

PSP 1069.1 Shenstone Park

Precinct Structure Plan

Part B Submission



November 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 B 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.

This Part B submission follows the preparation and filing, by or on behalf of the VPA, of various materials which clarify and supplement the information before the Panel on certain topics or general issues. These include:

- Document 36 – Quarry Statement.
- Document 37 – Strategic Transport Modelling Assessment report – GTA Consultants.
- Document 42 – Memo from VPA in response to direction 16b.
- Document 48 – Part A submission, including the enclosed submission response table, tracked changes and clean versions of the PSP and ordinance incorporating recommended revisions.
- Document 49 – Shenstone Park Safety Management Strategy – June 2020.
- Documents 77-80 – Memo in response to clarification requested by the Panel 22 October 2020, including numbered future urban structure and tables of changes.
- Expert witness statements in disciplines including traffic, geology and quarry operations, noise and vibration, economics, air quality, odour, extractive industry and quarry operations, soils and town planning.

The VPA relies on these materials in support of the Amendment. Where an issue is not addressed in this submission, but was addressed in the Part A submission, the VPA maintains the position set out in the Part A submission.

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

- a) impacts (if any) of the finalisation of the Industrial and Commercial Land Use Plan on the PSP and the Amendment more broadly
- b) explanation of the Public Infrastructure Plan condition in the UGZ7, and how this will interact with the Shenstone Park ICP
- c) the VPA's response to the issues raised in submissions
- d) the VPA's response to expert evidence
- e) any further changes the VPA proposes to make to the PSP or the Amendment more broadly in response to expert evidence or submissions
- f) the VPA's final position on the Amendment.

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

The Panel has subsequently directed the VPA to respond to the draft Future Urban Structure advanced by Donnybrook Joint Venture (**DJV FUS**) and to provide the position of Melbourne Water on drainage issues.

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.



2 RESPONSE TO PANEL DIRECTION

2.1 Impacts (if any) of the finalisation of the Industrial and Commercial Land Use Plan on the PSP and the Amendment more broadly

The Melbourne Industrial and Commercial Land Use Plan (MICLUP) was publicly released by the Department of Environment, Land, Water and Planning (DELWP) in April 2020, after the exhibition of the Amendment. The MICLUP is a policy that builds upon the Plan Melbourne Implementation Plan. The MICLUP introduction provides that:

Our economy is also being reshaped by population changes taking place. As our population ages, so too does our demand on health, community and waste management services. These population serving industries will grow significantly over the coming decades as will retailing and business services that support these sectors. This will drive demand for premises in commercial areas closer to growing populations.¹

The MICLUP was subject to an extensive consultation program with industry including in November 2019, when DELWP released a draft of the plan for a two-month period of comment and feedback. A total of 107 submissions were received at the close of the consultation process.

As set out in the Part A Submission, Maps 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.²

The relevance of MICLUP is noted in the evidence of Dr Spiller (document 84), who observes that MICLUP's underlying principles "emphasise the need to reserve strategic stocks of industrial (and commercial) land to give Melbourne's economy ... a continuing competitive edge and capacity for adaptability."³

The VPA submits the finalisation of MICLUP supports the distribution of employment/residential land uses in the PSP and in particular supports the protection of extractive resources within the PSP Area. Accordingly, the impact of MICLUP on the Amendment is to confirm that the manner in which the PSP has been prepared accords closely with current (and recently introduced) State government policy. Its finalisation supports the progression of the Amendment generally as exhibited.

¹ MICLUP Page iii

² MICLUP, page 64.

³ Document 84, page 9.

2.2 Explanation of the Public Infrastructure Plan condition in the UGZ7, and how this will interact with the Shenstone Park ICP

In its exhibited form, UGZ7 contained the following application requirements and permit conditions:

Application requirement

Public Infrastructure Plan

An application for subdivision and/or use and development of land must be accompanied by a Public Infrastructure Plan which addresses the following:

- *What land may be affected or required for the provision of infrastructure works;*
- *The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;*
- *What, if any, infrastructure set out in the infrastructure contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency;*
- *The provision of public open space and land for any community facilities; and*
- *Any other matter relevant to the provision of public infrastructure required by the responsible authority*

Permit condition

The exhibited ordinance included the following condition:

Condition - Public Infrastructure Plan

Any permit for subdivision must contain the following condition:

- *Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the Planning and Environment Act 1987 which provides for:*

- *The implementation of the Public Infrastructure Plan approved under this permit.*
- *The timing of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds in the Infrastructure Contributions Plan.*

Following discussions between VPA and Council. the VPA propose to update the condition. The revised wording is as follows:

'Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the Planning and Environment Act 1987 which provides for:

- *The implementation of the Public Infrastructure Plan approved under this permit.*
- *The timing of any land credit amount to be paid having regard to the availability of funds in the open space account.*



- The timing and the quantum of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds in the Infrastructure Contributions Plan.

The agreement must be prepared to the satisfaction of the Responsible Authority and the costs for the preparation and execution of the Agreement must be borne by the permit holder.'

The combined intent of these conditions is to facilitate the implementation of the Shenstone Park ICP which will be premised upon the Precinct Infrastructure Plan (PIP) at Table 9 of the exhibited PSP. Provisions substantially in this form are standard parts of UGZ provisions. The Panel is directed for instance to the provisions of Schedule 4, 5 and 6 to the UGZ within the Whittlesea Planning Scheme all of which include provisions in similar terms, as a part of recently incorporated PSP's.

The application requirement will require permit applications to articulate how a proposal interacts with the ICP – including what land will be set aside for transport or community projects, what infrastructure to be provided (including any “works in lieu”) and how the proposed development will connect the external road network (both ICP funded roads and roads delivered as subdivisional works). The permit condition is intended to implement the approach identified in the public infrastructure plan. In particular:

- The ICP regime provides certainty regarding projects to be delivered and land to be provided, but leaves key timing matters to the development stage. For example, an agreement may resolve:
 - The time for the payment of the monetary component and any land equalisation amount under section 46GV(3).
 - The time at which the collecting agency will pay a land credit amount under section 46GZ(7).

The permit condition will allow these matters to be resolved for each particular site and secured to the satisfaction of the collecting agency.

- The condition contains flexibility afforded by the words “if required by the responsible authority”. This acknowledges there may be circumstances where the responsible authority agrees it is appropriate to waive a requirement for a section 173 agreement.

2.3 The VPA’s response to the issues raised in submissions

The VPA’s Part A submission included (Document 48a) a detailed submission response table addressing the individual submission items raised in the unresolved submissions. The VPA’s Part B submission includes a number of refinements to the position previously presented. The VPA relies on the position set out in the Part A submission, including Document 48a, except where modified in this submission.

Appended to this submission is an updated submission response table. That table clearly identifies items where the VPA’s response has been updated since the Part A submission was filed.

2.4 The VPA’s response to expert evidence

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

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



Approximately 40 witnesses shall be called on a diverse range of issues. The great majority of these witnesses are independent witnesses. Accordingly:

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

It is the VPA's intention to test the evidence. This means that its understanding of the written word may be qualified, augmented or upon proper evaluation discarded. In preparing submissions the VPA has, where appropriate, responded to key issue agreed or disagreed in witness statements – either expressly or by maintaining the VPA's position contrary to the recommendations of one or more witness statements. The VPA has not sought to resolve or reconcile disputed technical buffer or town planning evidence which will be tested and further ventilated through cross examination.

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

2.5 Any further changes the VPA proposes to make to the PSP or the Amendment more broadly in response to expert evidence or submission and the VPA's final position on the Amendment

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

The VPA proposes further changes to the Amendment. These changes build on the version circulated with the Part A submission and are the result of further discussions with submitters and the VPA's review of expert reports. These changes are identified in the text of this submission and the Submissions Response Table (Appendix 1).

The VPA's final position is that the Panel should recommend the Amendment is adopted subject to the revisions set out in the tracked changes document circulated with the Part A submission and subsequent proposed updates noted in the Submissions Response Table (Appendix 1), as modified by this submission.

2.6 The VPA's response to the Future Urban Structure filed by DJV

The VPA's response to the DJV FUS is included as Appendix 2 to this submission.

2.7 Submissions

The VPA's submission response table identifies approximately 393 individual submission items. Many of these items, however, address similar substantive issues and frequently multiple submitters address the same substantive issues.



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



3 QUARRY ISSUES

3.1 Woody Hill Quarry (Extractive Expansion Area)

3.1.1 What is the issue?

The exhibited PSP provides an expansion area for the Woody Hill Quarry, north and east of the existing quarry subject work authority WA492.

Submissions 23 and 24 oppose the expansion of the extraction area east onto 960 Donnybrook Road. Submission 24 from Barro Group asserts the expansion area should extend further north to align with the extent of work authority WA006437.

The Part A submission contained an updated Future Urban Structure (**Part A FUS**) that altered the extent of expansion area adjacent the southern boundary of the PSP. In particular, the Part A FUS continued the expansion area south, with the splay meeting the BCS Conservation Area at the southern boundary to facilitate access between the Woody Hill Quarry and the proposed Phillips Quarry.

3.1.2 Discussion

There is a range of substantive policy that concerns the key competing policy regarding extractive industries and other urban uses. Clause 71.02-3 provides that:

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. ...

