

# PSP 1069.1 Shenstone Park

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**Precinct Structure Plan**

**Part A Submission**



October 2020



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## LIST OF ABBREVIATIONS

CEM	Catholic Education Melbourne
CFA	Country Fire Authority
CoW	City of Whittlesea/ Whittlesea City Council
DELWP MSA	Department of Environment, Land Water and Planning – Melbourne Strategic Assessment
DELWP	Department of Environment, Land Water and Planning – Land Management
DJPR	Department of Jobs, Precincts and Regions – Extractive Resources Regulation
DJV	Donnybrook Joint Venture
DoT	Department of Transport
DSS	Development Services Scheme
EIIA	Extractive Industry Interest Area
EPA	Environmental Protection Authority
GWZ	Green Wedge Zone
ICP	Infrastructure Contributions Plan
LCC	Local Convenience Centre
LTC	Local Town Centre
MICLUP	Melbourne Industrial and Commercial Land Use Plan
MCMC	Merri Creek Management Committee
ML	Gas Measurement Length
MW	Melbourne Water
PSP	Precinct Structure Plan
SMS (Gas)	Safety Management Study
UGB	Urban Growth Boundary
UGZ	Urban Growth Zone
VSBA	Victorian School Building Authority
VPA	Victorian Planning Authority
YVW	Yarra Valley Water



# 1 INTRODUCTION

This Part A submission is made on behalf of the Victorian Planning Authority (VPA) in response to Order 17 of the Panel's directions dated 4 September 2020 in respect of Amendment C241wsea to the Whittlesea Planning Scheme.

The VPA is the Planning Authority for Amendment C241wsea to the Whittlesea Planning Scheme (the Amendment). Whittlesea City Council (Council) is the responsible authority in respect of the Whittlesea Planning Scheme (Planning Scheme).

The Amendment seeks to amend the Planning Scheme to facilitate urban development within the Urban Growth Boundary (UGB), by incorporating the Shenstone Park Precinct Structure Plan (PSP) and make various ordinance and mapping changes to give effect to the PSP. A subsequent amendment will be required to introduce an Infrastructure Contributions Plan (ICP).

The Amendment has been prepared by the VPA in collaboration with Council, government agencies, relevant stakeholders, and landowners.

Formal exhibition of the Amendment commenced on 10 October 2019 and concluded on 15 November 2019. A total of 32 submissions were received in response to notification of the Amendment. Three submissions (Blueways, DELWP Heritage and Catholic Education Melbourne) were withdrawn prior to the appointment of the Panel), and one late submission (Monteleone) was referred to the Panel in October 2020.

The VPA has worked diligently with all stakeholders to resolve as many of the submissions as practicable. The issues raised in the unresolved submissions and the VPA's response in relation to the same are outlined in Section 6 and detailed in Appendix 1 – Submissions Response Table.

As directed by the Panel, this Part A Submission includes:

- a) a summary of the strategic context, including:
  - (i) relevant planning policies and controls (at section 3)
  - (ii) other amendments that may be under preparation or recently approved that may impact on the Amendment (section 7)
  - (iii) any current permit applications that may impact on the Amendment or the PSP area (section 2.8)
- b) mapping which shows the separation distances under clause 53.10 in comparison to the buffers shown on Plan 15 of the PSP (to the extent this is not covered in the quarry statement) (section 6.4)
- c) the rationale for identifying land not currently owned or controlled by the Barro Group in the PSP as 'future extractive industries' (section 6.3)
- d) information as to the status of the proposed Shenstone Park ICP, including:
  - (i) when the ICP is planned to be approved and implemented (section 5.4)
  - (ii) whether the ICP will include a supplementary levy (section 5.4)
- e) a summary of the main issues raised in submissions (section 6)
- f) any further changes the VPA proposes to make to the Amendment in response to submissions, beyond those referred to in Direction 5(b) (section 6.3 and Appendix 1)
- g) any other strategic material that the VPA intends to rely on in support of the Amendment that has not yet been provided, or that might assist the Panel in its consideration of the Amendment (Section 7).

## 1.1 Whole of Government Position

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

- Country Fire Authority
- Department of Transport
- Department of Education and Training (Victorian School Building Authority)
- Melbourne Water
- Yarra Valley Water (in its capacity as utility provider)
- Department of Environment, Land Water and Planning – Melbourne Strategic Assessment
- Department of Environment, Land Water and Planning – Land Management
- Department of Jobs, Precincts and Regions – Extractive Resources Regulation

## 1.2 Panel directions – preliminary issues raised

A Panel Directions Hearing was held on Monday the 31 August 2020. The Panel Directions outlined a number of matters for the VPA and other parties to consider. The quarry statement required by the Panel Direction 14 was filed on 16 October 2020. To reduce duplication, the VPA relies on the quarry policy extracted in that statement.



## 2 BACKGROUND TO THE AMENDMENT

### 2.1 Land subject of the Amendment

The Amendment applies to the Shenstone Park Precinct (the Precinct), which is an area of approximately 628 hectares within the south-west of the City of Whittlesea.

The amendment applies to land included in the Shenstone Park PSP as shown on Figure 1 Whittlesea C241wsea Amendment Area (Shenstone Park) **Error! Reference source not found.** The PSP area is generally bounded by Donnybrook Road to the north, the Urban Growth Boundary to the east, the Wollert suburb boundary to the south, and the Sydney/Melbourne railway corridor to the west.

The precinct lies immediately south of the Donnybrook/Woodstock Precinct Structure Plan area. The English Street Precinct Structure Plan area is located to the west, separated from the PSP area by the Sydney/Melbourne railway corridor. Further east (surrounding the English Street Precinct Structure Plan Area) is the Craigieburn North Employment Area Precinct Structure Plan area. The Donnybrook Train Station is located immediately north west of the PSP area, and forms part of the Lockerbie Precinct Structure Plan Area. The land to the east is outside the Urban Growth Boundary. The land to the south is identified for the future Northern Quarries PSP area (not commenced).

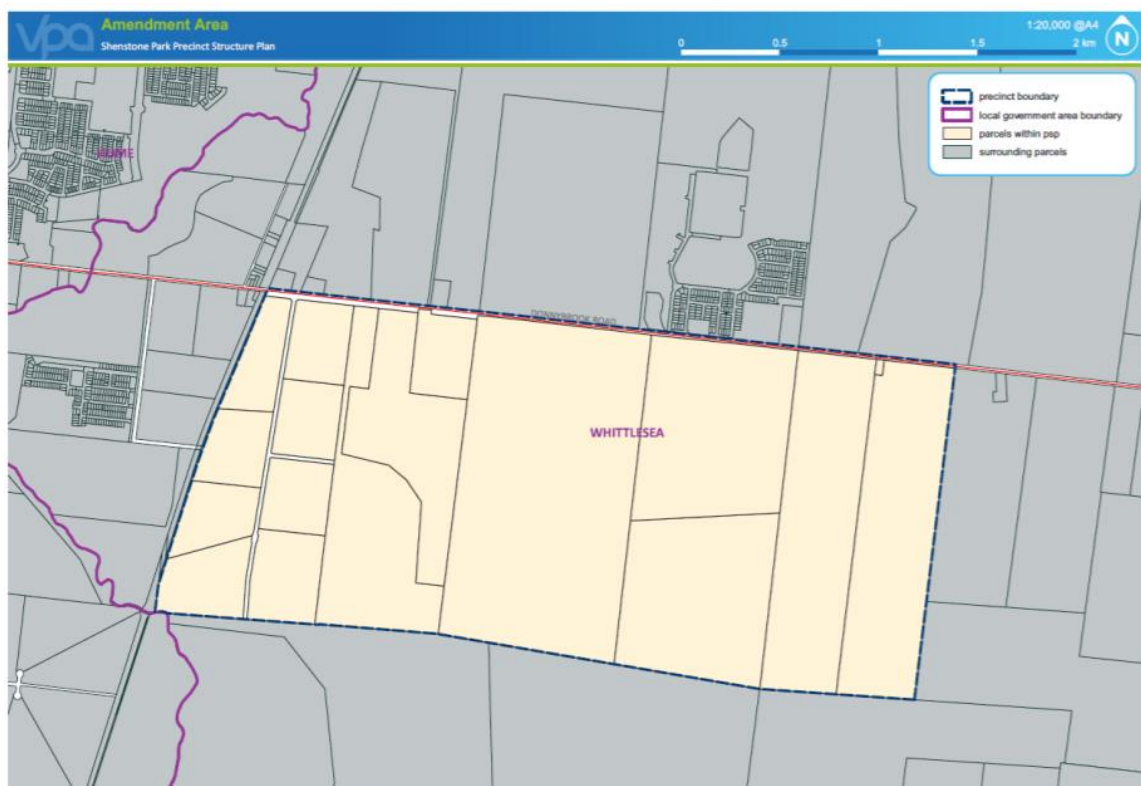


Figure 1 Whittlesea C241wsea Amendment Area (Shenstone Park)

### 2.2 Key features

The precinct is defined by the existing Woody Hill Quarry which is located in the south western area of the PSP (Figure 2). The central and eastern areas of the PSP are characterised by stony knolls (rises) which are distributed throughout the landscape. Areas identified with desktop indigenous cultural heritage values are generally associated with these stony knolls. There are two waterways which flow (in a southerly direction)

through the precinct: Tributary of Merri Creek on the northern and western sides and Tributary of Darebin Creek in the north western corner.

The precinct has been largely cleared for agriculture however there are several areas of remnant vegetation. Conservation Areas 28 and 34 are within Shenstone Park PSP. Located along the southern boundary of the precinct, the total of Conservation Area 28 is characterised by nature conservation and open space containing predominantly scattered trees. The key rationale for Conservation Area 28 is the protection of River Red Gums, Plains Grassy Woodland and Plains Grassland ecology. Conservation Area 34 is for the protection of Growling Grass Frogs along the Merri Creek.

There are two main features of post-contact heritage within the precinct. Dry-stone walls are found of varying significance throughout the eastern side of the precinct. There is also an existing farmstead at 1030 Donnybrook Road (HO187)<sup>1</sup> which is a representative example from the late 19<sup>th</sup> or early 20<sup>th</sup> Century.

There are three approved and gazetted Precinct Structure Plans (PSPs) which surround the Shenstone Park PSP. These are English Street PSP (west), Lockerbie (north west) and Donnybrook-Woodstock (north). Construction has commenced in each of these PSP areas. Land to the south of the PSP area is located within

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<sup>1</sup> The VPA notes that HO187 was the overlay number assigned prior to exhibition. However, this overlay number has now been included in the Planning Scheme as the overlay applying to a different property. References to HO187 have been retained for consistency with the exhibited material as an updated overlay number has not been assigned by DELWP, however it is anticipated that the amendment will be gazetted with an updated overlay number.

the future Northern Quarries PSP area. Planning is yet to commence for the Northern Quarries PSP and is not included on the VPA's current work program.

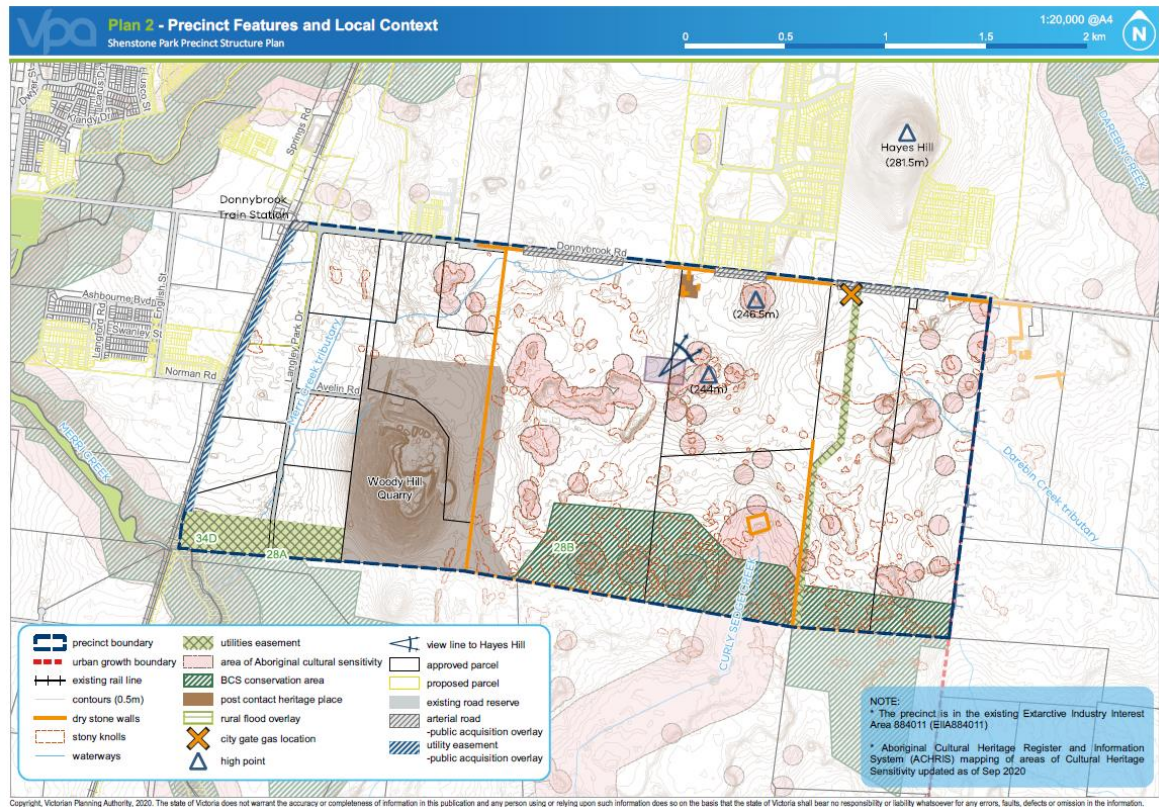


Figure 2 Precinct Feature and Local Context Plan

## 2.3 Amendment C241wsea to the Whittlesea Planning Scheme

Amendment C241wsea to the Whittlesea Planning scheme proposes to make a number of changes to facilitate the development and use of land within the Shenstone Park PSP. The current zoning applicable to the Precinct is shown in Figure 3 below.

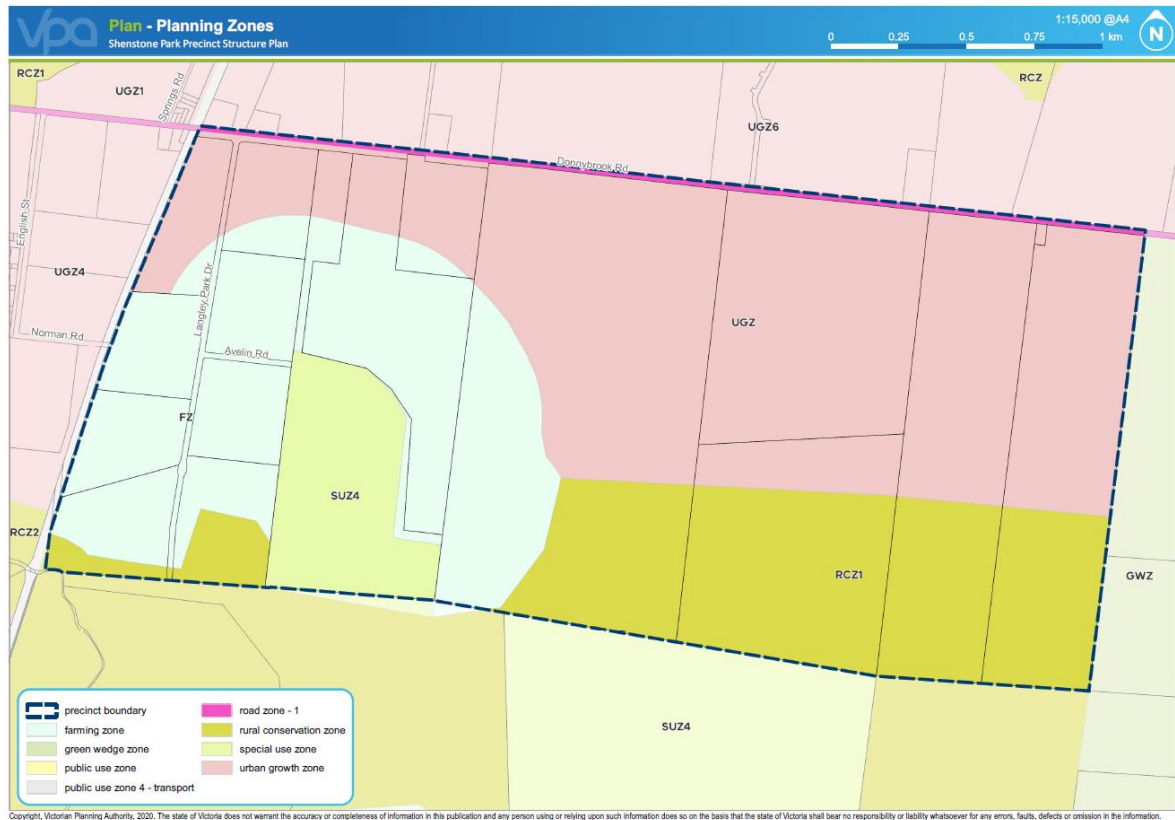


Figure 3 Current Zoning Applicable to the Shenstone Park PSP

The amendment also rezones the majority of land to Urban Growth Zone Schedule 7 to facilitate the development of the land generally in accordance with the PSP and makes a number of other consequential changes to the Whittlesea Planning Scheme to support the implementation of the PSP.

More specifically, the amendment proposes the following changes to the Whittlesea Planning Scheme:

- Inserts Schedule 7 to Clause 37.07 Urban Growth Zone (UGZ7) and rezones the majority of the precinct to UGZ7. This schedule includes controls to facilitate land use and development controls for the precinct and requires land use and development to be generally in accordance with the incorporated *Shenstone Park Precinct Structure Plan*.
- Rezones a portion of Farming Zone (FZ) land to UGZ7.
- Rezones a portion of FZ land to Special Use Zone (SUZ4) to enable the protection and expansion of the Woody Hill Quarry located within the precinct.
- Rezones land from Rural Conservation Zone (RCZ1) to UGZ7 to reflect changes to the boundary of *Biodiversity Conservation Strategy* (BCS) Conservation area 28 which was approved by the Minister for the then Commonwealth Department of Environment and Energy on 12 July 2017.
- Rezones land from FZ1 to RCZ1 to correct an error in the zoning map and to reflect the correct BCS boundary.
- Inserts Schedule 11 to Clause 37.01 Special Use Zone (SUZ11) and rezones land from RCZ1 and FZ to SUZ11 that is within the transmission line easement. SUZ11 includes land use and development controls to facilitate the development of the land generally in accordance with the PSP.
- Deletes Schedule 4 to Clause 42.01 Environmental Significance Overlay (ESO4) from land within the precinct.
- Applies Schedule 6 to Clause 42.01 Environmental Significance Overlay (ESO6) to land within the *Biodiversity Conservation Strategy*.
- Inserts Schedule 8 to Clause 43.03 Incorporated Plan Overlay (IPO8) into the Whittlesea Planning Scheme and applies IPO8 to land within the *Biodiversity Conservation Strategy* and zoned RCZ within the amendment area.
- Inserts Schedule 9 to Clause 43.03 Incorporated Plan Overlay (IPO9) into the Whittlesea Planning Scheme and applies IPO9 to SUZ11 within the amendment area which includes the existing and expanded



Woody Hill Quarry and land within the transmission line easement, to ensure any future development within these areas is generally in accordance with the PSP.

- Amends the Schedule to Clause 43.01 Heritage Overlay and includes a new entry HO187 relating to 1030 Donnybrook Road, Donnybrook.
- Amends the application of Clause 45.01 Public Acquisition Overlay to reflect changes required to PAO2 which is currently in favour of Vic Roads
- Amends the Schedule to Clause 52.17 Native Vegetation to identify native vegetation exempt from requiring a planning permit for its removal.
- Amends the Schedule to Clause 52.33 Post Boxes and Dry Stone to identify dry stone walls exempt from requiring a planning permit for demolition, removal or alteration within the PSP area.
- Amends the Schedule to Clause 66.04 Referral of Permit Applications Under Local Provisions to require:
  - Referral to the Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* of an application for subdivision, the use of land, or the construction of a building or carrying out of works on land within the 'Woody Hill sensitive use buffer' shown on Plan 15 of the PSP.
  - Referral to the Department of Transport of an application for subdivision, use of land or the construction of a building or carrying out of works on land identified as 'station car parking' on Plan 3 of the PSP.
  - Referral to the Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* for an application for subdivision, the use of land, or the construction of a building or carrying out of works for Accommodation, Crematorium, Education centre, Food and drink premises, Funeral parlour, Display home centre, Hospital, Medical centre, Place of assembly, Retail premises and Veterinary centre on land identified as 'future residential area' on Plan 3 and within the 'Phillips Quarry sensitive use buffer' on Plan 15 of the PSP.
- Amends the Schedule to Clause 66.06 Notice of Permit Applications Under Local Provisions to require:
  - Notice to the gas pipeline licensee under the *Pipelines Act 2005* for a permit application for Accommodation (other than Dwelling), Child care centre, Cinema based entertainment facility, Corrective institution, Education centre, Hospital, Place of Assembly, Residential aged care facility, retail and service station within the '495m measurement length' shown on Plan 15 of the PSP.
- Amends the Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme to incorporate the *Shenstone Park Precinct Structure Plan, September 2019* and *1030 Donnybrook Road Statement of Significance, September 2019*.

Note:

- The Instruction Sheet is to be updated post panel in accordance with the above and any subsequent changes.
- The Shenstone Park ICP will be introduced via a separate amendment and will introduce the associated schedule to the Infrastructure Contributions Overlay applying to the land within the amendment area. The PSP includes Table 9 Precinct Infrastructure Plan which will provide strategic justification for the contribution items in that future amendment.

### 2.3.1 Key Changes to Planning Scheme Ordinance Post Exhibition

Having considered submissions, the VPA will seek recommendations to adopt a number of key changes to the planning scheme ordinance. The justification for the changes is predominantly located in Section 6 however a high-level summary is provided below.

#### Mapping Changes

A series of planning scheme mapping changes are required in response to submissions. The changes required to mapping are summarised below:

- Amend the extent of SUZ4 to reflect proposed changes to the FUS.
- Amendment the extent of IPO9 to delete its application over land zoned SUZ4.

