consider this area to be developable land and the Amendment does not propose to rezone this land from an urban zone to a rural zone, but rather retains the same zone, albeit with an additional overlay and schedule.

Rezoning RCZ land to UGZ will not, however, permit unfettered development of these prominent areas. Proposed Requirements 5 and 6 and exhibited Guideline G6 seek to regulate built form on sloping terrain, as well as the form of retaining structures. Requirement R3 (previously R4) requires interface areas identified on Plan 5, including Landscape Values - to be developed in accordance with the guidance provided in Table 3. Further, constraints posed by dispersive soils (and



implemented through measures such as the proposed application requirements in the UGZ schedule) will further shape the built form outcomes in these areas.

Landscape protection requires a balancing of multiple factors. In the context of a fixed UGB and accordingly a finite supply of urban land to accommodate future placemaking, there is an inherent balance to be struck between placemaking and land for urban development. It is a process that also requires choices to be made about which values are to be protected – there would be a landscape protection objective achieved by retaining the entire PSP area for conservation purposes, however this would not give primacy to the protection of the significant features within the PSP area nor would it meet the concept of land as a fixed resource within the UGB. The current extent of RCZ is identified in the North Growth Corridor Plan as having ‘landscape values’. However, the area was all the same included within the UGB and is accompanied by Note 1 “Potential for review of RCZ through Precinct Structure Plan process” (albeit at a time when this was the extent of the UGB). This is the process which has been undertaken as a part of this Amendment.

In the VPA’s submission, the correct balance is one that facilitates urban development in this area while protecting the significant landscape elements of the Spring Hill Cone and the western hills to an extent sufficient to meeting the objectives of the PSP:

*The precinct will be one defined by its high-quality residential neighbourhoods - located between ridgelines, prominent volcanic cones and rolling hills. A significant network of open spaces formed by waterways, hilltops and linear parks will connect the diverse residential neighbourhoods within the area.<sup>31</sup>*

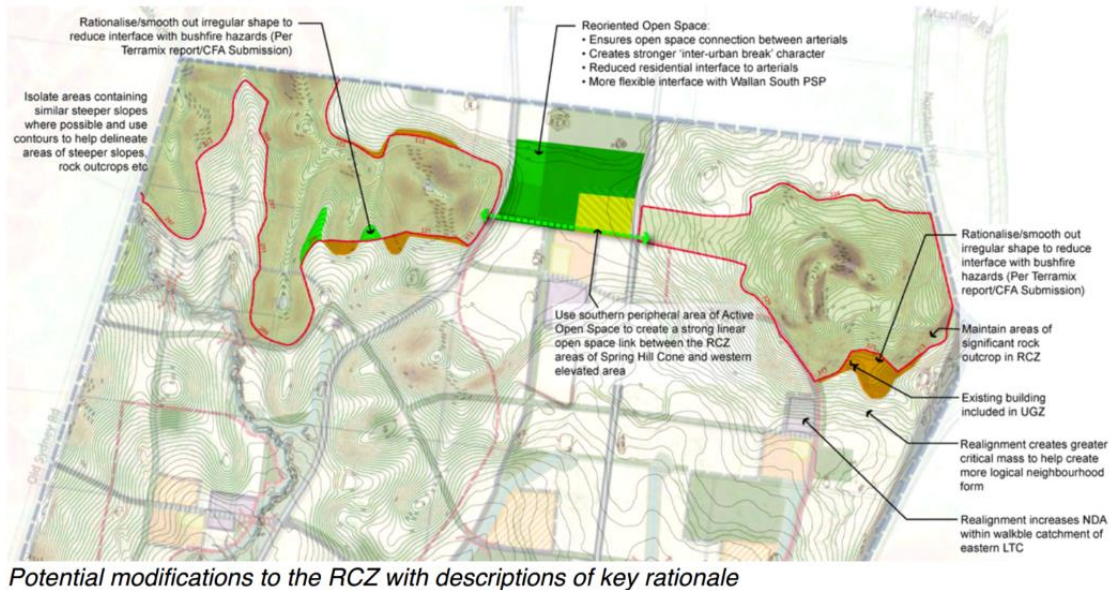
The VPA relies on the evidence of Frank Hanson in this regard. Mr Hanson’s review has identified the following key elements to determine the RCZ boundary to protect Spring Hill and the adjoining landscape:

- *Protection of the Spring Hill Cone;*
- *Protection of representative areas of rock outcrops and boulder fields;*
- *Creating a “meaningful inter urban break” and one which allows the Cone to “stand proud” as part of a series of volcanic regional landmarks;*
- *Inclusion of areas of similar slope (designated less suitable for development and which assist in defining the cone proper) based on an overlay of the slope analysis, contours and the Future Urban Structure;*
- *Consideration of the Future Urban structure by delineating logical/sustainable neighbourhoods and consideration of walkable catchments to the Local Town Centres, schools and other facilities;*
- *Consideration of bush fire management - simplification of complex interfaces resulting in a more defensible boundary;*
- *Consideration of long-term maintenance, management; and,*
- *Ensuring that the basis of the boundary has a defensible rationale.<sup>32</sup>*

Combined, into map format, Mr Hanson recommends the following refinements to the RCZ boundary.

<sup>31</sup> 2.1 Vision.

<sup>32</sup> Witness statement of Frank Hanson, page 21.



In the VPA's submission, these revisions strike an appropriate balance between protection of the landscape features and facilitating urban development. The revised boundary provides an appropriate response to bushfire risk by providing a more readily defensible edge, and reorients SR-01 to provide an open space connection between the two arterials (and the western hills and Spring Hill) while allowing the UGZ to be applied to areas with low landscape values.

#### Mr Czarny (for Council)

Mr Czarny's key conclusions regarding the RCZ are:

- RCZ land does not currently have a clear designation in terms of role, function or opportunity.<sup>33</sup>
- The PSP does not demonstrate how the RCZ boundary has been ascertained or the degree the RCZ boundary will protect the most important scenic features.<sup>34</sup>
- A contiguous network should be provided between Spring Hill and the creekside hills.<sup>35</sup>
- The rising slopes should be protected from encroachment, not just the peak.<sup>36</sup>

In response the VPA notes:

- The Amendment's approach to the development outcome within the RCZ is largely 'hands off'. The amendment does not apply a new zone to this area. While the Part A changes do include a new schedule 2 to the RCZ, this further particularizes the conservation values and minimum subdivision area to better utilize the existing zone. In this way, the zoning preserves future opportunities in a context where a regional park has been suggested but is not resolved and under investigation.

<sup>33</sup> Page 11.

<sup>34</sup> page 12.

<sup>35</sup> Page 13.

<sup>36</sup> Page 13.