It is an objective of Clause 11.03-2S, Growth Areas, to:

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

The Clause includes strategies to:

- Concentrate urban expansion into growth areas that are served by high-capacity public transport.
- Implement the strategic directions in the Growth Area Framework Plans.
- Encourage average overall residential densities in the growth areas of a minimum of 15 dwellings per net developable hectare, and over time, seek an overall increase in residential densities to more than 20 dwellings per net developable hectare.
- Deliver timely and adequate provision of public transport and local and regional infrastructure and services, in line with a preferred sequence of land release.
- Provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other more regional employment generators.
- Create a network of mixed-use activity centres that are high quality, well designed and create a sense of place. Provide a diversity of housing type and distribution.
- Retain unique characteristics of established areas impacted by growth.
- Protect and manage natural resources and areas of heritage, cultural and environmental significance.
- Create well planned, easy to maintain and safe streets and neighbourhoods that reduce opportunities for crime, improve perceptions of safety and increase levels of community participation.

It is readily apparent from these strategies that the nature of policy outcomes sought in growth areas are diverse. Equally then it is unsurprising that PSPs themselves are diverse – in this area alone to the west of the PSP area

is the Craigieburn North Employment PSP, a wholly employment based area, and the English Street PSP a predominantly residential area.

In this case, as in every case, the question arises as to where the policy balance lies. In this respect context is all important. This PSP has in a linear manner been planned to accommodate extractive industries and conventional urban development. It is an area with a proven resource and one of few areas within the broader northern growth corridor where planning prioritises extractive industry. As a matter of fact, much of the broader Extractive Industry Interest Area within the Growth Corridor is already compromised (in the sense that extraction could not readily occur) by urban development.

Urban development requires rock resources. A significant contributor to the cost of rock resources is transport costs. The Shenstone Park PSP and more particularly the Woody Hill and Phillips quarries are located within epicentres of urban development that create a market for resources. If it is not produced locally it will be produced elsewhere and transported to meet the development.

The VPA has approached the identification of the eastern extension of the Woody Hill Quarry with these facts firmly in mind. It has then sought to prepare a plan that responds to the various, competing matters for the long term, that is 30 or more years. With a long term vision before it, current authority boundaries and current cadastral plans are relevant but do not take determinative level of importance. Strategic decision makers make decisions which reflect a future ultimate desired framework outcome, strategic decisions are not bound by the shorter term development intents of persons currently controlling land.

Relevant to this strategic context, quarries are a use that commonly evolve over time through extensions and other variations (e.g. depth, hours of operations, adjustments to onsite equipment or methods of extraction). There are good reasons for this. The establishment of a greenfield quarry is a lengthy process under legislation that requires first the preparation of a draft work plan, then a planning permit application, finalisation of a work authority before the resource can begin to be exposed. Advantages of extensions include practical knowledge of the resource available, the established markets and the cost efficiencies associated with extraction from existing operations/pits and existing quarry infrastructure already in place. The VPA submission is that the identification of stone resources both currently covered by a work plan but also adjacent to an existing quarry operation is sound planning where it is consistent with the realisation of the overall planning objectives for the area.

The VPA's approach to this question is not novel (and as noted below is consistent with the broader planning framework for the area). Woody Hill is an important quarry operation. WA492 is identified on the Extractive Industry Priority Project List⁴ To be included on the priority list, quarries must be in areas close to the highest demand for building raw materials. The approach to identification of future expansions is generally consistent with the approach adopted in the Strategic Extractive Resource Areas Pilot Project⁵.

This project proposes a State Resource Overlay , the purpose of which is:

⁴ <https://earthresources.vic.gov.au/projects/extractive-industry-priority-project-list>

⁵ <https://engage.vic.gov.au/sera-pilot-project>



To identify and protect areas of mineral, stone and other resources, which have been identified as being of State significance, from use and development that would prejudice the current or future productive use of the resource.⁶

The SRO mechanism, coupled with the Special Use Zone, within that project involves a retrospective application of an overlay to *Inter alia* protect future potential for expansion of important quarries. This PSP protects the resource through zoning and the available tool of the PSP including a future urban structure. Protection of resources for stone extraction is important. Much of the current case will be consumed with establishing the need for buffers around extractive industry uses. It is impractical to leave the expansion area within other zones and then expect that sensitive and other uses will not have encroached upon the buffer. The VPA submits that the orderly method of planning appropriate in these circumstances is for the resource to be protected and the opportunity for utilisation of the resource given over the life of the PSP. In the event that the PSP develops over time and different strategic imperatives become more important then it is possible to revisit the position. The same cannot be said if uses encroach.

Policy support for extractive industries

The Quarry Statement identifies relevant policy that supports the protection of the resource covered by the Woody Hill Quarry. This policy was extracted extensively in the quarry statement and is addressed in several expert reports filed with the Panel. The VPA notes the following:

- Plan Melbourne seeks to avoid an outcome where urban encroachment endangers the long term supply of extractive materials, and supports the sequencing of urban development to “allow strategic resources such as stone and sand to be extracted ahead of establishing urban areas”⁷ Plan Melbourne looks to growth area planning, and in particular precinct structure planning to manage land use conflicts.
- The development of PSP’s is guided by the relevant growth corridor plan. The Woody Hill Quarry (along with the Phillips Quarry) is included in the North Growth Corridor Plan. The North Growth Corridor Plan identifies an urban non urban split which accords with the proposed PSP.
- Woody Hill Quarry is also depicted and discussed in the Melbourne Industrial and Commercial Land Use Plan, 2020.
- The Woody Hill Quarry is within an Extractive Industry Interest Area (EIIA) and has therefore “been identified as likely to contain stone resources of sufficient quantity and quality to support commercial extractive industry operations”⁸ The EIIA Map extracted in the quarry statement depicts that the whole PSP area is within the EIIA, including the expansion land to the north and east of the existing Woody Hill Quarry.
- Planning Practice note 89 Extractive Industries and Resources recognises the importance of protecting extractive resources, and states:

⁶https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/9015/9003/3883/Final_Draft_Planning_Provisions_-_SERA_Pilot_Areas_and_VPP.pdf

⁷ Plan Melbourne at 1.4.2.

⁸ Planning Practice Note 89.



In the past, urban areas have been allowed to expand close to operating extractive industries or over land with potential for further extractive resource development. As a result, many quality extractive resources close to potential markets in the Melbourne metropolitan area are no longer available for extraction. If not managed, urban encroachment, rural residential expansion and other incompatible development will constrain the operations of existing quarries and curtail future supplies of extractive resources⁹

The *Joint Ministerial Statement on Extractive Resources* (July 2018); *Helping Victoria Grow: Extractive Resources Strategy* (June 2018); and *Helping Victoria Grow: Extractive Resources in Victoria, Demand and Supply Study, 2015-2050* (May 2016) are referenced in Planning Practice Note 89.

- The Joint Ministerial Statement on Extractive Resources (2018) included the Extractive Industry Project Hot List – now referred to as the Extractive Industry Priority Project List. WA492 is listed as project #2 on the current priority list¹⁰, having been included on the list since its publication in 2018. Although the expansion area lies beyond the current extent of WA492, it is submitted that inclusion on the priority project list elevates the status of the resource by recognising it at the state level.
- The state government has published the “Helping Victoria Grow: Extractive Resources Strategy (the Strategy)”. The Strategy recognises the need to ensure continued supply of extractive resources in the municipality, listing Whittlesea as within the “Top 20 strategic resources local government areas”.¹¹

This policy context supports the protection of the Woody Hill and Philips resources.

The VPA recognises that EIIA represent identification of stone potential, not necessarily areas for extraction. However, some context around this EIIA is relevant. EIAs were identified by a process of sieve mapping where planning, social and environmental constraints were considered against geological characteristics.

The shape and extent of the EIAs reflects the different geology and constraints operating in each region. The EIIA boundaries were reviewed and updated in 2003. As part of this, EIIA884011 was identified as an area with the potential to produce basalt for the long term and to “replace that being produced in the operations to the south of this area” (Department of Primary Industries, 2003, page 933). Despite this, a very high extent of EIIA884011 is either no longer available (sterilised) for extractive resource industries or is at significant risk of sterilisation due to competing land uses. It is important to maximise the potential for extraction of this area.

Whittlesea has been identified as one of the top 20 critical resource locations in Victoria with shortages in hard rock resources.¹²

The resource and efficiencies of expansion

The witness statements of Ms Drochmann and Mr Mitas support the following propositions:

- The expanded quarry would provide valuable materials including for the production of concrete and road base, commercial grades of crushed rock, boulders for dimension stone and landscaping products.

⁹ Planning Practice Note 89, page 10.

¹⁰ <https://earthresources.vic.gov.au/projects/extractive-industry-priority-project-list>

¹¹ Page 20.

¹² Extractive Resources in Victoria: Demand and Supply Study 2015-2050, 2016 (PwC, 2016)

- The resource consistency and quality will improve as the quarry expands north and east into the stony rises basalt unit.
- Substantial efficiencies are achieved through the expansion of an existing quarry. These efficiencies include costs of stripper overburden, utilising existing infrastructure and equipment, depreciation costs, ability to blend materials.
- Expansion of existing quarries has proven to be a valuable method of obtaining additional rock supply and has contributed substantially to Melbourne's current rock supplies.

