

Planning and Environment Act 1987

Part A Panel Report

Whittlesea Planning Scheme Amendment C187

Wollert Precinct Structure Plan

1 April 2016

Planning and Environment Act 1987


Part A Panel Report

This is not the complete report of the Panel pursuant to Section 25 of the Act. A Part B report addressing intersection staging and funding will be presented after parties have had an opportunity to make further submission to the Panel if required.

Whittlesea Planning Scheme Amendment C187

Wollert Precinct Structure Plan

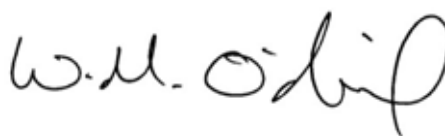
1 April 2016

A handwritten signature in black ink, appearing to read "Lester Townsend".

Lester Townsend, Chair

A handwritten signature in black ink, appearing to read "Gordon Anderson".

Gordon Anderson, Member

A handwritten signature in black ink, appearing to read "W.M. O'Neil".

William O'Neil, Member

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List of Abbreviations

ALARP	as low as reasonable practical
BCS	Biodiversity Conservation Strategy for Melbourne's Growth Corridors
CMP	Construction Management Plan
the Consortium	Wollert Developer Consortium – Villawood Properties, Evolve Development, AV Jennings and Greencor
DCP	Development Contributions Plan
DCPO	Development Contributions Plan Overlay
DELWP	Department of Environment, Land, Water and Planning
DSE	Department of Sustainability and Environment (former)
DSS	Development Services Scheme
DTPLI	Department of Transport, Planning and Local Infrastructure (former)
EPA	Environment Protection Authority
ESO	Environmental Significance Overlay
EVC	Ecological Vegetation Class
GAIC	Growth Areas Infrastructure Contribution
GCP	Growth Corridor Plan
GRZ	General Residential Zone
GWMP	Green Wedge Management Plan
IPO	Incorporated Plan Overlay
LCR	Local Conservation Area
LPPF	Local Planning Policy Framework
LSIO	Land Subject to Inundation Overlay
MAOP	Maximum allowable operating pressure
MNES	matters of national environmental significance
MPA	Metropolitan Planning Authority
MSA	Melbourne Strategic Assessment
MSS	Municipal Strategic Statement
MWRRG	Metropolitan Waste and Resource Recovery Group
NRZ	Neighbourhood Residential Zone
PAO	Public Acquisition Overlay
PCA	Property Council of Australia
PPRZ	Public Park and Recreation Zone
PSP	Precinct Structure Plan
PTV	Public Transport Victoria
RCZ	Rural Conservation Zone
RGZ	Residential Growth Zone
SMS	Safety Management Study
SPPF	State Planning Policy Framework
SUZ	Special Use Zone
TPZ	Tree Protection Zone
UDIA	Urban Development Institute of Australia
UGB	Urban Growth Boundary
UGZ	Urban Growth Zone
VCAT	Victorian Civil and Administrative Tribunal
VITM	Victorian Integrated Transport Model
VPP	Victoria Planning Provisions

Overview

Amendment Summary

The Amendment	Whittlesea Planning Scheme Amendment C187
Common Name	Wollert Precinct Structure Plan
Planning Authority	Metropolitan Planning Authority
Exhibition	28 April to 1 June 2015
Submissions	Forty- five submissions were received including late submissions. See Appendix A

Panel Process

The Panel	Lester Townsend (Chair), Gordon Anderson and Bill O’Neil
Directions Hearing	29 September 2015, Planning Panels Victoria
Panel Hearing	7–10, 14, 16 and 17 December 2015, Planning Panels Victoria
Site Inspections	Accompanied inspection on 30 November 2015
Appearances	See Appendix B
Date of this Report	1 April 2016

About this report

The Panel has not completed its Hearings and awaits advice from the Metropolitan Planning Authority (MPA) and other parties as to whether a Hearing on intersection staging and funding is required.