- While a 3-dimensional analysis has not been undertaken by the VPA, the VPA has adopted the recommendations of Mr Hanson and notes his witness statement describes the process that has been used to articulate the proposed RCZ boundary. While Mr Czarny is critical of the absence of such a 3-dimensional analysis, his statement does not include such an analysis. The VPA further notes that a visual assessment/3D model is used to assess the effects of a proposal on the landscape, not the values/significance of the landscape itself - while a 3D model will identify whether a feature is visible, it is less useful in ascertaining significance.
- Changes proposed in the VPA's Part A submission include a reorientation of SR-01 which will respond to the concerns about maintaining an open space. While acknowledging that the linkage will be intercepted by two arterial roads it is submitted that these will not diminish the capacity for the connection to be read in the landscape. The active open space will have a more open nature than the surrounding residential and commercial areas. The design outcomes for the indoor recreation facility are subject to the flexibility afforded by the requirement to be generally in accordance. The VPA submits these are appropriate outcomes for an area that of itself has limited landscape values, other than linking the hills to the west and east.
- The VPA does not agree that it is necessary to protect the rising slopes to Spring Hill in a uniform way as is suggested by Mr Czarny through reference to the RL333 and 326 levels. Development may be appropriate in these areas, subject to careful design considerations. The VPA also observes that the location of local roads is subject to refinement through the application process, and the responsible authority will have the opportunity to assess the particular proposal in greater detail.

#### **Mr Murphy (for the Gilbo Family)**

The VPA notes as follows:

- The final position put forward in evidence of Mr Murphy on the proposed RCZ boundary is close to VPA position.
- Mr Murphy's assessment is almost solely a visual assessment, and provides a more nuanced visual assessment of Spring Hill than Mr Czarny.
- The use of tree lines to determine the appropriate RL are somewhat arbitrary (i.e trees grown over time, they can be cut down and new trees planted).
- A general approach of preserving areas of more significant slope is supported - more significant slopes are a key defining feature of the fundamental landscape character.
- Mr Murphy's recommendation for a greater extent of developable area based on a dual height limit<sup>37</sup> is not supported on the basis that it is overly complex and inconsistent with underlying zone. Given standard requirements for road frontages to be provided to reserves (see, e.g. proposed guideline G43) and the probability that the highest development will be road, the VPA submits that the RCZ boundary should be assessed based at ground level rather than the height of the development.

#### **Mr Fetterplace (for the Gilbo family)**

- Mr Fetterplace states that he does "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

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<sup>37</sup> See section 4.4 in particular the use of 4.5 and 9m dwelling height controls.

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.”<sup>38</sup>

- The VPA notes that this approach is consistent with the evidence of Mr Hanson and the revised RCZ boundary included in the materials filed with the Part A submission.

#### **Mr Wyatt (for The Crystal Group & Walter Mott)**

- Mr Wyatt’s statement questions “The usefulness of this east west break is not obvious nor is the rationale for an 80 m landscape break. Figure 21 shows how this landscape break has been delineated in the PSP as an area of ‘landscape values’ although there is no apparent difference in landscape, topography, vegetation or slope to identify this as a different character area and one worthy of retention.”<sup>39</sup>
  - As noted above the VPA proposes to re-orient SR-01 to provide more appropriate mechanism for the provision of a link between the eastern and western RCZ areas. To the extent that Mr Wyatt’s statement may be understood as suggesting that there is limited value in a break linking the western hills and Spring Hill, the VPA supports the evidence to the contrary by Mr Hanson and Mr Czarny.
- Mr Wyatt asserts that the “western extension [of the RCZ] has been discussed previously, but the southern delineation of the ‘landscape values’ area and consequently the RCZ boundary to the south and east is not supported by on-site observations”.<sup>40</sup>
  - The basis of this opinion is not readily appreciated from the witness statement. The VPA relies on the evidence of Mr Hanson regarding the appropriate boundary for the RCZ.
- Further, Mr Watt states “I believe that the interface between residential developable land and the cone landscape can be fine-tuned to increase the importance of this landscape element within the future community.”<sup>41</sup>
  - The VPA submits that Mr Wyatt’s witness statement covers matters that go beyond the range of considerations currently before the Panel. The interface can and will be finely tuned through the planning application process. The PSP sets the broad strategic direction and is not the appropriate scale to ‘fine-tune’ a design proposal. Further, Mr Wyatt’s suggestions for:
    - Loop roads limits the ability for the RCZ to function as habitat corridor.
    - The use of barrier type housing for noise protection would result in built form along the Northern Highway that blocks views to the cone.
    - The slithers of open space at identified view lines shown at figures 27 and 28 would result in radiating areas that have little relationship to the topography and landscape values.
- The witness statement asserts that “One way of determining an appropriate boundary between the Spring Hill Cone and the surrounding Plains Landscape Character Areas is to look for the keypoint. This is defined as the location where the contour lines start spreading further apart and it is usually where a convex slope (the upper areas of the cone) transitions

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<sup>38</sup> Pp140

<sup>39</sup> Page 14

<sup>40</sup> Page 15.

<sup>41</sup> Page 16.

into a convex slope (the low-lying areas). This keypoint does not follow a single contour, but rather is a transition point in the landscape.”<sup>42</sup>

- The VPA does not oppose the concept that a keypoint analysis may be appropriate, but does not agree with the application. Mr Wyatt has picked a keypoint nearly at the top of the hill when there are arguably several potential keypoints much further down the slope. The justification for why the keypoint identified by Mr Wyatt should be preferred has not been articulated.

In respect of arguments that the RCZ land should be credited open space is rejected. RCZ land falls into the definition of encumbered land – land that is constrained for development purposes. The PSP Guidelines<sup>43</sup> clearly indicate that encumbered land may be used for a range of purposes but it may not be used as a credit against public open space requirements.

Further to this, the land in the RCZ does not attract GAIC. To be a contribution area the land must be within a UGZ<sup>44</sup> and so the request for credited open space does not rest comfortably with the land being GAIC exempt and not developable land. It is important to note that the VPA does not impose the RCZ on this land - it is a preexisting condition that, through the amendment process has been refined to the advantage of the submitters.

### **Requested outcome**

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.

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<sup>42</sup> Page 17.

<sup>43</sup> Page 54.

<sup>44</sup> Section 201RC.



## 7 BIODIVERSITY & BUSHFIRE MANAGEMENT

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### 7.1 Biodiversity provisions

#### What is the issue?

Submissions on biodiversity matters generally relate to matters of image and character, such as guidelines for planting and establishing canopy trees.

Submissions generally seek revisions to the Amendment to:

- Better align the PSP with the provisions of the Biodiversity Conservation Strategy; and
- Revise provisions relating to the retention of vegetation and restoring habitat.

Some submissions raise concerns over the need to show a potential regional park, assert requirements for biodiversity are very weak, and seek habitat and movement corridors through revegetation, habitat restoration and avoidance of obstructions to fauna movement.

#### Discussion

Consideration of biodiversity matters must take place in the context of the findings of the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (June 2013) (**BCS**). The PSP has been subject to an assessment under the BCS, and no features have been identified as having biodiversity values worthy of retention. In light of these findings, the VPA agrees with submissions that seek clarification regarding the intention of the exhibited provisions. The intention is not to protect biodiversity not protected by the BCS – rather the intent is primarily focused on matters of image and character that will deliver biodiversity benefits.

