Beveridge Williams

Our Reference [redacted]

22 April 2022

[redacted]

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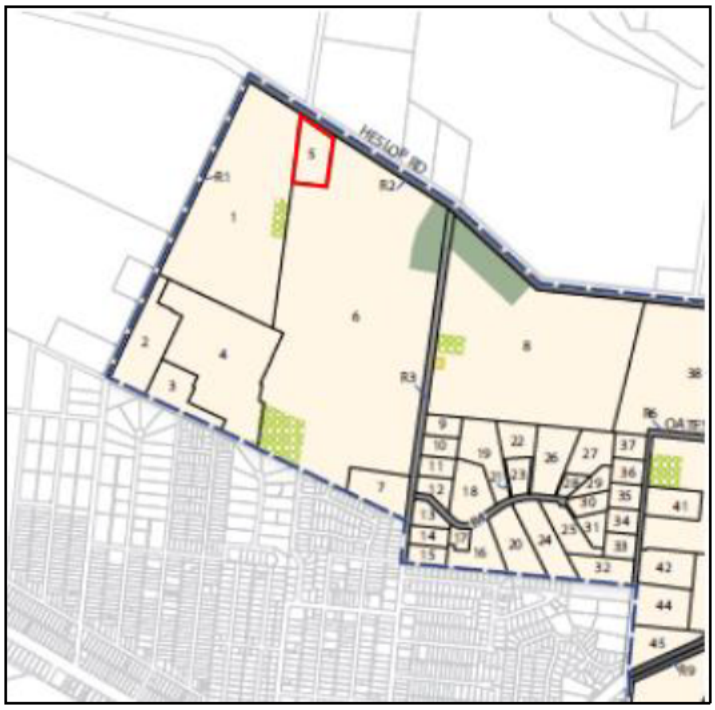
Victorian Planning Authority
C/o Wonthaggi North East PSP
Level 25, 35 Collins Street
MELBOURNE VIC 3000

Dear Sir / Madam,

RE: ADDENDUM TO SUBMISSION TO THE WONTHAGGI NORTH-EAST PSP & DCP
PROPERTY ID #5 – HESLOP ROAD NORTH WONTHAGGI

Beveridge Williams acts on behalf of Larnay Pty Ltd in relation to the above matter. We refer to our previous submissions to this process

Our client is the owner of approximately 2 hectares of land formally known as Lot 2 PS302494N. This property is identified as parcel identification number 5 in the Draft Wonthaggi North East Precinct Structure Plan (PS) and Draft Wonthaggi North East Development Contributions Plan (DCP).



Information provided is incomplete

This submission is required to respond to the changes that have been made to the material previously exhibited by the VPA in December 2021. It was anticipated that a complete package of revised material would be provided and form the basis for consideration by submitters and the Advisory Committee. However, the material provided remains incomplete or has been provided in draft form and, in some cases, has not been provided at all.

It is noted that the material which has been provided was released 6 business days prior to deadline for submissions.

This has made the process extremely difficult for us as consultants to provide full and proper advice to our clients. It has also not afforded our clients sufficient time to fully understand the effects of these potentially significant changes to their land. We have yet to receive the promised changes report which would have assisted us to do this.

The piecemeal approach to the preparation and release of important information has led to unacceptable delays throughout this process. In addition to significant holding costs, those delays have caused unreasonable costs to submitters through the need to iteratively respond to information. Our client notes its serious concerns with the manner in which information has been provided to date and reiterates the need for procedural fairness to be afforded to submitters to allow them reasonable time to respond to information. For this reason, this submission is made without prejudice to our right to provide further responses if and when the VPA provides further material.

Despite the ongoing information and timing issues of this process we have conducted a review of the *Preliminary Drainage Review* prepared by Neil Craigie and Graham Daff and the revised *Functional Design Report* prepared by Alluvium and note the following on behalf of our client.

Open Space
In our previous submissions we noted that there is a discrepancy in the Public Open Space percentage included in R65 of the PSP and the Schedule to Clause 53.01 for residential land. We understand the POS calculation of 3.82% outlined in R65 has been calculated incorrectly as it includes local reserves provided for under the DCP. We understand the correct percentage should be 2.47% of NDHa.

We note that the VPAs response is that they agree to update R65 to 2.47% but that final confirmation is outstanding whilst further investigation work occurs. We reserve our right to address this matter through the ongoing process should the change not be reflected in the updated PSP and DCP documentation.

Community Infrastructure Levy (CIL)
In our previous submissions we noted that there is inconsistency within the CIL which is payable per dwelling. Page 8 of the Development Contributions Plan (DCP) states the CIL is capped at $1,225 per dwelling, whilst Table 9 on page 35 shows that based on the DCP costings for the CIL per Dwelling computes to be $1,178.97. We seek clarification on why the VPA & Council are seeking to collect a CIL that is above what is required to deliver the nominated projects.

We note that the VPAs response is outstanding whilst further investigation work occurs. We reserve our right to address this matter through the ongoing process should the change not be reflected in the updated PSP and DCP documentation.

Drainage – DCP Rate
In our previous submissions we noted that it appears that the DCP rate for drainage has increased substantially.

The VPA note that this is currently under investigation and that there may be cost savings resulting from the recent work. We reserve our right to address this matter through the ongoing process.

Approved S173 Agreement and Development Plan
Section 5.3.1 of the DCP states that, the DCP assumes all affected parties honour the existing Section 173 Agreements on land that has the benefit of a permit. Where an existing section 173 agreement applies to land that does not have the benefit of a permit, any permit issued will include a condition that the existing section 173 agreement be ended as it pertains to the new permit land and that a new section 173 agreement be entered into in accordance with the DCP. Our client queries the basis upon which such a condition could legally be imposed.

Parcel 5 continues to be developed generally in accordance with the approved development plan, as endorsed by Council on 21 September 2011. Our client strongly objects to any proposed changes to their existing approved S173 Agreement and approved Development Plan. Our client entered into the agreement in good faith, based on the approved subdivision layout forming part of the Development Plan.

We thank you for the opportunity to register our addendum submission to Amendment C152basc. Should the matters identified above remain unresolved and a planning panel is convened, we reserve the right to present our position to the independent panel.

Should you have any queries, please do not hesitate to contact me via email [redacted].

Yours sincerely,

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SARAID MITTEN
Town Planner
BEVERIDGE WILLIAMS