Woody Hill Quarry is, therefore, not a hypothetical asset supported by theoretical planning policy. In this case, planning policy for the protection of the resource aligns with the economic efficiencies realised through allowing quarry expansion and the types of high quality products able to be won through expansion to the north and east.

Buffers

Separation of incompatible uses and the provision of appropriate separation distances, or buffers, is a concept embedded in planning policy. Clause 13.07-1S – Land use compatibility – seeks to protect health, amenity and safety while facilitating appropriate uses by ensuring land use compatibility and locational techniques. Similarly, Clause 14.03-1S - Resource exploration and extraction – and Clause 17.03-2S – Sustainable industry – promote appropriate siting and separation to facilitate uses with adverse amenity impacts, including extractive industry.

As was observed recently by the Panel considering Mitchell Planning Scheme Amendment C106mith (**Beveridge Panel**): *If planning foresees land use conflict, it can plan for it. This does not mean that conflict must always be avoided by not undertaking a particular use or development. Rather, it can be managed, using buffers, infrastructure or technology or other means.*¹³

Such an approach may be observed in the PSP that is before the Panel. This PSP has been designed to accommodate the expansion of the area of extraction to the north and to the east while maintaining appropriate separation distances. This has had an influence on the form of the PSP and the extent of the eastern and northern expansion areas.

The expansion area

In light of the policy which supports the protection of the resource, the PSP has been prepared to allow the quarry to expand north and east to the extent possible without buffer distances encroaching on sensitive uses beyond the PSP area (within Donnybrook and Woodstock PSP to the north) or the residential areas to the east as depicted in the North Growth Corridor Plan.

It is acknowledged that the North Growth Corridor Plan does not show a northern or eastern expansion. However, a restrictive reading of the growth corridor plan is inconsistent with the evolution of policy since that plan's preparation and the notion that PSPs will be in general accordance with that document. Policy for the protection of extractive resources has shifted since the North Growth Corridor Plan was prepared in 2009. This was recognised by the Beveridge Panel which remarked:

While the policy framework around extractive industries and resource protection has arguably been poor in recent decades, since perhaps 2016, Government has been far more active in extractive resources policy (see Chapter 2.7(iv) above). No one policy suggests that WA1473 must be protected

¹³ Mitchell Planning Scheme Amendment C106mith, Panel Report, 7 October 2020, 2.8(ii).

above other resources, but the need for extractive resources to support the long term growth of Melbourne is being more strongly encouraged¹⁴

The VPA also submits that the underlying land ownership or the extent of existing approvals is not determinative. Strategic planning is a long-term exercise and it is not uncommon for land uses and development to be delivered by parties different from the owner at the date of the relevant amendment. One analogous example is that a town centre located on land controlled by an owner whose short-medium term intentions are agricultural may still be strategically justified despite the current land ownership. Just because the current operator does not control the expansion land today, does not mean the same operator will not acquire rights to extract in the future or that a different operator may acquire the existing and expansion areas in the future.

In the VPA's submission, these factors all support the need for the PSP to protect the ability of the quarry to expand. The key question is over how far. Indeed, even submitters opposed to the eastern expansion do not oppose a minor expansion east to provide for the establishment of a bund. Conversely, the quarry operator seeks to be able to expand further to the north than shown on the exhibited and Part A FUS to the full extent of the work plan subject to WA006437.

The VPA's position on both the northern and eastern expansion areas is that the PSP should plan for the area of extraction to increase to the extent permissible while maintaining an appropriate separation distance from sensitive uses, and in particular the residential land in the eastern part of the PSP and within the Donnybrook and Woodstock PSP. This is consistent with the configuration of land uses shown in the exhibited and Part A FUS.

Barro Group has 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 does not support a northern expansion area for the Woody Hill Quarry to the full extent of the work authority because buffers are likely to adversely impact uses in the commercial area of the Shenstone Park PSP and sensitive residential uses in the approved and gazetted Donnybrook Woodstock PSP. The latter PSP is an approved and gazetted PSP in which residential development is currently occurring – it follows that these land use conflicts are a constraint of the PSP's context and the only tool open to this PSP to address this conflict is to restrict the extent of northern expansion.

Equally, the evidence of Mr Antonopoulos asserts that a lesser separation distance may be acceptable and included in any permit condition. The PSP is itself a flexible document to be administered within the bounds of generally in accordance. If at the permit stage the applicant can demonstrate that buffers fall within the relevant distances and land use distribution shown in the PSP, then the application would need to be assessed on its merits. In this regard it is relevant that the area of WA006437 not shown as future extractive industry is within the applied Industrial 1 Zone – a zone under which the grant of a permit for extractive industry is permissible.

A challenge with the evidence that is presented in respect of potential reduction of buffers on account of practices within the quarries is that operation within the quarries are not bound by this strategic process. The processes on site are subject to separate regulation and variation over time according to the practices of the operator of the quarry. Indications of staging, machinery and the like do not constitute a firm basis for strategic planning.

Phillips Quarry

The rationale for the protection of Phillips Quarry is similar to that which underpins the Woody Hill expansion area. The witness statements of Ms Drochmann and Mr Mitas support the VPA's submission that the quarry

¹⁴ Mitchell Planning Scheme Amendment C106mith, Panel Report, 7 October 2020, 2.8 (ii)

represents a valuable resource with high quality product and that synergies may be realised through integration with the existing Woody Hill operations. Strategic justification for the protection of the quarry is provided by the site's inclusion within the EIIA, being shown on the North Growth Corridor Plan, holding an extended planning permit for that use, and its current SUZ4 zoning.

3.1.3 Requested outcome

The VPA does not propose any further alterations to the expansion area and respectfully requests the Panel recommend the Amendment is adopted subject to the revised expansion area shown on the Part A FUS.

3.2 Industrial Area East and North-East of Woody Hill Quarry

3.2.1 What is the issue?

Submitters, in particular Submission 23 - DJV, submission 22 – Satterley, assert that the exhibited PSP provides too much land zone for industry and light industry east and north-east of Woody Hill Quarry. These submissions draw on earlier draft consultation materials for the PSP, cite competition from other industrial areas, and assert there is already sufficient land supply and limited strategic justification.

3.2.2 Discussion

The VPA maintains the position advanced in the Part A submission. The contention advanced by objectors who seek to reduce the extent of industrial and light industrial land in the PSP, is not supported by the VPA.

In the Part A submission, the VPA advanced the rationale for the extent of these uses, citing the need to avoid land use conflicts by avoiding the establishment of incompatible uses within quarry buffers and strategic support, including the North Growth Corridor Plan and MICLUP. The subsequent witness statements of Mr Glossop or Dr Spiller support the VPA position on these matters.

Mr Glossop's statement expresses the view that the strategic choice to provide commercial and industrial land is consistent with the strategic directions of the North Growth Corridor Plan, Plan Melbourne and MICLUP. Other witnesses on town planning matters place differing weight on these planning documents but do not question their relevance.

The VPA observes there is a divergence in the approach taken by expert reports on economics. In broad terms, expert witness statements on economics filed by submitters (document 61 – Herelja; documents 67 & 69 – Quick; document 89 – Lee) assert that on a pure supply and demand basis the PSP includes a surplus of employment land, notwithstanding, they do not demonstrate the demand and supply proposition for residential land. The witness statement of Dr Spiller (document 84), however, proceeds on a different basis. Dr Spiller does not assert there is a shortfall of employment land, but acknowledges that the extent of employment land is strategically justified by policy and will protect the continued operation of the quarry as a productive economic asset. Dr Spiller further asserts that the employment land will in time be taken up by various uses, although this is acknowledged as a long term proposition, and notes that the employment land designation provides an important opportunity to 'bake in' the opportunity for employment uses to establish in the northern corridor. In the VPA's submission, the approach taken by Dr Spiller should be preferred.

Precinct structure planning is a long term exercise, with PSP's generally expected to be developed over 2-3 decades. The relevant question is, in the VPA's view, not whether there is strong demand for a particular type of land to see it fully developed in the next 5 or 10 years – a straightforward supply and demand exercise does not answer the strategic question. Once land is developed for residential purposes the employment uses are foreclosed. No expert makes the case that across the Northern Growth Area (or even locally that there will be a shortfall in residential land supply indeed this seems highly unlikely given the limited impacts of the expansion area. In this case the strategic documents describe the industrial land supply in Shenstone Park to be of



regional significance. Furthermore, even if the strategic documents identified more land for residential purposes, the need to ensure compatible land uses establish within the Woody Hill buffers further supports the extent of industrial and light industrial land shown in the exhibited and Part A FUS.

3.2.3 Requested outcome

The VPA respectfully requests the Panel recommend the Amendment be adopted including the distribution of land marked 'industry' and 'light industry' in the Part A FUS.

3.3 Woody Hill and Phillips Quarries (Buffers and Separation Distances)

3.3.1 What is the issue?

The exhibited PSP seeks to protect the ability of the Woody Hill Quarry to expand to the north and the east, and the ability for the Phillips Quarry to establish. Submissions variously:

- Oppose the Woody Hill expansion (discussed above) and therefore assert buffers should not extend as far north and east as they do on Plan 15 of the PSP;
- Question whether the buffers shown in the PSP are the appropriate length;
- Assert that buffers should be measured from a different starting point to that used in Plan 15;
- Oppose the protection of Phillips Quarry and in turn the need for buffers from that site.