The Panel has produced this Part A report – dealing with issues apart from intersection staging and funding – at the request of the MPA to assist it in finalising the Wollert Precinct Structure Plan (PSP). The Panel does not consider submitting its report in two stages to be a good practice, and considers that a better practice is to hear all issues related to the PSP in a systematic way and present a complete report. However, given the explicit request for a Part A report, based in part on discussions at the Hearing that explored this option, the Panel has acceded to the MPA's request.

The *Planning and Environment Act 1987* set out specific duties for a panel. Section 24 states:

The panel must consider all submissions referred to it and give a reasonable opportunity to be heard to:

- (a) any person who has made a submission referred to it*
- (b) the planning authority*
- (c) any responsible authority or municipal council concerned*
- (d) any person who asked the planning authority to prepare the amendment*
- (e) any person whom the Minister or the planning authority directs the panel to hear.*

The Panel has not yet considered the submissions related to intersection staging and funding on the basis that time for further discussions was sought by the MPA and parties with the view to reaching an agreed position.

This Part A report is not intended to be the report of the Panel under section 25(1) of the *Planning and Environment Act*.

The Panel notes that under section 27 of the *Planning and Environment Act*:

The planning authority must consider the panel's report before deciding whether or not to adopt the amendment.

The Panel understands that the MPA cannot make a decision on the Amendment until it receives the Panel's complete report which will include a Part B dealing with intersection staging and funding.

Apart from the issues of intersection staging and funding there are also proposed changes to the extent of Conservation Areas that await Commonwealth approval. These changes would have flow-on effects to the whole of the PSP.

Executive Summary

Location and features

The Wollert PSP covers an area of approximately 1,434 hectares in the Northern Growth Corridor of Melbourne. The precinct is bounded by Craigieburn Road to the south, Summerhill Road to the north, Curly Sedge Creek to the west and the future E6 road reservation to the east.

The Wollert Precinct is immediately north of the existing Epping North growth area. The Northern Quarries investigation area and conservation areas are to the west, the existing Wollert landfill and quarry to the east, and areas beyond the Urban Growth Boundary to the north include an investigation area for the Grassy Woodland Reserve.

Wollert will be a self-sustaining community embracing natural and cultural heritage features. Development in Wollert will incorporate existing significant river red gums, waterways, stony rises and other cultural heritage features.

Retail, commercial, education and other community facilities in one Major Town Centre and two Local Town Centres will create convenient and vibrant hubs.

A range of lot sizes and housing types will encourage diverse residential neighbourhoods and provide housing choice and a sense of identity for future communities. The PSP will provide the opportunity to deliver strong and diverse employment uses within the precinct which, over time, will deliver local jobs and provide separation of the residential areas from the existing landfill and existing and proposed quarries to the east of the precinct.

The development will facilitate the future delivery of an integrated public transport network. The opportunity to provide high-capacity public transport into the precinct in the future has been protected through the extension of the Epping North Public Transport Corridor. A strong network of off-street walkways and cycle paths along creek corridors, utilities easements and proposed green links will provide a choice of active travel options in an attractive and safe environment, helping to deliver a healthy and connected community.

Overall assessment of the PSP

The Wollert PSP is a thorough and well thought through plan that will facilitate the development of high quality urban areas.

The PSP has effectively dealt with a number of clear constraints such as gas transmission pipelines, a quarry and landfill and a gas power station. Other 'constraints' such as conservation areas and scattered trees have been addressed and these will ultimately remain features of the area as it develops.

The MPA has worked with stakeholders over an extended period of time and resolved most issues related to the development of the area. Substantive unresolved issues are:

- The role of requirements and their mandatory nature
- Management of the landfill and quarry buffer
- The extent of the power station buffer
- The suitability of development of land excluded from Conservation Areas CA31 and CA32

- Scattered trees
- South West Local Town Centre location, size and configuration
- Application of Public Acquisition Overlay (PAO) to the transport corridor
- Protection of gas pipelines
- Land valuation.

