

# PSP Craigieburn West

---

**Precinct Structure Plan**

**Part B Submission – Part 2**



May 2021

- 
1. These submissions are made on behalf of the Victorian Planning Authority (**VPA**) in respect of the Craigieburn West PSP. The VPA has already issued its Part A Submission and a detailed Part B Submission which responds to the issues in dispute at the commencement of the hearing.
  2. This submission is made at the close of evidence and is supplementary to the Part B Submission. Unlike other Panel directions where the VPA has been asked to address evidence ahead of it being heard, this submission seeks to provide the Committee with the VPA position on the implications of the evidence presented for the PSP.
  3. The submission also attaches a list of proposed changes that the VPA considers should be the subject of Panel recommendations (see Appendices A, B & C). The changes reflect a number of the matters that have arisen through the evidence and demonstrate the ongoing constructive way in which the VPA and parties have worked towards securing an appropriate place-based PSP.
  4. This submission addresses the evidence thematically in the manner it has been delivered to the Committee.

#### **Kangaroo Management**

5. The VPA relies on the evidence of Mr Organ in respect of Kangaroo management issues.
6. The draft Amendment was issued with a structure that requires the preparation of individual kangaroo management plans at the time of subdivision that *address* the recommendations of the Eastern Grey Kangaroo Strategic Management Plan: Craigieburn West Precinct Structure Plan (PSP 1068).
7. The plan is in a draft form, with the current draft provided to the VPA and parties during the hearing. This draft will be further considered and revised by the relevant stakeholders prior to finalisation.
8. The statutory implementation approach of *addressing* the recommendations of the plan provides the most appropriate balance of an overarching plan that is binding (but which across fragmented land holdings would be unable to be secured) and more limited site-specific plans. The plan presents guiding principles and considerations.
9. In evidence Mr Organ made clear that the purpose of the plan is to manage animal welfare and risk rather than to sustain an ongoing population within the PSP area. The current draft plan sets out a range of management tools and the assessment approach that is to be addressed through the permit application process. The VPA adopts Mr Organ's evidence that it is not appropriate or a proportionate response to contemplate the construction of permanent underpasses through the PSP process given the purposes of the plan.

#### **Arboricultural evidence**

10. The Committee heard from Mr Galbraith on the issue of arboricultural values. Mr Galbraith first undertook a desktop comparison of two reports:
  - a. The Axiom report dated 5 November 2018, prepared for PEET.
  - b. The Treetec report of February 2019 for the VPA.
11. Mr Galbraith's evidence was that the Axiom Report and the Treetec report adopted different methodologies that made them difficult to compare on his desktop analysis. His written evidence stated

“Comparison between the listed trees is not straightforward because the tree numbering system is entirely different”<sup>1</sup> a point which he confirmed in oral evidence.

12. Mr Galbraith then undertook an on site sensitivity test of the findings of the Treetec report by assessing some, but not all, of the trees identified on the PEET property. His assessment suggests that he would rate a number of the trees he compared differently.
13. The Committee has three assessments before it, one of the entire PSP area, one of the PEET land and one of part of the PEET land (Galbraith). Mr Galbraith acknowledged through his oral evidence that he had considered the retention of trees as being a biodiversity initiative. He agreed that he has not considered retention for the broader purpose of character and amenity.<sup>2</sup> The implication of this is that he has placed a lower value on the retention of mature trees other than river red gums.
14. In this regard the VPA does not agree with the evidence of Mr Galbraith that the mature trees other than river red gums could be regarded as ‘readily replaceable’ at least in a character and amenity context where he agreed that it could take more than 20 plus years for the trees to mature.
15. The VPA submits that the evidence of Mr Galbraith does not necessitate any change to Plan 10 (Biodiversity and Vegetation Plan) that identifies the trees to be retained. The VPA makes this submission noting that:
  - a. His assessment was far narrower than the Treetec assessment.
  - b. R34 has been revised to accommodate a secondary consent provision such that it is now proposed to read: *Vegetation shown on Plan 10 as Vegetation for Retention must be retained unless otherwise agreed by the Responsible Authority. Retained vegetation must be incorporated into either the open space network or the public realm.* This secondary consent provision facilitates a less rigid approach to the retention of trees where it can be demonstrated that there is justification for a removal.
16. In respect of the PEET concept plan, the VPA does not oppose the changes to the open space network depicted and as agreed by Council. The determination of whether permission for the removal of other trees should be granted is a matter for the Council at the permit application stage noting that the PSP will not secure approval of the finer detail of the subdivision layout present in the PEET plan (i.e. the lots and local streets).
17. Finally, the VPA notes that the questions of the Council to Mr Czarny on the issue of tree retention suggest that Council are proposing specifying a list of considerations that may guide the exercise of discretion under the revised R34. While the provision of guidance can sometimes be useful on matters such as these, there is always some risk that by defining a certain class of considerations, other legitimate considerations not so identified may be overlooked. The VPA will consider any revised R34 put forward by the Council.

## Waterway ecology

---

<sup>1</sup> Page 6 of Galbraith expert report

<sup>2</sup> Character and Amenity is considered below in respect of Mr Clarkes evidence.

18. Mr Simon Treadwell provided evidence on waterway ecology for Melbourne Water. Other than confirming that the scope of this evidence did not address the detail of drainage design generally or specifically the VPA did not cross examine Mr Treadwell.
19. The evidence provides the Committee with useful understanding of the ecological context and policy considerations that have stimulated the ongoing amendment process to the Aitken Creek DSS. This is an ongoing process and separate to the PSP.