3.3.2 Discussion

Buffers play an important role in managing land use conflicts. In the case of the PSP, buffers are used in three primary ways, to:

- inform the distribution of land uses with appropriate zones being planned within the relevant distances' - for example, the Industrial 1 Zone is applied within the 200m Woody Hill Blast Buffer, Commercial 1 Zone and Industrial 3 Zone are applied outside the blast buffer but inside the noise and sensitive use buffers from Woody Hill Quarry
- establish referral requirements to the Secretary of the Department administering the *Mineral Resources (Sustainable Development) Act 1990* for applications concerning land within the "Woody Hill sensitive use buffer" and the "future residential area"
- provide an envelope of buffers and land uses to which a quarry proponent may respond.

The Panel has directed expert conclaves to be held in disciplines relevant to the noise and sensitive use buffers. At the time of preparing this submission, conclave reports in these all disciplines had not been received. These submissions will be supplemented on buffer issues by written and oral submissions (as appropriate) in response to the conclave reports once they have all been filed. The following comments are therefore general submission on key issues.

What is the appropriate buffer distance?

The exhibited and Part A versions of the Amendment outline the following buffers:

The exhibited and Part A versions of the Amendment

- Woody Hill Quarry
 - Existing noise buffer (900m)
 - Expansion noise buffer (600m)
 - Blast buffer (200m)



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

Relevantly, one recommended change included in the Part A version of the PSP omitted the Woody Hill blast restriction area. This change is proposed in response to submissions from Barro and the Department of Jobs, Precincts and Regions (DJPR) and is considered appropriate given the uncertainty over the final location and profile of the proposed recycled water treatment plant.

It is anticipated that the conclave statements will articulate a relevant buffer distance.

Where should the buffers be measured from?

In the VPA's submission, buffers should be measured from the zone boundary, as shown by the extent of the "proposed Phillips quarry" and "Woody Hill possible extraction expansion" on the FUS and Plan 15.

A broad consensus exists in the expert witness statements that buffers should be measured from an envelope containing all emissions generating activities. However, at this time the exact method of operations is either not known, or where it is known is subject to the operational preferences of the quarry operator, whoever they may be over time. While Barro is able to say today how it operates, this strategic process does not extend so far as to bind the quarry operator to a particular operational profile or method of work. Further, while there is a work authority for the existing extent of Woody Hill Quarry, there is no approved work authority for the expansion, and while the planning permit for Phillips Quarry has been extended the underlying work authority has been abandoned. It follows that the work methods of both quarries throughout the life of the PSP is unknown at this time.

It is submitted that these circumstances support the precautionary approach taken by the VPA in measuring buffers from the zone boundary. This will provide flexibility for the quarry operator to extract, and configure operations, in the manner it sees fit within the 'envelope' provided through the zoning.

Is the use of separate sensitive use and noise buffers appropriate?

The witness statements of Mr Lenchine and Mr Asimaksi expresses the view that it would be preferable to use a single buffer rather than show separate sensitive use and noise buffers. The VPA acknowledges the intent of this recommendation, but notes that separate buffers were used in the exhibited PSP to allow a distinction to be drawn between the types of uses within the noise and sensitive use buffers. Any outcome recommended by the Panel after hearing all evidence on buffers needs to consider the specific land uses allowed in each area, and the practicalities of noise mitigation measures and investigation reports, in particular for accommodation uses.

Is the 200m Blast Buffer appropriate?

The VPA submits that the 200m Blast Buffer is essential to manage land use conflict and public safety.



The proposed UGZ7 drafting advanced in the Part A submission includes a prohibition on “The construction of a building (not including a temporary building, a building associated with a minor utility installation, a building associated with an extractive industry, a renewable energy facility or telecommunications facility, a structure, a fence or other appurtenances of a building) on land shown within the “Woody Hill blast buffer”. This position is consistent with the witness statement of Mr Moore filed by the quarry operator. While Mr Moore expresses the view that the 200m distance is arbitrary, his statement indicates the prohibition “may be appropriate for other reasons” before referencing an associated reduction in exposure to high air blast and ground vibration levels, as well as discussing the need to evacuate areas in proximity to the quarry prior to each blast. The level of cooperation required from, on Mr Moore’s suggestion, a timber yard or nurse operator established within 200m of the quarry, is onerous and the building prohibition will assist the quarry operator in meeting its safety obligations.

The witness statements on economics, and in particular industrial land supply are also relevant. To the extent that the witness statements assert that there is an excess of industrial land in the PSP, the VPA notes that a large proportion (50.85 ha) of the applied Industrial 1 Zone is affected by the Woody Hill Blast buffer.

3.3.3 Is the “future residential area” appropriate?

The PSP was exhibited with a ‘future residential area’ affecting properties 12, 14, 15 and 17. This area corresponds with the extent of the sensitive use buffer from the Phillips Quarry. Land subject to a referral requirement and requirement R19 (exhibited version) and R20 (Part A version) prohibits development within this area “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”. This wording is opposed by submitters and is not supported by several witness statements on planning matters.

The VPA notes the issues raised in submissions and witness statements. Mr Glossop’s witness statement identifies a need for balance between protecting the extractive resource and a residential development, a view not inconsistent with other planning witness statements on the issue. The Panel has also received correspondence in recent days asserting that the exhibited control is unlawful but limited reasoning is provided to support that contention. The VPA is open to discussion of alternate approaches that protect the resource from sterilization but also provides a fair outcome for adjacent landowners and looks forward to these issues being ventilated during the Panel hearing.

The VPA will work with DJPR to consider and review the form of the PSP and ordinance to a form that can provide appropriate flexibility and discretion in the planning system as it operates on the impacted residential land but which continues to support the strategic intent of the North Growth Corridor Plan which is provide support for the realization of stone resource within the Phillips Quarry.

3.3.4 Requested outcome

The VPA’s position on any further changes to the operation of the provisions applying to residential land within the buffer will be outlined as early as is practical within the running of matter.



4 YARRA VALLEY WATER FACILITY AND LANGLEY PARK DRIVE LAND USE

4.1.1 What is the issue?

Submissions raise the following issues regarding the Yarra Valley Water (YVW) Recycled Water Treatment Plant (RWTP) and Langley Park Drive land use:

- The ability for the RWTP to be located within the blast buffer and the blast restriction area shown on the exhibited PSP.
- The appropriate odour buffer to the RWTP.
- What is the appropriate applied zone and land use designation for land along Langley Park Drive owned by YVW?

4.1.2 Discussion

The Future Urban Structure was exhibited with a potential RWTP located outside the southern boundary of the PSP. The proposed RWTP is an important piece of public infrastructure that would provide recycled water to the PSP area and surrounds. This facility is identified in the North Growth Corridor Plan. Although the location preferred by YVW for the facility differs from the location described in the Growth Corridor Plan (in part because odour buffers would overlap with residential areas in the English Street PSP area) the VPA submits it is appropriate for the strategic planning process for the area to recognise the potential for the facility to be established.

However, the VPA understands the planning for the facility is something more than conceptual but is short of a final detailed proposal. Documents 114, 115, 116, and 117 outline YVW's current proposal for the RWTP being:

- Located on land south of Woody Hill Quarry on land to be acquired by YVW. The VPA understands the main plant is proposed to be sited inside the Woody Hill Blast Buffer and Phillips Blast Buffer.
- Having "an ultimate plant input flow of 28.5ML/day and an output of 20ML/day".

These details are welcomed, and the VPA notes that these details something less than a fully resolved proposal.

Blast buffer and blast restriction area

The exhibited PSP included a 'blast restriction area' on Woody Hill Quarry. This had the effect of prioritising the RWTP over extractive industry by allowing the RWTP to be established close to the PSP boundary and in turn potentially restricting the quarry's operations. This was opposed by DJPR and Barro Group, but reflected a concern by YVW that blast buffers over the YVW holdings may restrict access to the basins and RWTP.

The recommended changes advanced in the Part A submission included the removal of the 'blast restriction area' and the 'proposed water treatment facility', with the Woody Hill possible extraction expansion area extended to the southern boundary and the RWTP recognised as a 'potential future water treatment facility' outside the blast buffer for Woody Hill and Phillips Quarries.

The Jacobs siting and risk assessment (document 116) filed with the Panel does not contain the locational plan referenced on page 5 of the that report to show the extent of the 200m blast buffer on the proposed site. However, it is apparent from the materials filed by YVW that YVW's current design logic for the RWTP includes siting of the facility at least partially inside the 200m blast buffer for both quarries, and that YVW intends to place road and pipe infrastructure within the blast buffer – a design choice which indicates a wiliness to address fly rock risk through operational measures rather than separation techniques. The VPA notes that such an approach is not inconsistent with the witness statements filed by Barro Group, in particular the statement of Mr Moore. In these circumstances, the VPA submits that it is appropriate for the PSP to show the blast buffer south of the PSP as shown on Plan 15 to the Part A PSP and to show the 'potential future water treatment facility'



notation outside the blast buffers. This will ensure the PSP adopts a consistent approach in protecting the quarry as a valuable extractive resource, while recognising a potential location for YVW to plan this important facility. Any risks to the facility and associated infrastructure posed through a siting within the blast buffer would be a matter to be resolved at the time of detailed design for the RWTP.

