

Our Reference [REDACTED]

22 April 2022

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C/o Wonthaggi North East PSP
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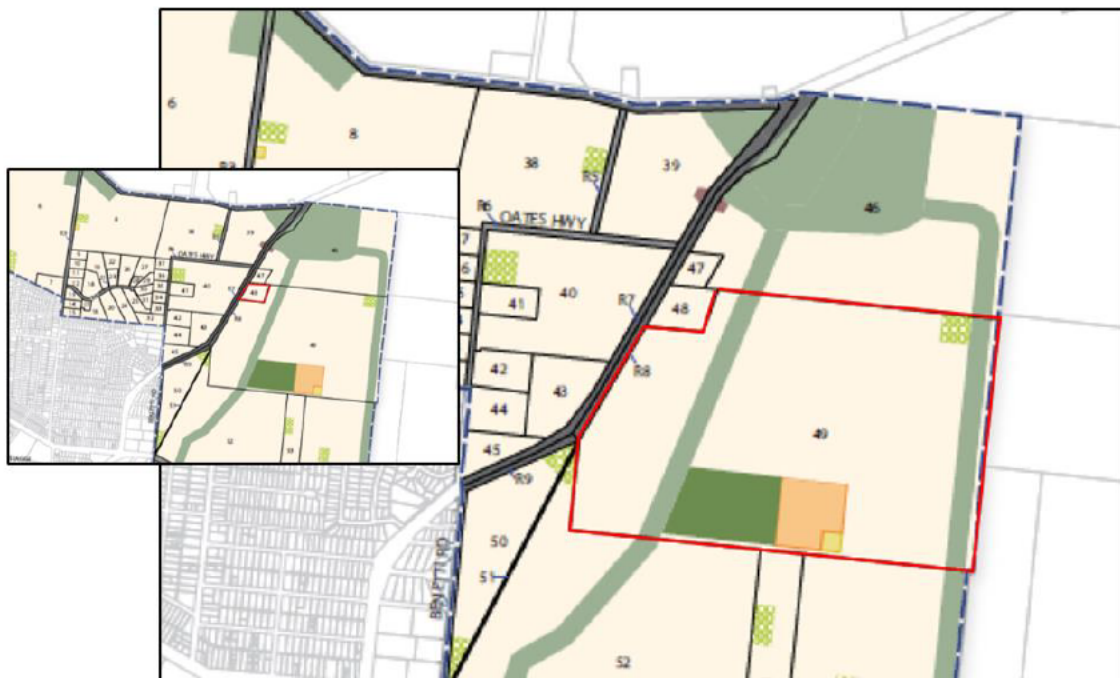
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Dear Sir / Madam,

**RE: ADDENDUM TO SUBMISSION TO THE WONTHAGGI NORTH-EAST PSP & DCP
PROPERTY ID #48 & 49 – KORUMBURRA – WONTHAGGI ROAD ST. CLAIR**

Beveridge Williams acts on behalf of Robert John Edden in relation to the above matter. We refer to our previous submissions to this process.

The site to which this submission applies 2965 Korumburra – Wonthaggi Road, St. Clair. This site comprises 2 properties which are identified as parcel identification numbers 48 and 49 in the Precinct Structure Plan (PSP) and 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 – 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. 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 – Design and Costings

In our previous submissions we noted that it appears the entire upstream catchment is being included when determining the size of the treatment assets. We note that the VPA are currently investigating this and we reserve our right to address this matter through the ongoing process.

We note the ongoing changes to the excavation rate, previously noted by Alluvium at \$38m³ and now reduced to \$25m³ as put forward in the report by Neil Craigie. We note that the new rate remains unjustified by Alluvium.

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.

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 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.

Drainage – Design

In our previous submissions we requested that the western drainage channel be shifted to the east and out of Property No. 48 to enable it to be fully constructed if Property No. 48 is not developed in the same timeframe as Property No. 47.

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 have also previously noted that our client objects to the sedimentation basin being included on Property No. 49 in lieu of the two proposed sedimentation basins proposed on Property No. 52 in the Engeny Report, SB6 & SB7. It is unfair to burden our client's land with the additional sedimentation basin that will not service our client's land considering the active open space, proposed government primary school and local community facilities also proposed to be located on their land, having been shifted all on to the one parcel from other originally proposed locations. We have yet to see appropriate justification for this.

We further note that the draft revised Alluvium Functional Design Report now also shows SB4 relocated from the property to the south. Again, another facility has been added on to our client's land on top of the already significant conglomeration of facilities that service the entire PSP area. We raised the matter in our earlier submissions and not only has it yet to be addressed, but the facilities have also been combined significantly increasing the land take and reducing our clients developable land without appropriate justification. We submit that these facilities be evenly distributed amongst parcels within the PSP as per the original proposal.

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.

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.

Landscape Maintenance Costs

In our previous submissions we noted that the costing for treatment assets 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 or that, alternatively, other arrangements be made for funding this cost.

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.

Further to this, Section 3.2.4 of the DCP (Page 24) states that, "The DCP only makes an allowance for acquisition of land for drainage infrastructure where the land required would be otherwise unencumbered or is not the subject of a Section 173 Agreement". This is not acceptable to our client as this land still has a value and can be developed if filled to 600mm above the flood level. 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.

