

Our Reference: [REDACTED]

22 April 2022

Victorian Planning Authority
C/o Wonthaggi North East PSP
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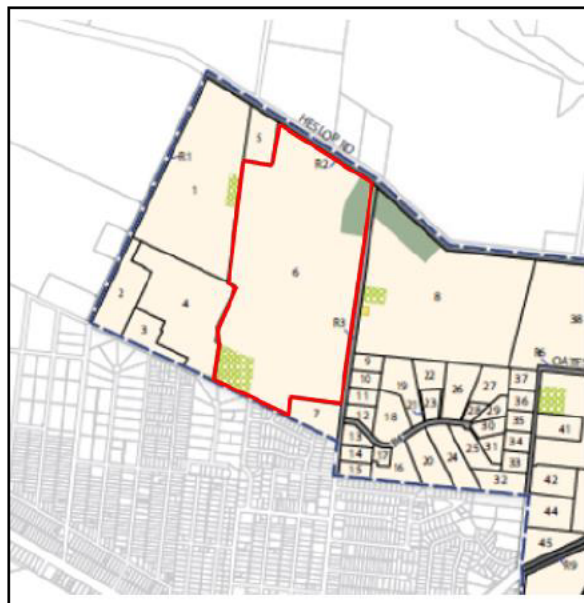
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Dear Sir / Madam,

**RE: ADDENDUM TO SUBMISSION TO THE WONTHAGGI NORTH-EAST PSP & DCP
PROPERTY ID #6 – HESLOP ROAD NORTH WONTHAGGI**

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

Our client is the owner of a 45 hectare (approximate) parcel of land formally known as Lot 2 PS700899. This property is identified as parcel identification number 6 in the Precinct Structure Plan (PSP) and Development Contributions Plan (DCP). The site is currently under development for residential purposes and is known as Northern Views Estate.



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 – External Catchments

In our previous submissions we noted that the external catchments have been modelled for WLRB4. It is our position that the treatment asset should only be sized for the catchment area within the PSP and not include external catchments. If these areas external to the PSP are to be included, then as mentioned in Neil Craigie's review, any increase in the treatment asset size as a result of this should be paid for by contributions from the external properties and/or Council

We note that the VPA are currently investigating the apportionment of drainage items. We reserve our right to address this matter through the ongoing process.

We wish to highlight that the external catchments have been modelled in the calculations as though they are fully developed land parcels. This is highly unlikely to occur given the potential future township boundary to be applied to Wonthaggi as part of the ongoing Distinctive Areas and Landscapes process. We submit that these parcels be modelled as rural properties.

Modelling these parcels as rural properties would significantly reduce the annual volume of pollutant loads that are estimated to pass through the treatment asset and would reduce the area needed for the treatment asset. If the VPA wishes to pursue modelling the external areas as urban properties, then any increase in treatment asset size should be provided by contributions from the external properties as recommended in the review by Neil Craigie.

Drainage – BPEMG Targets

In our previous submissions we noted that the BPEMG targets proposed by Alluvium are higher than those outlined in the Drainage Report prepared by Engeny and will likely result in larger assets which are more expensive to deliver and maintain.

The VPAs response was that the targets for both reports were inline and that we should clarify the disparity.

The query regarding the higher targets was due to the increased treatment results that Alluvium had presented in the model. It was an assumption that the higher targets were used, as they seemed to match those requirements. In light of further information from Neil Craigie's review, it seems that the increase in wetland area may be due to trying to achieve low velocities through the macrophyte zone which then leads to higher pollutant removal results. As per the above comment regarding the inclusion of the external catchments, it is having the effect of oversizing the treatment assets.

We submit that the design be investigated further to reduce the sizing and costing so that the overall treatment targets align with the BPEMG rather than higher results as currently shown in Alluvium's Report.

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.

Drainage - DCP Costing

In our previous submissions we noted that there are Issues with the costing of DCP Pipe No.'s 39C-40-48 and pipe types, as conveyed to VPA in emails dated 06/04/2021 & 21/04/2021 (see attached), have not been addressed in the revised DCP.

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.

Drainage – Rainwater Tanks

In our previous submissions we highlighted the issue of rainwater tanks being only encouraged as part of the PSP and not forming part of the drainage calculations significantly effecting ongoing drainage matters and costs across the PSP.

We note the VPAs response on this matter that adopts Engeny's assumption of 50% take up in rainwater tanks

We submit that rainwater tanks need to be mandated across the PSP and the effect of this adopted in the drainage calculations across the PSP. Without this, parties cannot be satisfied that the treatment requirements of the PSP can be met.

Further to this we note that rainwater tanks are required by the registered Section 173 Agreement on the land and we are waiting on the VPA to confirm if this has been factored in to the modelling for WL-04. 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.

Landscape Maintenance Costs

In our previous submissions we noted that the costing for WL-04 includes the installation of the wetland planting but it makes no allowance for the maintenance of the landscaping for the two year landscape maintenance period. We note the significant costs of this for a wetland of this size.

We note the VPAs response that a DCP cannot include maintenance costs, per the Ministerial Direction on the Preparation and Content of Development Contributions Plans.

Our reading of the Ministerial Direction is that it does not explicitly include or exclude the maintenance costs. We believe that you cannot deliver the functional landscaping in a drainage reserve without maintenance costs. We object to this omission and request that the costings be revised to include this substantial cost.

Geotechnical Investigations

The VPA have noted that geotechnical investigations have not been undertaken to date. Alluvium has undertaken a desk-top analysis of likely geological conditions and Alluvium note that geotechnical investigations are required to be undertaken in the future detailed design process. Furthermore, the design standards adopted by Alluvium for retarding basins, wetlands and sedimentation basins include a combination of concrete under-slab, clay lining and rock beaching which the VPA note is a reasonable approach to potential poorer soil profiles.

We submit that further investigations should be undertaken to provide a more accurate cost estimate. We reserve our right to address this matter through the ongoing process.

Property Specific Land Budget

In our previous submissions we highlighted a discrepancy in the Area in the Property Specific Land Budget for the waterway/ drainage reserve. The land budget notes 1.71ha which is incorrect as the endorsed plans show it as being 1.74ha.

We note that the land budget has been updated by the VPA however the VPA note that this will likely change due to the changes occurring to the report prepared by Alluvium. We reserve our right to address this matter through the ongoing process.

Approved S173 Agreement and Development Plan

In our previous submissions we sought clarification as to whether the draft DCP was premised on amendments to the existing Section 173 agreement for the land.

Parcel 5 continues to be developed generally in accordance with the approved permit, 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.

Land Valuation Methodology

In our previous submissions we noted that the methodology used to value the land which is required to be provided in the DCP is unclear.

The VPA has highlighted the relevant sections where the methodology is detailed and that a valuation report will be provided.

We note that these sections of the report discuss how land values were estimated for the purpose of preparing the DCP. There is no discussion on whether the land will ultimately be



valued using the PLEM methodology when it is handed over or some other methodology. We remain unclear as to how drainage land will be valued.

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,

S Mitten

SARAID MITTEN
Town Planner
BEVERIDGE WILLIAMS