The VPA considers that:

- It would logically be preferable if the YVW facility was outside the blast buffer but it notes that with appropriate design (potentially augmented design to offset quarry impacts) the location identified by YVW could be appropriate.
- While beyond the scope of the operative controls within the PSP and ordinance given the land for the YVW facility is outside of the PSP, any note within the PSP identifying the YVW facility should be identified as indicative and subject to consultation with DJPR (and adjoining Work Authority holders) at the time of detailed planning.

Odour buffer for RWTP

The exhibited PSP showed an odour buffer from the RWTP extending into the PSP area over the Woody Hill Quarry, industrial, light industrial and BCS land use areas. This was omitted from the Part A version of the PSP as a consequential change following the downgrading of the facility to a 'potential future water treatment facility' and representing the asterisks outside of the quarry blast buffers.

The VPA maintains the Part A position that it is appropriate to not show buffers to the RWTP. Unlike the quarries where (except in respect of the eastern expansion) there is a current owner and quarry operator, the landownership arrangements for the YVW facility remain unsettled – if a purchase or acquisition cannot be achieved for the currently proposed location any buffers would relate to a facility yet to be established. The witness statements of Mr Pollock and Mr Asimakis set out different buffer distances but both assert that the smaller facility now proposed by YVW (compared to the facility assumed in the GHD background reports that informed the exhibited buffer distances) will result in smaller buffer distances than was shown in the exhibited PSP.

The exhibited PSP showed a splay of light industrial land to accommodate the Woody Hill expansion noise buffer and the sewage treatment plant odour buffer. This was 'squared' up in the Part A FUS and Plan 15 of the Part A PSP following the omission of the sewage treatment plant and the reprofiling of the eastern quarry expansion area to the southern boundary of the PSP. This had the effect of increasing the extent of residentially zoned land on 960 Donnybrook Road. The witness statements of Mr Pollock and Mr Asimakis demonstrate that the RWTP is able to be designed and sited in a way that will provide adequate separation between the RWTP and sensitive uses in the residentially zoned land to the north-east based on the distribution of uses shown in the Part A FUS.

The VPA notes that the witness statements on odour issues filed by YVW (document 115, Pollock) and the VPA (document 118, Asimakis) both conclude that it is appropriate for no odour buffer to be denoted around the proposed Langley Park drive basins (storage holding ponds) given the treated nature of the water proposed to be stored in those basins.

Applied zone and land use designation – Langley Park Drive

VPA understands that land owned by YVW along Langley Park Drive would be used at least in part for future holding ponds of recycled water from the water treatment facility.

In the Part A submission, the VPA expressed the view that given the uncertainty of the location of the treatment facility (outside the PSP area), the PSP should be revised to show land on the eastern side of Langley Park Drive as 'industry' and the land on the western side of Langley Park drive as 'light industry'. This results in the applied zoning provisions of UGZ7 being the Industrial 1 and Industrial 3 zones, with the accompanying notation "potential future water storage – holding ponds for treated recycled water".



The VPA intends that the zoning and “potential future water storage notations” shown in the Part A PSP work with the proposed revised UGZ7 schedule which makes a utility installation within the applied Industrial 1 or Industrial 3 zones a section 1 use “on land identified as ‘potential future water storage’ which provides holding ponds for treated recycled water” on the FUS. This approach is intended to provide flexibility for future land use should land (or part of it) ultimately not be required for water storage, while allowing YVW flexibility of a section 1 use in establishing the storage facilities as of right.

It is possible that the provision of the water holding facility is not a binary proposition and that some land may be used for ponds while other land may be put to other conventional uses in accordance with the applied zones.

4.1.3 Requested outcome

The Panel is respectfully requested to recommend the Amendment is adopted with the distribution of land uses and buffers shown on the Part A FUS and Plan 15 to the Part A PSP.

5 SODIC AND DISPERSIVE SOILS AND THE POTENTIAL RISK OF EROSION

5.1.1 What is the issue?

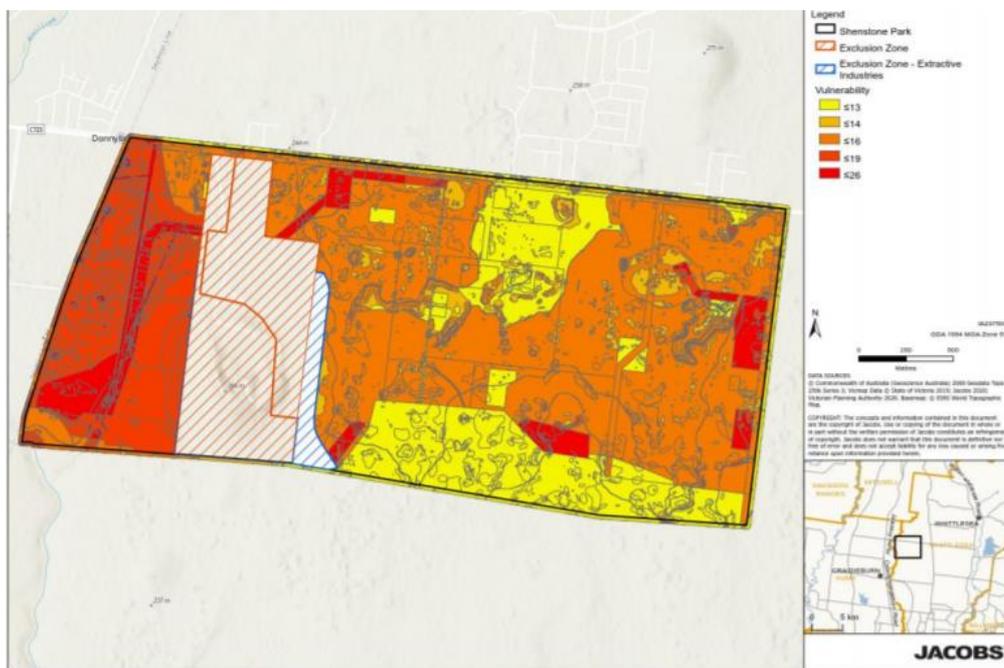
One submission (25, Merri Creek Management Committee) raises issues of sodic and dispersive soils, and the approaches required to manage the risks associated with these soil types.

5.1.2 Discussion

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

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

Since the Part A Submission was filed, the VPA has received the “Sodic Soils Assessment Shenstone Park Precinct Area” (Jacobs, 6 November 2020) which is appended to Dr Sandercock’s witness statement. That report confirms the presence of sodic soils within the PSP area with the greatest sodicity identified west of Woody Hill Quarry (see Figure 2.3 of the Jacobs report). The Jacobs report identifies drainage depressions/seasonal wetlands, the Merri Creek tributary and steeper slopes as areas of high vulnerability, as illustrated by figure 4.12 of the Jacobs report (extracted below):



In the Part A Submission, the VPA outlined the further work being undertaken by Jacobs to better understand soils in the PSP area, and recommended revisions to the amendment consistent with the changes presented to, and ultimately recommended by, the recent Beveridge North West Planning Panel.¹⁵ The proposed controls include a bulk earthwork permit trigger, requirement for a sodic and dispersive soils management plan to be prepared at the application stage, and a permit condition requirement for a site management plan to implement the recommendations of the sodic and dispersive soils management plan. In his witness statement, Dr Sandercock notes these recommended changes and states that he considers “these proposed amendments to be appropriate and provide a process for managing sodic soil erosion risks.”

5.1.3 Requested outcome

The VPA respectfully requests the Panel recommend the revisions proposed in the Part A Submission regarding sodic and dispersive soils are adopted.

¹⁵ Mitchell Planning Scheme Amendment C106mith, Panel Report, 7 October 2020, 7.4.

6 VISION, OUTCOMES AND GENERAL MATTERS

6.1.1 What is the issue?

Submitters raise issues related to capitalising on the proximity of Donnybrook railway station, 20-minute neighbourhoods and public transport, avoiding sensitive uses in the gas pipeline measurement distance, and protection of biodiversity and dry-stone walls.

6.1.2 Discussion

The VPA relies on the position advanced in the Part A Submission, but notes the views of Mr De Silva regarding a potential update to the Vision statement to include strategic importance of the quarries. The VPA considers there is merit in greater emphasis on the extractive resources in the vision than what is provided currently, noting the VPA's commentary on buffers on residential land in the east of the PSP.

6.1.3 Requested outcome

The VPA respectfully requests the Panel recommend the revisions proposed in the Part A Submission. The VPA also anticipates that updated buffer related wording may be included in changes to the Vision section of the PSP.

7 IMAGE, CHARACTER, HERITAGE AND HOUSING

7.1 Walkable catchments and density

7.1.1 What is the issue?

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

7.1.2 Discussion

As set out in the Part A submission, the VPA has facilitated a walkable catchment and associated higher density target within the constraints of the PSP. The walkable catchment is constrained by:

- The high pressure gas pipeline and associated measurement length.
- Industrial and commercial land within the Woody Hill Quarry noise and sensitive use buffers. The VPA submits it is inappropriate for the walkable catchment and residential uses to be included within the sensitive use buffer given these areas are intentionally zoned for non-sensitive uses.