#### **Drainage evidence**

20. The VPA has set out its position on drainage issues in its Part B submission including its central submission that the DSS and PSP regimes are separate but related regimes. The DSS process has its own consultation and approval process separate to this PSP.
21. Mr Bishop provided evidence on behalf of Council. Mr Bishop is a very experienced drainage engineer who has provided expert evidence in respect of many PSPs and prepared drainage responses in the growth areas in respect of the gazetted PSPs. His written evidence principally concerned the gap catchment. In response to questions from the VPA, Mr Bishop agreed:
  - a. PSPs provide for a waterway configuration.
  - b. That configuration reflects generally the prevailing draft DSS at the date of the PSP.
  - c. Over time the DSS can be reviewed.
  - d. It is open to developers to submit a different functional design to Melbourne Water than that identified in the DSS
  - e. In that way, it is his experience that the ultimate delivery frequently differs from the PSP.
  - f. The operation of the PSP therefore needs to be sufficiently flexible to accommodate this outcome.
22. The VPA concurs with Mr Bishop's evidence that there should be a notation on the Integrated Water Plan within the PSP to confirm that final waterway design can be amended to the satisfaction of Melbourne Water and the responsible authority. This is the flexibility reasonably required to link the separate planning and DSS regimes.
23. Mr Bishop had reviewed the relevant background report *Hydrogeological, Salinity, Acid Sulphate Soil and Geotechnical Assessment – Craigieburn West PSP* report prepared by Beveridge Williams, September 2020. Mr Bishop confirmed that identified are appropriately addressed at the permit application stage.
24. The VPA confirms that the proposed schedule to the UGZ includes an application requirement that makes direct reference to the *Hydrogeological, Salinity, Acid Sulphate Soil and Geotechnical Assessment – Craigieburn West PSP* report prepared by Beveridge Williams, September 2020. No change is required to the draft amendment in respect of ground water issues.
25. Mr Mag provided drainage evidence for PEET. His evidence principally considered the servicing of the gap catchment being the land that hydraulically falls outside of the two relevant DSS areas. This area will be managed by provision of local facilities. Mr Mag presents two options to provide drainage servicing for this area, a single facility option and a split facility option that would result in facilities in Property 30 and Property 31. The evidence confirms that a single facility is achievable and more efficient. The VPA understands there to be agreement on the provision of a single facility, approximately 1ha in size and located in PEET's land, and requests that this is reflected in the Place Based Plan and Integrated Water Plan.
26. Mr Beardshaw provided drainage evidence for Deague. In respect of Mr Beardshaw's evidence the VPA observes that he acknowledged that:
  - a. He has no qualifications in town planning.
  - b. He has no qualification in urban design.
  - c. To the extent that he expressed views on these matters in his written evidence that considered these matters, that they are not expert views.

27. This is important because in Mr Beardshaw's evidence statement he suggested (amongst other matters) that the drainage scheme identified in the PSP "*results in the draft Place Based plan creating inefficient spaces, poor interfaces...*"<sup>3</sup>. The VPA accepts that Mr Beardshaw is an experienced drainage consultant but his qualifications do not found expert opinions in subdivision design and town planning matters. The VPA requests that the Committee consider his evidence through this filter.
28. Mr Beardshaw confirmed in cross examination that he has been assisting his client in making representations to Melbourne Water in respect of the DSS consultation process.
29. Mr Beardshaw's advocacy work for Deague is relevant in two ways.
- Firstly, this advocacy work is relevant to the weight the Committee should give to Mr Beardshaw's evidence. The advocacy work was not clearly disclosed in Mr Beardshaw's and suggests that he is at once both providing advocacy representation for his client and 'independent' expert evidence to this Committee.
  - Secondly, it also confirms that Mr Beardshaw (and his client) understand (as was agreed in questioning) that Melbourne Water will separately determine the final DSS functional design under the DSS process. The VPA considers this forum is not the place to finalise the DSS.
30. In any event Mr Beardshaw's principal concern was expressed in his written report at Page 4 where he stated:
- "An alternative arrangement is available and has been presented in this report. Flexibility within the PSP should be given to further pursue this arrangement.*
  - The proposition to accept the DSS as a conceptual outline and move assets at detailed design is not possible within the PSP framework as it stands. The PSP will need to be framed to allow significant changes to the drainage assets"*.
31. In questioning he agreed that this would constitute a note on the integrated water management plan. The VPA agrees to the inclusion of an appropriate notation, which is outlined in Appendix C.
32. In other matters Mr Beardshaw:
- Asserted that the DSS would be potentially prohibitively expensive<sup>4</sup> but confirmed that he had not undertaken any costing to support this possibility.
  - Contended that in practical experience the notion of 'general accordance' was applied inflexibly at Council level, but when provided the opportunity was unable to substantiate this with any example.
  - Asserted, again without specific examples that it was very difficult to move assets across property boundaries.
33. Overall, the key issue in respect of drainage matters is whether the DSS system and the PSP can work in an integrated manner. In the VPA's submission, this is addressed through the changes proposed by the VPA to include notes on the integrated water plan. It is convenient to note that when Mr Milner provided planning evidence for Deague, he readily agreed with this approach and agreed that amending the waterway later, for the Deague land, would not be problematic to delivery of the PSP given that the land holdings do not contain other precinct features.

---

<sup>3</sup> Page 14 of evidence statement.

<sup>4</sup> Page 11.