Note:

- The extent of application of the RCZ to 960 Donnybrook Road will be amended in line with the approved amended BCS Conservation Area 28 approval dated 1 October 2020. The VPA will await making the change to the zoning map until DELWP update their mapping system.
- The extent of application of PAO2 along Donnybrook Road will be amended to reflect the correct alignment of the PAO. Further confirmation required from DoT in order to make this change to the mapping.

**Proposed Changes to Urban Growth Zone – Schedule 7**

The following changes are proposed to the exhibited version of the UGZ7 in response to submissions. The changes are discussed in detail at Section 6:

- Update Plan 1 of UGZ7 to reflect the updated FUS.
- Delete the inclusion of utility facility within Table 1: Applied zone provisions to be consistent with the updated FUS.
- Changes to the specific provisions land use table:
  - Change the reference to the measurement length (ML) to 495m.
  - Delete the inclusion of the RGZ to specific land uses that are Section 1 uses.
  - Allow utility installation to be exempt from a permit, subject to conditions to facilitate any future use of the relevant area by Yarra Valley Water for holding ponds).
  - Delete education centre as being specifically listed as requiring a permit within the 'future residential area' and within the 'Phillips Quarry sensitive use buffer'.
  - Include specific Place of assembly uses and Informal outdoor recreation uses as requiring a permit within the 'Woody Hill sensitive use buffer'.
  - Delete prohibition of Caretaker's house, Education centre and Hotel that was within the 'sewage treatment plant odour buffer'.
- Inclusion of permit trigger for earthworks where the land is identified as being subject to sodic / dispersive soils.
- Changes the specific provision 'No buildings within Woody Hill Blast Buffer' to allow for buildings associated with an extractive industry.<sup>2</sup>
- Inclusion of or changes to application requirements including:
  - Subdivision – residential development changed to refer to Head, Transport for Victoria and Bushfire Site Management Plan.
  - Environmental Site Assessment changed to be Preliminary Site Investigation as well as amended wording.<sup>3</sup>
  - Traffic Impact Assessment changed to refer to Head, Transport for Victoria.
  - Inclusion of Sodic and Dispersive Soils Management Plan.
  - Inclusion of Affordable Housing Assessment.
  - Inclusion of Dry Stone Wall Management Plan.
- Inclusion of or changes to permit conditions including:
  - Environmental Site Assessment changed to Environmental Audit as well as amended wording.
  - Inclusion of a requirement for the preparation of a Sodic Soil Management Plan.
- Inclusion of or changes to decision guidelines including:
  - Deletion of the Yarra Valley Water Sewage Treatment Plant decision guideline.
  - Inclusion of an Affordable Housing decision guideline.

**Proposed Changes to Special Use Zone – Schedule 11**

<sup>2</sup> This is an additional recommended revision to those included in the direction 5(b) materials.

<sup>3</sup> Part of the wording changes is an additional recommended revision to those included in the direction 5(b) materials.

SUZ11 is proposed to be changed to reflect changes made as a result of Amendment VC175 which was gazetted on 26 May 2020. This ensures consistency between the proposed SUZ11 and the updated underlying Industrial 1 Zone.

SUZ11 has also been updated to change the buildings and works permit requirements in Section 3.0 to allow for buildings associated within an extractive industry within the Woody Hill Blast Buffer.<sup>4</sup>

### Proposed Changes to General Provisions

The following changes are proposed to General Provisions:

- Changes to the Schedule to Clause 66.04 Referral of Permit Applications Under Local Provisions including:
  - Changes to referrals to the Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990* for applications within the 'future residential area'.
  - Deletion of the referral to the Environmental Protection Authority for applications within the 'sewage treatment plant odour buffer'.
- Changes to the Schedule to Clause 66.06 Notice of Permit Applications Under Local Provisions including:
  - Changes reference to the measurement length to 495m.

### Proposed Changes to Operational Provisions

The proposed 1030 Donnybrook Road, Donnybrook Statement of Significance to be incorporated into the Whittlesea Planning Scheme under Clause 72.04 has been changed to include updated wording.<sup>5</sup>

#### Note:

- The Schedule to Clause 72.04 is to be updated post panel in accordance with the above and any subsequent changes.

## 2.4 Chronology of this Amendment

The following provides a timeline for the preparation of the PSP and C241wsea amendment to the Whittlesea Planning Scheme.

- **April 2016:** Project commencement by Whittlesea City Council
- **February 2017- February 2018:** Completion of standard PSP Background Reports commissioned by City of Whittlesea including:
  - Aboriginal Cultural Heritage Assessment
  - Arboriculture Assessment
  - Geomorphology and Vegetation Values Assessment – Drainage
  - Hydrologic Regime - Drainage
  - Land Capability – Environmental Contamination Assessment
  - Post Contact Heritage Assessment
  - Quarry Impact Assessment
  - Utility Services Infrastructure Assessment
  - Visual Character Assessment
- **December 2017:** Shenstone Park Draft PSP prepared by City of Whittlesea

<sup>4</sup> This is an additional recommended revision to those included in the direction 5(b) materials.

<sup>5</sup> This is an additional recommended revision to those included in the direction 5(b) materials.

- **December 2017 - February 2018:** Agency Consultation commissioned by City of Whittlesea
- **February - March 2019:** VPA took carriage of the project as the lead agency from City of Whittlesea
- **February 2019 – October 2019:** Stakeholder and agency meetings with VPA
- **April 2019 – September 2019:** Completion and updating of further PSP Background reports:
  - Bushfire Development
  - Community Infrastructure & Open Space Needs Assessment
  - Economic Assessment
  - Quarry Impact Assessment Addendum
  - Strategic Transport Modelling Assessment
- **September 2019:** VPA prepared Shenstone Park C241wsea Background Summary Report
- **September 2019:** VPA prepared Shenstone Park C241wsea Precinct Structure Plan for Exhibition
- **October 2019:** Formal exhibition notification to the landowners and agencies circulated via post and email
- **15<sup>th</sup> November 2019:** Public submissions close date
- **November 2019 – December 2019:** VPA summarised all submissions in submission table
- **January 2020 - October 2020:** PSP issue resolution workshops with Government Agencies and Public Submitters
- **22<sup>nd</sup> April 2020 –** Whittlesea City Council submission to the exhibited amendment documents
- **31<sup>st</sup> August 2020:** Whittlesea Planning Scheme C241wsea Panel Directions Hearing held by Planning Panels Victoria via videoconference

## 2.5 Public exhibition and engagement

Agency, council and landowner consultation progressed throughout the preparation of the draft PSP. Specifically, this included:

- **August 2017:** Agency Exhibition
- **December 2017 - February 2018:** Consultation undertaken by City of Whittlesea
- **February – March 2019:** VPA took carriage of the project as the lead agency from City of Whittlesea
- **June – July 2019:** VPA prepared landowner plan for notification
- **September 2019:** VPA prepared Newsletter and exhibition notification letters
- **October 2019:** VPA advertised the exhibition notification on DELWP, City of Whittlesea and VPA website;
- **October 2019:** Letters to landowners regarding determination to exhibit the PSP
- **08 October 2019:** Newspaper Notice published in Northern Star Weekly and Whittlesea Leader
- **10<sup>th</sup> October – 15<sup>th</sup> November 2019:** Public Exhibition
  - **10<sup>th</sup> October 2019:** Notice of exhibition in Victorian Government Gazette
  - **22<sup>nd</sup> October 2019:** Community drop-in session at Wollert Community Centre, 4:30 to 6:30pm
  - **31<sup>st</sup> October 2019:** Community drop-in session at Hume Global Learning Centre Craigieburn – Meeting room 3
- **January 2020 - October 2020:** PSP issue resolution workshops with Government Agencies and Public Submitters

## 2.6 Shenstone Park Infrastructure Contributions Plan

A working draft Shenstone Park ICP has been prepared for the Precinct to specify infrastructure that is appropriately levied in accordance with the Ministerial Direction. The Shenstone Park ICP will be introduced via a separate Planning Scheme Amendment and will introduce the associated schedule to the Infrastructure Contributions Overlay (ICO) applying to the land within the amendment area. The VPA intends that the PSP and ICP will be submitted for approval concurrently.

The current draft of the Shenstone Park ICP indicates that it will be a standard levy ICP. A number of intersection items will be apportioned with the Donnybrook Woodstock PSP.



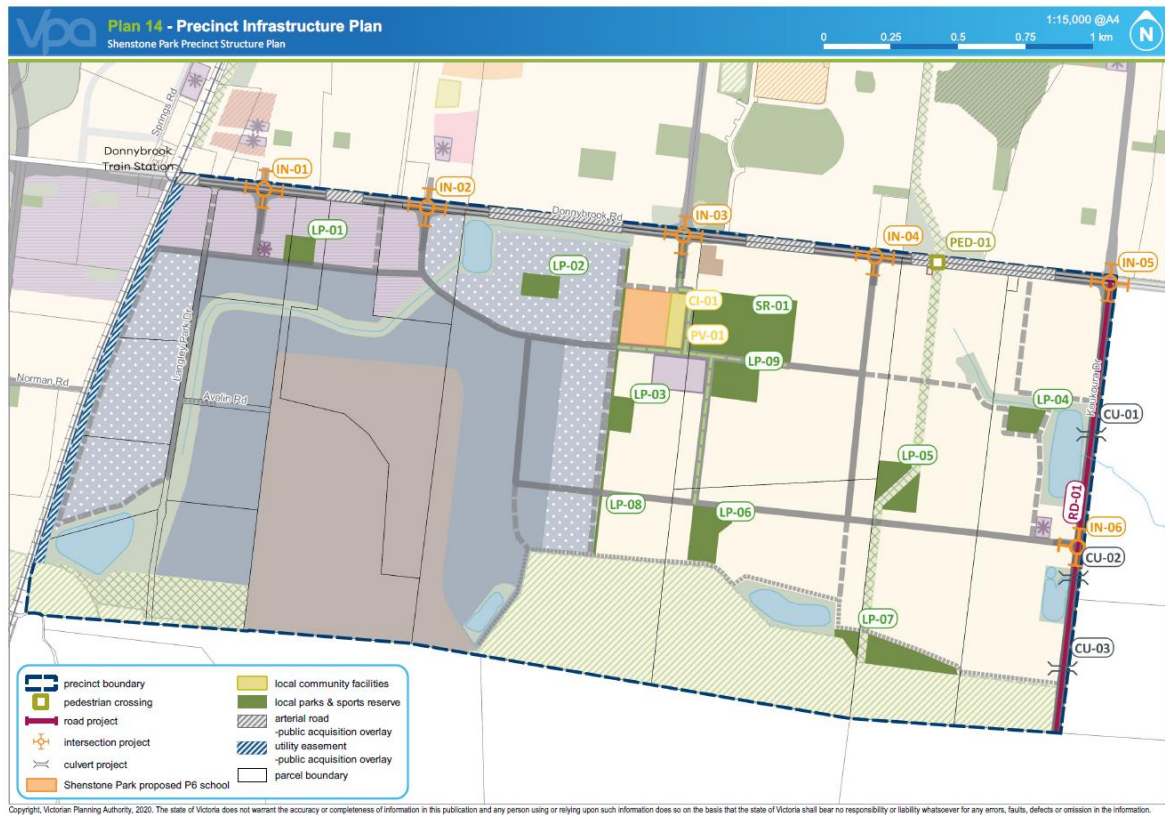


Figure 4 Precinct Infrastructure Plan

The infrastructure identified in the PSP to form part of the future ICP is considered to be *'basic and essential'* to the health, wellbeing and safety of the community. Public purpose land is identified for the construction of that infrastructure.

The Precinct Infrastructure Plan has also adopted the principles of timely and orderly provision of infrastructure, need and nexus, equity, certainty and accountability and transparency.

## 2.7 Relevant Planning Permit Applications

### Document 29 permits

Whittlesea City Council has uploaded document 29 to Hubshare, a compilation of relevant planning permits and endorsed plans.

Of particular relevance is permit 715902 which allows the use and development of the land at 870 Donnybrook Road "for trade supplies, display of advertising signs, variation of the loading bay requirements, creation of an alteration of access to a road in a road zone category 1, reduction of bicycle parking requirements and demolition of a dry stone wall in accordance with the endorsed plans". The VPA understands that use is yet to commence and Council granted a 2 year extension of time for the permit on 22 August 2019. Under the extended permit, development must commence by 30 October 2021.

### 910 Donnybrook Road

Planning Permit Application no.718907 was granted and issued for 910 Donnybrook Road, Donnybrook on 22 September 2020 (refer to 910 Donnybrook Road Pty Ltd v Whittlesea CC [2020] VCAT 1066). The permit allows for the two (2) lot subdivision of land in the Urban Growth Zone. The two-lot subdivision would allow the excision of the existing dwelling on the land. Relevantly, IN-02 is located on the larger balance parcel.

### 870 and 960 Donnybrook Road

Planning Permit Application No.7188990 was submitted to Whittlesea City Council on 23 October 2019. The application seeks to re-subdivide land between 870 and 960 Donnybrook Road, Donnybrook and realign the common boundary between the two properties. It is envisaged that this permit application may provide a road access connection between the Woody Hill and Phillips quarries. The VPA understands Whittlesea City Council issued a Request for Further Information on 12 November 2019 of which the applicant provided further information on 27 March 2020. Whittlesea City Council were not satisfied with the response and issued a further Request for Further Information on 15 April 2020. These key issues include:

- Proposed boundary change to Conservation Area 28 not being formally approved by the Department of Environment, Land, Water and Planning (DELWP). It is noted that the boundary change was approved on 1 October 2020 and updated on publicly available mapping from 22 October 2020. These changes will be reflected on the PSP FUS and ordinance zoning map following the Part A submission.
- Relocation of the retarding basin (RB-07) further north not being in accordance with the exhibited PSP. It is noted that the applicant has had several discussions with Melbourne Water.

### 3 STRATEGIC CONTEXT AND ASSESSMENT

#### 3.1 Plan Melbourne 2017-2050 and Northern Growth Corridor Plan

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

On 6 August 2010, VC68 was gazetted which expanded the UGB, rezoning the land in the Casey, Hume, Melton, Whittlesea, Whittlesea and Wyndham Planning Schemes. VC68 implemented **Melbourne 2030: A Planning Update - Melbourne @ 5 million** which identified that an additional 600,000 dwellings, including over 284,000 dwellings in growth areas, were needed in Melbourne within a 20-year period.

**Plan Melbourne 2017-2050** (Plan Melbourne) (see **Error! Reference source not found.**) outlines a more ambitious target of 1.6 million new homes and 1.5 million new jobs over the next 35 years, setting a strategy for supporting jobs, housing and transport, while building on Melbourne's legacy of distinctiveness, liveability and sustainability. This is furthered by policy 2.1.1 "Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city". Plan Melbourne reinforces the use of Precinct Structure Plans to guide the development of land within the UGB.



Map 2

Melbourne 2050 Plan



Figure 5 Plan Melbourne - Melbourne 2050 Plan

Plan Melbourne at clause 1.4.2 also provides policy to “Identify/protect extractive resources (such as stone and sand) important for Melbourne's future needs” and supports “The sequencing of urban development in growth areas should allow strategic resources to be extracted ahead of establishing urban areas, with provision for these areas to proceed outside defined buffer zones that can be subsequently in-filled by other urban land”.



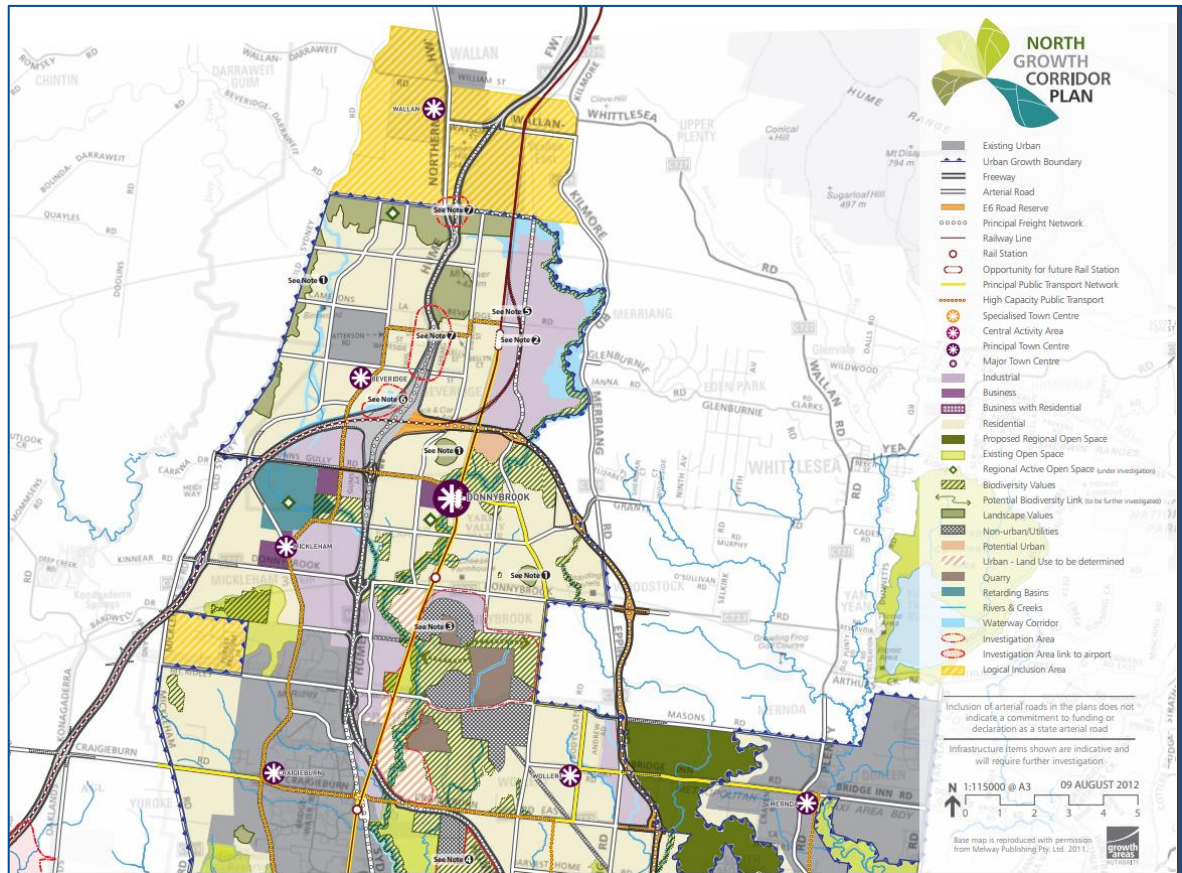


Figure 6 North Growth Corridor Plan

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

It is policy under the Planning Scheme to implement the strategic directions of Growth Area Framework Plans. Ministerial Direction 12 requires planning authorities to evaluate how an amendment implements the Growth Area Framework Plan applying to the land. Further, Clause 11.03-2S of the Planning Policy Framework includes strategy to develop precinct structure plans consistent with the Precinct Structure Planning Guidelines (Growth Areas Authority, 2009) and growth area framework plans. The PSP Guidelines of 2009 (updated 2013) 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>

<sup>6</sup> Growth Areas Authority, Precinct Structure Planning Guidelines 2009 (updated 2013) <https://vpa.vic.gov.au/greenfield/guidelines-for-psp-planning/>

The GCP adopts the same diagram from Page 4 of the PSP Guidelines but updates the reference to Growth Area Framework Plans to GCPs. The VPA is currently undertaking a review of the 2009 PSP guidelines. The "Guidelines for Precinct Structure Planning in Melbourne's Greenfields – Draft for Public Engagement September 2020" document is currently published for consultation. The September 2020 document retains the same diagram as in the 2009 guidelines and GCP, but for the first, framework level, states "Growth Corridor Plans (for metropolitan Melbourne) – or, where finalised, Land Use Framework Plans are high level integrated land use and transport plans that provide a strategy for the development of Melbourne's growth corridors and Victoria's towns and townships."

The GCP informs the development and review of local planning schemes and the preparation of future strategies, structure plans and other planning tools. They also provide a strategic basis for infrastructure and service planning as well as sequencing of land release. The preparation of PSPs is the primary vehicle for the implementation of the GCP and the GCP has guided structure planning within the Northern Growth Corridor. 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.

The North Growth Corridor which includes the municipalities of Whittlesea, Hume and Mitchell is expected to accommodate a population of 260,000 people with a capacity to provide 83,000 jobs.

The GCP identifies:

- The intended long-term pattern of land use and development
- Committed transport networks as well as network options for investigation
- Committed regional open space networks as well as investigation sites
- Opportunities for creating green corridors

The Shenstone Park PSP area in the North Growth Corridor is shown as quarry, non-urban/Utilities and Industrial land uses to its western half, with residential land uses and biodiversity values in the eastern half. The eastern boundary of the PSP area shows a future north-south arterial road as part of the Principle Public Transport Network. A note on the plan (Note 3) indicates a Sewerage Treatment Plant's boundary and size is to be determined.

The GCP identifies the quarry, non-urban/utilities, industrial and biodiversity land within the PSP area, as within an "Investigation Area". Urban Development Investigation Areas are expanded upon by clause 5.8 of the GCP. That clause relevantly provides:

*More detailed assessment is required of the precincts immediately north of Craigieburn road, on either side of the Sydney/Melbourne Rail line.*

*In the area generally to the east of the Melbourne-Sydney railway line and between Craigieburn Road and Donnybrook Road, an investigation area is shown on the North Growth Corridor Plan.*

*This area presents a number of potential urban development opportunities, including the future alternative use of the Austral Bricks site. There remain a number of complex environmental, buffer (to existing quarries or future utility uses) and connectivity related issues requiring more detailed investigation before any decisions can be contemplated about the best long term use or uses within this Precinct. The necessary investigations and land use decisions can occur as part of a local Precinct Structure Plan process for this area. The Growth Corridor Plan also highlights the potential for an east-west habitat corridor to connect through from Merri Creek to the Urban Growth Boundary between Summerhill Road and Donnybrook Road.*

...

*Land to the east of the Melbourne-Sydney rail line, north of Merri Creek and south of the E6 road reservation may also have urban development potential. Part of the area has previously been identified as a potential future quarry. The area is proximate to the identified Donnybrook Principal Town Centre and rail station, so its development would have a beneficial impact on the catchment of this town centre. Biodiversity values have been assessed through the BCS and are represented in the GCP. Further investigation at the PSP level in relation to quarrying, drainage, suitability of land use types and yields, buffers and access will need to be undertaken to determine the sites development potential. If this area is determined to be developable, then the developable area would probably be rezoned to Urban Growth Zone.*

### 3.2 Precinct Structure Planning and the Urban Growth Zone

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

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

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

The UGZ applies to land that has been identified for future urban development within the UGB (see Figure 3). The UGZ sits within the suite of zones within the *Victorian Planning Provisions*. It has been specifically designed to implement an incorporated PSP and ensure that future development accords with the approved PSP.