Changes proposed in the Part A submission responded to these submission to the extent possible, by expanding the walkable catchment east, commensurate with the reduction in the gas pipeline measurement length.

These issues are also discussed further in the VPA’s response to the DJV FUS which proposes a different walkable catchment. See Appendix 2 for further analysis.

7.1.3 Requested outcome

The Panel is respectfully requested to recommend the Amendment is adopted subject to the changes recommended in the Part A PSP.

7.2 Aboriginal Cultural Heritage

7.2.1 What is the issue?

The Shenstone Park PSP is characterised by stony knolls across the eastern side of the precinct. The Victorian School Building Authority (VSBA) submission expressed concerns regarding the exhibited location for the future government school which contained topographical and physical constraints and areas of aboriginal cultural heritage.



7.2.2 Discussion

The Part A FUS included a proposed new location for the future government school, located north-west of the town centre. This relocation was developed in close consultation with the VSBA and the City of Whittlesea. A corresponding change is proposed to place an area of credited open space in the former location of the local community facilities and the future government school – it is intended that this open space will contain and protect the stony knolls.

7.2.3 Requested outcome

The VPA respectfully requests the Panel recommend the Amendment be adopted including the revised school and community facility location set out in the Part A FUS.

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

7.3.1 What is the issue?

Submissions on post-contact heritage issues relate to the proposed heritage overlay on 1030 Donnybrook Road and dry stone walls.

7.3.2 Discussion

1030 Donnybrook Road

The issues related to HO187 on 1030 Donnybrook Road are unresolved and in many respects, submissions are contradictory - 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 19th and early 20th century.

Two witness statements have been filed with the Panel on this issue. These statements present largely opposing views as to the significance of the place. This evidence will need to be tested during the course of the hearing. In the meantime, the VPA maintains the Part A position on this issue.

Dry Stone Walls

Regarding Dry Stone Walls, landowner submissions sought greater flexibility to remove dry stone walls based on value without a planning permit. In contrast, Council requested revisions to the ordinance and PSP to further protect walls with high protection values.

The VPA submits the exhibited approach of requiring a planning permit to remove dry stone walls except for "a dry stone wall with a 'low' retention value" under the PSP. The Part A PSP proposed a new requirement R4 in response to submissions from Council "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". The proposed R4 is accompanied by the proposed application requirement under UGZ7 for a dry stone wall management plan. It is submitted that these provisions will together aid the management and retention of dry stone walls within the PSP area. It is noted that the proposed dry stone wall management plan requirement does contain discretion for the Responsible Authority to agree to the removal of a dry stone wall "after consideration of overall design response and following receipt of advice from a suitably qualified professional regarding the condition of the wall". This arrangement will give primacy to the conservation of dry stone walls while allowing flexibility for the Responsible Authority to



consider whether removal as a part of a broader development represents an acceptable outcome, aided by professional heritage advice.

7.3.3 Requested outcome

The VPA respectfully requests the Panel recommend the Amendment be adopted subject to the revisions regarding dry stone walls advanced in the Part A PSP.

7.4 Affordable Housing

7.4.1 What is the issue?

Submissions and witness statements challenge the provisions of the exhibited PSP and Ordinance on affordable housing matters.

7.4.2 Discussion

In the Part A submission the VPA proposed revisions to the PSP and Ordinance regarding affordable housing. These included the deletion of G14 and G15 in the PSP and the insertion of new guidelines consistent with those recommended to the recent Beveridge Panel. The tracked changes and clean versions of the PSP did not, however, capture the proposed new guidelines which are:

G14: Subdivision of land should make a contribution towards affordable housing for low income and very low income households.

G18: Land for affordable housing should:

- *be provided within walkable catchments*
- *provide for a range of housing typologies to meet demonstrated local need.*

The VPA notes that the VPA's recommended changes regarding the Beveridge North West PSP were not wholly supported by the Beveridge Panel. The VPA is considering the recommendations of the Beveridge Panel and, while these considerations are ongoing, maintains the position advanced in the Part A.

7.4.3 Requested outcome

The VPA maintains the position advanced in the Part A Submission on affordable housing, but in light of the recommendations of the Beveridge Panel invites further guidance from the Panel after hearing the evidence that will be given on this issue.

8 TOWN CENTRE AND EMPLOYMENT

The VPA relies on the discussion of Local Town Centre (including location of the future government school), extent of commercial land along Donnybrook Road, the extent of industrial & commercial land discussed elsewhere in this submission, save for the following specific comments.

8.1 Location and 'role' of Local Convenience Centres

8.1.1 What is the issue?

Submissions and witness statements challenge the viability of two Local Convenience Centres (LCCs) and seek the removal of the eastern LCC. Other submissions seek to relocate the LCC or revise the range of permitted uses.

8.1.2 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 the VPA's position that the western LCC is required to provide convenience facilities to the 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 LCC has been planned to provide for convenience only, with the applied Commercial 2 zoning providing broad flexibility regarding the types of uses that may establish as of right or with a permit. The LCC area is also located to complement the local town centre, which is located centrally within the PSP, with the western LCC providing a convenience offering to employment areas in the western part of the PSP.

In the Part A Submission, the VPA proposed one change, being the relocation of the LCC (east) south east to the corner of a connector road and local street (south of Melbourne Water drainage asset). Having considered the evidence filed with the Panel, the VPA proposes to omit the eastern LCC from the PSP due to the forecast low retail demand and difficulty attracting tenants.

8.1.3 Requested outcome

The VPA respectfully requests the Panel recommend the Amendment be adopted including the western LCC, but omitting the eastern LCC.

8.2 Location and Extent of Commercial Land Use

8.2.1 What is the issue?

Submissions 7 and 11 seek changes to the land use designations for Property 11 910 Donnybrook Road. In particular, the submissions seek to realign the waterway within the parcel, relocate the connector road to the southern boundary, and convert the triangle of industry land in the south-east corner of Property 11 to 'business' and in turn apply the Commercial 2 Zone to this land. More broadly, submissions and witness statements question the extent of employment land (industry and business) provided in the PSP. Some submissions also seek direct access to Donnybrook Road be provided via a service road.



8.2.2 Discussion

The VPA response as follows to these issues:

- As discussed later in this submission, the VPA does not oppose revisions to the exhibited waterway alignments contingent on that alignment being agreed between the submitter and Melbourne Water.
- The VPA does not in principle oppose an increase in the area of 'business' land on Property 11 but notes that the south-east corner of the property is constrained by the 200m Woody Hill blast buffer. Any realignment of the connector road would need to locate the road outside the blast buffer and this would result in a narrow strip of industry land between the southern boundary of the property and the road. It is submitted that the exhibited land uses for Property 11 represents a logical response to constraints and the need to ensure viable areas for uses to establish, however a different configuration may be possible subject to the Panel's findings regarding buffers.
- Donnybrook Road will, in its ultimate configuration, be a 6-lane arterial road. The streetscape cross section includes a 'local frontage road', outside the 41.0m road reservation. These local access roads are intended to provide access to properties fronting Donnybrook Road, but are not intended to have direct access to the arterial road network to protect the function of Donnybrook Road.

8.2.3 Requested outcome

VPA's position remains that the Amendment should be adopted without changes in response to these issues. However, the VPA would welcome guidance from the Panel regarding the triangle of industry land on Property 11 and any revisions to land use in this area given the constraints posed by quarry buffers.

9 EDUCATION, COMMUNITY FACILITIES AND ACTIVE OPEN SPACE

9.1 Education

9.1.1 What is the issue?

Submissions from the VSBA requested the relocation of the future government school due to constraints of the exhibited site.

9.1.2 Discussion

As articulated in the Part A Submission, VPA has sought a revised location for the government primary school taking into account relevant constraints such as quarry buffers, 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 VPA has provided a layout which has been agreed with VSBA and City of Whittlesea. Based on all constraints and preference for co-location of facilities, it is difficult to find any other location for the education facility within the precinct. The VPA does not believe it is appropriate to locate any school facilities within a quarry sensitive use buffer, gas measurement length or significant topographical and physical constraints.

Although resolved between the VPA, City of Whittlesea and VSBA, the proposed school location differs from DJV preferred FUS and so remains unresolved with the landowner.

9.1.3 Requested outcome

The VPA respectfully requests the Panel recommend the Amendment be adopted subject to including to the revised school location in the Part A FUS.

9.2 Community Facilities

9.2.1 What is the issue?

Submissions assert that the community facility should be smaller than is proposed, and seek a reduction from the exhibited 1.23ha to 0.8ha.

9.2.2 Discussion

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. The relocation of the future government school and community facility outlined in the Part A FUS has the effect of marginally reducing the area of the facility from 1.23ha to 1.2ha. 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.



9.2.3 Requested outcome

The VPA respectfully requests the Panel recommend the Amendment be adopted subject to including to the revised school and community facility location as shown in the Part A FUS.

10 LOCAL PARKS AND OPEN SPACES

10.1.1 What is the issue?

Submission regarding local parks and open space raise the following issues:

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

10.1.2 Discussion

In the Part A Submission, the VPA proposed the following revisions in response to submissions regarding parks and open space:

- 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.

Removal of LP-01 open space from Property 9 (Barro Group)

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. The purpose of LP-01 is 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. When viewed in this light, the proposed local park does not constrain the existing operational profile of the Barro site which may continue, but will provide for the better protection of scattered River Red Gums as the site in time comes to be redeveloped.