## Traffic evidence

34. It is convenient at the outset to note that the VPA agrees with several traffic related matters in respect of the Place Based Plan, which are further outlined in Appendix C:
- a. In respect of the PEET concept plan and Mr Walsh's evidence:
    - i. Realignment of the north south road its designation as a connector street, bus capable access street level 2 at Paragraph 57(a) and 57(b) of the evidence.
    - ii. Mr Walsh's evidence in respect of providing for an amended cross section outcome where the north south road abuts the linear reserve at Paragraph 57(c).
    - iii. Gallantry Boulevard and Riverglen Drive should be amended to access street (level 2) at Paragraph 57(d).
  - b. In respect of the Pask land:
    - i. Realignment of the north south road generally as depicted in 'Option 1' at PDF page 16 of his evidence (**but not the northern relocation of the school**).
  - c. In relation to the Deague land:
    - i. Realignment of the east west connector through Property 7 rather than to the north.
    - ii. The inclusion of an access street level 2 across the northern boundary of the active open space and school.
  - d. In respect of the Council questions of the traffic witnesses:
    - i. Should the BCS Area be realigned as proposed by Stockland (with the support of Council and the VPA), it will require a road frontage across its southern boundary. The termination of this road at Mickleham Road represents an opportunity for a left-in left-out (LILO) arrangement and its identification is consistent with the VPA's approach to identifying LILO arrangements where there exists a strategic justification.
35. The key outstanding issues arising from the traffic evidence are:
- a. The inclusion of Marathon Boulevard in the ICP.
  - b. The Mickleham Road duplication.
  - c. The annotation of LILO arrangements on Plan 5.
  - d. Whether the PSP has adopted appropriate traffic generation rates; and
  - e. Whether the model produces an acceptable basis to plan for the precinct.

### *Inclusion of Marathon Boulevard in the ICP*

36. In respect of the Deague land, the submitter seeks that the westerly extension of Marathon Boulevard be included as an ICP item. This would require that the Precinct Infrastructure Plan is amended.
37. Mr Walsh agreed that:
- a. The usual position is that connectors are funded by developers.
  - b. He has not assessed whether a delay of development within Property 16 would have more general impacts across the PSP, noting that there are other opportunities to extend development from Craigieburn R2 PSP into the PSP. He has only assessed the localised issue at Property 16.
  - c. He could not provide guidance on what the Ministerial direction means when it refers to 'fragmented' land.
  - d. If it was ultimately accepted that the culvert and road in property 16 was to be funded through the ICP it could be said to be unfair if the unconstrained Deague (Property 15) to the west of that lot had its connector funded.
38. The VPA considers that the land is not fragmented within the meaning of Table 5 of the Ministerial Direction. Lot 16, the affected lot, is some 8 hectares in size. The VPA accepts that the Ministerial direction is relatively new having been revised in 2021. The VPA will consider how Deague puts its case on this issue (if it continues to pursue it) and how the Council responds (the item can only be included under the Ministerial Direction where the Council agrees) and respond in closing.

### *Mickleham Road duplication*

39. Because there are no internal arterial roads within the PSP, the relevant road network can be neatly divided in this case into an internal local road network and an external arterial network.
40. Mr Pelosi accepted that development outside of the PSP (in other PSPs such as Merrifield West and Beveridge North) would have limited influence on the internal traffic within the PSP. He accepted development external to the PSP would have a greater influence on the arterial road network surrounding Craigieburn West.
41. It was Mr Walsh's evidence that roads are generally duplicated in today's environment at volumes approaching up to 24,000 vehicles per day. The most recent figures cited in the hearing put the current volumes on Mickleham Road at approximately 18,000. Whatever the number for duplication, it can be assumed that the warrant for duplication will be achieved in the near term rather than the long term. It is apparent that the preliminary preparation of the Mickleham Road duplication is underway (as evident from the road reservation and the recent budget allocation of \$9 million for installation of new traffic lights at the entrance to Aitken College on Mickleham Road and planning for duplication from Somerton Road to Dellamore Boulevard) though there is no secured funding or timeline for implementation.
42. Neither Ms Marshall or Mr Walsh nor even Mr Pelosi suggested in oral evidence that the PSP should not be gazetted prior to the duplication of Mickleham Road. The highest Mr Pelosi put it was that this reflected 'more of a Council position' and that 'this was a reasonable request to make'.<sup>5</sup> This is not compelling evidence to support the delay of PSP gazettal, particularly one where there are multiple potential development fronts, including from the east. Mr Pelosi agreed with the VPA that the duplication followed by triplication of Mickleham Road would meet the demand in the future and ultimate circumstances.
43. Mr Pelosi agreed that permit applications within the PSP would be supported by traffic assessments. Mr Pelosi was reluctant to agree that in the circumstances, traffic alone would result in refusal of a permit application, instead indicating that he would explore all options to make things work. The VPAs interpretation of this evidence is that Mr Pelosi considers it likely that engineering solutions exist to facilitate early development prior to the duplication of Mickleham Road.
44. For its part the VPA agrees. It considers that development within the PSP will be able to be managed in the interim period until duplication of Mickleham Road. If, unexpectedly, traffic becomes unacceptable then the statutory system has a process for refusal of applications. These matters are addressed in the Part B including the decision in *Mogrop* where the Tribunal refused a permit in circumstances where proposed interim arrangements were unacceptable.
45. The VPA considers that the notion of lot caps or controls on development staging are not necessary given the robust statutory system that exists within the State. Further, this Committee is not armed, with any logical basis to impose a lot cap. The only party that would seem to agitate the issue, Council, has not done the work to determine an appropriate lot cap and their expert was only able to deal with questions on these issues at what could best be described as a conceptual level. Given that there are multiple approved and gazetted PSPs contributing to the traffic on the arterial road network, any lot cap in Craigieburn West alone is unsupported. There is also no accurate basis before the Panel to recommend a volume trigger on Mickleham Road after which development would cease. This work was not done by Mr Pelosi (and really could not be done) and overlooks the fact that if Mickleham

---

<sup>5</sup> In response to questions for Member Carlisle.