The UGZ includes two parts:

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

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

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

The UGZ schedule applies a suite of Victorian Planning Provision zones to guide future uses and development of the Precinct. In addition, the UGZ specifies permit triggers, application requirements, referral and/or notification requirements, and permit conditions so that land use and development within the Precinct is generally in accordance with the PSP.

Schedule 7 to the UGZ (Whittlesea) is specific to the Shenstone Park Precinct as it includes certain permit triggers and requirements that respond to strategic assessment of the land as identified in the background reporting and planning for the precinct

The drafting of UGZ7 promotes consistency in the manner that planning authorities deal with land use issues and ensures that the zone implements the Planning Policy Framework (PPF). It has been structured in such a way that ultimate translation to conventional Victorian Planning Provision zones can occur in a timely and efficient manner once the land has been developed.

### 3.3 Planning Policy Framework

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

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

### 3.4 Ministerial Directions

The Amendment complies with the applicable Ministerial Directions as outlined in the explanatory report. More broadly, the Amendment complies with the following Ministerial Directions relating to the preparation of an amendment within the urban growth areas, including Ministerial Direction 11 – Strategic Assessment of Amendments, Ministerial Direction 12 – Urban Growth Areas and Ministerial Direction 19 – Ministerial Direction on the Preparation and Content of Amendments that may significantly impact the environment, amenity and human health, as detailed below.

#### Ministerial Direction 11 – Strategic Assessment of Amendments

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

The Amendment has addressed environmental effects, as the pattern of land use and development was guided by studies of the area relating to flora and fauna, flooding and drainage.

The Amendment has addressed the relevant social and economic effects. It is expected to have a positive social and economic effect through the provision of additional housing and community facilities, as well as the creation of local employment opportunities. The Amendment has considered the relevant social, environmental and economic effects, and the amendment will result in a net community benefit.

#### Ministerial Direction 12 – Urban Growth Areas

This Direction applies to the preparation of any planning scheme amendment that provides for the incorporation of a PSP in the scheme or the introduction of, or changes to, provisions in a schedule to the UGZ. Therefore, the Direction applies to the amendment.

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

#### Ministerial Direction 19 – Ministerial Direction on the Preparation and Content of Amendments that may significantly impact the environment, amenity and human health

The VPA as the planning authority for this amendment has sought the written views of the Environment Protection Authority (EPA) to inform the basis of the amendment and the PSP. The views of the EPA were provided on 23 July 2019 and 27 August 2019.

### 3.5 Melbourne Industrial and Commercial Land Use Plan (MICLUP)

The Melbourne Industrial and Commercial Land Use Plan (MICLUP) was publicly released by Department of Environment, Land, Water and Planning in 2020. The MICLUP builds on the relevant policies and actions of Plan Melbourne 2017-2050 (Plan Melbourne) and the associated Plan Melbourne 2017-2050 Five-Year Implementation Plan (Plan Melbourne Implementation Plan). It provides an overview of current and future needs for industrial and commercial land across metropolitan Melbourne and puts in place a planning framework that will enable state and local government to more effectively plan for future employment and industry needs, and better inform strategic directions.

The MICLUP identifies industrial land of significance within the northern growth corridor. Map 2 and 8 to MICLUP identify the Shenstone Park PSP area as regionally significant industrial land. The plan further states:

*Shenstone Park includes approximately 280 hectares of regionally significant industrial land identified through the North Growth Corridor Plan and PSP process. This land provides an important buffer to existing and proposed quarry operations, a proposed sewerage treatment plant to the south, and*



nearby residential land uses. This precinct has good access to the Hume Freeway from Donnybrook Road.<sup>7</sup>

Map 8: Northern Region - industrial land

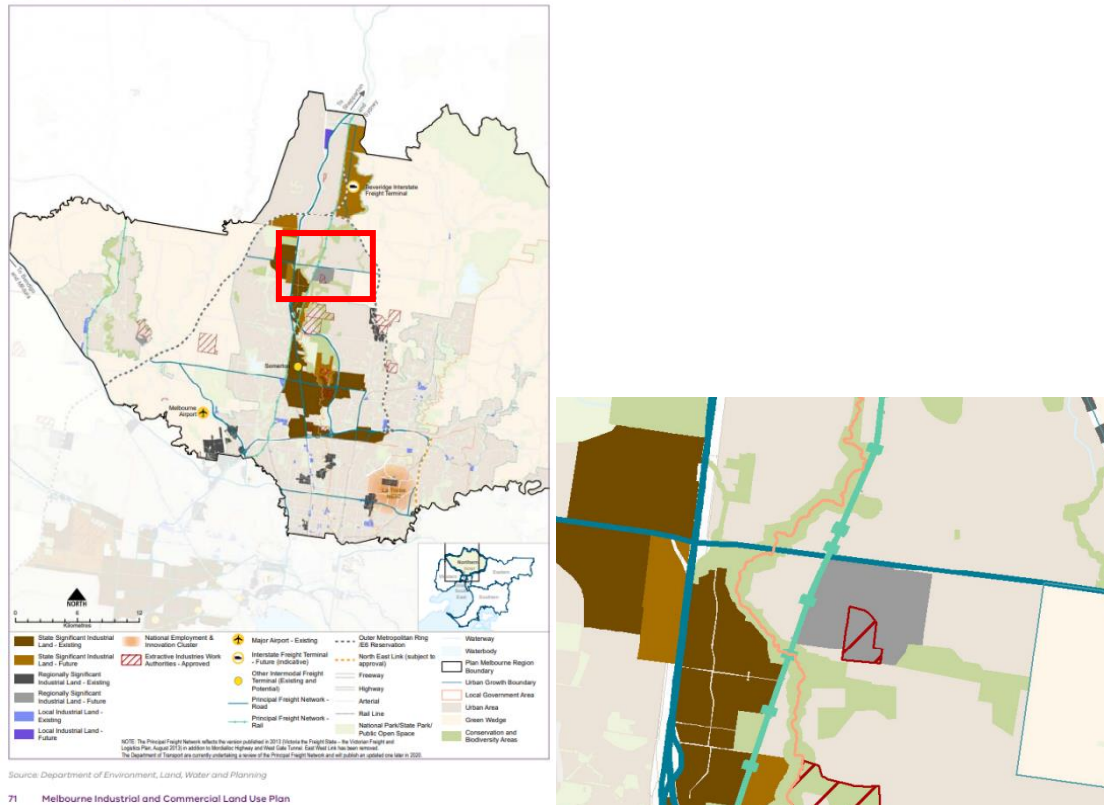


Figure 7 Melbourne Industrial and Commercial Land Use Plan - Northern Region Industrial Land

### 3.6 Extractive Resource Policy

The Shenstone Park PSP is within Extractive Industry Interest Area (EIIA) EIIA884011. EIIA884011 covers a total area of 7,762ha and extends from the north western area of the City of Whittlesea into the south of Mitchell Shire. In 2003 this EIIA was selected as an area with the potential to produce basalt for the long term.

EIIAs were delineated within the Melbourne Supply Area in 2003 to highlight areas characterised with favourable geology and limited planning restrictions to guide industry and other interests about potential sites for earth resources development. The DJPR submission to the amendment (submission 27) relevantly notes:

- In 2003, EIIA884011 was selected as an area with the potential to produce basalt for the long term
- Recent analysis has found that more than 90 percent of EIIA884011 is either no longer available (sterilised) for extractive resource industries or at significant risk of sterilisation due to competing land uses, in particular from encroachment due to urban development in the North Growth Corridor.

The quarry statement required by the Panel Direction was filed on 16 October 2020. To reduce duplication, the VPA relies on the quarry policy extracted in that statement.

<sup>7</sup> MICLUP, page 64.

### 3.7 VPA Fast Track Projects

The Shenstone Park PSP is one of several fast track projects forming part of the Victorian Government's response to the COVID-19 crisis.

Under section 36 of the Victorian Planning Authority Act 2017, the Minister can make directions to the VPA concerning the exercise of its planning functions and the exercise of powers. In this case, the Minister has established the VPA Projects Standing Advisory Committee and VPA Fast Track Program. The VPA website provides as follows<sup>8</sup>:

*As part of the Victorian Government's response to the COVID-19 crisis, the Victorian Planning Authority (VPA) – in partnership with the Department of Environment, Land Water and Planning (DELWP) – is working on an accelerated work program to unlock approximately \$18.8 billion\* in estimated economic value by mid-2021.*

*The VPA will accelerate the progression of projects through the planning and development pipeline to permit and shovel ready stages. The VPA will fast track 19 planning and infrastructure projects that are currently on our Business Plan to unlock land for around 89,200 homes and 107,340 jobs across Victoria.*

*This program will provide certainty for communities, a pipeline of development for industry and future jobs and homes for Victorians as the economy recovers from the impact of the COVID-19 pandemic.*

The list of fast track projects includes six Greenfields PSPs and ICPs including the associated ordinance – Shenstone Park is one of the 6 fast track PSPs and ICPs.

The identification of Shenstone Park as fast track projects supports the efficient and timely resolution of these planning matters with the intent that development within these precincts will deliver economic stimulus. It of course does not substitute the proper planning assessment of every fast track project.

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<sup>8</sup> <https://vpa.vic.gov.au/vpa-fast-track-projects-supported-by-the-establishment-of-a-standing-advisory-committee/>

## 4 LOCAL CONTEXT

### 4.1 Surrounding precincts and structure plans

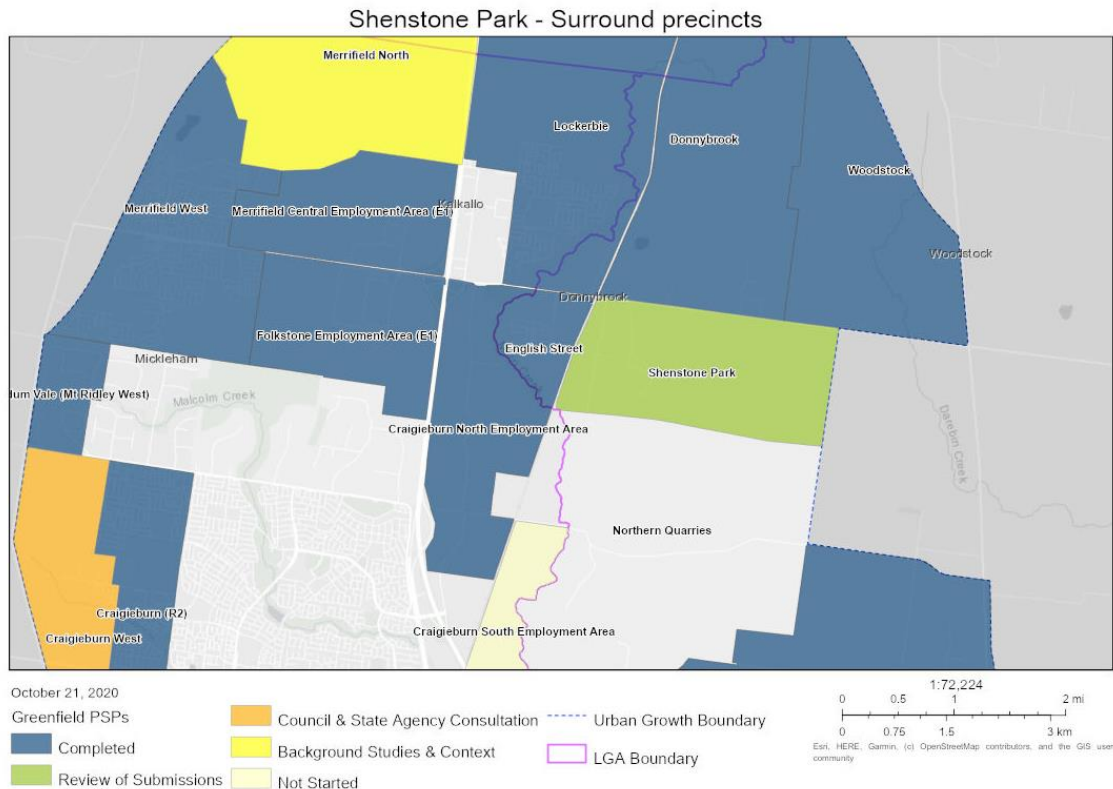


Figure 8 Surrounding precincts to the Shenstone Park PSP

#### 4.1.1 Donnybrook Woodstock PSP (north)

To the north of the Shenstone Park PSP area is the Donnybrook Woodstock PSP (1786ha) which was gazetted in November 2017 (GC28 to the Whittlesea and Mitchell Planning Schemes). Donnybrook Woodstock is predominantly a residential PSP with limited commercial land use. There is no industrial land use within Donnybrook Woodstock PSP, and commercial land uses are limited to local town centres and local convenience centres. Donnybrook Road (ultimately a 6-lane primary arterial road) is the boundary between the two precincts.

#### 4.1.2 English Street PSP (west)

To the west of the Shenstone Park PSP area is the English Street PSP (143ha) which was gazetted in November 2015. English Street is a predominantly residential PSP with a commercial precinct located in the north eastern corner maximising frontage along Donnybrook Road. The Sydney-Melbourne railway line is currently a physical barrier to movement between English Street and Shenstone Park (except via Donnybrook Road to the north).

#### 4.1.3 Lockerbie PSP (north-west)

North west of the Shenstone Park PSP area is the Lockerbie PSP (1,121.68 ha). Lockerbie is a mixed residential and commercial PSP, with areas of high and medium density residential development planned in proximity to Donnybrook Station, and a large town centre located in the centre-east of the PSP area adjacent the potential future Lockerbie station. The arterial road network provides for primary north-south vehicle access via an intersection with Donnybrook Road. Lockerbie PSP was gazetted in June 2012 (Amended June 2017).

#### **4.1.4 Future Northern Quarries PSP (south)**

To the south of the precinct is the future Northern Quarries PSP (3080ha). Formal planning for this precinct has not commenced. It is anticipated that this precinct will have an industrial focus as surrounding land uses including Woody Hill Quarry, Phillips Quarry and potential sewage treatment plant may have adverse amenity impacts. The North Growth Corridor Plan shows the land within the future Northern Quarries PSP area as biodiversity values, potential biodiversity link, quarry, non-urban/utilities, and Urban - Land Use to be determined.

Preparation for this PSP has not commenced.

#### **4.1.5 Green Wedge Zone (east)**

Melbourne's Urban Growth Boundary forms the eastern boundary of the Shenstone Park PSP area. The land to the east of the Urban Growth Boundary is within the Green Wedge Zone (GWZ).

## 5 SHENSTONE PARK PRECINCT STRUCTURE PLAN

### 5.1 Role and function of the Plan

The Shenstone Park PSP is a long-term plan for future urban development of the site. It describes how the land is expected to be developed, and how and where services are planned to support development. The Plan provides a high-level structure to guide subsequent detailed planning and development and thus will be subject to further refinement through this process.

The PSP provides a guide for the delivery of an urban environment that will be a logical extension of the development profile to be established generally in accordance with neighbouring PSP's. The PSP, and Amendment to implement the Plan, enables the transition of 'urban identified' land to urban land, giving effect to necessary applied provisions to allow development to occur in accordance with the Plan.

The PSP outlines the projects required to ensure that future residents, visitors and workers within the Precinct are provided with essential services and timely access to key infrastructure necessary to support proposed land uses and the future community.

The PSP includes a Precinct Infrastructure Plan (PIP), which details infrastructure that is required by development, including what is to be incorporated within the Infrastructure Contribution Plan and ensures Government agencies, Council, developers, local communities, and investors have certainty about future development requirements of the precinct.

### 5.2 Objectives for the precinct

The development of the PSP area is guided by a set of 24 key objectives outlined at clause 2.2 of the exhibited PSP, which are summarised as follows:

- Implement the North Growth Corridor Plan.
- To achieve a high-quality gateway to the City of Whittlesea by ensuring urban design of the area along Donnybrook Road considers and enhances the Donnybrook train station.
- Deliver high quality interfaces between residential, employment land and utilities (including the proposed sewerage treatment plant) to minimise impacts of industrial and commercial uses on residential amenity, and to ensure the viability of industrial and commercial land uses.
- Identify, retain and celebrate cultural heritage places and Aboriginal cultural heritage places by integrating them into the design of new areas through place making.
- Deliver approximately 3,600 new homes across the precinct and promote increased housing choice and density within a walkable catchment of town centres, high amenity areas and public transport
- To deliver a high amenity Local Town Centre catering to the daily needs of surrounding residents, along with creating local employment opportunities and help create a sense of place, identity and local character.
- To design a Local Town Centre that can adapt and evolve over time, while also encouraging commercial and residential uses above ground to support Local Town Centre activity.
- To ensure appropriate separation distances between industry/utilities and sensitive uses.
- Deliver employment land for a variety of sectors through industrial and commercial precincts that allow the continued operation and expansion of the Woody Hill quarry and commencement and expansion of the Phillips Quarry
- To provide open space that is safe and accessible to all which offers active and passive recreation opportunities, including developing recreation opportunities along waterways and the gas pipeline.
- To develop a network of local parks, sports reserves and community hubs that provide access to education, recreation and health services across the Shenstone Park Precinct that are connected and accessible via walking, cycling and public transport.
- To contribute to the long-term conservation of significant flora and fauna species through the protection of habitat, particularly of Biodiversity Conservation Strategy conservation areas, River Red Gums and other remnant indigenous trees.

- Ensure that bushfire protection measures are considered in the layout and design of development including the local street network.
- To establish an integrated, safe, sustainable and permeable transport network that reduces car dependency, maximises access to public transport and encourages walking and cycling within and between neighbourhoods.
- To deliver an integrated water management system that reduces reliance on reticulated potable water, increases the re-use of alternative water, responds to local soil types, minimises flood risk, ensures waterway health and contributes towards a sustainable and green urban environment.
- Ensure the development staging is coordinated with the delivery of key local and state infrastructure and encourage the early provision of local community infrastructure, including retail.

Precinct structure plans must respond to all these objectives in an integrated way and be flexible enough to respond to the challenges of creating sustainable, long lasting and diverse communities.

The exhibited PSP and subsequent draft PSPs for discussion<sup>9</sup> (most current post exhibition version of the Future Urban Structure shown below – Figure 9) more specifically reflects these overarching objectives to inform the

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<sup>9</sup> Two 'draft Future Urban Structure – For Discussion' plans have been provided to submitters. On 27 August 2020 the VPA emailed a 'Draft Future Urban Structure – For Discussion' to all submitters. On 12 October, under Panel Direction 5b, the VPA filed an updated Precinct Structure Plan which included an updated 'Draft Future Urban Structure – For Discussion'.



future urban structure and development of the precinct in accordance with its Objectives, Requirements and Guidelines.

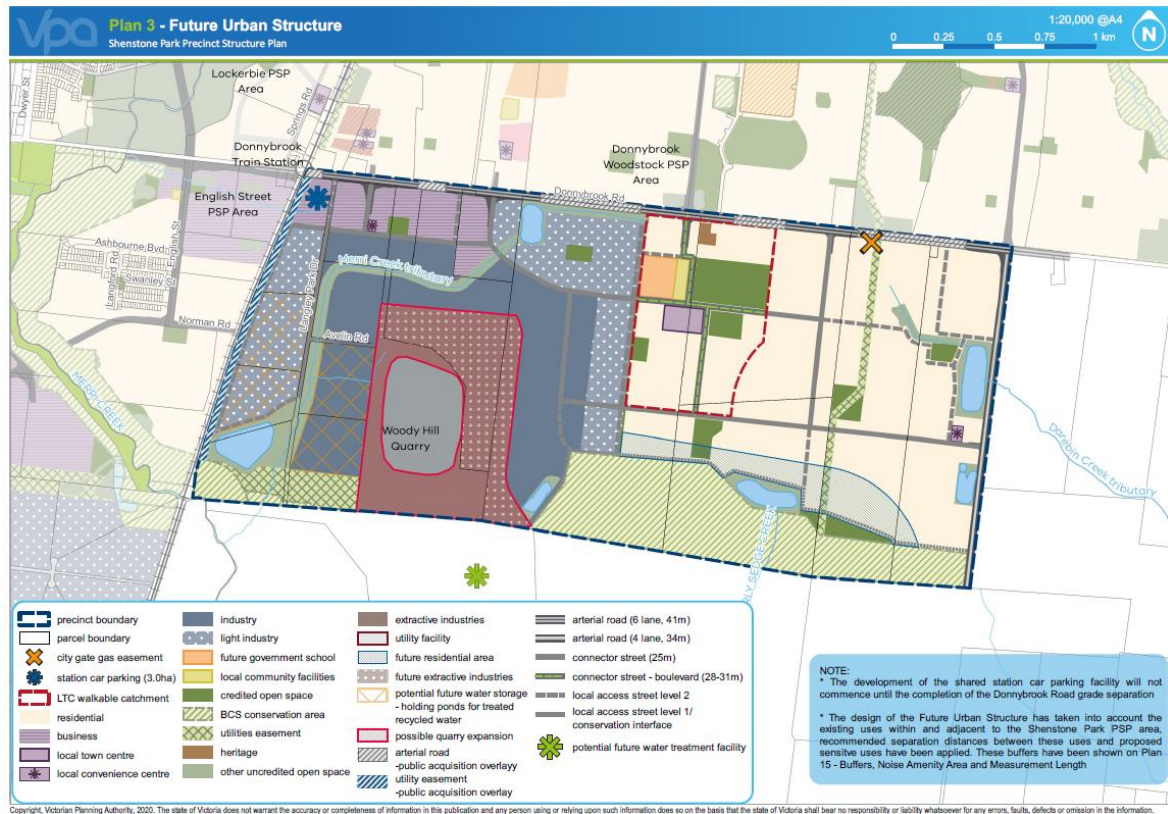


Figure 9 Draft Shenstone Park Future Urban Structure – For Discussion

## 5.3 Vision for the Shenstone Park Precinct Structure Plan

The Shenstone Park precinct will be defined by its incorporation and celebration of natural and cultural features. Development will have a strong emphasis on creating a high-quality urban environment supported by landscaping, strong connections to transport and community facilities.

Shenstone Park will be a model for a self-sufficient precinct that will deliver a wide range of housing types, employment opportunities and uses. In turn, it will foster a diverse local community in an attractive setting. The neighbourhood will be an urban extension to the Donnybrook-Woodstock and English Street areas and will integrate cohesively with these urban neighbourhoods and employment areas to the west to continue the development of the North Growth Corridor.