To this end the VPA proposes to omit the exhibited Plan 8 (Biodiversity) and replace it with a new plan addressing bushfire matters, and move the content of exhibited guidelines G42 (concerning retaining vegetation) and G43 (regarding access to conservation and areas of landscape value) to guideline G6 and G33.

The VPA acknowledges that the revised clauses omit the apparent emphasis of the exhibited G42 and G43 placed on the provision of habitat and movement corridors, and protecting and maintaining primary conservation and landscape values. The PSP seeks to protect these values through appropriate design and preserving areas for conservation. The VPA and exhibited PSP did not propose more active measures such as constructed habitat corridors - measures considered to not be warranted given the findings of the BCS. It is submitted the aims of the exhibited PSP will be realised through the revised and more appropriately described image and character, and open space clauses.

Further, Guideline 44 is proposed to be entirely deleted. The exhibited guideline sought integration of waterways, wetlands and retarding basins with biodiversity and natural systems. These requirements have potential to conflict with the Melbourne Water DSS (discussed further later in the submission).



The VPA also proposes amendments to Clause 52.17 to include exemption for native vegetation removal carried out in accordance with 'Final approval for urban development in three growth corridors under the Melbourne urban growth program strategic assessment, 5 September 2013' made pursuant to section 146B of the Environment Protection and Biodiversity Conservation Act 1999 (Cth).

### **Requested outcome**

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.

## **7.2 Bushfire provisions**

### **What is the issue?**

Submissions on bushfire issues raise concerns regarding the adequacy of the exhibited provisions, especially on matters such as the relationship between vegetation retention, setbacks and defensible space.

### **Discussion**

Management of bushfire risk is a task well known to the Victorian planning system. Indeed, the principle that the protection of human life should be prioritised over all other policy considerations is embedded in clause 71.02-3 of the planning scheme. In this light it is submitted the proposed revisions to the PSP will appropriately increase the prominence of the potential risk of bushfire and strengthen the policy cascade to the planning permit conditions detailed in the ordinance.

The proposed clause 3.0 of the UGZ Schedule include a mandatory bushfire management condition, including a site management plan addressing bushfire risk throughout the subdivision stages, land management measures during development and access and egress measures for early residential, construction workers and emergency vehicles. The proposed Clause 4.0 to the UGZ Schedule includes a decision guideline to allow express consideration of the need to remove, destroy or lop vegetation to create defensible space. It is submitted these measures will ensure an appropriate level of assessment and planning is undertaken at the development stage.

The proposed requirements R13, R14 and R15, in conjunction with proposed guidelines G42-G48 and Table 8, will clearly articulate matters such defensible setback requirements, planting considerations and vegetation management measures. These provisions will work in conjunction with the proposed Plan 8 to clearly identify areas of potential bushfire risk.

### **Requested outcome**

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.



## 8 TRANSPORT & MOVEMENT

The VPA relies on the evidence of Mr Humphreys on traffic matters. That witness report includes the details of further modelling undertaken by GTA in response to submissions. The conclave report circulated 17 July 2020 indicates that the further traffic modelling appears to have resolved a number of major concerns articulated in the witness statements of witnesses called on traffic matters.

For present purposes, the VPA notes the following from the conclave report on traffic matters:

- Revised modelling based on updated inputs appear to address many concerns raised in the witness statements of Ms Marshall, Mr Abdou, and Mr Hunt, although it is acknowledged that these witnesses have requested some further clarification from Mr Humphreys.
- There is not agreement between witnesses on the design speed of the western, north south arterial road. The VPA supports an 80kph design speed for the western north south arterial.
- There is support amongst witnesses who considered the issue, to include the 1,100 lot cap<sup>45</sup> omitted from the exhibited PSP but proposed through the Part A submissions
- Witnesses who considered the potential additional link over the Hume Freeway agree that such a link would confer benefits. Although they do not quantify the benefit in the same way, they agree that the road should not be formally included in the PSP but that it is appropriate to preserve the opportunity to develop the road.
- Witnesses agree that the eastern north south arterial (Patterson Road) is the most suitable road to deliver the Principal Public Transport Network (**PPTN**) and that this would be consistent with the North Growth Corridor Plan.<sup>46</sup>
- While Mr Abdou has concerns regarding Northern Highway and Hadfield Road connections, these are matters to be resolved in the Wallan South PSP. Further, the assumption in the case considered by Mr Abdou that “that Hadfield Road will be declassified from an arterial road to a lower order road”<sup>47</sup> highlights the planning that is yet to be undertaken for this road that sits outside the PSP boundary. These factors are consistent with the non-inclusion of Hadfield Road in the PSP and associated ICP.<sup>48</sup>
- The 400m walkable catchments as proposed in the Part A submission are appropriate.
- Witnesses sought clarification regarding the impacts, if any, on the modelling that would flow from the revised density targets included in the changes proposed in the Part A submission. The VPA confirms that there is expected to be a slight reduction in the number of dwellings within the PSP – 50,100 rather than 50,487, a reduction of 387 dwellings, although the overall average density of 20 dwellings per hectare is retained.

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<sup>45</sup> Referred to as a lot cap although more properly a requirement for applications to be referred to the Department of Transport once the number of lots within a defined catchment reaches a set threshold. The VPA notes this threshold either has been or soon will be met but proposes to retain the reference to 1,100 lots for consistency with the Beveridge Central and Lockerie North PSP’s.

<sup>46</sup> Noting that Ms Marshall does not agree this would satisfy the ‘High Capacity Public Transport Service’.

<sup>47</sup> Page 22.

<sup>48</sup> See also the witness statement of Ms Marshall, page 61.

- There is support among witnesses for aligning the western north south arterial so that it may be constructed within a single land holding. The VPA acknowledges the logic behind this submission which is understood to relate to properties 8/9 and 11. While it may be possible to improve the shape of SR-04 and avoid the arterial road alignment intersecting with property 8, the ability to reorient the alignment to sit within property 11 is limited by the need for the arterial to move westward to avoid the already approved and largely developed Mandalay estate to the south. The western boundary of Mandalay aligns with the boundary between Property 11 and 9.

Following the traffic conclave, the VPA has received requests for further information. This information is anticipated to lead to further discussions between parties. The VPA will update the Panel as required on the outcome of these discussions but has responded with the following information:

- 100% apportionment of the southern east-west arterial (Camerons Lane) to the PSP, and non-funding of northern east-west arterial (Hadfield Road)

The VPA notes that each PSP in this area is funding or will fund the east-west arterial to its south. Beveridge North West will fund 100% of RD-02, the majority of Camerons Lane. The length of this portion is approximately the same as the length of Hadfield Rd. On this basis it has been determined that Wallan South should fund 100% of Hadfield Rd. These roads are within their respective PSPs and the majority of traffic loading will come from the PSPs that fund them. Wallan South is not expected to fund Cameron's lane despite an element of traffic loading from Wallan South utilising Camerons Lane. This is a pragmatic apportionment. It should be noted that Beveridge North West contributes 50% of the cost of the intersections onto Hadfield Road, as Beveridge Central funded a portion of the its shared intersection on Camerons lane.