Road becomes more congested in the interim, drivers will utilise other roads until duplication occurs. It is not uncommon in Melbourne's growth areas for there to be some lag between road infrastructure and development.

#### *The model*

46. The VPA considers the model that it has produced<sup>6</sup> for this matter to be entirely appropriate and fit for purpose. The original model was examined and peer reviewed on behalf of the Council by Mr Humphreys from GTA. Mr Humphreys is well versed in modelling activities having acted on behalf of the VPA in respect of many of the PSPs.
47. The VPA has accepted Mr Humphreys' advice and One Mile Grid have made recommendations adopted by the VPA, to update the road network.
48. Notwithstanding lengthy evidence on the model and the comparative benefits of spreadsheet and VITM based 'black box' models, two answers from Mr Pelosi to Member Carlisle sufficiently capture the situation.
49. In response to a question about the utility of understanding the volumes on the external arterial road network Mr Pelosi advises that it was a 'nice to know'.
50. In response to questions on the utility of spreadsheet models for internal traffic, Mr Pelosi said that the 'spreadsheet model does a great job internally'.
51. As to inputs to the spreadsheet model, there is contention around peak hour generation rates. Mr Pelosi adopted an analysis of Vista and produced a proposed peak hour generation rate of 1.58 vehicles per dwelling. Mr Pelosi is an outlier on this issue:
  - Mr Walsh was content with adopting 0.9 and provided details of work he undertook within the City of Casey which had identified a lower rate.<sup>7</sup>
  - Ms Marshall indicated that work on subdivisions within Hume suggested a lower rate again.
  - Mr Humphreys' memorandum *for Council* indicated that 0.9 was an appropriate figure.<sup>8</sup>
52. This is not a minor discrepancy, Mr Pelosi's generation rates are approaching twice the rates adopted by Mr Walsh, Ms Marshall and Mr Humphreys for Council. The VPA submits that the weight of evidence supports the adoption of 0.9 as has occurred in the model.
53. The VPA notes that the GTA memorandum is also closely aligned with One Mile Grid's analysis of directional distributions. Mr Pelosi was substantially different on this issue.

#### *Left in left out Intersections (LILO)*

54. The VPA Part B submission provides some detail on this issue. The VPA considers identification LILLO intersections is appropriate where there is strategic justification. Examples of this are the extensions of local roads through Craigieburn R2 to Mickleham Road because the location of these roads is known at this time. Otherwise, where the local road network is unknown, it is a matter best left to the permit application process which will identify appropriate locations. Whether identification will provide developers 'comfort' as suggested by Ms Marshall is not a planning justification.

---

<sup>6</sup> As updated.

<sup>7</sup> *Mogprop Management Pty Ltd v Casey CC* [2018] VCAT 980 (25 June 2018)

<sup>8</sup> Page 9, Section 4.6.



#### *Intersection operation*

55. Ms Marshall provided evidence that the intersections for the east west connector in the Henley Homes property are inadequate based on the identified road network. It was her evidence that one or more LILOs to the north would be required to alleviate intersection function. The VPA position in relation to the BCS confirms a further identified LILO location (in addition to any others that might be granted by DOT).

#### *Connector volumes*

56. Ms Marshall indicated concern with volumes on the connector network relevant to her client's property. Under cross examination she agreed that her evidence at 7.2.4 concerning maximum traffic volumes did not take account of the word 'indicative' in the table above this, and that accordingly, the volumes were more flexible than what she presented.
57. Ms Marshall agreed that the volumes were within the theoretical capacities based on the revised analysis prepared by One Mile Grid.

#### **Planning**

58. The key planning issues in this matter concern, principally, the location of the proposed government secondary school, the walkable catchments and densities within those walkable catchments.

#### *PSP preparation principles*

59. The Committee will recall the VPA's questions of Mr Fetterplace concerning the preparation of a PSP. Mr Fetterplace has been involved in PSP planning and implementation. He agreed that:
- a. The preparation of a PSP starts with background studies which are finalised and then inform an integrated plan.
  - b. Not every recommendation or finding of a background report necessarily finds its way into a place-based plan once all planning factors are taken into consideration.
  - c. It would be difficult (and he has never seen) a report summarising and justifying each and every iterative change to a PSP made during the preparatory process.
  - d. It is frequently the case that property parcels change hands before, during or after preparation of a PSP.
  - e. The particular outcomes sought by an owner at the time of preparing a PSP would not be given priority over the preparation of an acceptable place based plan.
  - f. Equally, pre-existing cadastral boundaries, while potentially relevant, would not normally be given priority weighting in the preparation of an appropriate place based plan.
60. The VPA considers these matters to be sound and well accepted PSP process principles. They are useful principles to guide consideration of a number of matters in issue in the hearing.

