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# 1. INTRODUCTION

### 1.1. Purpose

- (1) I have been instructed by Planning & Property Partners Pty Ltd, on behalf of the Deague Group (**DG**) to review the strategic planning merit of the exhibited <u>Craigieburn West PSP</u> (**CWPSP**) as it applies to their landholdings identified as Parcels 7,9,11 and 15 on the Land Use Budget (Plan 3).
- (2) I have been particularly asked to review and comment on the merits of the DG submission, dated December 2020, in response to the exhibited PSP.

### 1.2. Considerations

- (3) In preparing this evidence I have reviewed the draft CWPSP, the associated background reports, all submissions to the exhibited plan, the Part A submission from the Victoria Planning Authority (**VPA**), and the deliberations and directions of the Standing Advisory Committee.
- (4) I inspected the location of the CWPSP on the 8<sup>th</sup> April 2021.
- (5) Until being instructed I had no earlier association with the Deague Group, nor have I been involved in the preparatory work behind the PSP for any landowners or developing parties.

### 1.3. Witness Statement

(6) An expert witness statement and curriculum vitae are included at **Appendix A** and **Appendix B**.

# 2. OVERVIEW

### 2.1. The implications of being the residual precinct

- (7) Craigieburn West is one of the latter pieces in a growth corridor 'jigsaw'.
- (8) Precinct structure planning for and development in the Northern Growth Corridor has advanced rapidly with new suburbs established and emerging throughout Craigieburn and extending to Mount Ridley Road.
- (9) Craigieburn West is contained at the margin of the growth corridor by Mickleham Road and the green wedge forming its western boundary, urban development approaching and infilling upon its eastern and southern boundaries, and PSPs approved for all surrounding land.
- (10) The narrow, elongated, and irregular shape of the Craigieburn West precinct necessitates overlapping and, in some cases, 'imperfect' catchments for various services and facilities.
- (11) The above context provides a defining and constraining framework of infrastructure, road networks, urban structure and an urban growth boundary in which the last precinct in this part of the corridor is to be planned and must integrate.
- (12) The planning and development of the precinct is further complicated by the highly fragmented nature and number of landholdings and the diverse ownership patterns which in some cases, including the Deague Group, are not contiguous, presenting challenges to integrated and timely delivery.

# 2.2. The implications of fast tracking

- (13) The CWPSP is unusual in that it has been included in the VPA Fast Track Program, a Victorian government response to COVID-19, because the planning for the area was significantly progressed at the time of the onset of the pandemic.
- (14) While fast tracking brings with it the prospect of further investment and employment to the benefit of the Victorian economy it also presents significant planning and

development challenges when well considered integrated and comprehensive neighbourhood planning must be undertaken involving multiple stakeholders and authorities in a shortened period of time.

- (15) This has become apparent in reviewing the merits of the exhibited CWPSP.
- There is significant urban structure, spatial and transport network implications presented by the hydrological response to drainage and water management, but those matters have not been resolved and agreed with Melbourne Water, meaning that all affected parties made submissions against a background of uncertainty about the standing and robustness of the PSP upon which they are commenting.

### 2.3. The limitations of evidence

- (17) The lack of resolution and uncertainty is highlighted in the VPA Part A submission and in particular the response to matters raised by submitters. The 'Actions' on submissions is predominantly noted as subject to 'Further investigation' and 'Change Required'.
- (18) Of 39 issues attributed to the Deague Group, 20 are to be the subject of further investigation and 8 are to change the PSP with the balance (11 issues) subject to no change.
- (19) Regardless of that status all but 4 are listed as having a pending status.
- (20) It is against this background that I have been asked to comment on the plan and the merits of the submission made by the Deague Group.
- (21) I have made some brief comments on relevant matters below but have refrained from detailed and lengthy analysis and commentary because of the fluid standing and context of the plan.

# 2.4. The Deague Group submission

- (22) The Deague Group submission raises concerns about the above and the planning scheme amendment process, calling for an orderly and more measured planning process with the time to make submissions, to negotiate options and outcomes, and to test assumptions with evidence.
- (23) I concur with the DG concern having no comparable experience of being asked to give well considered evidence on such a partially resolved plan still requiring integration and resolution of multiple considerations.
- (24) I have concluded on many of the issues I have no useful contribution to make at this time because of the poor resolution on the key infrastructure issues.
- (25) Aside from that concern, the Deague Group submission addresses a range of matters that are not my area of expertise and therefore I defer to others to advlse on hydrological, transport, bushfire planning and infrastructure funding matters.
- (26) The submission is best characterised as addressing important matters of detail rather than challenging the broad strategic direction and structure of the plan.