Relocation of LP-08 (City of Whittlesea)

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). The relocation of the school on the alignment of the linear space further strengthens the connectivity opportunities for this 'green link'.

Amendments to the location and size of local parks and open spaces

Ouson Group submitted that the location and size of LP-05 and LP-07 on Property 15 should be amended with the open space being relocated from the BCS boundary and straddling the gas pipeline easement, to a combined parcel between the drainage corridor and road network. VPA does not have an in-principle objection to the proposed location change provided the total area of open space is maintained, but has not been able to resolve this submission prior to hearing.



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 has 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 which is reflected in the updated open space plan included in the Part A Submission.

10.1.3 Requested outcome

VPA respectfully requests the Panel recommend the Amendment be adopted in the form shown in the Part A FUS.

11 BIODIVERSITY AND BUSHFIRE MANAGEMENT

11.1 Biodiversity Provisions

11.1.1 What is the issue?

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 (DELWP MSA)
- 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.

11.1.2 Discussion

In the Part A Submission, the VPA proposed the following changes:

- The scattered tree plan (Plan 8) has been updated with the latest information from DELWP MSA
- 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.

The key outstanding item is the alignment of Langley Park Drive, the extension of Koukoura Drive through the BCS area, and the requested (Golina Holdings and Landream Austral Bricks) link to the future Northern Quarries PSP to the south. This issue is discussed further in the context of traffic issues.

11.1.3 Requested outcome

VPA respectfully requests the Panel recommend the Amendment be adopted incorporating the changes on biodiversity issues advanced in the Part A Submission.

11.2 Bushfire Provisions

The VPA relies on the comments of the Part A Submission on bushfire issues.

12 TRANSPORT AND MOVEMENT

12.1.1 What is the issue?

There are a large number of transport and movement related issues that in general relate to road access or transport infrastructure on specific properties. The key issues are discussed below.

12.1.2 Discussion

In addition to the comments in the Part A submission, the VPA makes the following submissions:

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). Submissions sought a change to upgrade Langley Park 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 notes 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 that the constraints listed above are considered significant.

In response to submissions, and mindful of these constraints, the VPA proposed changes in the Part A submission that, relevantly, include upgrading the status of Langley Park Drive from a local access road to a connector road, while showing 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's position that a future link should be facilitated, but not planned for in Shenstone Park, as it is more appropriate that this is considered in detail at the time the Northern Quarries PSP is prepared.

This strategic approach of preserving the ability to deliver a southern connection, subject to resolving constraints at the time of planning the Northern Quarries PSP, is supported by the witness statement of Mr Humphreys. Mr Hunt for Golina also expresses the view that the provision of the future road alignment "is appropriate and would allow for an appropriate level of connection to the south".¹⁶ The VPA observes that the traffic witness statements do not articulate a traffic engineering reason why the road itself (as opposed to the protection of an alignment for a future road) should be provided for in this PSP. Similarly, witness statements on ecology indicate the road is capable of being designed/aligned to produce an acceptable ecological outcome, but do not resolve all issues. In the VPA's view, these materials suggest that it would be possible to build a road in this location when required and subject to, at that time, resolving the challenges regarding ecology and the waterway crossing. It is

¹⁶ Witness statement of Mr Hunt for Golina, para 7.1.5.

submitted these factors are consistent with showing a future road connection in the PSP as proposed in the Part A Submission.

DELWP MSA has provided correspondence to VPA that they do not support road access through Conservation 28 and/or 34 and do not support indicating a possible future connection subject to ecological assessment.

VPA maintains that the road through BCS will need to be discussed with DELWP MSA separately by the submitter and therefore proposes to show a possible future road connection terminating at the transmission easement.

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. The VPA therefore maintains its position that the alignment of Koukoura Drive should retain its exhibited alignment, but observes that such an approach requires further work to deliver a no net loss outcome and obtain the approval of DELWP MSA for that change.

In the Part A PSP the VPA proposed an additional left in, left out intersection from 1150 Donnybrook Road to Koukoura Drive. The VPA notes that the evidence of Mr Humphreys and Mr Hunt for the landowner indicate such a connection would be feasible but is not necessary from a traffic demand perspective, but maintains the Part A position that the connection should be shown in the PSP to provide increased permeability to this pocket of the PSP, including the northern parts of 1,110 Donnybrook Road.

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. VPA seek to apply the PAO in the mid-block between intersections along the length of Donnybrook Road to provide for future widening works. The land required for intersections will be inner public purpose land to be vested in accordance with future Shenstone Park ICP.

Alternatives to the Exhibited Connector Road Network

The VPA agrees with the view of Mr Turnbull that the connector network shown in the north-eastern part of the Part A PSP could be further simplified to provide a more direct link to Koukoura drive. A more direct alignment may require traffic management measures such as roundabouts, but that this is a matter of detailed design for the permit application stage and not a matter to be determined in the PSP.

The VPA does not agree with the realignment of the connector road on 910 Donnybrook Road as proposed by Mr Turnbull. The VPA understands that the submitter seeks to realign both the connector road and waterway to achieve a different land use outcome. However, the road realignment is contingent on the waterway alignment which has not been agreed by Melbourne Water. To this end, the VPA notes that the Melbourne Water



waterways crossing guidelines require perpendicular road crossings – this is provided on the current angled road and waterway alignments of the exhibited and Part A FUS. While these requests are not strongly opposed by the VPA, the VPA is unable to agree to the road network change without the waterway issue first being resolved between the submitter and Melbourne Water.

The VPA also does not agree with the recommendations of Mr Walsh regarding the realignment of connector roads as shown on the DJV FUS for the reasons articulated above. It is also interesting to contrast the statements of Mr Turnbull who asserts that a road to IN02 ought to be redesigned from a gentle curve to a right angle, with Mr Walsh's view which is that right angles should be removed.

Mr Walsh in his witness statement for Barro Group suggests several modifications to the exhibited connector road network.

- The VPA agrees that there is no obligation on the quarry to operate its access. In line with standard PSP practice, existing land uses will be permitted to continue until such a time as a change to the use or development of land is proposed. The VPA understands that the Barro trade supplies permit 715902 includes conditions intended to ensure the development is consistent with ultimate treatment of Donnybrook Road.
- The VPA does not agree that a further set of traffic signals on Donnybrook Road is a desirable outcome. The intersection would be within 200m of IN01 – while this may be a safe distance, this is not a desirable outcome for traffic flow along a 6 lane arterial road.

The VPA does not agree to omit the east-west connector road through 870 Donnybrook Road. In the VPA's submission it is appropriate to show such a road in the FUS to provide additional east-west connectivity – without this east west traffic within the PSP will be required to access Donnybrook Road, an arterial road designed to primarily transport people and goods between rather than within precincts. This position is consistent with the witness statement of Mr Humphreys. It is also not inconsistent with the opinion of Mr Walsh that the connector roads east and west should be maintained so as to not preclude a connection once extraction has concluded. Showing the connector road in the PSP will not preclude the continued use of the land, but will ensure the road is properly planned for in any future development proposals.

Connection for Phillips Quarry to IN02

Mr Hunt in his witness statement for Golina articulates that it would be appropriate for local access streets to be upgraded to connector roads to facilitate access to Phillips Quarry to IN02. The VPA does not oppose such a change to the road designation. Such a connection would, however, require resolution of the land use configuration at the southern boundary of the PSP, noting the intersection of BCS, extractive expansion, industrial and the constraints of the proposed Melbourne water basin.

Left in Left to Donnybrook Road from 1,100 Donnybrook Road.

The witness statement of Mr Turnbull supports submissions that seek to provide a left in left out access to 1,100 Donnybrook Road. The witness statement of Mr Humphreys does not support the provision of this additional connection, however the VPA understands Mr Humphreys does not dispute that such a connection is possible in the location proposed by Mr Turnbull. The VPA agrees with the submitter and Mr Turnbull that the inclusion of an additional left in left out access to 1,100 Donnybrook Road would provide a formal access point to this property. The VPA understands that the Department of Transport (DOT) has sought further information from the submitter regarding alignment and consultation with City Gate on a consolidated access location. Once this is provided to the satisfaction of DOT, the VPA proposes to update the FUS to reflect the left in, left out to Donnybrook Road.

12.1.3 Requested outcome

The VPA respectfully requests the Panel recommend the Amendment is adopted including the transport network provided in the Part A PSP, as well as the following modifications:



- Simplify the connector road network in the north-eastern part of 1,150 Donnybrook Road to provide a more direct route as described by Mr Turnbull.
- Upgrade the status of the local access road on 960 Donnybrook Road to provide connector road access from the southern boundary to the IN02.

Once information provided by the submitter to the satisfaction of DOT, insert a left in left out intersection to provide access to 1,110 Donnybrook Road.



13 INTEGRATED WATER MANAGEMENT AND UTILITIES

13.1 Amendments to the Drainage and Waterways Network

13.1.1 What is the issue?

Submissions seek revisions to the drainage and waterways network in the exhibited PSP generally in respect of their own properties.

13.1.2 Discussion

9 submissions were received on drainage issues, including agency submissions from Melbourne Water, DJPR, VSBA and City of Whittlesea. The VPA has sought to resolve submissions where possible, but notes that this is not a matter solely for the VPA as Planning Authority, or for the purposes of this hearing the Panel, to determine.