#### *School locations is an integrated planning question*



61. The planning evidence of Mr Fetterplace, Mr Negri and Mr Milner all support the proposition that the identification and evaluation of school locations requires an integrated planning assessment. The VPA submits it is not an assessment that occurs through a narrow focus of spatial catchments or land fragmentation.
62. To the extent that Mr Milner somewhat tentatively suggested that the alternate northern sites suggested by Mr Panozzo should be investigated, he fairly conceded that this was not an analysis he had undertaken in the time available to him.

#### *An uncertain PSP?*

63. Mr Milner's written evidence raised concerns with what he described as an uncertainty relating to key features of the PSP. In his expert report he referred to firstly roads, and secondly waterways.
64. In his oral evidence Mr Milner agreed that the issue of waterways would be satisfactorily resolved by a note on the Integrated Water Management Plan to the effect that the final alignment of waterways should be to the satisfaction of Melbourne Water. This is a longstanding approach in PSPs as was outlined in the Part B Submission.
65. As outlined elsewhere in this submission, the VPA is not opposed to the relocation of the east-west road through the Deague land.
66. Ultimately Mr Milner did not press the issue of uncertainty with any vigour and agreed his identified concerns outlined above could be addressed. No case is made out that the PSP is not sufficiently certain.

#### *Walkable Catchments*

67. A number of the planning witnesses (Milner, Fetterplace and Clarke) actively considered walkable catchments. It is appropriate to note that no planner questions the existence of walkable catchments and that there ought be a higher density of dwellings within a walkable catchment, however defined within the PSP.
68. Mr Fetterplace undertook an analysis of the walkable catchment and determined that the walkable catchment should, in his view, include a north-south element. The VPA does not disagree that there is an argument for a north-south element in the walkable catchment associated with the school and the active open space and public transport. The extent of this and whether any north-south extension should fully wrap around a school and open space (or instead be a more modest provision – such as the approach taken in Beveridge North West and Pakenham East (both included in Mr Fetterplace's presentation) is a matter the VPA is considering.
69. Critically however, Mr Fetterplace formed a view that the walkable catchment should be substantially limited to the west. There were two reasons for this:
  - firstly to provide a better integration with the land outside of the UGB; and
  - secondly, that on his assessment an integrated balancing of all the factors meant that a walkable catchment was identified elsewhere.
70. Firstly, the VPA notes (and Mr Milner agreed in evidence) that there is no defined quantum of walkable catchment specified for a PSP. In the event the Committee did adopt Mr Fetterplace's advice to elongated part of the walkable catchment north-south, that does not necessitate a trimming of the walkable catchment in other areas and in particular the town centre.
71. In questioning, Mr Fetterplace identified five separate attractors for establishing a walkable catchment. These were:
  - The local town centre.
  - The public transport network.
  - Community facilities.

- Open space; and
  - Schools.
72. He agreed that the local town centre is in ordinary circumstances the most important attractor.
73. Despite this evidence, in this case Mr Fetterplace adopted a position where his walkable catchment would extend only approximately 130 metres to the west of the town centre. This is strongly opposed by the VPA.
74. The VPA does not consider it logical that a town centre as the principal driver of amenity in the area should have the lowest priority in terms of walkable catchment – it just doesn't make sense and is not a suitable outcome planning beyond the position advocated by the current owner.
75. It is not justified on the basis of a transition from the urban growth boundary to the walkable catchment, that would on Mr Fetterplace's evidence comprise some 300 metres. The VPA adopts Mr Milner's position on the distance a transition should be and says that the 90 metres it proposes will provide a sufficient transitional edge. In this regard, the edge of the UGB in this location is a future six lane arterial road. The VPA questions just how sensitive a transition could reasonably be required in this circumstance.
76. The VPA observes that its delineation of a walkable catchment of 400 metres is conservative. Reference is made to *Plan Melbourne 2017* and the more recent document *Creating a More Liveable Melbourne 2019* as indicators that a 20 minute neighbourhood would in fact extend much further than the nominated 400 metres of the VPA. *Creating a More Liveable Melbourne* suggests 800 metres. In this case the VPA has agreed that the walkable catchment should be reduced to something approaching 300 metres to the west. It is a reasonable position.
77. The second issue in relation to the walkable catchment is the density within the catchments. This was addressed by Mr Fetterplace and Mr Clarke (but not Mr Milner).
78. Mr Clarke's assessment rested on a 'common sense' principle (undocumented). This was that development should reduce in density as it progresses towards the urban growth boundary. The VPA does not share the view that this makes good planning sense. While of course the CBD will have high density as compared to the growth areas, the VPA submits there is no reason to distinguish between this PSP and other PSPs in the northern growth corridor in terms of density.
79. Mr Clarke's position is that the walkable catchment should have a non-mandatory requirement for 22-23 dwellings. He agreed that:
- a. He is not an expert in the housing market.
  - b. He was not asserting that there was any technical limitation preventing the provision of housing at or above 25 dwellings per hectare.
80. When pressed, Mr Clarke agreed that his position and selection of 23-23 dwellings was informed by his client's instructions which he had adopted. This is not a proper basis for adopting a different density in this location than that which has been recommended to proceed in recent PSPs (Beveridge North West and Shenstone Park) (noting that the draft PSP Guidelines contemplate up to 30 dwellings per hectare).