The Local Town Centre (LTC), will act as the anchor and heart of the precinct, and serve a variety of roles and functions to promote self-sufficiency for residents in meeting daily retail and convenience shopping needs, community uses and recreation opportunities.

The Shenstone Park precinct will offer diverse housing choices. Along with traditional detached housing that meets the housing density requirements of the PSP; higher densities will be delivered within the LTC walkable catchment and adjacent to some open space.

A permeable network of pedestrian friendly streets and paths will emanate from the LTC and will connect residents to areas of open space. The local street pattern together with off-road paths and on-road bicycle links will also promote integration with the Principal Public Transport Network, including links to Donnybrook Train Station.

The road network will emphasise connections between the precinct and surrounding communities, particularly those developing to the north in Donnybrook-Woodstock. Donnybrook Road is the primary east - west arterial road providing access to the precinct. Donnybrook Road connects the Hume Freeway to Epping Road and to Plenty Road further to the east. Koukoura Drive will develop as an arterial road and connect into Woodstock to the north and Wollert to the South.

Shenstone Park will contribute to an employment hub for the north, conveniently served by a train station along a nationally significant railway line, as well as major arterial roads and freeways. Light Industrial and Bulky Goods type employment uses will thrive in this well-connected network and will offer specialised services to the Shenstone Park PSP and complement the other parts of the state significant employment area to the south-west of the PSP area.

Development will also respond to the many natural and constructed features that characterise the area. This includes the nationally significant conservation areas to the south-east and south-west, which provide habitat for nationally listed Grassy Eucalypt Woodland and Natural Temperate Grassland communities, and Growling Grass Frog. These areas will be retained, and habitat reinstated, while being incorporated into the design and layout of the precinct.

Furthermore, these features where appropriate will be used to help protect and separate key existing economic and employment generators, including the Woody Hill Quarry and Phillips Quarry. The Woody Hill and Phillips Quarries have been identified as being of strategic importance to the development of the northern growth corridor to 2050 and their operation and expansion are protected through this PSP.

## 5.4 Late submissions referred to Panel

The VPA has received and referred to the Panel, one late submission from the owner of PSP property 5, 840 Donnybrook Road, Donnybrook. The submission expressed general support for the Amendment but requested to be heard before the Panel.

## 5.5 Formal Response to submissions

The VPA provided a written response to each submitter from whom the VPA had received submissions as at August 2020 and, where necessary, met with submitters. A table outlining a summary of submissions and their status is included at **Appendix 1- Submissions Response Table**.

The VPA's formal response to all issues raised to date are outlined in this Part A submission and forms our position on the matters before the Panel.

**Specific changes proposed to the Amendment documentation in response to submissions and/or required further refinement are included in Appendix 2 – Track Changes Shenstone Park PSP, Appendix 3 – Shenstone Park PSP “Clean Copy”, and Appendix 4 – Shenstone Park PSP Track Changes Ordinance.**



## 6 SUMMARY OF THE MAIN ISSUES AND PROPOSED CHANGES TO THE AMENDMENT

### 6.1 Overview

Submissions were received from a total of 32 submitters (excluding 1 late submission). It should be noted that 2 submissions were received (Donnybrook Joint Venture and Donnybrook Road Unit Trust), but then resubmitted prior to the close of the exhibition period (initial submissions were withdrawn). VPA sequentially numbered each submission received. 3 submissions were withdrawn after the close of exhibition (Blueways-Wolfdene, DELWP heritage and Catholic Education Melbourne), and there was one late submission. These submissions were received from a range of parties including:

- Landowners
- Local government
- A community group
- State agencies
- Utility providers
- Quarry operator

The 27 submissions have been analysed and coded into 389 individual submission points. A full list of all submission points, including the VPA's response and the status of the submission point is provided in **Appendix 1: Submissions Response Table**.

The VPA will continue to work to resolve matters in the period leading up to the Panel Hearing. A revised submission summary table will be circulated with the Part B submission to reflect any progress made on individual submission points, along with a further tracked changes version of the PSP if required.

### 6.2 Summary of Matters Raised & Proposed Changes to PSP

#### 6.2.1 Summary of issues

There are 5 key issues which relate generally to the Shenstone Park PSP :

- Woody Hill Quarry (extractive expansion area)
- Industrial area east and north-east of Woody Hill Quarry
- Quarry buffers and separation distances (Woody Hill and Phillips Quarries)
- Yarra Valley Water sewage treatment facility and associated infrastructure
- Sodic and dispersive soils and the risk of erosion

All other submissions to the exhibited PSP can be categorised into 8 broad areas that reflect the chapter headings at part 3 of the PSP:

- Vision outcomes and general matters
- Image, character, heritage and housing
- Town centres and employment
- Open space, community facilities and education
- Biodiversity and bushfire management
- Transport and movement
- Integrated water management and utilities
- Precinct infrastructure and staging

The following sections describe the matters raised by the exhibited submissions and VPA response.

### 6.2.2 Summary of changes subsequent to Direction 5(b)

The VPA proposes the following further revisions, in addition to the recommended changes included in the Direction 5(b) materials.

- 
- Wording to Requirement 91 and Objective 5 has been updated
- Notes on Plans 4 and 7 have been updated
- Tables 1, 2, 3, 5, 7 and 8 have been updated to reflect the changes to the FUS provided under Direction 5b)
- Ordinance changes include update to wording of the blast buffer provisions in UGZ7 and SUZ11, and updates to the Preliminary Site Investigation application requirement in UGZ7

Any submission resolved subsequent to the Part A submission materials will be addressed in the Part B materials.

### 6.2.3 Woody Hill Quarry (Extractive Expansion Area)

#### 6.2.4 Overview

Shenstone Park PSP was exhibited with an expansion area to the east of Woody Hill Quarry shown in red shading. The expansion area responded to the North Growth Corridor Plan, Plan Melbourne support for the sequencing of urban development, consideration of extractive resources policy and agency engagement. The PSP area is wholly within an Extractive Industry Interest Area (EIIA884011).

The expansion area would require buffers to ensure adverse amenity impacts would not negatively impact sensitive uses and ensure persons are not subject to inappropriate risk from blasting activities of the quarry.

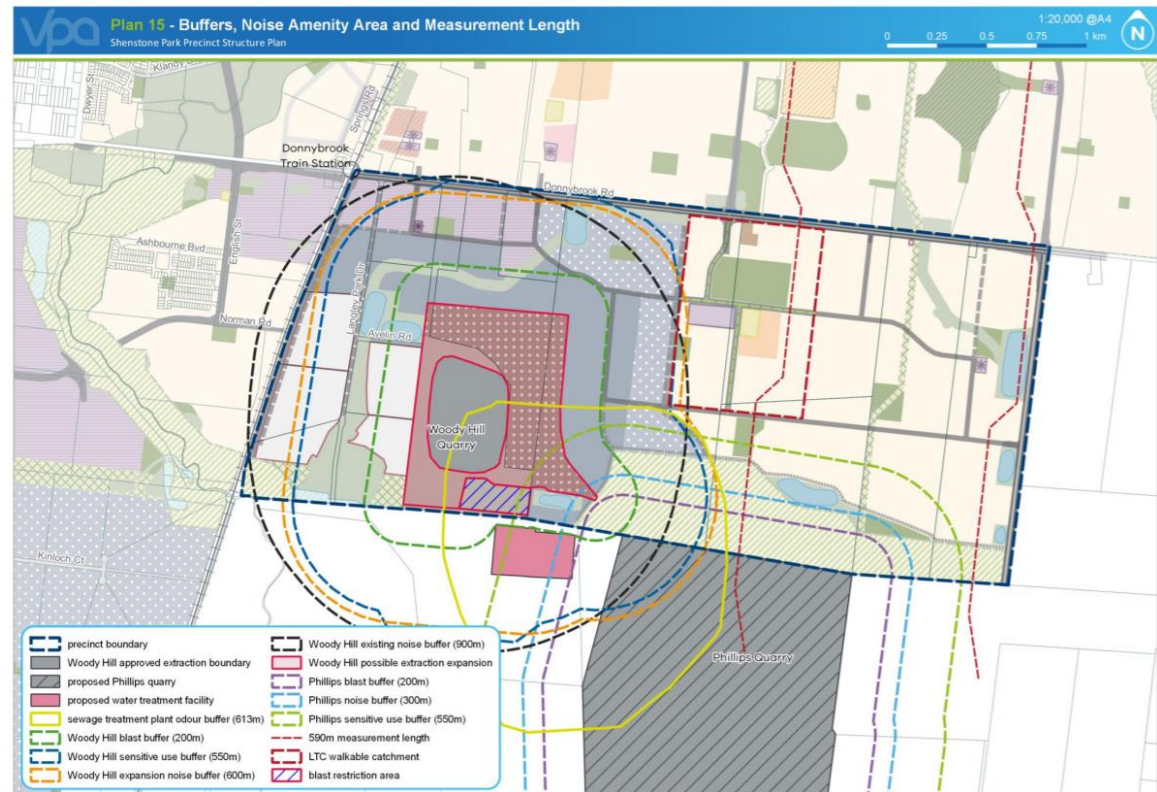


Figure 10 Buffers, Noise Amenity Area and Measurement Length (Exhibited plan)

VPA received submissions that address the quarry expansion area from 4 parties (submission 23 – Donnybrook Joint Venture (DJV), submission 24 - Barro Group, submission 22 - Satterley and submission 27 - DJPR).

Of the submissions, three oppose the expansion area (DJV, Barro and Satterley) citing the following reasons:

- Neither the exhibited PSP nor any of the background documents include a strategic justification for the expansion into 960 Donnybrook Road
- DJV is not aware of any work authorities, work plans or permits (approved or otherwise) which grant a right to conduct extractive activities on 960 Donnybrook Road
- DJV does not support the designation of any of its land at 960 Donnybrook Road for future quarry operations
- Barro submit the proposed extension of the SUZ4 only reflects part of the intended expansion of the Woody Hill Quarry. The proposed zone boundaries should be revised to reflect the extent of known quality resources and the ability for the land to supply state significant materials to the urban area.

One submitter (DJPR) supports the expansion area as shown in the Future Urban Structure (for discussion) as circulated 27<sup>th</sup> August 2020.

Key arguments for the inclusion of the expansion area include:

- The North Growth Corridor Plan, amongst other strategic planning documents, provides strategic guidance for land use in the Shenstone Park PSP
- The PSP area is wholly within an Extractive Industry Interest Area (EIIA884011)
- The DJPR submission (submission 27) to the Exhibited Shenstone Park PSP notes the severe sterilisation of extractive resource industries in this EIIA. The submission notes (on page 6): 'The Resources Branch seeks to maintain access to resources located in EIIs for future extractive industry development, particularly where the underlying extractive resources are of critical strategic importance to the future growth of the State and Greater Melbourne.'
- Plan Melbourne at clause 1.4.2 provides policy to "Identify/protect extractive resources (such as stone and sand) important for Melbourne's future needs" and supports "The sequencing of urban development in growth areas should allow strategic resources such as stone and sand to be extracted

ahead of establishing urban areas, with provision for these areas to proceed outside defined buffer zones that can be subsequently in-filled by other urban land”.

- The final shape of the PSP, including the potential expansion area has been derived to better achieve a balance of policy objectives by preserving the potential for extractive industries to expand in line with the policy outlined above, while ensuring buffers do not overlap with the approved Donnybrook Woodstock PSP and English Street PSP areas or the residential area within the Shenstone Park PSP which is identified in a manner consistent with the North Growth Corridor Plan. The Growth Corridor Plan report provides that *‘[the North Corridor Plan ensures that approved and operational quarries are protected from encroachment by sensitive land uses.* The revised FUS will be in accordance with the division of residential uses depicted in the North Growth Corridor Plan and provide an opportunity for greater utilisation of stone resources.

## 6.2.5 Discussion

The expansion area (shown in the Draft Future Urban Structure for Discussion issued to submitters on 27 August 2020) on the eastern side facilitates a link between the Woody Hill and Phillips Quarries. Additional processes to amend the Biodiversity Conservation Area (CA 28) to facilitate this link would be included by VPA once approved.

The general shape of the expansion area on the eastern side (Draft Future Urban Structure for Discussion) is agreed between VPA, DJV and Barro Group, but the width of the expansion area to the east is not agreed between parties. VPA have shown the expansion area as a width of approximately 100m and this will be subject to evidence from parties at the panel. The VPA understands from the plans provided by Barro (document 33) that DJV and Barro consider the expansion area should have a width of approximately 36m and then widen to facilitate access between the Woody Hill and Phillips Quarry. The difference in position between VPA and DJV is over the width of approximately 74m of proposed expansion area on the property at 960 Donnybrook Road.

The location of the expansion area is a constraint on the siting of sensitive land uses within the central area of the PSP. This includes the location of the government primary school, town centre, active open space and residential land use.

The expansion area (shown in the Draft Future Urban Structure for Discussion) on the eastern side facilitates a link between the Woody Hill and Phillips Quarries. Additional processes to amend the Biodiversity Conservation Area (CA 28) to facilitate this link would be included by VPA once approved.

Barro Group have submitted that there should also be an expansion area to the north of the existing Woody Hill Quarry which would extend the boundary of the Special Use Zone (SUZ4) to Donnybrook Road (to provide consistency with WA492 and WA006437). VPA do not support a northern expansion area for the Woody Hill Quarry consistent with the work authority because the buffers are likely to adversely impact uses in the commercial area of the future Shenstone Park PSP and approved and gazetted sensitive residential uses in the Donnybrook Woodstock PSP. The VPA notes that the extent of extractive activity is not determined by the work authority, and that the area of extraction is a matter to be considered and, if a permit is granted, conditioned as a part of a future planning permit application under clause 52.08. The buffer evidence will be relevant to this issue.

The commercial area is located along Donnybrook Road to take advantage of the visibility and volume of movement in this area. VPA do not support constraining a viable commercial precinct with a quarry buffer (blast buffer). The Donnybrook Woodstock PSP was approved and gazetted in 2017. Given the residential PSP is approved, VPA do not support any expansion area to the north which would result in an expanded sensitive use buffer over current and future residential development.

VPA has developed a Future Urban Structure which balances the objectives of the northern growth corridor plan, EIIA, Plan Melbourne, extractive resources policy and potential impacts on adjacent PSPs. An alternative plan may achieve some objectives (with greater weight on some objectives), but it would not balance all objectives. VPA requests the panel adopt the Draft Future Urban Structure (for discussion) which incorporates changes from exhibition submissions.

## 6.3 Industrial Area East and North-East of Woody Hill Quarry

### 6.3.1 Overview

Shenstone Park PSP was exhibited with an industry and light industry use east and north-east of the Woody Hill Quarry. VPA received submissions that address the industrial area from 2 parties (Submission 23 - DJV, submission 22 - Satterley). The submissions oppose the designation of industrial land citing the following reasons:

- Submissions assert that previous versions of the PSP (prepared by City of Whittlesea) and submissions by DJV better balance employment opportunities with residential outcomes and expanded residential uses to the west and provide for a town centre hub
- There is already sufficient Industrial Land supply to meet 40+ years demand
- The background report informing the designation of employment land within the exhibited PSP does not set out any strategic justification for the amount of land that should be set aside
- There is already a significant supply of Industrial land at more superior locations in the surrounding area
- The proposed Industrial land would face significant competition from other planned industrial areas in the region which are characterised by superior locational attributes

The submissions seek for some industrial land east and north east of the quarry to be changed to residential land (largely dependent on the outcomes of the expansion area, above).

### 6.3.2 Discussion

The VPA does not agree with the propositions advanced by submitters. The VPA's position is that the extractive industry expansion area discussion and boundary of industrial land use north and north east of the quarry should generally retain the exhibited profile (with minor changes in the south).

The VPA's position on industrial land use is informed by the exhibited economic assessment (Ethos Urban, 2019) Northern Growth Corridor Plan and MICLUP, and the need to provide and protect appropriate buffers with extractive industries. These issues will be further explored in expert evidence before the Panel.

The Northern Growth Corridor Plan outlines a clear boundary between industrial and residential use. The boundary of industrial and residential land use in the exhibited Future Urban Structure is consistent with the line used in the Northern Growth Corridor Plan.



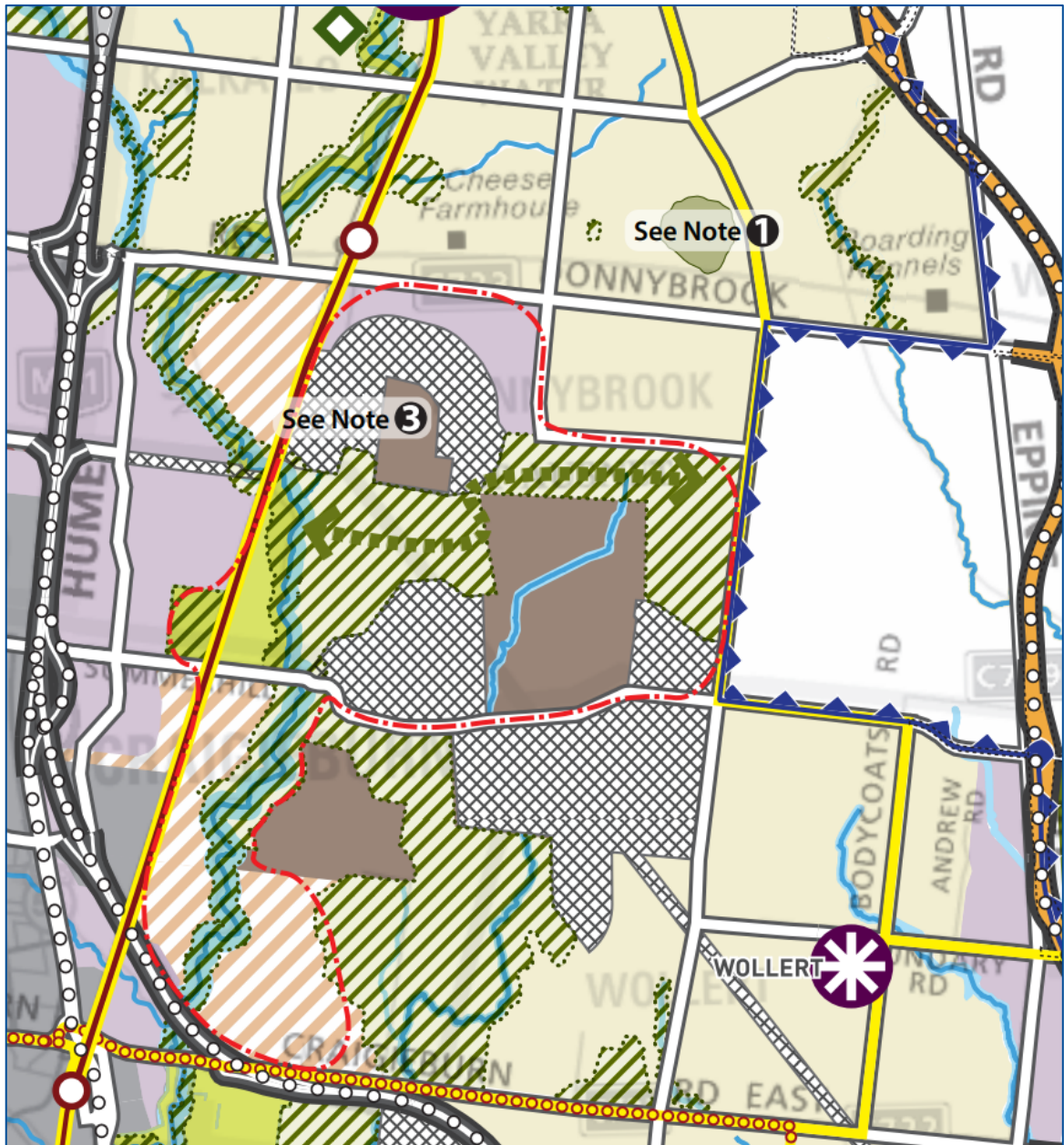


Figure 11 Northern Growth Corridor Plan

The exhibited economic assessment by Ethos Urban identified competition for employment land, and acknowledged the development of industrial uses may be a long-term proposition, while also noting non-traditional uses are now establishing in industrial areas. The VPA submits that addressing long term demand is still consistent with the role of a PSP in planning land use and development over a period of decades.

The MICLUP shows the land east and north of the Woody Hill Quarry as regionally significant industrial land – future on Map 8: Northern Region – Industrial land, extracted below (Figure 12). MICLUP also acknowledges the role played by industrial land in ensuring appropriate separation between extractive industries and sensitive uses – in essence, a reduction in employment land would not provide only an increase in residential land, it would also curtail the extent of extractive operations. These matters will be returned to in the context of buffer distances.