- Adequacy of the 34m secondary arterial cross section, and the provision of a 2m green strip and shared path in this cross section

Having considered the conclave report the VPA is comfortable with the 34m cross section and submits there is no need to provide a 36m cross section because:

- The issue only arises where the arterial does not adjoin two local frontage roads (given the frontage road cross section includes land for a shared path).
  - Often only one shared path is ultimately required given the on road bike lanes. This is a matter for detailed design.
  - To provide a 36m cross section and therefore bring the shared path within the arterial, would be to mandate the potential over provision of shared paths.
  - The cross sections depict the different elements the PSP is seeking to provide. Cross sections are indicative, governed by 'generally in accordance' and the final form of a road is determined by council as the road authority.
- Western arterial design speed

On this issue, the VPA notes:

- VPA have commissioned Cardno, who undertook the original design of the western arterial, to confirm if additional land take is required for an 80 km/h design speed.
- This is due to the design changes that may be required to curve radii and turning lanes amongst other elements.



- Cardno is also reviewing the design based on the findings of the sodic soils study in order to reduce water flows and thus erosion potential.
  - VPA expects to have the updated design work available within a week in order to respond to the land take question.
  - The protection of the eastern arterial as a public transit corridor also reinforces the function of the western arterial as a primary arterial and its capacity to accommodate high levels of north south vehicle movements. Assigning an 80km/hr operation on the western arterial will assist in reducing vehicular reliance on the PPTN/HCPT route thereby ensuring that it operates at a higher efficiency and reliability. The western arterial, south of Beveridge North West, will be an 80 km/h facility and will have an interchange with the OMR.
- Revised density targets proposed in Part A changes

The VPA prepared the revised density targets in response to submissions but retaining the average 20 dwellings per hectare density target across the PSP. The changes result in a small reduction in the anticipated population by 387 from 50,487 to 50,100.

## 8.1 The need for two north south arterial connections

### What is the issue?

Submissions (18, 19 & 22) challenge the need for, and alignment of, the two arterial roads, identified as RD-03 and RD-04 in the PSP. Submission 32 (DoT) have post exhibition sought the design speed of 80km/h for the western north-south arterial (RD-03).

### Discussion

Submissions regarding the need for and alignment of the north-south arterial roads raise the following issues:

- The need for two, four lane secondary arterial roads
- Proposed revisions to road alignments
- The operational speed for the western north-south (WSN) arterial.

The VPA relies on the expert evidence for Reece Humpherys in support of the exhibited arterial road network. In particular, the VPA notes the updated modelling undertaken by GTA, including revised population data, that supports the delivery of two north-south arterial roads throughout the PSP area.

### The western and eastern arterials

Arterials are designed to perform primarily a through-movement function, and connection into the freeway network and secondary arterial network. The western arterial will provide a through function from the existing residential areas along the western side and north western side of the Wallan township, Darraweit Rd, and Wallan South PSP areas north of Beveridge North West PSP to the Outer Metropolitan Ring (OMR) (airport and western suburbs) and Mickleham (Merrifield), Craigieburn and Broadmeadows activity centres to the south. The expected posted speed limit of



80kph for the ultimate network (full build out) including divided carriageways and limited access from adjoining properties. The eastern arterial, with an expected posted speed limit of 60kph, is proposed to be part of the future PPTN with more localised connections between local train stations and activity centres. High Capacity Public Transport routes are generally considered as transport modes (Bus Rapid Transit, Light Rail, rail, Tram) which have dedicated transport lanes separate from general traffic. The strategic approach is to provide 34m cross section to provide for 2 lanes general traffic and the potential opportunity for 2 lanes for certain dedicated HCPT mode (based on BRT widths at 3.5m wide).

The strategic direction for arterial roads set in the North Growth Corridor plan, calls for two arterial roads within the PSP area. While Old Sydney Road is shown on the North Growth Corridor plan, it is not designated as having an arterial road function. It has been suggested (especially in the evidence of Ms Marshall) that two north-south arterial roads should not be provided within the PSP area, but that a central arterial should be delivered and Old Sydney Road elevated to arterial status. This is not consistent with the North Growth Corridor Plan and in turn would result in an arterial road between the PSP area and the Urban Growth Boundary with no development on one side and no through connections north and south (Old Sydney Rd does not cross or intersect with the OMR – as the planned arterials do). Two arterial roads are necessary to deliver the network outcomes envisaged in the growth corridor plan.

Two arterials are also required to provide appropriate network resilience. The linear north-south configuration of the growth corridor will place significant added pressure on the operation of the Hume Freeway corridor, including the Northern Highway. The Hume Freeway is a highly important National Freight Route as well as the key access for residents in the growth corridor to services and employment in Melbourne and its northern suburbs. The Northern Highway is the primary access to Kilmore, northern Victoria and southern NSW. The continuity of two arterials beyond the PSP is required to minimise reliance on the Hume Freeway and Northern Highway for local movements, access to the OMR and key northern activity centres west of the Hume Freeway. Two arterial roads will also respond to bushfire risk and contingency for incidents on the Hume Freeway and Northern Highway, by delivering additional corridors for traffic in emergency or disrupted periods. These reasons apply equally to any proposal to omit two through north-south arterial roads – whether by connecting the two arterials inside the PSP boundary or by downgrading part of one road.

### **Arterial road spacing**

The VPA acknowledges the conventional arterial road spacing of 1.6 kilometres referenced in Clause 56.06, but submits that this standard must be applied flexibly in response to local conditions such as topography, rail lines, rivers, and cultural sites.

The width of the Beveridge North West PSP corridor between the Hume Freeway and the western boundary (Old Sydney Road) of the PSP is approximately 3.9 km, therefore, supporting the provision of an alternating secondary (eastern arterial) and primary (western arterial) arterials. This is particularly the case where Old Sydney Road represents the UBG and an arterial on this location would not have the same utility as an inboard location.

In the PSP area, the ability to deliver two north-south arterials is constrained by the significant landscape features in the north western and north eastern corners of the PSP area. In response, the PSP proposes to bring the two north-south arterial roads closer than would usually be provided, near the northern boundary of the PSP. While this is closer than the typical 1.6 kilometre grid, the VPA submits this is a pragmatic response to topographical and landscape considerations.



## Requested outcome

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission, including the retention of two north-south arterial roads, with the design speed of RD-03 increased to 80km/h.

## 8.2 Additional Hume Freeway Connection

### What is the issue?

Submissions (8, 22, 27, 32, 34) raise matters regarding 'potential east-west connector' shown on Plan 9 of the exhibited PSP, including the location & purpose of the connection, street network changes to connect to the bridge, land take and ICP funding.