81. Like Mr Clarke, Mr Fetterplace relied on *Plan Melbourne* and its objectives to, over time, achieve densities of more than 20 dwellings per hectare.<sup>9</sup> This objective seeks to achieve these densities as a minimum target ('more than'). *Plan Melbourne* and the recent *Liveable Communities* document do not place a cap on dwelling density. Why would they? The underlying planning purpose and rationale that informs walkable catchments is that the increased density brings more people closer to higher amenity. Provided that there is no actual technical impediment to the delivery of these houses, none of which have been evidenced, achieving a minimum density of 25 dwellings per hectare in the walkable catchment represents the sound application of planning principles. It is entirely consistent with the target in *Plan Melbourne*.
82. The VPA questioned Mr Fetterplace about the appropriate methodology for determining density. At **Appendix D** to this submission is a series of Google Earth images which provide broad calculations of density existing on the ground around Melbourne's growth areas. Mr Fetterplace when questioned, endorsed the approach which has been applied in the preparation of these images.
83. The final argument that the VPA wishes to address in relation to Mr Fetterplace's evidence on the walkable catchment is that he considers that higher minimum densities will delay the delivery of town centres. The VPA does not accept this logic in principle or in fact. At **Appendix E** are a number of Google Earth images which depict the delivery of local town centres in growth areas ahead of surrounding residential development. The VPA regards this evidence of Mr Fetterplace as being something that sounds good in theory but does not in fact represent the reality. In the VPA's submission, town centres are delivered when supermarket operators determine the PSP has developed a sufficient catchment for them to derive a sufficient income. This is the principal driver of whether or not a town centre will be delivered, not whether or not there are houses on the boundaries of the local town centre property.
84. In relation to the evidence of Mr Negri for Stockland, the VPA adopts his evidence in relation to all matters but the apportionment of the open space between Lindum Vale PSP and the Craigieburn West PSP. Its reasons for not adopting this evidence are set out in the Part B Submission and therefore are not repeated here.
85. In particular the VPA notes and agrees with Mr Negri's evidence in relation to the function of the Lindum Vale PSP. The Lindum Vale PSP is peculiar in terms of its size and its composition. It is serviced only by a local activity centre and local parks. What this means is that while walking trails and bicycle paths are provided, the residents of Lindum Vale will necessarily resort to public transport or private vehicle movements to access community facilities. This is relevant to the location of the school and on an integrated planning basis Mr Negri and Mr Panozzo agreed that a two-minute travel time in a car between the proposed northern location and the southern location was not a material matter.

#### *Open space*

86. Mr Clarke's evidence on open space seeks to reduce the area of LP09 and remove LP08 and LP06.
87. With respect, Mr Clarke's evidence on the parks is misconceived in so far as it approaches the creation of parks for retention of trees purely upon a biodiversity assessment. Of course, these parks are not part of the BCS and have never been intended to be so.
88. However, as Mr Clarke agreed, there are other reasons why one retains vegetation, including for reasons of character and amenity. These trees are many decades old and are, in the true sense,

---

<sup>9</sup> Plan Melbourne Page 51. In the future, planning and development of growth areas should:

- provide around 15 years supply of land approved for development
- over time, seek an overall increase in residential densities to more than 20 dwellings per hectare

irreplaceable. Their retention speaks strongly to elements of the PSP guidelines that seek to achieve the incorporation of natural precinct features in the final plan. Standard S1 reads:

*Landscape and topographical features (including water bodies and waterways) and the visual and historical/cultural characteristics of the precinct are used to guide the pattern of streets and public spaces and incorporated into views where appropriate. See Clauses 56.01- 1, 56.03-4 and 56.05-1.*

89. It does not appear that Mr Clarke has considered this element of the PSP guidelines in this regard.

90. Importantly, in so far as Mr Clarke has referenced Clause 56.05 he has rigidly applied a guide which states that local parks should generally be of 1 hectare in area. The objectives of this Clause include:

*To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.*

*To incorporate natural and cultural features in the design of streets and public open space where appropriate.*

91. He hasn't sought to apply the objectives of Clause 56.05-3. In response to questioning, he said that meeting the 1 hectare met the standard. This is the extent of his analysis. The VPA does not agree. Standard C13 at Clause 56.05 is introduced by the words "The provision of public open space should". Under this it includes a bullet that reads:

*Local parks within 400 metres safe walking distance of at least 95 percent of all dwellings. Where not designed to include active open space, local parks should be generally 1 hectare in area and suitably dimensioned and designed to provide for their intended use and to allow easy adaptation in response to changing community preferences.*

92. It is plain that the satisfaction of Standard C13 contains an element of performance based assessment as compared to for example ResCode compliance matters.

93. Hume's Local Policy at Clause 21.02-1 is entitled 'Managing Growth and Increasing Choice'. While Mr Clarke said he had read this clause and that it was relevant he did not refer to it in his evidence nor did he refer to the Hume Corridor Integrated Growth Area Plan (HIGAP) Spatial Strategy (2015) which is specifically referenced in the clause as a strategy that will 'guide the preparation of more detailed precinct scale plans, including Precinct Structure Plans, structure plans and development plans.' This will confirm (amongst other matters) 'open space networks, recreation facilities and shared paths'. Relevantly the HIGAP:

- At Page 39 states:

*Map 3.8 shows the locations where protection is required and how natural heritage areas can be linked with open space. This includes the continuation of the Merri Creek Regional Parkland that currently extends from the CBD to Western Ring Road that will extend through to the Donnybrook (Lockerbie) Town Centres and link with the natural heritage assets in Kalkallo and Mickleham area. It also includes an expanded network of open space in Craigieburn and Mickleham area that incorporates Aitken Creek, Malcolm Creek, Mount Ridley Woodlands, trees in the Inter Urban Break and remnant vegetation in Craigieburn West (see Section 4.5).*

- At Page 40 states:

*Prepare a Precinct Structure Plan for Craigieburn West that protects the areas of woodland identified in the Biodiversity Conservation Strategy along with other scattered trees and*



*integrates and connects them to the wider open space network in the Mickleham and Craigieburn precincts.*

- At Page 66 states:

*The patch of remnant red gums south of Mount Ridley Road will be protected as required by the Biodiversity Conservation Strategy. A number of other scattered trees should also be protected and linked to reserves along drainage lines to achieve a series of connected open space areas that extend into the Craigieburn Precinct and Inter Urban Break and form a broader green network through the Craigieburn and Mickleham Precincts (see Section 3.7).*

- At Page 67 seeks to plan for Craigieburn West on the basis that include 'linear parks and widened road reserves to safeguard scattered trees and deliver a continuous green network through this area into the Craigieburn, Inter Urban Break and Mickleham Precincts'.