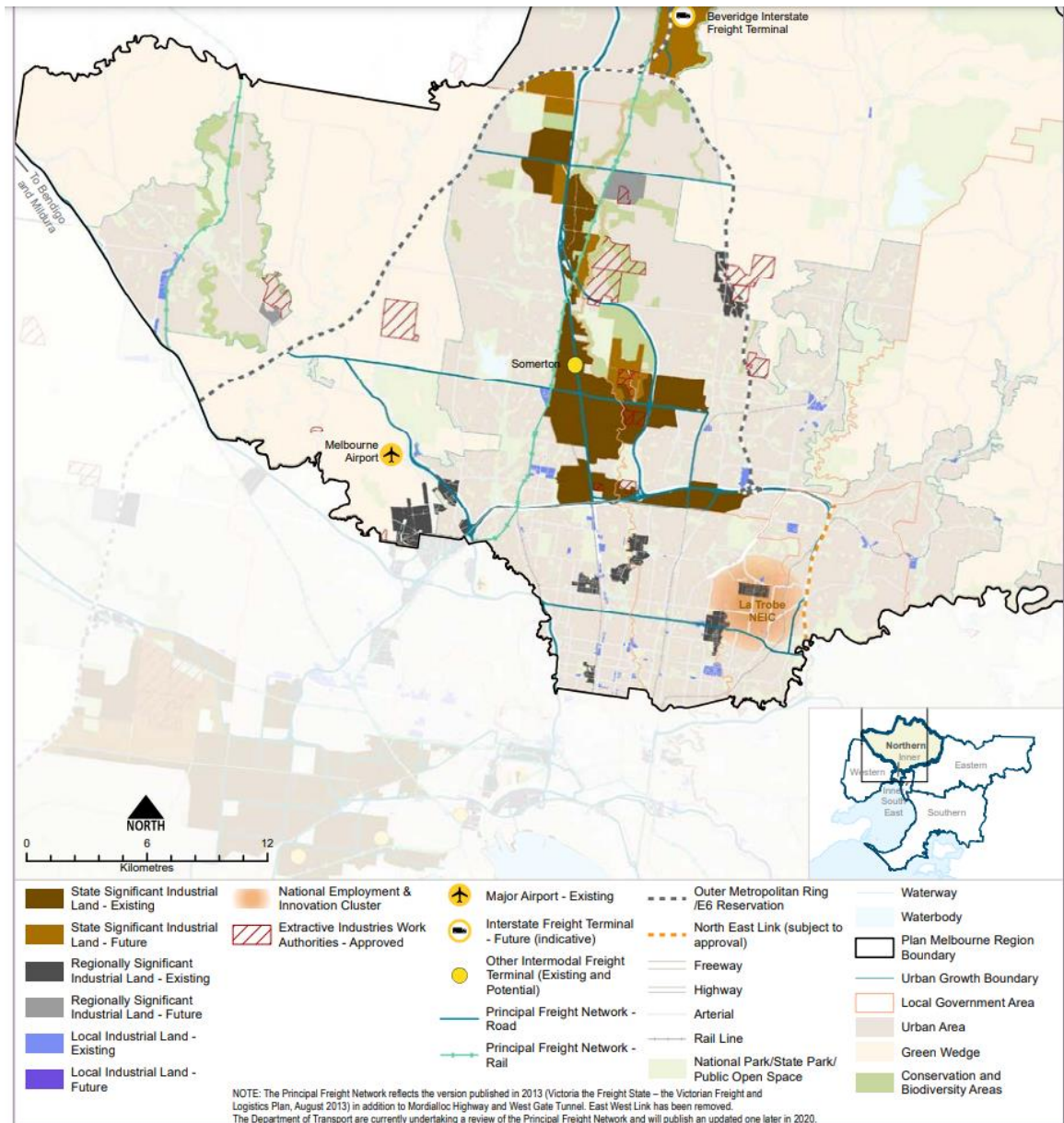


Figure 12 Northern Region: Melbourne Industrial and Commercial Land Use Plan

VPA does not support any reduction in industrial land east and north east of the Woody Hill Quarry.

## 6.4 Woody Hill and Phillips Quarries (Buffers and Separation Distances)

### 6.4.1 Overview

VPA received submissions that address the quarry buffers from the following parties:

- Barro (Submission 24)
- DJV (Submission 23)
- Satterley (Submission 22)
- DJPR (Submission 27)
- Whittlesea (Submission 32)
- Prattico (Submission 3)
- Yarra Valley Water (Submission 18)
- Ouson Group (Submission 20)

- Donnybrook Road Unit Trust (Submission 12)
- Landream and Austral Brickworks (Submission 13)
- DELWP (Submission 17)

The submissions were made in relation to both the Woody Hill and Phillips Quarries which have similarities but there are also key differences.

#### 6.4.2 Woody Hill Quarry

Woody Hill is an operating quarry within the future Shenstone Park PSP area. The exhibited PSP showed four buffers surrounding the quarry (Plan 15):

- Existing noise buffer (900m)
- Expansion noise buffer (600m)
- Blast buffer (200m)
- Sensitive use buffer (550m)

Submission from parties (Barro, DJV, Satterley and Whittlesea) generally related to the length and point of origin of the blast buffer and sensitive use buffer. In summary:

- The GHD Addendum notes that the assessment of the Woody Hill Quarry buffer is “based on the [Exhibited] Future Urban Structure Plan working backwards from the extent of the industrial/business land”.
- This method of calculating the buffer is not in accordance with relevant guidelines
- The buffers proposed in the PSP are based on assumptions that are untested. In addition, the buffers do not comply with the EPA’s Separation Distance guidelines
- It is noted that buildings within the Woody Hill 200m blast buffer are generally prohibited by the specific provisions within the exhibited Urban Growth Zone Schedule. Whilst the need to ensure development within the blast buffer appropriately considers the impacts of development in proximity to an operational quarry is acknowledged, Council requests further consideration of this provision in order to determine whether this is the most appropriate planning control, or whether flexibility in the controls such as further assessments and design standards may also achieve the desired outcomes.

The exhibited PSP also showed a ‘blast restriction area’ in the south eastern corner of the Woody Hill Quarry. The initial purpose of the blast restriction area was to facilitate the development of the Yarra Valley Water sewage treatment facility without the impact of a blast buffer. Submissions were received from two parties (submission 24 - Barro and submission 27 - DJPR) regarding the ‘blast restriction area’.

#### 6.4.3 Phillips Quarry

Phillips Quarry is currently not operational and is located outside the southern boundary of the PSP area. The exhibited PSP (Plan 15) showed 3 buffers extending into the Shenstone Park PSP area:

- Blast buffer (200m)
- Noise buffer (300m)
- Sensitive use buffer (550m)

Submissions from parties (Ouson Group, Donnybrook Road Unit Trust, DJV) generally related to the ‘Future Residential Area’ which is shown on Plan 3 of the exhibited PSP. The ‘Future Residential Area’ is land located within the sensitive use buffer of Phillips Quarry. Requirement 19 of the exhibited PSP related specifically to the ‘Future Residential Area’. In summary, development is not permitted until such time as DJPR determines that the earth resources in the Phillips Quarry have been extinguished, or that the sensitive use buffer is no longer required.

Submission from parties (Ouson Group – submission 20, DJV – submission 23, Donnybrook Road Unit Trust - submission 12) generally related to the length and point of origin of the sensitive use buffer. In summary these submissions raise the following issues:

- Question why the VPA applied the quarry buffers from the property boundary of the Phillips Quarry rather than from the point source of emissions shown by either the 'Approved extraction boundary' or the 'Stage 1 works area' on GHD Quarry Impact Assessment (2017) Figure 32.
- The approved planning permit for the Phillips Quarry 'Stage 1 Works Area' has expired. The final 'lapse date' to extend this permit is early January 2020 and to date no extension has been sought. Therefore, no approval and certainty exists that the balance of the site could ever be used for extractive purposes.
- Further, submissions question the buffers as shown in the PSP given the proximity of the high pressure gas pipeline. Restrictions around activities such as blasting are imposed adjacent to the pipeline and therefore the reality of any blasting near the Phillips property boundary (adjacent to the pipeline) is unlikely.
- Buffers from Phillips Quarry are interrelated to both the Shenstone Park PSP and significant areas of the Northern Quarries PSP. These buffer issues require resolution for the betterment of progressing both PSP's.
- The buffers proposed in the PSP are based on assumptions that are untested. In addition, the buffers do not comply with the EPA's Separation Distance guidelines.

There was also a submission made by DJPR in relation to the blast buffer point of origin in the north western corner of the Phillips Quarry. Although outside the PSP, DJPR submitted that the future Phillips Quarry should be shown to the cadastral boundary (north west corner). This was important in relation to potential blast buffers impacting the location of the exhibited Yarra Valley Water proposed water treatment facility (outside the PSP area).

#### 6.4.4 Discussion

The length and point of origin of the blast buffer and sensitive use buffer have important implications for land use within the PSP area. Under the UGZ7, buildings are prohibited within the 200m blast buffer (except if related to extractive industry). The UGZ7 has been tailored to exclude sensitive uses in proximity to the quarry.

In preparing the Amendment, the VPA has taken a whole of government approach with DJPR to the point of origin of the buffers (sensitive use and blast). It is the whole of government position that the buffers should be taken from the boundary of the Special Use Zone 4 (SUZ4). It is the whole of government position that extractive industry must not be unnecessarily constrained by adjacent uses through the strategic planning process. The point of origin from the boundary of SUZ4 provides certainty to all parties in the precinct about future use for both extractive and urban land uses.

The precautionary principle was used by VPA to set the length of buffers because specific information was not provided for the current operations of Woody Hill and the future Phillips Quarry. Even current operational practices on a site do not bind an operator for the life of resource extraction. VPA acknowledges that the length of the buffers (both sensitive use and blast buffers) will be the subject of expert evidence including potential for buffer distances to be agreed. The VPA will consider the evidence once filed, and any conclave report, and consider whether the whole of government position remains appropriate.

### 6.5 Yarra Valley Water Facility and Langley Park Drive Land Use

#### 6.5.1 Overview

The Future Urban Structure was exhibited with a potential (Yarra Valley Water) sewage treatment facility located outside the southern boundary of the PSP. In addition, land located in the western area of the PSP (southern end of Langley Park Drive) was exhibited as 'Utility Facility' in the Future Urban Structure. In summary, the concept from YVW is to treat sewage to recycled water standard and then pump it to holding ponds within the PSP area for distribution in the northern growth corridor.

The Growth Corridor Plan states that (at 5.7) that the '*provision of a new sewage treatment and recycled water plant is essential to allow for development of much of the Growth Corridor. A 50 hectare site (approximately) towards the southern end of Langley Park Drive, between Barro's Woody Hill quarry and the railway line has been identified as the best location for this facility. This location presents the opportunity to co-locate the sewage treatment plant within part of the buffer to the existing quarry*'. The exhibited location is a different location to that identified in the Growth Corridor Plan.

There are largely three issues in relation to the proposed water treatment facility which impact land inside the PSP. Although the proposed location of the treatment facility is outside the PSP area, the effects of the location are interrelated with land inside the PSP area. The three interrelated issues are:

- The extent of blast buffers on the location of the treatment facility outside the PSP area (Yarra Valley Water does not currently own land immediately south of the PSP area), this issue is interrelated to some extent with the blast restriction area shown in the exhibited Future Urban Structure
- Depending on the location of the above facility, an odour buffer may extend on to 960 Donnybrook Road
- The use and zoning of land currently owned by Yarra Valley Water located along the southern portion of Langley Park Drive

### 6.5.2 Blast Buffer and Blast Restriction Area

VPA received submissions that address the location of the sewage treatment from the following parties:

- DJPR (Submission 27)
- Barro Group (Submission 24)
- Yarra Valley Water (Submission 18)
- Golina Holdings (Submission 6)
- Whittlesea City Council (Submission 32)

DJPR and Barro Group submitted that the blast restriction area was an impediment to extractive industry, inconsistent with current and future operations on site and that it should be reviewed (Barro) and/ or removed (DJPR).

Yarra Valley Water submitted that the blast buffers extended over Yarra Valley Water's existing land holding which is the only means of accessing the proposed facility, and the blast buffers should therefore be removed so that Yarra Valley Water could access the site. DJPR have submitted that the proposed water treatment facility needs to be located outside the blast buffer for both the Woody Hill and Phillips Quarry.

### 6.5.3 Water Treatment Facility Odour Buffer

Plan 15 of the exhibited PSP showed an odour buffer from the proposed sewage treatment plant outside the southern boundary of the PSP. The exhibited odour buffer was shown as 613m based on assumptions of the future sewage treatment facility made in the GHD background report.

VPA received submissions that address the extent of the odour buffer from the following parties:

- DJV (Submission 23)
- Barro Group (Submission 24)
- Yarra Valley Water (Submission 18)
- Golina Holdings (Submission 6)
- Whittlesea Council (Submission 32)

It is important to note that submissions also raised concerns about possible odour buffers from the use of land owned by Yarra Valley Water along Langley Park Drive. These concerns were raised by Lavender Rain (Submission 16) and Prattico (Submission 3).

Most recently, Yarra Valley Water have indicated that they do consider that the odour buffer will impact upon the residential areas in communications with the VPA. This is likely to be subject to expert evidence before the panel.

### 6.5.4 Use and Zoning of YVW Land (Langley Park Drive)

The exhibited Future Urban Structure showed the current YVW landholding as 'Utility Land' in the exhibited Future Urban Structure. The applied zone was Industrial 1. VPA received submissions that addressed the use and zoning of the land from the following parties:

- Prattico Construction (Submission 3)
- Lavender Rain (Submission 16)
- Golina Holdings (Submission 6)
- 910 Donnybrook Road (Submission 7)
- Whittlesea City Council (Submission 32)

The first issue raised related to the use of the land and the potential for adverse amenity impacts without an understanding of specific infrastructure which is proposed on the land. The second issue was whether the land should be Urban Growth Zone (UGZ) or Public Use Zone (PUZ).

### 6.5.5 Discussion

It is generally VPA position to take a whole of government approach to the panel. In this case there are two government positions (DJPR and Yarra Valley Water) which are seemingly incompatible based on the information available at this time. VPA met with YVW on six occasions (post exhibition) and formally wrote to Yarra Valley Water in August 2020 seeking information in order to resolve submissions related to the water treatment facility and Yarra Valley Water land.

DJPR submitted that the potential water treatment facility illustrated in Plan 3 (exhibited PSP) is relocated outside the buffer areas (blast buffer) for both the Woody and Phillips quarries, which would also remove the need for a blast restriction area for Woody Hill quarry. Alternatively, DJPR suggested delaying the establishment of the facility until after the nearby quarries have completed any production in the areas that would be encroached by the facility. As previously stated, the blast restriction area in the exhibited PSP was shown so that the water treatment facility could be located immediately south of the Woody Hill Quarry. It is unclear how YVW could access a proposed treatment plant from Shenstone Park PSP because it would require a road through a blast buffer.

A constraining element of this area is the location of BCS Conservation Area 28. At this stage it is difficult to locate the proposed sewage treatment area further south because of the location of the BCS.

Based on submissions, VPA propose to:

- Omit the exhibited 'proposed water treatment facility' footprint from the Future Urban Structure and include an asterisks symbol in the approximate location of the proposed facility. In the VPA's view this approach more appropriately reflects the state of planning and information for this facility when compared to the shape shown on the exhibited PSP.
- Remove the blast restriction area, but do not propose any changes to the length of the blast buffer.

The VPA has proposed removing the odour buffer in response to submissions. Without certainty of the location of the treatment facility (due to blast buffers) and an undefined mechanism for land acquisition by Yarra Valley Water, it would seem unreasonable to impose an odour buffer on land within the Shenstone Park PSP. This includes changes to provisions in the proposed planning scheme ordinance which previously referred to the odour buffer.

VPA understand that land owned along Langley Park Drive would be used for future holding ponds of recycled water from the water treatment facility. Given the uncertainty of the location of the treatment facility (outside the PSP area), VPA have proposed a change to the exhibited PSP by showing industry land on the eastern side of Langley Park Drive and light industry on the western side. This results in the applied zoning provisions of UGZ7 being the Industrial 1 and Industrial 3 zones. This does not preclude the use of the land for holding ponds in future, once YVW have resolved the location of the sewage treatment facility and have more certainty for the design of the holding ponds. The VPA have updated the UGZ7 to include utility installation as a Section 1 use subject to conditions.

In summary, it is unclear what the design parameters are for the facility given it is unclear what land tenure is secured or design proposed, or at this stage how the proposed treatment facility can be located outside the blast buffers and outside the BCS. Although this matter is outside the PSP area, any odour buffer and the use of land (currently owned by YVW within the PSP) along Langley Park Drive is an important matter for the PSP. This issue is currently unresolved.



## 6.6 Sodic and Dispersive Soils and the Potential Risk of Erosion

### 6.6.1 Overview

One submitter made a submission relating sodic soils (Merri Creek Management Committee, submission 25). The primary issues raised by the above submitter relate to the prevalence of sodic soils within the PSP area, and the risk of erosion associated with their dispersive nature. Sodic soils and dispersive soils were not specifically considered in the exhibited version of the PSP.

The submission can be summarised as follows:

- MCMC recommends that a detailed investigation of the soil sodicity and dispersiveness be undertaken in order to fully inform the Shenstone Park PSP and to identify the approaches needed to effectively manage the associated risk. The submission asserts this information is needed at the PSP stage.

### 6.6.2 Discussion

In response to submissions, the VPA commissioned Jacobs to undertake an assessment of the extent and risk associated with sodic soils within the PSP area, and to provide advice regarding potential methods to avoid or mitigate potential risk of erosion.

Due to covid-19 restrictions in Melbourne, Jacobs were unable to undertake soil testing until 5<sup>th</sup> and 6<sup>th</sup> of October 2020. The results of field soil testing will be made available to all parties prior to the planning panel through the circulation of expert witness statements.

The issue of sodic soils was heard recently at the Beveridge North West (C106Mith). Based on C106Mith, the intention is to manage the construction of drainage infrastructure to avoid the potential risk of erosion associated with stormwater runoff.

Having regard to the findings of the Jacobs assessment in Beveridge North West PSP area, the following changes to the Amendment are proposed in response to submissions on the assumption that sodic/dispersive soils are identified:

- Insert a new Requirement to include the protection of sub soil layers.
- Insert new Guidelines regarding the management of subdivision, development, and stormwater to avoid or mitigate the potential risk of erosion.
- Amend the UGZ7 to:
  - include a permit trigger specific to earthworks where the land is identified as being subject to sodic or dispersive soils.
  - include an application requirement relating to the preparation of a sodic/dispersive soils management plan. The management plan will inform a subsequent site management plan required to be prepared as a condition on permit.
  - Include a mandatory permit condition requiring the preparation of a site management plan, to manage sodic/dispersive soils during subdivision and earthworks.

The VPA considers that the proposed amendments are appropriate in this instance for the following reasons:

- The Jacobs assessment in Beveridge North West noted that the risk of erosion can be mitigated to an acceptable level by implementing appropriate planning and construction management controls.
- The proposed amendments to Section 3.6.1 will provide the responsible authority with appropriate controls over development regarding the risk of erosion associated with sodic soils and provide a policy link to the application requirements detailed in the planning ordinance.
- The proposed amendments to the planning ordinance will require a detailed assessment and consideration of appropriate management methods through the planning application process. This is appropriate at this stage of development.
- These matters were supported by the conclusions of the panel considering C106Mith.

If investigations do not support the applications of controls to part or all of the PSP then the VPA will revise its position.



The VPA notes the contentious nature of this matter and considers submissions relating to sodic and dispersive soils to be unresolved in Shenstone Park. A full list of the status of the relevant submission points is provided in the Submission Response Table in **Appendix 1**.

The VPA requests that the Panel consider the relevant points and recommend the Amendment is adopted subject to the revisions described above.

## 6.7 Vision, Outcomes and General Matters

### 6.7.1 Overview

The vision and objectives of the PSP are contained in Section 2, and include Plans 1 – Regional Context, and Plan 2 – Precinct Features. The intended purpose of the section is to provide a high-level summary of the intended development outcomes and provide the overarching framework for the policy direction of the PSP.

Six submitters made points relating to the vision, outcomes and general matters. The submitters were:

- Lavender Rain (Submission 16)
- DELWP (Submission 17)
- APA Group (Submission 2)
- Department of Transport (Submission 30)
- City of Whittlesea (Submission 32)
- Satterley Group (Submission 22)

The key submission was from Lavender Rain regarding the vision for use of land on the western side of the PSP:

- The employment land opportunity for Shenstone Park must capitalize on the proximity to the heavy patronized Donnybrook train station and proximity to significant residential areas along the Donnybrook Road corridor. Being located adjacent to an existing train station provides the precinct with a distinct point of difference that will allow the precinct to attract businesses that can service within the corridor.

Regardless of the existence of the quarry the role of this precinct should not be to support heavy industry (Industrial 1 uses) and it is questionable whether the precinct should support light industry (Industrial 3 uses).

Whilst acknowledging that existing uses must be supported and protected, the 'vision' must focus on the long-term future land use and development of the land up to, and beyond 2050.

### 6.7.2 Discussion

VPA acknowledge the strategic merit of a train station located close to employment uses as this is likely to promote public and active transport. The Industrial 1 applied zone has been used in close proximity to the quarry because the uses may be complementary to the extractive industry contained within the quarry.

However, it is very important to observe what uses can establish in the Industrial 1 Zone and the Industrial 3 Zone before assumptions are made pertaining to end land use. The VPA submits that the broad range of uses could establish.

Based on the best available information provided by Yarra Valley Water, VPA has shown light industry land use on the western side of Langley Park Drive. Whilst this does not preclude the use of land in future for future recycled water holding ponds, VPA has partly responded to Lavender Rain's submission to provide a long-term use and development of the land which would not adversely impact residential land in the approved and gazetted English Street PSP. This allows an integrated planning solution for either eventual land use.

Commercial land use along Donnybrook Road would continue to leverage the visibility and accessibility along a primary arterial road. VPA do not believe it is appropriate to show further commercial land outside the Donnybrook Road corridor.

At a general level, the following changes to the PSP are proposed in response to other submissions:

- New objective inserted under Transport and Movement Objectives - 'facilitate 20-minute neighbourhoods by providing for an integrated transport network that supports active and public transport options, movement of goods and connections to jobs.'
- Ensure sensitive land uses are located outside the measurement length of the high pressure gas transmission pipeline where possible and that construction is managed to minimise risk of adverse impacts through addition of an additional Objective at O24.
- Insert the following objectives under "Biodiversity, threatened species & bushfire management": "Provide for the protection of nationally significant Grassy Eucalypt Woodland and Natural Temperate Grassland communities that support a range of biodiversity values within Conservation Area 28."
- Updates to the application requirements that: The 'Dry Stone Wall Management Plan must be prepared which responds to the relevant objectives, requirements and guidelines contained within the incorporated Shenstone Precinct Structure Plan

Full details of the proposed amendments are included in the tracked changes to the PSP document (**Appendix 2 – Track Changes Shenstone Park PSP.**)

The VPA considers that the proposed amendments are appropriate in this instance as:

- They are consistent with the policy direction of the PSP.
- They will provide flexibility for the future delivery of the recycled water treatment facility whilst also providing a long term vision for integrated land use within the precinct

The VPA considers that the proposed changes have appropriately addressed all the relevant submission points but notes that resolution of this matter has not been confirmed by all submitters. A full list of the status of the relevant submission points is provided in the Submission Response Table in **Appendix 1**.

## 6.8 Image, character, heritage and housing

VPA received seven submission relating to image, character, heritage and housing. The submitters were:

- 910 Donnybrook Road (Submission 7)
- 1150 Donnybrook Road (Submission 20)
- Lavender Rain (Submission 16)
- DELWP (Submission 17)
- Satterley (Submission 22)
- DJV (Submission 23)
- City of Whittlesea (Submission 32)

The primary issues raised by the above submitters relate to:

- Walkable catchments
- High density residential within the high pressure gas measurement length
- Affordable housing
- Heritage (1030 Donnybrook Road)
- Application of residential land use (this will be addressed in detail through 'Town Centres and Employment')

Full details of all the relevant submission points and VPA responses are provided the Submission Responses Table in **Appendix 1**. Further discussion of the main issues listed above is provided below.