### Discussion

The position on the additional Hume freeway connection in both the exhibited PSP and the changes proposed in the Part A submission is focused on ensuring potential connection across the Hume are identified so as to not predetermine the outcome of further planning to be undertaken in PSP areas to the east.

The proposed relocation of the crossing, and associated amendments to the street network including the addition of a further connector street, provide a framework in which a connector could be established at a future time. This is consistent with the designation as a potential future connection.

Including a connection is consistent with the high-level network identified in the North Growth Corridor Plan. The revised location suggested in the Part A material better responds to topographical constraints and will allow additional matters to be resolved through further planning and detailed design. This further work includes consideration of funding sources and the agency responsible for delivering such a connection, nexus to development and the question of eligibility for ICP funding, matters of detailed design and land take.

Given the connection is shown on the Growth Corridor Plan, the VPA considers it appropriate to provide a framework in which this connection can be better resolved and delivered, while allowing an assessment of permit applications for this area within the boundaries of generally in accordance. Put simply, it would be premature to show the Hume connection as a defined road alignment but complete omission of the connection would be inconsistent with the Growth Corridor Plan and predetermine the outcome in Beveridge North East.

The VPA notes that this general approach is consistent with the evidence of Ms Marshall<sup>49</sup> and is supported by the witness statement of Mr Humphreys.

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<sup>49</sup> Page 33.

### Requested outcome

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission, including the revised location of the bridge and indicative road connection.

## 8.3 Amendments to the street network

### What is the issue?

Submissions seek changes to the connector street network and revisions to the road layout within the Southern Town Centre.

### Discussion

The VPA proposes several revisions to the connector and local street network in the exhibited PSP. The proposed changes are included at Figure 9 of the Part A submission, with the exception of the change to the connector street to the north of the southern town centre, and in summary include:

- Notations consistent with the flexible outcome sought for the Southern Town Centre.
- Alignment changes within properties 11 and 13.
- The addition of a connector street in property 6 to link to the potential future connection across the Hume.

These revisions:

- Will result in a more robust and permeable street network.
- Place priority on east west access and integration of the Southern Town Centre.
- Ensure the central north south connector does not duplicate the function of an arterial, but will still perform the function of facilitating through traffic.<sup>50</sup>
- Relocating the central north south connector away from the drainage corridor will facilitate a more flexible and higher amenity interface.
- The additional connector to the potential connection across the Hume will permit a through connection if this crossing is developed to provide connection between the Beveridge North West and Beveridge North East PSPs.
- The proposed amendments to the street network within the Southern Town Centre Flexible Design area are subject to detailed design, however the graphic changes convey a stronger sense of integration between the southern town centre and surrounding land.

### Requested outcome

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.

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<sup>50</sup> On the different role of arterial and connector roads, see generally the GAA PSP Note - Our Roads: Connecting People



## 8.4 Old Sydney Road

### What is the issue?

Submissions (12, 18, 19, 22 and 27) raise matters relating to the role and function of, upgrades to, and ICP funding for Old Sydney Road.

### Discussion

Several submissions assert that Old Sydney Road should be incorporated within the road network of the PSP. These submissions seek to include Old Sydney Road within the associated ICP whether as a connector road or by first being upgraded to arterial road status.

At an initial level, the VPA observes that Old Sydney Road is identified in the exhibited PSP as a local connector road. Further, Old Sydney Road lies outside the PSP boundary (and outside the UGB) which is drawn along the eastern side of the Old Sydney Road reserve. The VPA submits that so long as Old Sydney Road retains connector status it is ineligible for funding under the ICP. The Ministerial Direction on the Preparation and Content of ICP under section 46GJ of the Planning and Environment Act 1987 (the Act) specifies where ICPs can be used (development settings) and the requirements for preparing an ICP including standard levy rates, land valuation and indexation methods, and the infrastructure that can be funded by an ICP. Relevantly, a local connector road is not an allowable ICP item under the Ministerial direction for a standard levy. There are limited circumstances where a connector can be the subject of a supplementary ICP<sup>51</sup>. In the VPA's submissions several of the relevant supplementary item criteria are not met in this instance.

Where appropriate, upgrades to Old Sydney Road will be undertaken as subdivision works in line with Requirement 22 of the PSP. It is understood that Council would prefer a drafting clarification of this requirement to make it clear that road will be developed in this manner by adjacent land holders. The VPA does not object to this but awaits to see the proposed wording. An indicative cross section for Old Sydney Road has been included in the PSP to guide future upgrades. Notwithstanding the above, the VPA acknowledges that Old Sydney Road may be impacted until the north south arterials are established. Impacts on Old Sydney Road, and any associated mitigation or upgrade works, are matters to be assessed at the permit application stage should development progress in a way that places demand on Old Sydney Road, especially where that development is proposed prior to the establishment of the arterial road network.

The VPA acknowledges the evidence of Mr Czarny which supports "widening or improvement of the Old Sydney Road corridor"<sup>52</sup> and the evidence of Ms Marshall which asserts there is a nexus between development and Old Sydney Road but that Old Sydney Road "does not need to be included in the BNW ICP".<sup>53</sup> The VPA does not dispute that opportunities exist for the upgrade and widening

<sup>51</sup> Page 15 ICP Ministerial Direction, the requirements are cumulative and require in summary fragmented land that is problematic, the item is essential, supported by Council and a matter than can be fairly charged between developers.

<sup>52</sup> Page 22.

<sup>53</sup>

of Old Sydney Road. Indeed, the exhibited PSP includes a nonstandard indicative street cross section for Old Sydney Road including an unsealed trial, and median for retention of existing trees and shrubs. However, the VPA does not support the upgrading of the road to an arterial formation. The witness statement of Ms Marshall seems to contemplate, if not support, the upgrade of Old Sydney Road to arterial status. On arterial road planning, the VPA relies on the evidence of Mr Humphreys. These issues will be further explored through cross examination. The VPA also relies on its commentary above as to the role and function of Old Sydney road not performing a true arterial function.

### **Requested outcome**

The VPA respectfully requests the Panel recommend the Amendment is adopted without revisions in respect of Old Sydney Road, and note that any works to Old Sydney Road necessitated because of development, may be the subject of permit conditions at the direction of the Responsible Authority.

## 9 INTEGRATED WATER MANAGEMENT & UTILITIES

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### 9.1 Amendments to the drainage and waterways network

#### What is the issue?

Submissions variously seek the inclusion of additional water sensitive urban design measures or amendments to the waterway corridor such as reduction in corridor size.

Submissions from Melbourne Water (including pre-panel discussions) have identified the need for an additional sediment basin on the southern boundary of Parcel 15 and an additional retarding basin on the eastern edge of Parcel 6.

#### Discussion

The VPA does not support substantial revisions to the drainage and waterway provisions of the PSP. The PSP reflects the requirements of the Melbourne Water Kalkallo Creek Drainage Services Scheme (DSS) which applies to almost the entire PSP area with the exception of a narrow strip along the northern boundary which is within the Taylors Creek DSS and a smaller area to the east of Spring Hill cone adjacent to the southern end of the Northern Highway falling within the Hadfield Road DSS. The DSS reflects the best information currently available regarding the requirements for waterways, including waterway widths and basin locations. The DSS is established under separate legislation and this Panel is not in a position to review the DSS.