94. There exists ample strategic justification for the retention of the scattered trees through the linear network of which LP05 forms a part.

#### *Relocation of primary school*

95. The VPA does not support the relocation of the primary school to abut the creek environments. The VPA supports the retention of the (approximate 180 metre wide) mixed use zone. Whether this area is used for residential or other permitted uses under the mixed use zone, there is sufficient space to take the benefit of the high amenity that a creek frontage affords.

96. The inclusion within a mixed use zone provides some flexibility in how this land is delivered to the market.

#### **Bushfire evidence**

97. The Panel has had the benefit of bushfire evidence from Mr Hamish Allan.

98. It is understood from the cross examination and advice of the Council that the Council will be proposing to relocate some of the amended guidelines and requirement recommended by the expert to the UGZ Schedule. The VPA will evaluate this material when it is delivered by the Council.

99. To the extent that concerns were raised about bushfire management during the development stage of the PSP, the VPA observes that Mr Allan agreed that the Council retain powers to issue land management notices during the interim period while some areas of the PSP remain undeveloped.

100. The VPA considers there is no bushfire reason why this PSP should not be recommended for approval.

#### **School location**

101. Mr Panozzo is the pre-eminent expert in Victoria in determining the requirements for the size and number of community facilities in growth areas in Victoria. He is frequently engaged by the VPA for this purpose. With respect, however, the VPA does not regard Mr Panozzo as holding expertise in the integrated planning that goes into the preparation of a structure plan and more particularly the final place-based plan. As Mr Panozzo fairly conceded, he has never prepared a structure plan and has never had carriage of a planning scheme amendment.

102. While it is correct that Mr Panozzo has knowledge of some of the locational considerations that go to the siting of a government secondary school, he does not have experience in implementing all of the relevant matters.

103. In this case the limitations of his assessment from a planning perspective were clear. He had not considered the transport system. He had not considered the major constraint that constitutes the BCS Reserve. He had not considered, or at least not given appropriate weight to other place-making

objectives such as the location of the town centre<sup>10</sup>. The result of this was that, perhaps unsurprisingly, his assessment was heavily skewed to two factors he regarded as important. That is, there is a spatial gap in the provision of schools in the area and secondly that land fragmentation would prevent the easy acquisition of school sites. Mr Panozzo may have exposure to but could not be said to have detailed expertise in land acquisition matters. The VPA does not consider that these two matters are the key matters that drive the location (or relocation) of the school.

104. Mr Panozzo adopts a 1.5 kilometre radius provision circle for government secondary schools.
105. The nomination of 1.5 kilometres is his work alone, and is unsupported by any policy document that he could take the Committee to. While Mr Panozzo suggested that this was the appropriate spatial determinant, he was unable – even having used this approach for over 10 years – to advise on journey to school data for modes of travel or distance of travel. He was unable to do this for any area, let alone the localised area. This is of course critical to the analysis Mr Panozzo was undertaking because a spatial gap only exists if, as a matter of fact, you correctly understand how big a catchment is.
106. In this instance, Mr Panozzo has relied heavily on the Lindum Vale PSP to justify the location of a further school. As was highlighted through questioning by senior counsel for Stockland, the Lindum Vale area also justifies the existence of the Merrifield West government secondary school. Notably that too would be more than 1.5 kilometres from the Lindum Vale area.
107. In terms of the rigor applied to Mr Panozzo's analysis on these spatial catchment issues for Lindum Vale and Merrifield West, it is not sufficient for the purposes of planning a PSP to rely on undocumented and unattributed reference to conversations with persons involved in those developments to found expert opinions. This is unfair and cannot be properly tested. This is not the best available evidence when the PSPs themselves provide estimates for dwelling numbers.
108. The VPA observes that the Lindum Vale PSP is in some ways an unusual PSP which promotes, given its dormitory nature, an unusually high reliance on vehicular movements. As Mr Panozzo agreed, the additional travel time between the two locations is not a material consideration in this instance at 2 minutes.
109. Mr Panozzo indicated that the proper analysis for determining the appropriate location spatially is by determining the highest number of dwellings that would be served by a given location within his 1.5km radius catchment. Without endorsing the radial approach, the VPA has undertaken work on his assessment basis in respect of his Option 'A'. For reasons outlined in the DET's correspondence of 7 May 2021 it does not consider either his Option B or the Option contained within his addendum statement to be realistic options.<sup>11</sup> It has undertaken an approximate analysis of dwellings within the catchment area. (Note that this analysis includes 'splitting' the shared catchment between the Draft

---

<sup>10</sup> Standard S1 on Page 29 of the PSP Guidelines 2009 seeks that schools are 'located either close to a town centre or with good visual and physical links to a town centre'. In his evidence in respect of the Pakenham East PSP Mr Panozzo relied on this standard to argue for relocation but in the present case has, despite referring extensively to the PSP guidelines in respect of active open space, overlooked this particular standard. At the same time the addendum report raises concerns about housing density close to the town centre. At a minimum the VPA would expect some discussion concerning the balancing of objectives.