### 6.8.1 Walkable catchments and density

#### 6.8.2 Overview

The provisions relating to walkable catchments and density in the exhibited version of the PSP are:

- Plan 3 – Future Urban Structure (walkable catchment areas)
- Requirement 16
- Guideline 9, 12, 15, 16

- Tables 2 and 3

The intended purpose of the exhibited provisions is to ensure the VPA will fulfil its Plan Melbourne policy obligation to deliver an average population density of 20dw/ha across the PSP, and to encourage greater residential densities to be provided within walkable distance to local services and public transport.

Submitters generally seek to increase the extent of the walkable catchment boundaries across the PSP, amend the density requirements associated with catchments, or a combination of both. The submissions are summarised as follows:

- Amend R16 to either remove the walkable catchment or reflect a flexible approach to walkable catchments at the permit stage, rather than definite boundaries
- Request that residential areas abutting water catchments, open space and fronting onto connector roads have the same density as residential areas within the walkable catchment area (minimum average density of 25 dwellings per hectare)
- Amend Plan 3 – Future Urban Structure to include a ‘walkable catchment’ boundary that relates to the railway station.

### 6.8.3 Discussion

There are two key constraints to the application of the walkable catchment more broadly across the precinct: sensitive use buffer from the quarry (west) and measurement length for the high pressure gas pipelines (east). Following the finalisation of the gas Safety Management Study, VPA amended the measurement length from 590m to 495m. This change resulted in the following

- The walkable catchment boundary was amended to align with the (495m) measurement length boundary on the western side of the gas main

The amendments to the exhibited extent of walkable catchment is illustrated in Figure 13 below.

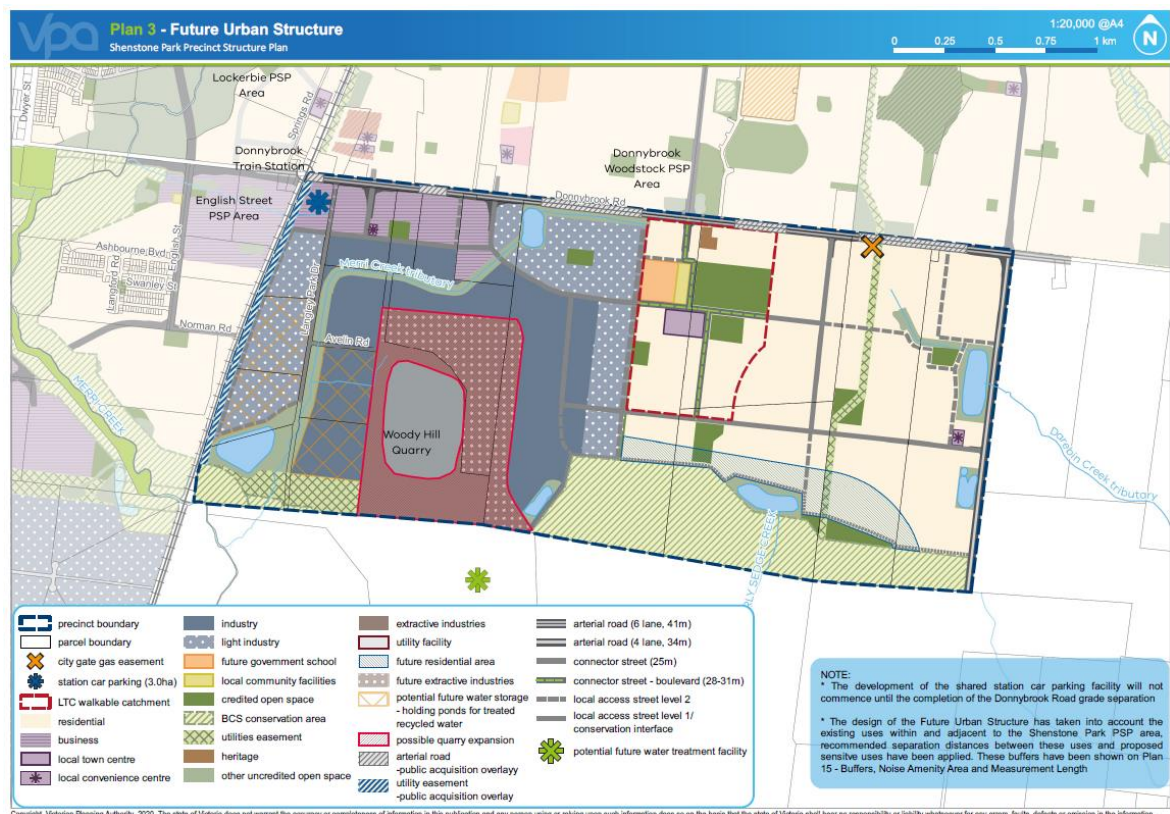


Figure 13 Draft Future Urban Structure (for discussion) - Walkable Catchments – Proposed Changes

The VPA considers that the proposed amendments to the walkable catchment are inappropriate in this instance for the following reasons:

- It is inappropriate to promote higher densities of residential development within the measurement length of the high pressure gas pipelines
- It is not appropriate to apply a walkable catchment (applied Residential Growth Zone) on the western side of the precinct near the train station as the land use in this area is employment based.

The VPA considers that the proposed changes have not appropriately addressed all the relevant submission points and these issues are still unresolved. A full list of the status of the relevant submission points is provided in Column K of the Submission Response Table in **Appendix 1**.

#### 6.8.4 Aboriginal Cultural Heritage

#### 6.8.5 Overview

As described in Section 2.2, Shenstone Park PSP is characterised by stony knolls across the eastern side of the precinct. Based on a desktop assessment of aboriginal cultural heritage (see Plan 2), these areas may trigger further requirements such as a Cultural Heritage Management Plan (CHMP).

There was one submission directly related to aboriginal cultural heritage, Submission 28 Victorian School Building Authority (VSBA). VSBA outlined significant concerns with the exhibited location of the government primary school due to a number of concerns including the implications of approvals for a school in areas of aboriginal cultural heritage.

#### 6.8.6 Discussion

VPA acknowledges the exhibited location of the government primary school was not appropriate due to significant site constraints including aboriginal cultural heritage significance. VPA undertook an extensive consultation process with VSBA and City of Whittlesea throughout 2020 to find an alternate location for the government primary school which was sympathetic to aboriginal cultural heritage and a number of other constraints (discussed further in Section Open Space, Community Facilities and Education). VPA have proposed a local park on the site of the exhibited government primary school to respond to issues of aboriginal cultural heritage raised in VSBA submission.

#### 6.8.7 Post Contact Heritage (1030 Donnybrook Road and Dry Stone Walls)

#### 6.8.8 Overview

There are two main themes within the PSP related to post contact heritage: Heritage Overlay (HO187) on 1030 Donnybrook Road and Dry Stone Walls distributed throughout the precinct. There were two main submissions related to HO187: Satterley Group (Submission 22) and City of Whittlesea (Submission 32). In summary, Satterley do not support the application of HO187 to the farmstead located on 1030 Donnybrook Road on the grounds of the buildings poor condition, whilst Whittlesea support the application of the HO187 as a representative example of farmsteads in the area in the late 19<sup>th</sup> and early 20<sup>th</sup> century.

Dry stone walls are distributed throughout the precinct and are identified in Plan 2 of the exhibited PSP and Requirements 5, 6 and 7. There were two submissions in relation to dry stone walls from Donnybrook Road Unit Trust (Submission 12) and City of Whittlesea (Submission 32). Donnybrook Unit trust submitted that an exemption should be made for arterial road works and Whittlesea requested additional requirements in the PSP and Urban Growth Zone. The submissions are summarised as follows:

- Submission 12 – Plan 5 also identifies the dry stone wall abutting Donnybrook Road to be of high-to-moderate significance. The proposed schedule to Clause 52.33 Post Boxes and Dry Stone Walls would require a permit to remove the dry stone wall fronting Donnybrook Road. The submission asserts that the dry stone wall would need to be removed as part of the proposed arterial works and requests the walls in the aerial road alignment should be identified for removal with an amendment to the schedule to Clause 52.33 to include “Medium” retention value as being able to be removed without a planning permit
- Submission 32 – requested the inclusion of the following text: ‘Dry stone walls identified as having a moderate to very high value for retention on Plan 5 must be retained as part of any future development,

unless otherwise agreed to by the responsible authority after consideration of overall design response and following receipt of advice from a suitably qualified professional regarding the condition of the wall.'

- Submission 32 – There is currently no reference requiring a Dry Stone Wall Management Plan within the Urban Growth Zone Schedule. Council request the inclusion of wording as per the Wollert PSP (UGZ5), however rather than a condition, the additional wording form part of the application requirements given that the identification of retention and removal of dry stone walls is required as part of the planning application

### 6.8.9 Discussion

The application of the HO187 on 1030 Donnybrook Road is currently unresolved and will be the subject of expert evidence at the planning panel. The VPA does not propose any changes in respect of HO187.

VPA consider a permit exemption should only be considered for dry stone walls with a low retention value and do not support changes proposed by Donnybrook Road Unit Trust. VPA acknowledge the value of dry stone wall as a unique contribution to the image and character of Shenstone Park PSP. VPA propose changes to R6 and an additional application requirement in the UGZ7 to address the submission from Whittlesea Council. The submission from Donnybrook Road Unit Trust was withdrawn by the submitter on 24/08/2020.

### 6.8.10 Affordable Housing

#### 6.8.11 Overview

The provisions relating to affordable housing in the exhibited version of the PSP are Guidelines 14 and 15. The intended purpose of the exhibited provisions is to increase the accessibility of housing to people on very low, low and medium-level household incomes. The amendment received a submission from Satterley Group regarding the provisions (Submission 22). The submission sought to clarify where the 10% cap was derived and how the guidelines are to be practically implemented.

#### 6.8.12 Discussion

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

- PSP
  - Delete Guideline 14 and 15 and replace with proposed Guideline 14 and 15 consistent with Beveridge North West PSP
- Ordinance
  - Amend the UGZ7 to include a new application requirement for an affordable housing assessment and decision guidelines relating to affordable housing.

Full details of the proposed amendments are included in the tracked changes to the PSP document (**Appendix 2**) and the tracked changes to the planning ordinance document (**Appendix 4**).

The VPA considers that the proposed amendments are appropriate in this instance for the following reasons:

- The provision of affordable housing is supported within the PPF.
- The Income ranges published under section 3AB of the Act for affordable housing suggests that affordable housing will be provided through the anticipated development.
- The 10 per cent target in the exhibited PSP is an arbitrary figure that is not linked to any previous study or background report and the use of the words 'up to' import the notion of a cap that does not assist the user to assess what level of provision less than 10% is appropriate.
- Proposed Guideline 15 provides a clear nexus between the quantum of affordable housing to be delivered and the anticipated needs of the community (i.e. demand). In doing so the proposed guideline provides a logical rationale that will remain flexible and responsive over time (noting the long life of the PSP document).
- The proposed application requirement and decision guidelines in the planning ordinance provide clear and logical guidance as to how proposed Guideline 15 is to be assessed and implemented.



- The proposed amendments to the PSP and ordinance are consistent with the relevant provisions relating to affordable housing in the Planning and Environment Act 1987.
- The application requirement can respond to adopted policy and research from time to time.

The VPA notes this issue was considered at the Beveridge North West PSP. A full list of the status of the relevant submission points is provided in Column K of the Submission Response Table in **Appendix 1**.

The VPA requests that the Panel consider the relevant points and make a specific recommendation on affordable housing.

## 6.9 Town centre and employment

Eight submitters made submission points relating to town centres, convenience centres and employment. The submitters were:

- 910 Donnybrook Road (Submission 7)
- Retzos Group (Submission 10)
- 1150 Donnybrook Road (Submission 12)
- Lavender Rain (Submission 16)
- Satterley Group (Submission 22)
- Donnybrook Joint Venture (Submission 23)
- City of Whittlesea (Submission 32)
- Donnybrook Road Unit Trust (Submission 12)

The primary issues raised by the above submitters relate to:

- Location and layout of Town Centre
- Location and character of Local Convenience Centre(s)
- Location and extent of commercial land along Donnybrook Road
- Extent of industrial land within the precinct (see Section 6.5 - Industrial Land Use North and East of Quarry)

Full details of all the relevant submission points and VPA responses are provided the Submission Responses Table in **Appendix 1**. Further discussion of the main issues listed above is provided below.

### 6.9.1 Location and Layout of the Local Town Centre (LTC)

#### 6.9.2 Overview

Four submitters made submission points relating to location and layout of the Local Town Centre. The submitters were:

- City of Whittlesea (Submission 32)
- Satterley Group (Submission 22)
- Department of Transport (Submission 30)
- Blueways (withdrawn)

Department of Transport submitted:

- It is proposed that buses would drive through a pedestrian led area (located outside of a school) within the local centre. This is unacceptable - bus operators do not drive through such areas as the safety risks are deemed unacceptable. Remove pedestrian led area and provide suitable pedestrian crossings.

In response to this submission, VPA propose to delete all references to the pedestrian zone on Plan 6.

After exhibition, VPA has been working with Whittlesea Council and the Victorian School Building Authority to find a more suitable location for the government primary school (in response to VSBA submission 28), and address other concerns such as Council's request to locate the commercial component within one land holding



VPA has circulated an updated Draft Future Urban Structure (For Discussion) which proposes changes to the Local Town Centre to ensure the government primary school is in a suitable location. In summary, the government primary school is proposed to be relocated north west of the exhibited location. Although not subject to submissions at exhibition (due to the location shown at exhibition), parties have submitted a draft proposal to move the Town Centre and co-located uses further south (towards the southern boundary of the PSP) while in discussion with VPA to resolve issues post-exhibition. The location of the Town Centre, government primary school, community centre and active open space should be considered an unresolved issue.

### 6.9.3 Discussion

Based on discussions undertaken post exhibition, it is generally agreed among parties that co-locating the Local Town Centre, government primary school, community centre and active open space would result in optimal outcomes for the precinct. Whilst co-location is generally agreed, the location is not.

The location and layout of the Local Town Centre, government primary school and community centre are constrained by the gas measurement length to the east and sensitive use buffers of the west (Woody Hill Quarry) and south (Phillips Quarry). The reduction in measurement length from 590m to 495m (through the finalisation of the safety management study) has created some additional space on the east of the exhibited active open space post exhibition. In addition to the measurement length and buffers, there are also constraints of topography and aboriginal cultural heritage which should be taken into consideration throughout the central area of the PSP.

The difference in preferred location (between parties: Donnybrook Joint Venture/ Satterley and VPA/VSBA/ Whittlesea) of the Local Town Centre, government primary school, community centre is whether it should be located closer to Donnybrook Road or closer to the southern boundary of the PSP - still within the central area of the PSP on 960 Donnybrook Road. The VPA preferred location is closer to Donnybrook Road because it is not impacted by any constraints listed above but DJV/ Satterley prefer the alternative location (closer to the southern boundary of the PSP).

This issue is currently unresolved and will be the subject of expert evidence to the panel. Full details of all the relevant submission points and VPA responses are provided the Submission Responses Table in **Appendix 1**. Further discussion of the main issues listed above is provided below.

## 6.10 Education, Community Facilities and Active Open Space

### 6.10.1 Education

#### Overview

There were two key submissions received in relation to education: Victorian School Building Authority (VSBA) and Catholic Education Melbourne (CEM) (withdrawn 12/6/2020). In summary:

- The location of the government primary was not appropriate due to factors including: topography, cultural heritage and site orientation
- CEM initially requested a non-government primary school within the precinct, but this submission was withdrawn on 12/6/2020 and a non-government school is not required within the precinct

VPA worked extensively with VSBA and City of Whittlesea to find an alternate location for the government primary school taking into account constraints such as topography, cultural heritage, quarry buffers, road access, site orientation and gas measurement length. The proposed change in the PSP is to move the school north west of the exhibited location. This proposed change would trigger resultant changes to the location of active open space, road network and town centre to accommodate the proposed change in school location. The proposed changes are shown in Figure 14 below.

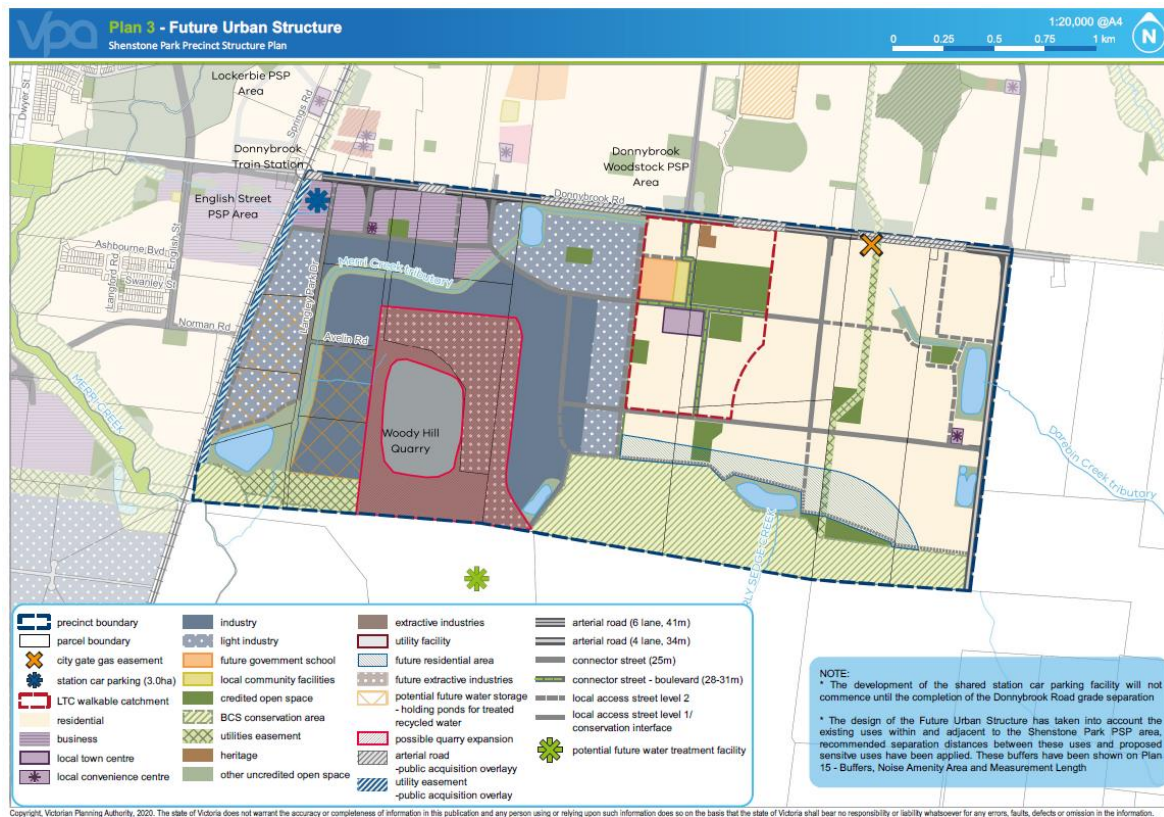


Figure 14 Draft Future Urban Structure (for discussion)

## 6.10.2 Discussion

Similar to the local town centre, the location and layout of the government primary school and community centre are constrained by the gas measurement length to the east and sensitive use buffers of the west (Woody Hill Quarry) and south (Phillips Quarry). The reduction in measurement length from 590m to 495m (through the finalisation of the safety management study) has created some additional space on the east of the exhibited active open space post exhibition. In addition to the measurement length and buffers, there are also constraints of topography and aboriginal cultural heritage (Plan 2) which must be taken into consideration when locating schools and community facilities throughout the central area of the PSP.

The VPA has provided a layout which has been agreed with Victorian School Building Authority and City of Whittlesea. Based on all constraints and preference for co-location of facilities, it is difficult to find any other location that the education facility can be located within the precinct. VPA do not believe it is appropriate to locate any facilities within a quarry sensitive use buffer or gas measurement length.

The location of the government primary school is considered an unresolved matter – although resolved between the VPA and VSBA, the proposed school location differs from the exhibited layout and the views of relevant parties will be ventilated during the panel hearing. Full details of all the relevant submission points (VSBA submission 28) and VPA responses are provided the Submission Responses Table in **Appendix 1**. Further discussion of the main issues listed above is provided below.

## 6.10.3 Community Facilities

### Overview

Three key submissions were made submission relating to community facilities in the exhibited PSP. The submitters were:

- Satterley Group

- Donnybrook Joint Venture
- Victorian School Building Authority (VSBA)

Two submitters (Donnybrook Joint Venture and Satterley Group) submitted that the community centre should be reduced in size from the exhibited 1.23ha (Table 4.1 Parcel Specific Land Budget). The submissions are as follows:

- The exhibited PSP proposes the same amount of community infrastructure as the consultation draft PSP provided to stakeholders for comment in December 2017 yet the exhibited PSP proposes a significant reduction in the net residential area compared with the earlier document. The proposed community infrastructure should therefore be adjusted accordingly to reflect the smaller residential population it is proposed to accommodate
- Reduction of the Community Activity Centre to 0.8ha

One submission was raised from VSBA with respect to the site orientation and connection from the school to the community centre in the exhibited PSP (see Section 6.12.1 Education). City of Whittlesea submitted that the Infrastructure Contributions Plan (ICP) is likely to result in a funding shortfall for the delivery of community facilities.

#### 6.10.4 Discussion

The VSBA submission touches on the importance of co-locating the school and community centre to meet the requirements for kindergarten facilities. The location constraints of the school, community facility, active open space and local town centre have been described in detail in previous sections (Section 6.11.1 local town centre and Section 6.12.1 Education).

In relation to the size of the community centre (Satterley and DJV), VPA has been working very closely with Whittlesea Council and VSBA to co-locate a school and community centre. VPA has been guided by the size (area) from City of Whittlesea when planning the location and size of the facility. VPA see this facility as an essential part of the community in future and support the City of Whittlesea position that there should be no reduction to the size of the community facility in the Shenstone Park PSP (no reduction as proposed by Satterley Group).

In relation to an ICP funding shortfall for community facilities raised by Council, this issue is not part of the Amendment before Panel.

The VPA considers that the proposed changes have appropriately addressed the submission from VSBA regarding the location and layout of the community centre. The issue of the size of the community centre remains unresolved with submitters. A full list of the status of the relevant submission points is provided in Column K of the Submission Response Table in **Appendix 1**.