This is not new territory in the context of PSPs. In Hume C207 and C208 the Panel heard a range of similar submissions and stated:<sup>54</sup>

*The VPA set out in some detail the process for the development of Development Services Schemes (DSSs) by Melbourne Water and how these DSSs are subsequently reflected in PSPs. It is clear that this process provides an opportunity for landowners to request changes to the DSS covering their land. A further opportunity to refine the design of drainage and water infrastructure is also available to developers at the detailed design/subdivision stage.*

*The Panel heard from several drainage experts on site-specific changes to the PSPs with respect to water and drainage assets sought by submitters. There was little cross-examination of these witnesses and the VPA and Melbourne Water generally accepted their evidence. However, as noted by the VPA, there is an accepted process for amending PSPs with respect to water and drainage infrastructure, which involves firstly that proposed infrastructure changes are submitted to Melbourne Water for assessment and, if accepted, incorporated in the relevant DSS. Only then is the VPA in a position to amend the PSP to reflect the final DSS approved by Melbourne Water.*

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<sup>54</sup> At 80.

*The Panel notes the relationship between DSSs and the PSPs and endorses the approach outlined by the VPA. This approach is reasonable and provides ample opportunity for landowners and developers to request changes to the DSS and through that process, any necessary amendments to the relevant PSP. The note proposed by the VPA to be added to the PSP Plan 11 provides guidance on the approach including the practice of allowing variations to the DDS at the subdivision application stage where developer-proposed alternative schemes satisfy a DSS's functional and cost requirements. The Panel supports the addition of the note to Plan 11. It also supports the changes to the PSPs with respect to integrated water management as agreed between the VPA and the water authorities.*

*The appropriate process for assessing site-specific changes to a DSS and subsequently a PSP has been well articulated by the VPA. This process does not in the Panel's view involve the Panel assessing site-specific changes to drainage and water management assets and the Panel makes no comments as to the merits of the changes requested by submitters. Assessment of those changes is a matter for Melbourne Water*

A further complication in this location is the prevalence of sodic soils. The VPA included a permit trigger for the assessment of soil quality in permit application and the evidence of Mr Sandercock suggests that waterways are one area of particular concern with this issue. The VPA submits that it would be premature to agree to further changes to waterways in the absence of these detailed permit application soil reports.

The VPA notes the witness statement of Mr Unger which goes to the issue of waterway design and in particular waterway widths and supports the inclusion of additional retarding basin in the south eastern corner of the PSP area – in a different location. In general terms, the VPA supports the views of Melbourne Water on these matters and notes the final outcome will be the results of detailed design and the final Hadfield Road DSS (currently on interim rates). Summarising the matters above:

- Mr Unger's conclusions are in part predicated on the view that dispersive soils are not present in the PSP area.<sup>55</sup> This issue has been addressed in further detail through the evidence of Dr Sandercock. The VPA does not support a reduction in waterway widths in light of the further investigation at the development stage recommended, in response to the soils analysis.
- The review of the DSS is a matter subject to a separate process, under separate legislation, managed by Melbourne Water. Any revisions to the PSP would result in a disconnect between the PSP and the underlying scheme that the PSP seeks to implement.
- The DSS is a flexible document that is subject to detailed design. The VPA observe that it is common practise for detailed design to result in modifications to the drainage outcome - commonly to decrease the waterway width and increase the developable area of a parcel. To this end the VPA proposes to:
  - Omit table 13 of the exhibited PSP which indicates waterway width requirements.
  - Include a note on plan 11 stating "The final layout and dimensions of the drainage network is subject to detailed design. Stormwater quality treatment and use of

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<sup>55</sup> Page 32.

stormwater harvesting is subject to detailed design to the satisfaction of Melbourne Water and Mitchell Shire Council”.

These changes will allow the waterway design to be implemented within the usual flexibility afforded by being generally in accordance, without the complication of specified channel widths.

As set out in the Part A submission the VPA proposes revisions to the drainage and waterway layout in the exhibited PSP to reflect the requirements of Melbourne Water under the Kalkallo Creek DSS and the Hadfield Road DSS.

- The Hadfield Road DSS is an interim DSS that is subject to further preparation and refinement by Melbourne Water. Melbourne Water has requested the PSP be amended to include an additional retarding basin of approximately 0.5 hectares on the eastern boundary of property 6 near the Hume Freeway. This basin will form part of the Hadfield Rd DSS, but was not included in the exhibited PSP as the DSS was not sufficiently resolved at the time of exhibition.
- Melbourne Water has also requested the PSP be updated to include a 0.3 ha sediment basin on the southern boundary of the Parcel 15, near the Camerons Lane interchange. The asset was omitted in error in the exhibited version of the PSP.

### Requested outcome

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission, including the additional basins requested by Melbourne Water.

The VPA respectfully requests the Panel recommend the Amendment is adopted without reduction in waterway corridor widths.

## 9.2 Development interfaces adjoining drainage corridors

### What is the issue?

Submissions seek revisions to the PSP to clarify the expected outcomes at interfaces between development and drainage corridors.

### Discussion

The issues raised in submissions focus on the expected outcomes in these interface areas. In response the VPA proposes revisions to section 3.1 of the PSP, including:

- Addition of proposed Requirement 4, which will require active frontages to waterways, conservation reserves and active open space areas.
- Addition of proposed Guideline 16, which provides guidance on the outcomes where a street frontage is not possible.



- Addition of a new street cross section in Appendix 4.7 (previously Appendix 4.4), titled “Interfaces with Waterways and Open Space”.

The VPA submits these proposed amendments will provide clear guidance regarding expected development outcomes. Further the proposed amendments reflect provisions used in previous PSP documents and reflect accepted development standards in Urban growth areas.

### Requested outcome

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.

## 9.3 Sodic Soils

### What is the issue?

Submissions regarding sodic (dispersive soils) relate to the prevalence of sodic soils within the PSP area, and the risk of erosion associated with urban development that disturbs the soils and exposes these soils that are prone to erosion.

The questions raised go to whether the PSP area is capable of being developed for urban purposes.

The VPA suggests that these questions are more properly characterised in the following hierarchy of matters:

- Is the existence of sodic soils properly a matter of management and design of urban development or a red flag that should concern the Panel?
- Does the PSP or ordinance as now proposed disclose the issue of sodic soils to the user?
- Does the PSP ensure that these soils are fully assessed at the time of permit applications such that management can be employed successfully in development?

The VPA submits that sodic soils are properly a matter of design and management, that it will be clear to the user of the UGZ3 that sodic soils are an issue to be addressed by the inclusion of an application requirement and that this application requirement will ensure design and construction is responsive to soil condition.