<sup>11</sup> Noting Mr Panozzo agreed that locations on the arterial road network do not have express policy support either.

PSP location and the existing secondary school in the South or F2 PSP so as not to count the total catchment overlap).

	<i>Lindum Vale PSP (Standard Density) 16.5 dw/ha</i>	<i>CW PSP (Standard Density) – 19dw/ha</i>	<i>CW PSP (Walkable Catchment) 25dw/ha</i>	<i>Craigieburn R2 PSP 15dw/ha</i>	<i>Inter Urban Break (No. of Lots within)</i>	<i>Existing Craigieburn (ie. no PSP) 15dw/ha</i>	<i>Total Dwellings within catchments (does not including Green Wedge Zoned land outside of UGB)</i>
<b>Draft PSP</b>	-	3637 dw	1585 dw	3551 dw	-	499 dw	<b>9272 dw</b>
<b>Option A</b>	1248 dw	2758 dw	296 dw	2762 dw	126 dw	57 dw	<b>7247 dw</b>

110. In respect of locational factors, the school site identified in the draft PSP performs significantly better than Mr Panozzo’s Option A when assess against the place making criteria outline below. The only area in which the PSP’s proposal is bested by Mr Panozzo’s is ‘fragmentation’. The VPA considers fragmentation is a lower order consideration as it only affects acquisition but does not have a long-term impact on development outcomes. Utilising the criteria as outlined in the Part B report

Criteria	Draft PSP	Panozzo – “Option A”	Best Outcome:
1. <i>Catchments – DET identified the need for a Secondary school in the precinct north of Craigieburn Road.</i>	Provided North of Craigieburn Road  <b>Serves approx. 9272 households</b> within a 1.5km radius in Craigieburn West, Craigieburn R2, and existing Craigieburn to the east (see attached Map)	Provided North of Craigieburn Road  <b>Serves approx. 7247 households</b> within a 1.5km in Craigieburn West, Craigieburn R2, Lindum Vale, Inter Urban Break and existing Craigieburn to the east (see attached Map)	<b>Draft PSP</b>
2. <i>Be integrated with the neighbourhood and located near activity centres.</i>	Best integration with the neighbourhood and activity centres.  <ul style="list-style-type: none"> <li>Located close (approx. 200m) to the Local Activity Centre (LAC) within the CWPSP</li> <li>Located 800 m from the LAC in Craigieburn R2</li> </ul>	Poor integration with the neighbourhood and activity centres.  <ul style="list-style-type: none"> <li>Located approx. 1.6 km from the town centre within CWPSP</li> <li>Located 1.3 km from the LAC in Craigieburn R2</li> </ul>	<b>Draft PSP</b>
3. <i>Be located on walking and cycling networks</i>	Located on <b>two</b> connector streets (boulevard/connector) - two way bike path to be provided (3m). 2x1.5m ped path	Located on <b>one</b> connector street (boulevard) - two way bike path to be provided. 2 x 1.5 ped paths.	<b>Draft PSP</b>
4. <i>Have a bus stop located along the school site boundary.</i>	To be provided		<b>Same</b>
5. <i>Have student drop-off zones, bus parking and on-street parking in addition to other street functions in abutting streets.</i>	To be provided		<b>Same</b>



6. <i>Adjoin the public open space network and community sporting and other recreation facilities.</i>	Adjoins SR-02.	Proposed to adjoin SR-01.	<b>Same</b>
7. <i>Be integrated with community facilities.</i>	Neither option is proposed to be integrated with community facilities.		<b>Same</b>
8. <i>Be located on land that is not affected by physical, environmental or other constraints.</i>	Fragmented land ownership – 3 parcels.	Within one land ownership.	<b>Option A</b>
9. <i>Schools should be accessible by the Principal Public Transport Network (PPTN) in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.</i>	Neither option is proposed to be located on the PPTN.  PSP option is located closer to Craigieburn Rd and Aitken Blvd PPTN, as well as closer proximity to Craigieburn Station (albeit still located a distance from the station)		<b>Same</b>
10. <i>New State Government school sites must meet the requirements of the Department of Education and Training and abut at least two streets with sufficient widths to provide student drop-off zones, bus parking and on-street parking in addition to other street functions.</i>	As per PSP Requirements.  Draft PSP provides for <b>two</b> connector streets.	As per PSP Requirements.  Option A provides for <b>one</b> connector street.	<b>Draft PSP</b>

111. Mr Panozzo's northern catchments are impacted by the BCS reserve and the connectivity limitations it creates along with the broader loss of catchment.
112. Mr Panozzo's evidence does not provide a sound basis for the relocation of the government secondary school to a site to the north.
113. In addition, Mr Panozzo's evidence does not provide a sound basis for relocating the active open space to the west (where its catchment would be reduced, and the open space located off the linear trail) or to the south where there are topography constraints. Council's questions of Mr Panozzo confirm that any southern open space gap is marginal at best.

### Conclusions

114. This Part B submission – Part 2 is intended to provide an overview of the VPA's assessment of the evidence, identify the further changes that the VPA supports and to respond to some further matters raised in the hearing.
115. The VPA will now listen to the submissions of the parties ahead of its closing submission.