#### 6.10.5 Location and 'role' of Local Convenience Centres

#### 6.10.6 Overview

The PSP was exhibited with 2 Local Convenience Centres, one on the eastern side of the precinct and one in the west. 4 submitters made points relating to the location and 'role' of the of the east and west Local Convenience Centres. The submitters were:

- Donnybrook Road Unit Trust (Submission 12)
- 910 Donnybrook Road (Submission 7)
- DELWP (Submission 17)
- City of Whittlesea (Submission 32)

The changes requested are summarised below:

- The PSP includes a Local Convenience Centre (LCC) to be located directly south of the passive open space within the Property (Property 17 - eastern side of precinct). The submission asserts that the LCC

is not viable in the proposed location and proposes that it be relocated to the north-east corner of the Property on the south-west corner of the future Donnybrook Road and Koukoura Drive intersection, or removed entirely from the PSP and the land reverted to residential land the components of the LCC (East), as outlined in Table 4 - Local Town Centre Composition and Delivery Guide, should subsequently form part of the retail and commercial allowance for the larger Shenstone Park Local Town Centre.

- Council requested LP-04 and LP-05 be re-located to create a single usable Public Open Space area rather than split between the gas pipeline easement and the drainage reserve. This was on the basis that splitting the Open Space limits both the functionality and the type and scale of embellishment. The submission recommended to shift the entirety of LP-04 to the south of the drainage reserve to provide a stronger connection to the Local Convenience Centre, and shift LP-05 to the south-east side of the gas easement.
- Submission 7 asserted access to local convenience services will be important for workers and visitors and recommended that small shop uses be permitted under Section 2 (permit required) within Table 1.
- Submission 17 asserted that in Table 1: Applied zone provisions, local convenient centre (east) and local convenient centre (west) should be more clearly identified / differentiated on the Plan 3

The following changes are proposed in relation to submissions:

- Local Convenience Centre (east) is proposed to move south east to the corner of a connector road and local street (south of Melbourne Water drainage asset) in response to City of Whittlesea submission

The submissions items regarding the role and location of the Local Convenience Centres are considered unresolved.

### 6.10.7 Discussion

There are broadly two issues which are considered unresolved from submissions. The first is the role of the LCCs within the precinct (which includes Section 2 uses), and the second (related to the first) is whether it is appropriate to have two LCCs.

It is VPA position that the LCCs are required to provide convenience facilities to the residential catchment to the east of the precinct and employment areas to the west of the precinct. The hierarchy of commercial and retail spaces is considered important to the overall success of the precinct. The commercial precinct along the south side of Donnybrook Road is the focal point for the precinct and LCCs have been planned to provide for convenience only (limited Section 2 Uses in UGZ7). The LCC area is also located to complement the local town centre, which is located centrally within the PSP, with the eastern LCC providing a convenience retail offering to residents, while the western LCC will provide a convenience offering to employment areas in the western part of the PSP.

The submission items regarding the Local Convenience Centre are considered unresolved and are likely to be the subject of expert evidence at panel. The VPA will continue to work to resolve submissions regarding the LCCs, provided the hierarchy of retail is maintained, and will address any agreed changes in the Part B submission

### 6.10.8 Location and Extent of Commercial Land Use

### 6.10.9 Overview

The exhibited PSP included a commercial land use area located to maximise exposure and access along Donnybrook Road. VPA received two submissions from 910 Donnybrook Road (Submission 7) and Lot A 910 Donnybrook Road (Submission 10) regarding land use on Property 11. The land use is currently shown as commercial, light industry (east) and Industry (south east). The submission was as follows:

- Submission 7 asserted that the proposed layout restricts the size and configuration of future lots, and development that could be achieved on these lots and that the PSP area is not suitable for major

Industrial Land development. The submission requested that the proposed land uses, connector roads and waterway be redesigned to allow for a more logical and legible development outcome, including:

- Realignment of the waterway along the subject area's eastern and southern boundaries;
- Identifying the entire subject area as Business on Plan 3 of the PSP and as a result, apply the Commercial 2 Zone within Table 1 of Schedule 7 to the Urban Growth Zone (UGZ7) across the entire subject area.
- Extending the north-south connector road to the southern boundary of the subject area (just above the realigned waterway) and straightening out the east-west connector roads.
- Submission 10 requested planning for the employment area have regard for the potential for land with a direct frontage to Donnybrook Road to accommodate uses reliant on high levels of passing trade, such as service stations with convenience retailing and fast-food restaurants.

VPA has not proposed any changes to the PSP at this stage but would be amenable to limited changes to commercial land use requested.

#### 6.10.10 Discussion

VPA was awaiting the result of discussions between the submitter and Melbourne Water about the alignment of the waterway (Tributary of Merri Creek). The VPA would not oppose including a revised waterway alignment in the PSP, contingent on that alignment being agreed between the submitter and Melbourne Water.

VPA does not have strong objections to an increase in commercial land on the eastern side of the property (a change from light industry to commercial). VPA are hopeful a resolution can be reached with economics experts prior to the panel regarding the total area of commercial land within the precinct.

Land on the southern side of the connector road is partly within the blast buffer for Woody Hill Quarry (Plan 15). VPA does not consider additional commercial land within the blast buffer of Woody Hill Quarry an appropriate use. Land outside the blast buffer could be commercial, but this would create a small strip of industry land along the southern boundary (910 Donnybrook Road) which would constrain the delivery of a logical development.

At this stage the submission is considered unresolved. A full list of the status of the relevant submission points is provided in Column K of the Submission Response Table in **Appendix 1**.

#### 6.10.11 Local Parks and Open Spaces

#### 6.10.12 Overview

Submissions were received relating to open space in the exhibited PSP. The submitters were:

- Donnybrook Road Unit Trust (Submission 12)
- Melbourne Water (Submission 19)
- Ouson Group (Submission 20)
- Barro Group (Submission 24)
- City of Whittlesea (Submission 32)

The relevant provisions relating to local parks and open spaces in the exhibited version of the PSP are:

- Plan 7
- Table 7
- R37-42 & 44

Submission points were made relating to local parks and open spaces, with submitters generally seeking:

- Removal of LP-01 open space from Property 9 (Barro Group)
- Relocation of LP-08 (City of Whittlesea)
- Amendments to the location of local parks and open spaces
- Amendments to the size of local parks and open space



### 6.10.13 Discussion

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

- A new reserve, LP-09 is proposed on the stony knoll on 1030 Donnybrook Road (Property 13) within part of the footprint of the proposed school and community centre shown on the exhibited PSP.
- Minor changes to the location of LP-04 (Property 17), to consolidate this space into one area, undivided by the drainage corridor.

The proposed amendments to locations and sizes of exhibited local parks is shown in Figure 15.

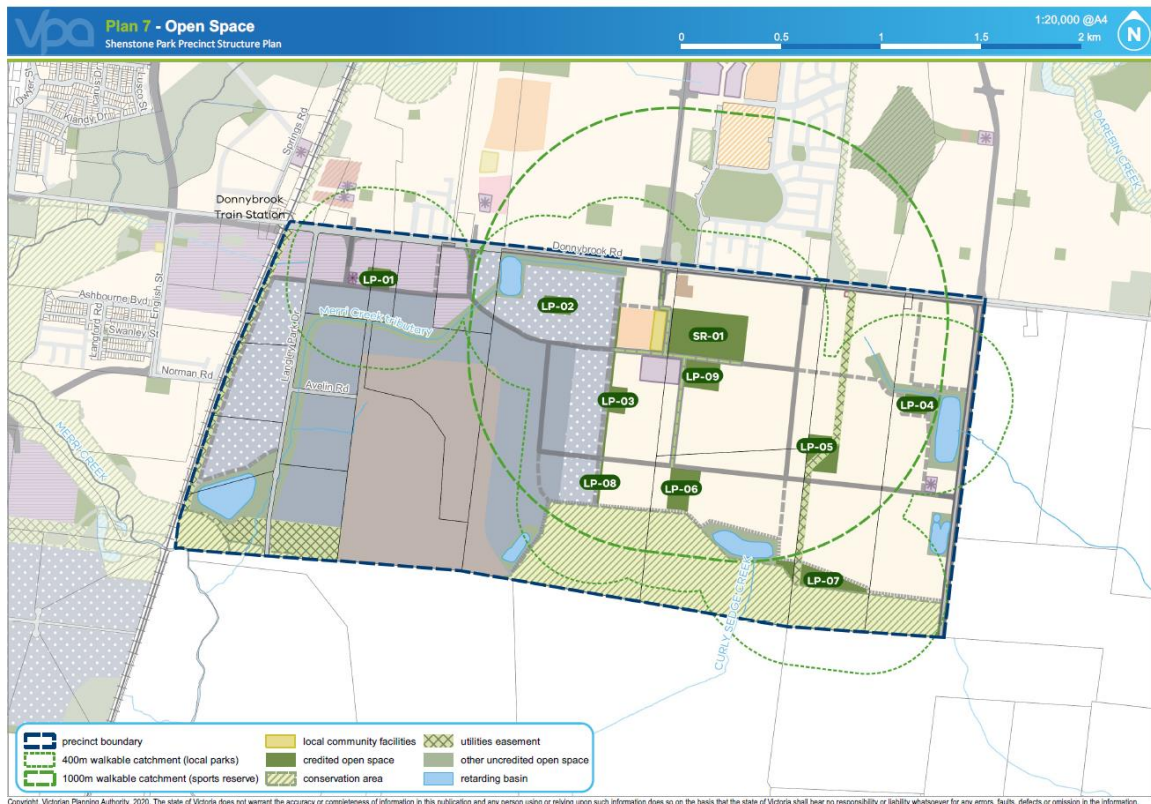


Figure 15 Draft Open Space Plan (for discussion)

Barro Group submitted that the location of LP-01 has not adequately considered the impact on existing and future operations for Barro Group. VPA do not support changes to the location of LP-01 on Property 9. LP-01 is shown to protect (existing) scattered River Red Gums. The PSP is a land use plan for the future delivery of the precinct. The land can continue to be used as is until such time Barro Group wish to develop the land for an urban use. VPA do not support the change.

Ouson Group submitted that the location and size of LP-05 and LP-07 on Property 15 should be amended. VPA does not have an in-principle objection to the proposed change, but VPA has requested mapping files from Ouson Group. VPA are hopeful this submission can be resolved prior to panel, in consultation with Whittlesea City Council.

Whittlesea City Council requested the removal of LP-08 as a designated open space reserve. Council submitted the strip of landscaping does not provide a usable area for Public Open Space purposes and thus cannot be considered as creditable. VPA do not support the proposed re-location of LP-08. The linear open space provides a landscape buffer between the light industry and residential area, whilst also providing open space connectivity between the north and south of the precinct (mirroring the gas easement walking path further to the east).

In discussions post exhibition, Satterley Group requested a local park be created on top of the stony knoll (location of exhibited government primary school). VPA have agreed to this request after an alternate location was found for the government school.



Donnybrook Road Unit Trust submitted that changes should be made to the location and size of LP-04. VPA has agreed to this change and is reflected in the update open space plan.

A full list of the status of the relevant submission points is provided in Column K of the Submission Response Table in **Appendix 1**.

## 6.11 Biodiversity and Bushfire Management

Six submitters made submission points relating to biodiversity and bushfire. The submitters were:

- Donnybrook Road Unit Trust (Submission 12)
- DELWP (Submission 17)
- Donnybrook Joint Venture (Submission 23)
- Barro Group (Submission 24)
- City of Whittlesea (Submission 32)

The primary issues raised by the above submitters relate to:

- Conservation Area 28 Boundary
- Biodiversity provisions in UGZ7
- Tree reports and scattered trees
- Bushfire provisions

Full details of all the relevant submission points and VPA responses are provided in the Submission Responses Table in **Appendix 1**. Further discussion of the main issues listed above is provided below.

### 6.11.1 Biodiversity Provisions

#### 6.11.2 Overview

The provisions relating to biodiversity in the exhibited version of the PSP are Plan 8 – Biodiversity, Plan 9a and 9b Conservation Area Concept Plan, Requirements 45- 50 and Guidelines 38-40.

The intended purpose of the exhibited provisions is to guide the management of trees and vegetation within the PSP area.

Six submissions were made relating to biodiversity provisions. The submitters were:

- DELWP (Submission 17)
- Donnybrook Road Unit Trust (Submission 12)
- Donnybrook Joint Venture (Submission 23)
- Barro Group (Submission 24)
- Whittlesea City Council (Submission 32)
- Ouson Group (Submission 20)

Golina Holdings (Submission 6), Landream Austral Bricks and Yarra Valley Water (18) also made submissions related to the drainage reserve exhibited at the southern end of Langley Park Drive in relation to the alignment of Langley Park Drive. Although this is a drainage issue, it has been addressed under biodiversity because there are additional biodiversity implications for the alignment of Langley Park Drive within and adjacent to Shenstone Park PSP.

Submitters generally seek to:

- Update the scattered tree assessment mapping on Plan 8
- Amend the Conservation Area 28 consistent with approval from DELWP Melbourne Strategic Assessment Team

- Amend or alter provisions related to biodiversity in UGZ7 as requested by DELWP MSA
- Alter the extent of the exhibited drainage reserve at the southern end of Langley Park Drive as advised by Melbourne Water.

### 6.11.3 Discussion

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

- The scattered tree plan (Plan 8) has been updated with the latest information from DELWP MSA Team
- Upon confirmation from DELWP MSA, the Conservation Area 28 will be updated to reflect approvals
- The drainage reserve at the southern end of Langley Park Drive has been reduced based on the latest information from Melbourne Water

A full list of the status of the relevant submission points is provided in Column K of the Submission Response Table in **Appendix 1**. The key outstanding item is the alignment of Langley Park Drive and the requested (Golina Holdings and Landream Austral Bricks) link to the future Northern Quarries PSP to the south. This issue is considered unresolved and will be discussed further in Section 6.14 Transport and Movement.

### 6.11.4 Bushfire Provisions

### 6.11.5 Overview

One submission (Country Fire Authority, Submission 29) was received in relation to bushfire provisions.

The provisions relating to bushfire in the exhibited version of the PSP are:

- Objective 017
- Section 3.0 of the proposed UGZ7.

The intended purpose of the exhibited provisions is to identify bushfire hazards and avoid or mitigate any potential risk to human life.

Full details of the proposed amendments are included in Section 3.4 of the tracked changes to the PSP document (**Appendix 2**).

### 6.11.6 Discussion

The VPA considers that the proposed changes have appropriately addressed the matter in relation to bushfire management as the CFA has provided written support to the PSP in its exhibited form. VPA is conscious that any changes to the Draft Future Urban Structure (for discussion) which affect bushfire provisions (location of roads etc.) must be to the satisfaction of CFA. A full list of the status of the relevant submission points is provided in Column K of the Submission Response Table in **Appendix 1**.

## 6.12 Transport and movement

### 6.12.1 Overview

15 submitters made submission points relating to transport and movement. The submitters were:

- Prattico Construction (Submission 3)
- Mirvac Victoria Pty Ltd (Submission 4)
- Golina Holdings (Submission 6)
- Landream and Austral Bricks (Submission 13)
- 910 Donnybrook Road (Submission 7)
- Lot A 910 Donnybrook Road (Submission 10)
- Donnybrook Road Unit Trust (Submission 20)
- Yarra Valley Water (Submission 18)
- Melbourne Water (Submission 19)

- DELWP (Submission 17)
- Ouson Group (Submission 20)
- Satterley (Submission 22)
- Victorian School Building Authority (Submission 28)
- Department of Transport (Submission 30)
- Whittlesea City Council (Submission 32)

The primary issues raised by the above submitters relate to:

- Transport modelling
- Koukoura Drive and Conservation Area 28
- Status and alignment of Langley Park Drive
- Status of Avelin Road
- Donnybrook Road Public Acquisition Overlay (PAO)
- Station car park and adjacent road network
- Intersections along Donnybrook Road (IN-03 & IN-05)
- Donnybrook Road Service Road
- Amendments (alternatives) to the connector road network
- Donnybrook Road 'flyover'
- Left In, Left Out access roads (Ouson Group, Donnybrook Road Unit Trust)
- Pedestrian crossing of Koukoura Drive
- Various cross-sections

The provisions relating to transport and movement in the exhibited version of the PSP are:

- Plan 10 – Street Network.
- Plan 11 – Public Transport and Path Network.
- Requirements 51 and 65 (Street Network)
- Guidelines - (Street Network)
- Requirements 66 - 73 (Public Transport)
- Guidelines 47-49 (Street Network)

## 6.12.2 Discussion

There are a large number of transport and movement related issues. The key issues are outlined in detail below.

### Langley Park Drive (status and alignment)

Langley Park Drive was exhibited as a local access street terminating at the southern boundary of 95 Langley Park Drive (Property 7). The land use along Langley Park Drive in the exhibited PSP was designated as 'utility facility'. Submissions were received from Golina Holdings, Landream and Austral Bricks (in particular) which sought a change to the status and alignment of Langley Park Drive. In summary, the submissions sought to upgrade it to a connector road and continue it to the southern boundary of Shenstone Park so that it could facilitate a connection to the future Northern Quarries PSP.

VPA has considered the submissions in detail and note the following constraints.

- Conservation Area 28 and 34 located south of the precinct boundary
- Tributary of Merri Creek waterway corridor
- Existing trees located within the exhibited drainage corridor (Yarra Valley Water property)
- Blast buffer from Woody Hill Quarry
- Draft Future Urban Structure (for discussion), location of wetland RB-03
- Potential access for the Future Yarra Valley Water Treatment Facility
- Infrastructure required to cross Tributary of Merri Creek for the benefit of landowners outside the precinct

VPA notes there are significant constraints listed above. VPA have considered a conceptual alignment to the northern edge of the transmission easement (at the southern boundary of the PSP area) which does not

preclude an extension of Langley Park Drive in future. It is the VPA position that a future link should be facilitated, but not planned for in Shenstone Park, but is more appropriately be considered in detail at the time the Northern Quarries PSP is considered.

#### Koukoura Drive and Conservation Area 28

Submission 17 (DELWP) submitted 'Remove the arterial road (Koukoura Drive) from the conservation area on all plans within the PSP document. The issue is that Conservation Area 28 currently extends to the eastern boundary of the PSP so the road (southern portion of Koukoura Drive) is currently shown within the conservation area.

VPA has been in discussions with DELWP MSA regarding this submission item. The area of Koukoura Drive located within the conservation area is approximately 0.77 ha. Discussions indicate DELWP MSA may consider a realignment of the conservation area boundary to facilitate the exhibited alignment of the road, provided there is no net loss of Conservation Area 28. VPA has considered preliminary options for no net loss (approximately 0.77 ha)) but has not finalised any proposals. This issue is still considered unresolved.

#### Donnybrook Road PAO (PAO2)

The PSP was exhibited with the existing Public Acquisition Overlay (PAO2) in favour of VicRoads for the future triplication of the road. Submissions including Mirvac Victoria Pty Ltd and Department of Transport sought to change the amendment so that the PAO be correctly applied to the land required for the ultimate Donnybrook Road cross section and associated intersections.

VPA has been working closely with traffic consultants and the Department of Transport to ensure the PAO2 is accurate with specific focus on the location of intersections from Donnybrook-Woodstock ICP (Amendment GC102) and subsequent land development of the intersections in the Donnybrook Woodstock PSP. As shown in the Draft Future Urban Structure (for discussion), VPA seek to apply the PAO in the mid-block between intersections along the length of Donnybrook Road to provide for future widening works.

#### Alternatives to the Exhibited Connector Road Network

Submission 22 from Satterley sought changes (alternatives) to the connector road network. As discussed previously, the location of the government primary school and other community infrastructure is heavily constrained due to the quarry buffers (west) and gas measurement length (east). VPA workshopped numerous locations with VSBA and Whittlesea City Council, but the final option required changes to the connector road network from IN-03 to satisfy stakeholders.

There are two other proposed changes to the connector road network on the eastern side of the PSP. In response to the gas Safety Management Study, all roads were required to cross perpendicular to the gas main. This has resulted in changes on property 15. Amendments to drainage infrastructure sought by Donnybrook Unit Trust have also resulted in some alterations to the road network on the property.

The location of the sewer pump station and rising main has changed from the eastern side of the gas main (exhibited) to the western side of the gas main. This was requested from Yarra Valley Water after changes were made to the boundary of Conservation Area 28. There have been minor changes to the road network to ensure the rising main is covered by a road.

#### Station Car Park and adjacent road network

Submission 30 from Department of Transport requests 3.0 ha set aside in the land budget and Precinct Infrastructure Plan (PIP) for Donnybrook Station Car Park. In addition, changes were requested to the adjacent road network to facilitate access to the car park. Whilst VPA support public transport and access to the car park, it is considered premature to set aside land in the land budget at this time for the car park. VPA propose an indicative symbol for the location of the car park with further strategic work to be undertaken by DoT in future.

#### Transport Modelling

Based on the proposed changes to the road network, VPA engaged GTA Consultants to re-model the Draft Future Urban Structure (for discussion) (as instructed by Panel under Direction 16a). The results of this modelling were uploaded to Hubshare (Document 37) on 16 October 2020.

Full details of all the relevant submission points and VPA responses are provided the Submission Responses Table in **Appendix 1**.