# 3. RESPONSE TO MATTERS RAISED IN THE DG SUBMISSION

# 3.1. Efficient lot layout

### **3.1.1.** Issues

- (27) The DG submission draws attention to inefficiencies in the shape of super lots, the contiguousness and functionality of developable land, that would be an outcome of the exhibited road layout, the siting of public open space and the alignment and width of water courses as they impact on Parcels 7, 9 and 10.
- (28) In the first instance the exhibited PSP provides for a diagonal connector road to traverse Parcel 7 and rely on the adjoining larger Parcel 6 in order to provide access to the southern boundary of the conservation area and the Connector Street Boulevard.
- (29) The alignment of the road and the existing water course / proposed walkway would fragment land on Parcel 7 with the consequence of a small developable lot contained between a waterway and Mickleham Road.
- (30) In the case of Parcels 9 and 10 the siting of the Active Open Space leaves insufficient depth within the parcel to provide for an access road along side the open space and functional lots.

### 3.1.2. Response

- (31) The response advanced in the submission to the issues presented on Parcel 7 is to redirect the alignment of the water course and the proposed waterway alongside Mickleham Road and realign the road to correspond with the Parcel boundaries.
- (32) In the case of Parcels 9 and 10 the response has been to increase the setback of the active open space from the northern boundaries of Parcels 9 and 10 to achieve a functional lot and road layout.

### 3.1.3. Commentary

- (33) The response on Parcel 7 is sound from a lot and development efficiency perspective but will be primarily influenced by road network / traffic engineering advice on the implications for the functionality of the broader road network and Melbourne' Water's acceptance of the realignment and width of the northern reach of Aitken Creek.
- I support the view that the realignment of the water course to the interface with Mickleham Road and the creation of a wetland feature as part of that restructure would positively contribute to the creation of a transitional zone at the edge of Craigieburn West as sought as part of the urban design approach to the interface with the green wedge.
- (35) Given that Parcel 7 constitutes the northern most reach of the water course any change in the alignment would not impact upon other parties.
- (36) The PSP is silent about where the proposed walkway along side the watercourse would connect once it intersects with Mickleham Road, so its relocation would not comprise any network plans external to the precinct.

# 3.2. The location of the secondary school

### 3.2.1. Issues

(37) DG has sought a review of the location and catchment for the Active Open Space and Secondary School proposed to be located on their Parcels of land and want to be assured that the location of the school across 4 separate titles will not delay the acquisition of the land.

### 3.2.2. Response

(38) In the VPA submission it is recommended that there be no change based on further discussions with DET and Hume City Council.

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### 3.2.3. Commentary

- (39) While the observation of the Deague Group about overlapping catchments and the absence of schools provided in the Lindum Vale PSP is factually correct, I can also accept that within the constraints of a need to provide a further secondary school and for that secondary school to be of optimum value to the emerging community the chosen location offers a range of advantages including:
  - Access to the principal collector road and frontage,
  - A reasonably central location within the precinct,
  - An acceptable walkable catchment for all land in the precinct and adjoining precincts,
- (40) I understand others may be seeking to relocate the secondary school further to the west. I would not support that as it reduces the centrality of the facility to the served community and there will be no future catchment west of Mickleham Road.
- (41) I comment later on the timing of acquisition under the heading of staging.

## 3.3. Housing density targets

### 3.3.1. Issue

(42) It is not clear how the housing density targets detailed in Requirement 2 were derived and justified.

### 3.3.2. Response

(43) The VPA has indicated that further discussion and investigation is required as a medium level priority.

### 3.3.3. Comment

(44) This is a matter that might be useful further resolved through a conclave of planners.

### 3.4. Rural Interface

(45) Requirement R4 requires the provision of a sensitive rural interface through a design treatment and the submission seeks clarification because this has not been consistently delivered, lacks guidelines and is not a matter that should be resolved at the permit stage.

### 3.4.1. Response

(46) VPA has undertaken to include a suitable Mickleham Road cross section in the PSP that details the expectations for the interface treatment.

### **3.4.2.** Comment

(47) The proposed action is appropriate and subject to review of the cross section this matter should be capable of resolution.

# 3.5. Affordable housing

### 3.5.1. Issue

(48) The mandatory affordable housing contribution arising from Requirement 5 has not been strategically justified.

### 3.5.2. Response

(49) The VPA agrees with Deague Group to change the affordable housing requirements to align with the recommendations of the Panel on the Beveridge North West PSP.

### **3.5.3.** Comment

(50) Appropriate action is proposed.

# 3.6. Staging of development

### **3.6.1.** The issue

(51) Guideline 71 references the early delivery of sports fields, community facilities, local parks and playgrounds, but the concern is expressed, not with the 'sentiment but with the challenge of achieving that outcome when land has to be acquired and assembled from multiple parties. The DG submission calls for early acquisition to be added to 'early delivery' in order to place an onus upon DET and others to put in place a commitment to early acquisition.

### 3.6.2. Response

(52) VPA has committed to further discussion on this issue but references the outcome may be linked to practice on other PSPs.

### 3.6.3. Comment

- (53) The suggestion by the Deague Group is reasonable given the complications that they will experience with the discontinuation of Whites Road and the secondary school and public open space encompassing multiple lots and different ownership.
- (54) The resilience of the new community will be furthered by early provision of these facilities and early acquisition will be a key step to achieving the guideline.

# 4. CONCLUSION

- (55) The Deague Group have raised some reasonable issues warranting further consideration in its submission.
- (56) This evidence provides a response to some matters, but a more useful piece of evidence would follow the further investigations being undertaken by the VPA.