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) for each drainage catchment. DSS(s) plan for the implementation of conventional major drainage infrastructure for the purposes of conveyance, flood protection, stormwater quality treatment and the protection of waterway health, to facilitate new development outcomes, primarily in a greenfield scenario. The conceptual design process for a DSS is based on the best available information at the time of creation.

The delivery of the DSS is often developer lead and is funded by financial contributions paid when development occurs. All developable properties pay a drainage contribution on the basis of the development size and the development type. Contributions include a hydraulic component which funds the flood protection works, and a water quality component which funds the water quality treatment works. The water quality component may be reduced or negated by the developer undertaking their own on-site water quality treatment. Contributions for each scheme are calculated so the income derived from Melbourne Water is designed to equal the planned expenditure over the expected life of a scheme, using a discounted cashflow methodology. Most scheme works are constructed by developers, and developers who are required to construct scheme works are reimbursed from the contributions received in the scheme.

A DSS is designed either before or in parallel to the preparation of a PSP, with the DSS preliminary layout confirmed prior to Public Exhibition of a PSP. This ensures that the land requirements for stormwater assets and waterway corridors are consistent between the preliminary DSS and the exhibited version of the FUS. Extensive consultation with all landowners within the DSS and Stakeholders (Agencies/Authorities) occurs at each DSS approval stage (interim, preliminary and final). Each DSS approval stage is also approved internally, in alignment with Melbourne Water's Delegation of Authority Policy and Procedures.

The VPA understands that upon finalisation and gazettal of the PSP, Melbourne Water will ensure that the relevant DSS(s) still generally align with the expectations of the FUS, as well as the objectives, guidelines and requirements of the PSP. Additional constraints (i.e. soil typology) and considerations (i.e. interactions with other infrastructure) raised through submissions to the Public Exhibition of the PSP and as expert evidence during Planning Panel process may trigger the need for an additional design work, which may take 12-18 months to complete in consultation with the Whittlesea City Council. Engineering reviews are usually undertaken for DSS's that are already finalised and are based on a risk prioritisation assessment process.

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 needs to consider whether the proposed changes to the DSS are in accordance with the PSP. The VPA also notes the comments of the Beveridge Panel regarding the role of a panel in considering changes to a PSP on water management issues:

The Panel agrees with the VPA and Melbourne Water that consideration of unilateral changes to the drainage and waterways infrastructure and assets in the PSP not in accordance with the approved DSS are outside the remit of the Panel. This issue has been ventilated at several previous PSP panel hearings. The panels dealing with those previous amendments have all concluded that the appropriate mechanism to make changes to drainage assets shown in a PSP is the process followed by Melbourne Water and the VPA to consider changes to the relevant DSS, which if approved by Melbourne Water, are then reflected in the PSP¹⁷

Melbourne Water has provided comments on each of the key submission items and the witness statements on waterways in the document forming Appendix 3 to this submission.

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. Submission 3 (Prattico Construction) expressed concern regarding the extent of drainage encumbrances on Property, but also seeks to vary the drainage corridor alignment on Property 6.

RB-03

VPA understands that Melbourne Water 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 has 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.

Merri Creek Tributary alignment

Submission 3 (Prattico Construction) also requested 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.

The VPA would support a change to move the waterway east on the property provided Melbourne Water approve the change.

910 Donnybrook Road – Waterway Alignment (Submission 7)

Submission 7 relates to the Tributary of Merri Creek shown 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 by realigning the waterway to follow the eastern and southern boundary of 910 Donnybrook Road.

¹⁷ Beveridge Panel, 8.4(iii).

The VPA understands that Melbourne Water do not support the requested change due to topographical and other constraints with the realignment proposed by submitter 7. As with Submitter 7, the requested alignment would require a right angle turn in the south-eastern corner of the property creating longevity and design challenges.

The witness statement of Mr Woodland contends that the alternate waterway alignment shown on the Tract plan prepared for the submitter is appropriate and asserts planning benefits of a realigned waterway. Mr Woodland acknowledges that he is “not qualified to provide an opinion on the technical aspects of waterway design”. While Mr Woodland’s planning opinions on land use configuration are relevant, the VPA submits that technical considerations ought be given primacy in determining this alignment and does not support the requested change in line with Melbourne Water’s position.

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

The FUS was exhibited with 3 drainage assets (RB02, 05 & 06) located on the property at 1150 Donnybrook Road (Donnybrook Road Unit Trust). Submitter 12 requested changes to waterways and drainage assets on their property.

After discussions with Melbourne Water, the VPA proposed revisions in the Part A submission include the deletion of RB-06. The Part A version includes 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 exhibited FUS showed a waterway from Donnybrook Road through Property 15 to the western boundary of 1150 Donnybrook Road. Submission 15 seeks to remove part of the waterway on property 15 and replace it with pipe drainage. Melbourne Water considered the proposed change and has agreed to the change. VPA’s Part A PSP proposes to remove the waterway and revert the land to residential use.

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

The exhibited FUS 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 terms 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 does not support this location. VPA’s 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.

13.1.3 Requested outcome

The VPA respectfully requests the Panel recommend the Amendment is adopted including the revisions regarding waterways proposed in the Part A Submission.



13.2 Utilities (Gas and sewer)

13.2.1 What is the issue?

Submissions raise issues regarding:

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

13.2.2 Discussion & Requested outcome

The VPA relies on the Part A submission on these issues, and submits that the Amendment should be adopted subject to the revisions set out in the Part A PSP.

14 PRECINCT INFRASTRUCTURE AND STAGING

14.1 Overview

14.1.1 What is the issue?

The main issues raised in submissions on PIP and ICP issues relate to:

- The exclusion/inclusion of the YVW land on Langley Park Drive in the land use budget.
- The exclusion/inclusion of the Woody Hill Quarry in the land use budget.
- Desire for a future post extraction development layout to be shown within Woody Hill.
- Intersection designs for IN03 and whether this intersection will be adequately funded by the ICP.

14.1.2 Discussion

[The exclusion/inclusion of the YVW land on Langley Park Drive in the land use budget](#)

One of the changes proposed by the VPA in the Part A submission was to apply the Industrial 1 Zone and Industrial 3 Zone to the YVW owned land along Langley Park Drive, subject to revisions to UGZ7 and the notation 'potential future water storage - holding ponds for treated recycled water". One of the consequences of this change is to address submissions which sort to include this land within the land use budget that will inform the calculation of the monetary component, and land component under the ICP.

[The exclusion/inclusion of the Woody Hill Quarry in the land use budget & no post extraction layout](#)

The Woody Hill Quarry is not included in the land use budget table as the extraction life is currently not known. Estimates for the extraction life of the Woody Hill and Phillip's Quarries contained within witness statements are between 20 and 50 years. It follows that the life of the quarries may exceed the life of the PSP and ICP. The VPA observes that this position is consistent with the witness statement of Mr Shipp.

Similar reasoning supports the VPA's approach to not display any future post-extraction development profile of the quarries. Put simply, the end of extraction will be at such a distant and uncertain date that to include any future development profile would embed an imagined proposal with little reality to future needs. It may be at that time the best use of the land is as residential infill, or perhaps industrial uses comparable to the Industrial 1 Zone – the VPA, Panel and parties cannot be certain. In the absence of any certain extraction end date or future development plans, the VPA submits that it is most appropriate to exclude the quarry from the land use budget and for end of life redevelopment to be the subject of a further strategic process at that future time.

[Intersection designs for IN03 and whether this intersection will be adequately funded by the ICP](#)

The VPA relies on the information contained within Document 42- Memo from VPA in response to direction 16b regarding IN03. In summary:

- One leg of IN03 will be funded by the Shenstone Park ICP. This is expressed:
 - In the Shenstone Park PSP as a being 100% funded by the ICP, in that one leg is fully funded by Shenstone Park.
 - The full, 4 legged intersection, being 75% funded by the Donnybrook and Woodstock ICP (i.e. 3 legs) and 25% (i.e. 1 leg) being funded by Shenstone Park.
- Cardno obtained ultimate designs from developers in Donnybrook Woodstock PSP (Mirvac for IN-03, DFC for IN-05) to ensure that the southern legs aligned with the proposed intersections under development post-Donnybrook-Woodstock ICP panel.



- The VPA submits that IN03 will be comfortably funded by the standard levy under the future ICP.

ICP Timing

In relation to the preparation of the ICP, the VPA relies on the Part A submission. However, further to this, the VPA has received enquiries about the timing of the preparation of the ICP, specifically that affected landowners have not yet received land valuation notices.

Given the issues before Panel, the final FUS is uncertain and, subject to the recommendations made by the Panel, may require change. Because of this uncertainty it is prudent to wait until the VPA receives the Panel report before commencing the land valuation process when there is greater certainty regarding land uses and the area of inner public purpose land to be provided by each parcel.

14.1.3 Requested outcome

The VPA respectfully requests the Panel recommend the Amendment is adopted including the recommended revisions on ICP matters included in the Part A PSP.





15 LIST OF APPENDICES

15.1 Appendix 1: Updated Submissions Response Table

15.2 Appendix 2: VPA response to DJV FUS.

15.3 Appendix 3: Melbourne Water Memorandum