### Discussion

The VPA submits that the constraints posed by sodic and dispersive soils can be appropriately managed during and post development to realise the development of the PSP area consistent with its inclusion in the UGB.

At the core of the submissions from Merri Creek Management Committee and Mr Seymour is a concern that the issue had not been adequately investigated at the time of exhibition and would limit the ability to develop the PSP area generally in accordance with the future urban structure. These concerns are held by submitters who’s concern for the environment is readily appreciated. However, whether or not the matters were investigated early or later is not the right question for a merits based Panel.



Management of environmental risks is an issue well known to the planning system. Indeed, the objectives of the planning framework include ensuring “that the effects on the environment are considered” in the planning process. Similarly, state policy at clause 13.04-2S seeks to “protect areas prone to erosion, landslip or other land degradation processes” but does not direct development entirely away from areas susceptible to soil degradation. Strategies to that clause include identifying areas of concern in the planning scheme and at the application stage, and preventing inappropriate development. The process of identifying risks and ensuring development appropriately responds to those risks is a common approach employed across Victoria in a range of disciplines. The planning system does not direct that development be abandoned when a risk is identified – rather the planning system requires development to appropriately respond to those risks.

The VPA acknowledges that a detailed soils study had not been conducted at the time of exhibition. This issue has been addressed through the further investigations conducted by Jacobs and the expert witness statement of Dr Sandercock. Importantly, that study does not recommend the VPA abandon the Amendment, but rather concludes that “Erosion risks associated with sodic and dispersive soils can be managed by appropriate planning.”<sup>56</sup> The VPA relies on the evidence of Dr Sandercock on sodic soils matters.

Two expert witness statements have been filed on the issue of sodic and dispersive soils:

- Evidence of Dr Robert HM van de Graaff – called by Scott Seymour
- Evidence of Dr Peter Sandercock – called by the VPA

The key findings of the work undertaken by Jacobs was summarised in the Part A submission as follows:

- Topsoils across the PSP area are typically non-sodic; however, sub-soils vary from moderate to high sodicity.
- Due to the variation in the depth of topsoil, there is a moderate to high risk of erosion across the PSP.
- Areas identified as being particularly susceptible to the risk of erosion are drainage depressions/seasonal wetlands, Kalkallo Creek and tributaries, and areas of steep slope.
- Activities that have the potential to expose sodic and dispersive soils include removal of topsoil, sub soil excavations (cut and fill), supply of services by trenches, and construction of roads and culverts.
- Changes to hydrology resulting in elevated velocity of water flow (e.g. such as concentration of flow in culverts, runoff from impervious surfaces) may also increase the risk of erosion.
- Erosion risks associated with sodic and dispersive soils can be managed by appropriate planning and construction management measures that can be assessed and prepared at the permit level via detailed plans to manage sodic and dispersive soils.
- Careful staging of works is important.
- Whilst it may be difficult to achieve, development should commence at the top of the catchment in the landscape then moving downstream progressively.

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<sup>56</sup> Witness statement of Dr Sandercock, line 117.

Importantly, the Jacobs report appended to Dr Sandercock witness statement:

- “concur with the planning requirements and guidelines”.<sup>57</sup>
- Acknowledges that changes may be required to the Melbourne Water Developer Services Scheme.
- Outlines several treatment options for wetlands but also for the development phase<sup>58</sup>, articulating measures such as diverting water flows away from dispersive soils where possible, minimising ponding of surface flows, compacting soils, trenching techniques.
- Identified short-term stabilisation techniques for construction sites such as treating with gypsum, hydrated lime or agricultural lime.
- Provides examples of physical ameliorants such as the use of geotextile fabrics, use of organic matter such as Hydro-mulching, and seeding with fast-growing species.

The witness statement of Dr van de Graaff:

- Draws on previous work (1970’s and later) highlighting the sodic nature of the soils but notes the general nature of this earlier work, and the mapping of soils was undertaken at scales greater than and up to 1:25,000.
- Notes Land Capability assessments for Mitchell Shire focussed on agricultural uses and erosion issues identified then were linked to inappropriate development (page 5).
- Questions why background reports for BNW did not address the sodicity issue.
- Considers the apparent absence of understanding of soil sodicity is a major constraining environmental factor.
- Considers the Structure Plan does not address erosion, serious soil sodicity, soil dispersion, salinity, highly turbid runoff and stream water degradation.
- States that “Australia happens to be the continent with the greatest extent of sodic soils. CSIRO produced one of the earliest papers on the effect of electrolyte concentration and sodicity on soil permeability in 1955. Quirk and Schofield’s paper was recognised in 2013 by the European Journal of Soil Science as a Landmark paper” (page 10).
- Questions why the VPA did not refer to previous work prepared by the CSIRO and the former Soil Conservation Authority.
- Refers to a 2009 Tasmanian Department of Primary Industries and Water Technical Reference Manual entitled “Dispersive Soils and their Management” (page 12) setting out appropriate and inappropriate management techniques for the management of sodic and dispersive soils.
- Concludes that further investigations are required to determine if development should proceed, identifies risks in the western portion of the PSP area, and asserts physical techniques are unlikely to be successful.

The VPA submits:

- There is broad agreement between the two expert reports that sodic and dispersive soils are present in the PSP area and are an environmental risk that must be managed. The reports disagree on the appropriate response.

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<sup>57</sup> Jacobs report, 5.2.

<sup>58</sup> Jacobs report, 5.3



- The evidence of Dr Sandercock, including the Jacobs Report, represents the best evidence before the Panel on the issue.
- Jacobs are an experienced consultancy who regularly advise planning and water authorities on environmental matters. Importantly, the evidence of Dr Sandercock is the only evidence before the Panel that is based on field work and sampling. His opinions are based on direct management of the issue of sodic soils in northern Melbourne and elsewhere.
- Proposed revisions to the PSP and ordinance will ensure appropriate further investigations are undertaken at the application stage, and relevant management techniques are applied on each site.

### Changes proposed in response to submissions

In response to the submissions from Council regarding the need for site environmental management plans and the evidence of Dr Sandercock, the VPA proposes revised controls to address sodic and dispersive soils.

- Proposed revisions to the PSP include:
  - Amend R18 to manage the risk of erosion of sodic/dispersive soils in the design of stormwater conveyance and treatment.
  - Revise R19 to require final designs protect the subsoil layer and for those designs to be to the satisfaction of both the responsible authority and Melbourne Water.
  - Amend R20 to ensure that development staging and interim solutions address the risk of erosion from sodic/dispersive soils.
  - Guidelines 60 and 61 to emphasise the need to manage erosion risks during and after construction, and articulate relevant management techniques consistent with the Jacobs report such as diverting water, compacting soils, and use of physical and chemical ameliorants.
- Proposed revisions to the UGZ3 include:
  - A general permit trigger at clause 2.0 Specific provisions - Buildings and works for Earthworks.
  - The inclusion of a mandatory sodic and dispersive soil management plan condition to subdivide land or undertake earthworks which requires consideration of existing site conditions and recommendations for soil management practices. These application requirements draw on the established application requirements under the Erosion Management Overlay.
  - The development of a site management plan to ensure management techniques are implemented in the development phase.
- The application of the Erosion Management Overlay to land within the RCZ2 will ensure erosion issues are managed in this part of the PSP Area that is not covered by the proposed requirements under the UGZ3.