**Rob Milner** 

**April 2021** 

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# **APPENDIX A - WITNESS STATEMENT**

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### The name and address of the expert

Robert Milner, Principal of Kinetica Studio Pty Ltd, located at 25/500 Collins Street, Melbourne 3000.

### The expert's qualifications and experience

Robert Milner holds an Honours Diploma in Town and Country Planning from Liverpool Polytechnic. He is a Life Fellow of the Planning Institute of Australia and a Fellow of the Victorian Planning and Environmental Law Association. A Curriculum Vitae is included at Appendix B.

### The expert's area of expertise to make this report

Robert has a broad range of expertise in planning and development matters enabling him to comment on a wide spectrum of urban and rural, statutory and strategic planning issues and processes.

### Other significant contributors to the report

Not applicable.

### Instructions that define the scope of the report

Robert Milner has been instructed by Planning & Property Partners Pty Ltd, on behalf of the Deague Group to review the strategic planning merit of the exhibited Craigieburn West Precinct Structure Plan as it applies to the Deague Group landholdings.

# The identity of any person who carried out tests or experiments upon which the expert has relied on and the qualifications of that person

Not applicable.

### The facts, matters and all assumptions upon which this report proceeds

There are no other facts, matters or assumptions upon which the report relies other than those explicitly stated in the report.

# Documents and other materials the expert has been instructed to consider or take into account in preparing his report, and the literature or other material used in making the report

Robert Milner has reviewed the material as referenced in the body of this report.

### A summary of the opinion or the opinions of the expert

A summary of Robert Milner's opinions is provided within the body of the report.

### Any provisions or opinions that are not fully researched for any reason

Not applicable.

### Questions falling outside the expert's expertise and completeness of the report

Robert Milner has not been instructed to answer any questions falling outside his area of expertise. The report is complete.

CRAIGIEBURN WEST PSP/ VPA PROJECTS STANDING ADVISORY COMMTTEE/ EXPERT PLANNING EVIDENCE/ ROB MILNER/ APRIL 2021

### **Expert declaration**

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

Robert Milner April 2021

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# **APPENDIX B - CURRICULUM VITAE**

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## **Robert Milner**

### **Principal**

Rob Milner is a respected strategic and statutory planner and a recognised leader of the planning profession in Victoria. He has had a high profile career spanning more than 40 years with extended periods of experience working for local government and in private practice. His clients have included many State government agencies (including planning, community development, justice, roads, growth areas and regional development), municipalities throughout Victoria, as well as a broad range of corporate and other private sector interests. He has a reputation for integrity, objectivity, an original style of evidence and for providing clear and fearless advice to proponents and objectors; the responsible authority; claimants and government agencies. Particular expertise is in complex and controversial projects, gaming matters, acquisitions and restrictive covenants.

# **Principal** kinetica

Melbourne, Australia 2019 - present

#### **Director**

10 Consulting Group Pty Ltd Melbourne, Australia 2010 - 2019

### **General Manager - Planning**

CPG Australia Pty Ltd 1999 - 2010

#### Director

Rob Milner Planning Pty Ltd & Savage Milner 1994 - 1999

### **Project Director**

Collie Planning and Development 1991 - 1994

### **General Manager Town Planning**

Jones Lang Wootton 1988 - 1991

#### **City Planner**

City of Box Hill 1980 - 1988

#### **Planner**

Perrott Lyon Mathieson Architects and Planners 1977 - 1980

#### **Planner**

Kirklees Metropolitan Borough Council, United Kingdom 1976 - 1977

# Diploma in Town and Country Planning (First Class Honours)

Liverpool Polytechnic



### **Areas of Expertise and Experience**

- Strategic studies, policy development and statutory implementation
- Expert evidence and advocacy
- Rob is regularly retained to provide expert evidence to courts, panels and tribunals on the broadest range of land use and development planning issues. He is able to evaluate and form a robust opinion on complex matters quickly and has a capacity to mange a considerable body of work in an efficient and timely manner. Rob is also an acknowledged advocate and negotiator and is regularly engaged in development approval and rezoning projects where process and relationships need to be carefully nurtured to ensure a viable and timely outcome. Legislative and planning scheme reviews and amendments
- Gaming policy and applications
- Restrictive Covenants
- Acquisition and compensation
- Organisation audits and process reviews

Rob's ability to communicate effectively among a broad range of stakeholders means that he is regularly engaged to facilitate workshops, conferences, consultation and other situations where leadership and engagement of groups is required.

He has committed to 'giving back' to a profession that has provided him with a rewarding career. As well as contributing to the development of the Planning Institute of Australia he has acted over the last two decades in the capacity of mentor for many younger planners. Additionally, he regularly attends and gives papers at professional development forums.

### Associations

- Life Fellow Planning Institute of Australia (PIA)
- Fellow of the Victoria Planning and Environmental Law Association (VPELA)
- Former State and National President of the Planning Institute of Australia (PIA)
- Member, Planning and Local Government Advisory Council (1994 - 1999)
- Deputy Chairman, Future Farming Expert Advisory Group (2009)





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