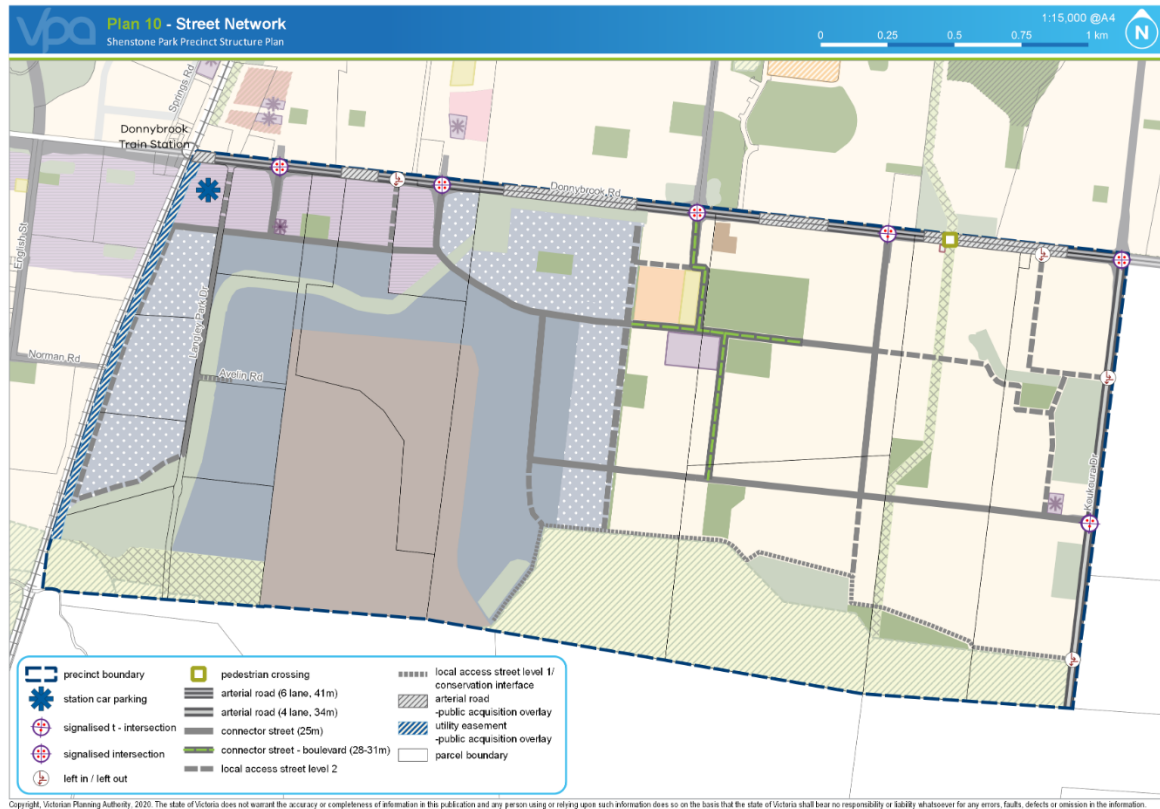


Figure 16 Draft Street Network Plan (for discussion)

## 6.13 Integrated Water Management and Utilities

### 6.13.1 Amendments to the Drainage and Waterways Network

#### Overview

Nine submitters made submission points relating to Integrated Water Management and Utilities. The submitters were:

- Pratico Constructions (Submission 3)
- Mirvac Victoria Pty Ltd (Submission 4)
- 910 Donnybrook Road (Submission 7)
- Donnybrook Road Unit Trust (Submission 12)
- Melbourne Water (Submission 19)
- Barro Group (Submission 24)
- Department of Jobs, Precincts and Regions (Submission 27)
- Victorian School Building Authority (Submission 28)
- City of Whittlesea (Submission 32)

The primary drainage issues raised by the above submitters relate to:

- 75 Langley Park Drive – change to location of RB-03 and waterway alignment
- 910 Donnybrook Rd - realign the waterway (Tributary of Merri Creek) to the south
- 1150 Donnybrook Rd - propose 2 drainage assets (RB/Wetlands) on the property instead of 3
- 1100 Donnybrook Rd - submit to delete part of the waterway on the property
- 960 Donnybrook Rd - move the drainage asset (RB-07) to the north from shown in exhibited

- Amendments to the drainage and waterways network.
- Development interfaces with drainage corridors.

The provisions relating to the drainage and waterway in the exhibited version of the PSP are:

- Plan 12 & 13 – Integrated Water Management and Utilities
- Requirements 74-78
- Guidelines 51-55

The intended purpose of the exhibited provisions is to enable the transition of the PSP from rural to urban land while appropriately managing the effects of increased stormwater runoff.

### 6.13.2 Discussion

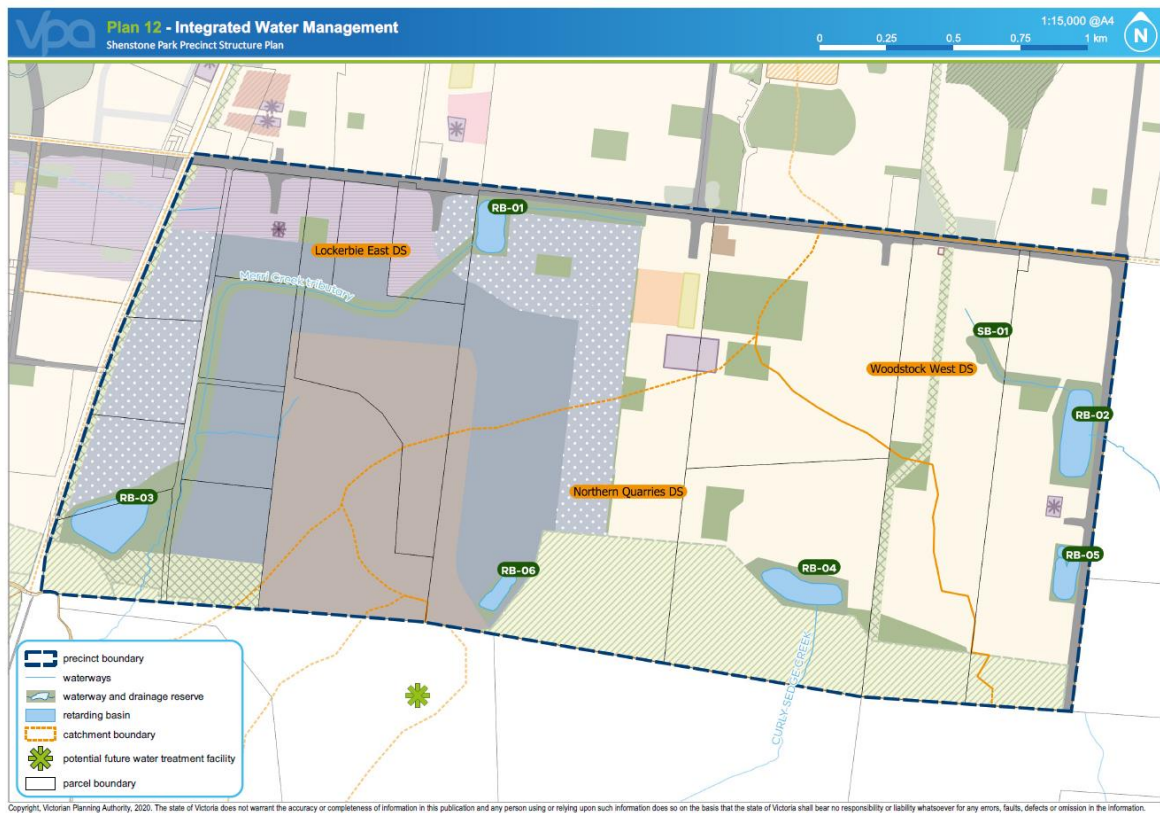
Melbourne Water is the regional floodplain management and drainage authority and caretaker of river health for Greater Melbourne. Melbourne Water develop a 'Development Services Scheme' (DSS) which is a masterplan for future drainage across the precinct, accordingly the PSP and the DSS should align. There are three DSS within the PSP area: Lockerbie East (DSS6508), Northern Quarries (DSS4548) and Woodstock West DSS (DSS4566).

Northern Quarries DSS and Woodstock West DSS are currently at a preliminary rate and are yet to be finalised by Melbourne Water. The majority of land within the Lockerbie East DSS is contained within the Donnybrook Woodstock PSP to the north. Although Lockerbie East is at a final DSS rate, Melbourne Water have considered changes to the location of drainage assets within the three DSS in the Shenstone Park PSP area.

In order to make changes to the drainage assets in the PSP (Plan 12), VPA requires confirmation from Melbourne Water that the changes proposed in submissions are acceptable to it having regard to the DSS. The VPA also need to consider whether the proposed changes to the DSS are in accordance with the PSP.

Melbourne Water have reviewed a number of alternate drainage alignments and Figure 17 has been updated to incorporate the changes supported by Melbourne Water. Note the property addresses have been used because the DSS uses a different system for numbering properties. Changes include: 75 Langley Park Drive, 1150 Donnybrook Road, 1100 Donnybrook Road.





**Figure 17 Draft Integrated Water Management Plan (for discussion) - Proposed Location of Development Services Scheme Assets**

#### 75 Langley Park Drive (Submission 3)

Melbourne Water's submission (submission 19) outlined a change to the location of RB-03 from Property 6 to Property 7. VPA understands that MW has had further discussions with YVW and DELWP MSA to locate RB-03 on Property 1. DELWP MSA have indicated there is an 'Area of Strategic Importance' for Growling Grass Frog in the south western corner of the PSP within Conservation Area 34. VPA have been advised there is a benefit of co-location of RB-03 with the area of strategic importance. Based on information provided by Melbourne Water, VPA propose a change to the location of RB-03 to Property 1.

Submission 3 (Prattico Construction) also proposed a change to location of Tributary of Merri Creek (waterway) on Property 6. The proposed change is to move the waterway to the eastern side of the property to increase net developable area outside the blast buffer. VPA would support a change to move the waterway east on the property provided Melbourne Water approve the change. The submitter and their drainage consultant have been in discussions with Melbourne Water to find a resolution to this issue. This issue is currently unresolved, but VPA are hopeful a resolution can be reached between Melbourne Water and submitter 3 which meets the objectives of the Melbourne Water Development Services Scheme whilst addressing the submission.

#### 910 Donnybrook Road – Waterway Alignment (Submission 7)

The Tributary of Merri Creek was exhibited on a diagonal alignment through the south eastern corner of property 11. Submitter 7 requested a realignment of the waterway to facilitate a greater area of development in the south eastern corner of the property outside the blast buffer. In summary, the proposed change is to realign the waterway to follow the eastern and southern boundary of 910 Donnybrook Road.

Melbourne Water reviewed the submission, however there are topographical and other constraints with the realignment proposed by submitter 7. Melbourne Water requested further design (and other requirements) from the submitter to consider the change. At this stage the information requested by Melbourne Water has not been submitted. This issue is currently unresolved and is unlikely to be resolved prior to panel.

#### 1150 Donnybrook Rd (Submitter 12) – Drainage Assets (RB-02, RB-05 & RB-06 and waterway)

The Future Urban Structure was exhibited with 3 drainage assets (RB02, 05 & 06) located on the property at 1150 Donnybrook Road (Donnybrook Road Unit Trust). Submitter 12 proposed changes to the drainage assets on the property. After discussions with Melbourne Water, the drainage assets have been changed. RB-06 has been deleted and there are now two drainage assets on the property (RB-02 and RB-05). The alignment of the tributary of Darebin Creek has also been realigned to the north. Melbourne Water has agreed to these changes and VPA believes this submission item is resolved.

#### 1100 Donnybrook Rd (Submitter 20) – Tributary of Darebin Creek

The Future Urban Structure showed a waterway from Donnybrook Road through Property 15 to the western boundary of 1150 Donnybrook Road. Submission 15 was to remove part of the waterway on property 15 and replace with pipe drainage. Melbourne Water considered the proposed change and has agreed to the change. VPA has updated the Future Urban Structure' to remove the waterway and this has reverted to residential use. Melbourne Water has agreed to these changes and VPA believes this item is resolved.

#### 960 Donnybrook Road (Submitter 23) – Drainage Asset RB-07

The exhibited Future Urban Structure showed drainage asset RB-07 south of the future extractive industries area on 960 Donnybrook Road. Submission 23 was that the wetland (RB-07) should be re-sited further north to facilitate the road access under the term sheet between Barro Group and 960 Blueways Pty Ltd. This would allow road access between Woody Hill and Phillips Quarry. Submitter 23 engaged Incitus drainage consultants to undertake design for a re-located asset. The design was submitted to Melbourne Water for approval in accordance with the DSS.

In principle, VPA supports the relocation of RB-07 to the north. However, there are a number of issues that need to be considered in the final location of this asset. A road has been located around the perimeter of Conservation 28 to assist compliance with bushfire requirements. Proposed changes to the location of the road (as a result of the wetland relocation) may affect bushfire management requirements. This should be confirmed with Country Fire Authority.

VPA preference is to locate drainage assets within one zone and to ensure the eastern quarry expansion area is not constrained by the location of wetland RB-07. Based on the proposed changes to zoning, the design by Incitus (on behalf of DJV) would be located over two zones (Urban Growth Zone and Special Use Zone). VPA do not support this location.

VPAs proposed approach is to maintain the size (area) of asset RB-07 as designed by Incitus, however the location would be adjacent to Conservation Area 28 – maintaining the exhibited perimeter road. This location would ensure the wetland is contained within one zone whilst also allowing the Special Use Zone to provide access between Woody Hill and Phillips Quarry. This issue is unresolved and is unlikely to be resolved prior to panel.

#### Summary

There are two unresolved issues for drainage: alignment of Tributary of Merri Creek on 75 Langley Park Drive (Property 6) and location of wetland RB-07 on 960 Donnybrook Road (Property 12-E).

Full details of all the relevant submission points and VPA responses are provided the Submission Responses Table in **Appendix 1**. Further discussion of the main issues listed above is provided below.

### 6.13.3 Utilities (Gas and sewer)

#### 6.13.4 Overview

There are three key utility installations within the Shenstone Park PSP:

- 2 x high pressure gas pipelines on the eastern side of the precinct (existing, APA)
- City Gate gas facility (existing) directly adjacent to the gas mains (APT Networks)
- Sewer Pump Station and rising main

There were 7 submissions related to sewer and gas in the exhibited PSP:

- APA Group (Submission 2)
- Mirvac Victoria Pty Ltd (Submission 4)
- 910 Donnybrook Road (Submission 7)
- Donnybrook Road Unit Trust (Submission 12)
- DELWP (Submission 17)
- City of Whittlesea (Submission 32)
- Yarra Valley Water (Submission 18)

The key issues raised in the submissions were:

- The high pressure gas main measurement length (ML)
- Recognition of the City Gate Facility
- Location of the Yarra Valley Water sewer pump station

#### 6.13.5 Discussion

The Shenstone Park PSP was exhibited with a gas measurement length of 590m which extended on both sides of the easement. Submission 2 from APA outlines the transmission pipelines, risk profile and preliminary measurement length. The APA submission also required VPA to undertake a gas Safety Management Study (SMS) whenever the classification of land changes within the measurement length.

VPA engaged Delphi Consulting to undertake an SMS for the precinct and this was finalised on 6 May 2020. APA requested that a redacted version of the SMS be circulated to all submitters and this was circulated on 24 June 2020. The SMS contains a number of actions to be completed prior to development, but it also set a revised measurement length for the precinct. Based on the finalised SMS, the gas measurement length is 495m on both side of the gas easement – this was a reduction of 95m from the exhibited version. Sensitive uses are limited within the gas measurement length as outlined in the Australian Standards.

The City Gate facility was also included as part of the Safety Management Study (SMS). APT networks advised the noise separation distance from the facility was 65m subject to actions undertaken through the SMS.

Yarra Valley Water sewer pump station was exhibited on the eastern side of the gas main (Plan 13). Submission 18 to the exhibited PSP sought to revise the location of the sewer pump station to the western side of the gas

main. VPA proposes changes to the PSP which incorporate this request

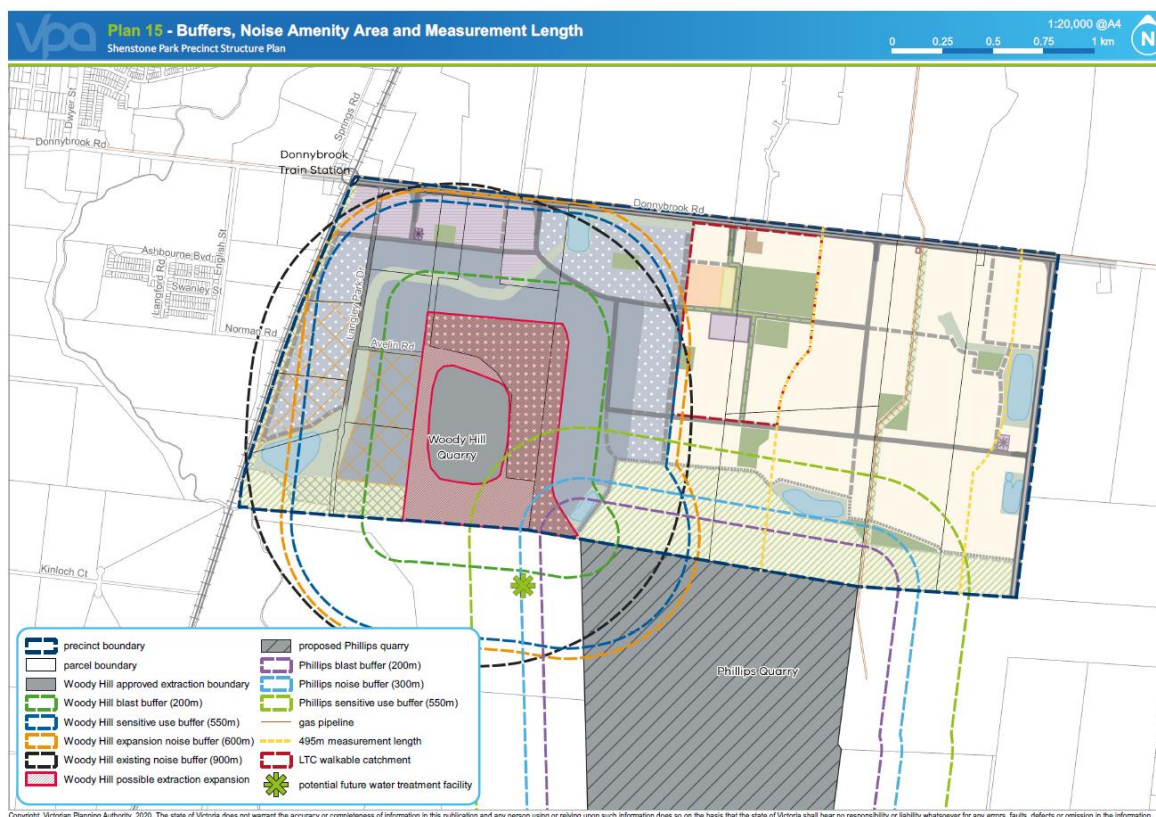


Figure 18 Draft Buffers, Noise Amenity Area and Measurement Length Plan (for discussion)

The gas measurement length and City Gate buffers have been set through the Safety Management Study. Alterations to either of these two lengths would require approval from APA and APT Networks. The location of the sewer pump station and conceptual water infrastructure (non-drinking water and drinking water) would be subject to confirmation from Yarra Valley Water.

A full list of the status of the relevant submission points is provided in Column K of the Submission Response Table in **Appendix 1**.

## 6.14 Precinct infrastructure and staging

### 6.14.1 Overview

Six submissions were received relating to precinct infrastructure and staging. The submissions were:

- Mirvac Victoria (Submission 4)
- Donnybrook Road Unit Trust (Submission 12)
- Donnybrook Joint Venture (Submission 23)
- Department of Transport (Submission 30)
- City of Whittlesea (Submission 32)

Changes were sought in relation to:

- Standard or Supplementary ICP Levy
- Draft Infrastructure Contribution Plan
- Woody Hill Quarry being excluded from the Land Budget Table and in turn from the developable area used for calculating levies.

### 6.14.2 Discussion

The VPA's position in response to these submissions is:

- The current infrastructure costs fall within the standard levy
- The ICP will be prepared after the completion of Shenstone Park PSP. Given a standard levy will be sufficient to fund the required community & recreation, and transport construction projects the amendment will likely be processed under section 20(4) of the Act.
- The Woody Hill Quarry is not included in the land use budget table as the extraction life is currently not known, but may be longer than the build-out of the PSP. Including the quarry area in the ICP would accordingly apportion demand to land that has a reasonable prospect of not being developed within the life of the PSP. This would result in a funding shortfall during the critical development phase and may compromise the timely delivery of essential infrastructure.

Full details of the proposed amendments are included in the tracked changes to the PSP document (**Appendix 2 - Track Changes Shenstone Park PSP**) and the tracked changes to the planning ordinance document (**Appendix 4 – Shenstone Park PSP Track Changes Ordinance**).

A full list of the status of the relevant submission points is provided in Column K of the Submission Response Table in **Appendix 1**.

## 7 RELEVANT AMENDMENTS

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Direction 17(b) requested information regarding other amendments under preparation or recently approved that may impact on the Amendment.

The VPA considers that that amendment GC102 to the Mitchell and Whittlesea Planning Schemes is relevant to this Amendment. GC102 proposed to introduce the Donnybrook-Woodstock Infrastructure Contributions Plan 2018 – to replace the interim 2019 ICP. Most relevantly, intersections IN-01, IN-02, IN-03, IN05 under the Shenstone Park PSP are to be partly funded by the Donnybrook-Woodstock Infrastructure Contributions Plan, with three legs of the intersections funded by Donnybrook-Woodstock and one leg funded by Shenstone Park. GC102 was considered by a planning panel which provided recommendations in a [panel report dated 9 December 2019](#). The VPA as planning authority for GC102 adopted the amendment in March 2020. The amendment remains with the Minister for Planning for approval.



## 8 REFERENCE DOCUMENTS

The Amendment is supported by a number of background reports, including those detailed by their references:

Document	Author	Date
Whittlesea Planning Scheme	City of Whittlesea	
Shenstone Park C241wsea Background Summary Report September 2019	VPA	September 2019
Aboriginal Cultural Heritage Assessment	Biosis on behalf of City of Whittlesea	October 2017
Arboriculture Assessment	Treetec on behalf of City of Whittlesea	February 2017
Bushfire Development	Terramatrix on behalf of City of Whittlesea	April 2019
Community Infrastructure & Open Space Needs Assessment	City of Whittlesea on behalf of VPA	September 2019
Economic Assessment	Ethos Urban on behalf of VPA	September 2019
Geomorphology and Vegetation Values Assessment – Drainage	Alluvium on behalf of City of Whittlesea	February 2018
Hydrologic Regime – Drainage	Alluvium on behalf of City of Whittlesea	February 2018
Land Capability – Environmental Contamination Assessment	Meinhardt on behalf of City of Whittlesea	March 2017
Post Contact Heritage Assessment	Ecology and Heritage Pty Ltd on behalf of City of Whittlesea	May 2017
Quarry Impact Assessment Addendum	GHD on behalf of VPA	September 2019
Quarry Impact Assessment	GHD on behalf of City of Whittlesea	December 2017
Safety Management Strategy	Delphi Consulting on behalf of VPA	June 2020
Strategic Transport Modelling Assessment	GTA on behalf of VPA	September 2019
Utility Services Infrastructure Assessment	Cardno on behalf of City of Whittlesea	July 2017
Visual Character Assessment	City of Whittlesea	November 2017



## 9 LIST OF APPENDICES

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- 9.1 **Appendix 1: Submissions Response Table**
- 9.2 **Appendix 2: Shenstone Park PSP Track Changes**
- 9.3 **Appendix 3: Shenstone Park PSP “Clean Copy”**
- 9.4 **Appendix 4: Shenstone Park Ordinance Track Changes**
- 9.5 **Appendix 5: Shenstone Park Ordinance “Clean Copy”**