### Requested outcome

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission, including the addition of a permit trigger for earthworks, and management plan requirements.



## 9.4 Hanna Swamp

### What is the issue?

Submissions seek the retention and restoration of Hanna Swamp which is not retained in the exhibited PSP.

### Discussion

Hanna Swamp is an artificially drained pre-European wetland on the northern border of the PSP area. The former wetland is partly within the PSP boundary but primarily located within the future Wallan South PSP area.

The VPA does not propose changes to the Amendment to retain or restore Hanna Swamp. This is primarily due to the lack of identified biodiversity values within the former swamp, lack of identification in the Taylors Creek DSS and associated role in the drainage system, and the absence of an identified land manager or purchaser.

Firstly, biodiversity values of all land within the Urban Growth Boundary was assessed as a part of Biodiversity Conservation Strategy for Melbourne's Growth Corridors (DEPI, June 2013) (BCS). One of the purposes of the BCS is to "Identify the land within the growth corridors that is required to be protected due to the sub-regional species strategies and the prescriptions for matters of national environmental significance".<sup>59</sup> Hanna Swamp was not included as a Conservation Area within the BCS because it was identified as not strategically important for Matters of National Environmental Significance under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) - in particular it was not strategically important habitat for the Growling Grass Frog nor a Seasonal Herbaceous Wetland.

Native vegetation mapping forming part of the BCS does not identify any Ecological Vegetation Class (EVC) present in the location of Hanna Swamp. Further, the VPA understands the current mapping information held within DEWLP to indicate the former swamp no longer has any identified biodiversity values. For these reasons, the VPA submits biodiversity values do not support the retention of the former swamp.

Secondly, the absence of an identified purchaser or land manager limits the utility in reactivating the swamp. The northern part of the PSP drains into the Taylors Creek DSS managed by Melbourne Water. Melbourne Water has confirmed the floodplain identified on the PSP's features plan is not required as a part of the Taylors Creek DSS. While the hydrology underpinning the Taylors Creek DSS is being reviewed, the VPA understands that (assuming the former Hanna Swamp were to be utilised) any additional floodplain could be readily provided within the area covered by the Wallan South PSP. The alternate likely custodian of a wetland, Council, has similarly not expressed interest in acquiring or managing the wetland.

In circumstances where:

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<sup>59</sup>

BCS, 1.1.

- The former swamp is within the Urban Growth Boundary
- The former swamp has no currently mapped biodiversity values
- There is no identified purchaser or land manager
- The former wetland does not form part of the current DSS
- Given a substantial extent of Hanna Swamp lies beyond the PSP boundary, in a PSP area that is yet to be planned, if the former swamp were required under a revised DSS, those treatments could be located outside the PSP boundary.

The VPA considers it appropriate to not protect or restore the former Hanna Swamp through the PSP.

### **Requested outcome**

The VPA respectfully requests the Panel recommend the Amendment is adopted without revisions in respect to Hanna Swamp.

## 10 PRECINCT INFRASTRUCTURE & STAGING

### What is the issue?

Submissions 8, 18, 19, 22, 27 and 32 raise issues related to infrastructure provision and costings. These generally relate to the provision of infrastructure funded by the proposed ICP that has not been exhibited with the PSP.

- Ms Marshall challenges the design and apportionment of IN-03 Western Arterial/Camerons Lane and contends Camerons Lane – WNS Arterial to Old Sydney Road should be included as a road project within the PIP.
- Ms Marshall also challenges the apportionment of IN-08 and IN-09 Hadfield Road Intersections, whereas Mr Ainsaar supports apportionment costs of infrastructure for IN-08 and IN-09.
- Mr Ainsaar believes the northern part of the PSP area is likely to be the last area to develop. He is also of the opinion the standard levy for transport is exceeded, the community and recreation costs exceed the capped levy and a Supplementary Levy is required for the BNW ICP.
- Mr Ainsaar considers there is a nexus for the cost of construction for the section of Hadfield Road between the two north-south arterials and that apportioning some of the cost the BNWPSP would be appropriate.
- Asserts the passive public open space around the Cone should be considered as creditable open space in the PSP, with a minimum of 1.92 ha credited as local open space.
- As Mr Ainsaar contends there should a reduction in landscape values around Spring Hill Cone, there is potential for an alternative layout for the area generating an estimated increase in net developable area of approximately 27.8 ha (842.98 dwelling units).

### Discussion

The witness statements of Ms Marshall and Mr Ainsaar question apportionments and funding of intersections and roads.

The ICP sets out costing of items using the “Benchmark Infrastructure Costings Report” (VPA, 11 April 2009). This is a generally accepted approach. Where those items are non-standard, largely due to topographical constraints, the VPA had bespoke costings prepared. Mitchell Shire Council is the agency responsible for the delivery of ICP and bespoke items, and are satisfied with the costs.

In terms of funding the east-west arterials bounding Beveridge North West and Wallan South, the VPA approach is to fund these within its respective PSP. For Beveridge North West, this is Camerons Lane. For Wallan South this is Hadfield Road. On this basis it has been determined that Wallan South should fund 100% of Hadfield Rd.

Wallan South is not expected to fund Cameron’s Lane despite an element of traffic loading from Wallan South utilizing Camerons Lane (in particular to access the future interchange). This is a pragmatic apportionment. In response to apportionments of intersections, it should be noted that Beveridge North West contributes 50% of the cost of the intersections onto Hadfield Road. The VPA uses the PSP Guidelines to determine active and passive open space (Element 5). The applicable standards in this regard are S2 and S3, which states “*In residential areas, approximately*



*10% of the net developable area as total public open space, of which 6% is active open space".* Guidance is provided in S4 and S5 on the characteristics of the active and passive open space.

The principle underpinning the provision of credited open space applies to land that would otherwise be used for urban development, but for the decision to use it for passive or active open space. The land at question, Spring Hill Cone, is currently zoned RCZ and is not land that would otherwise be developed. Furthermore, the importance of this area's landscape values is in keeping with the RCZ.

The VPA does not agree with the arguments about apportionment or credited open space. It intends to test the evidence and further its understanding of the proposals put by the submitters.

### **Requested outcome**

The VPA respectfully requests the Panel recommend the Amendment is adopted subject to the proposed revisions tabled with the Part A Submission.

## 11 CONCLUSION

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The Amendment is the product of a sustained period of strategic work. Negotiations with submitters and the changes proposed in the Part A submission have, in the VPA's view, further narrowed the issues in dispute. The VPA will continue discussions with submitters during the Panel hearing and will further these submissions through the evidence of Mr Glossop, Dr Sandercock, Mr Hanson and Mr Humphreys, and cross examination witnesses where appropriate.