Submissions raised a number of detailed drafting issues, some of which were subject to competing submissions on how they ought to be resolved from a technical drafting point of view, not simply what policy or design approach ought to be taken. The Panel expects that some further refinement in drafting may be required to improve the PSP and related controls before approval.

Recommendations

The MPA resolved to make certain changes to the Amendment in response to submissions. The Panel is considering the revised Amendment, and has not revisited these changes except where expressly addressed in further submissions. Further detailed changes have been agreed between affected parties and the MPA on a number of matters. The Panel supports these changes unless explicit changes are recommended to the contrary.

Based on the reasons set out in this Report, the Panel recommends:

Whittlesea Planning Scheme Amendment C187 be adopted subject to the following:

- 1 Change the Amendment as resolved by the Metropolitan Planning Authority in response to submissions and further agreed between affected parties and the Metropolitan Planning Authority on detailed issues except where contrary to an explicit recommendation.**

Commonwealth approval of changes to conservation areas:

- 2 In respect of conservation areas CA31 and CA32:**
 - (a) Do not approve the Amendment until a final determination is made on the size of conservation areas CA31 and CA32 by the Commonwealth.**
 - (b) Update the Amendment once a final determination is made on the size of conservation areas CA31 and CA32 by the Commonwealth.**

Precinct Structure Plan

- 3 In respect of Summerhill Road:**
 - (a) Consider alternative cross-sections for Summerhill Road, including reducing the impact on land to the south and update the Precinct Structure Plan if required.**
 - (b) Decide whether ultimate widening of Summerhill Road between Koukoura Drive and Bodycoats Road should be along the north side within the potential 1,200-hectare Grassy Woodland Reserve and update the Precinct Structure Plan if required.**
- 4 Investigate extensions of the proposed waterway corridors as habitat links from WL01 and WL19 shown in Plan 10 of the Precinct Structure Plan into the potential Grassy Woodlands Reserve on the north side of Summerhill Road and update the Precinct Structure Plan if required.**

- 5 Change Plan 2 to reduce the 'potential future gas fired power station buffer' so that it only applies to land identified as future 'residential' that is above the modelled 36 dB(A) contour as shown on the APA Group 'Map 2' prepared by Worley Parsons.
- 6 Change the open space designation on the Boundary Road land adjacent to the employment area to be consistent with the surrounding zoning.
- 7 Treat Local Conservation Reserve LCR07 as active open space.
- 8 Identify the land owned by Evolve Development to the south of the proposed bridge north of Craigieburn Road for drainage purpose and adjust the Development Services Scheme accordingly unless a viable development proposal can be identified for the land.
- 9 Change the location of South West Local Town Centre generally consistent with the proposal advanced by Villawood as shown in Figure 5 of this report.
- 10 Show a minor easterly diversion of Vearings Road (CS05a) around an existing significant Red River Gum tree.
- 11 Subject to VicRoads' approval, retain access from Craigieburn Road to Vearings Road with left in, left out movements only, noting the role of VicRoads and Council in resolving any interim design, funding and other details with developers.
- 12 Change Table 1 to apply a 30 per cent assumption for local road provision.
- 13 Replace R3 with the following wording:
 - Except with the written consent of Council, a minimum of 80 per cent of river red gums classified as Medium, Large, or Very Large (per DSE publication 'Guide for Assessment of Referred Planning Permit Applications') must be retained on each parcel for their landscape and amenity value. The retention of trees on Plan 4 shown as 'to be retained' and 'to be considered for retention' will contribute to the attainment of this requirement. Where multiple contiguous parcels are owned or controlled by a single entity and planned to be developed in an integrated manner, this Requirement may be applied and met across those contiguous parcels.
 - Note: trees shown as 'permit not required for removal' on Plan 4 are excluded from the total number of trees used to determine tree retention calculations by parcel. However, where voluntarily retained, these trees will contribute to retention percentage.
- 14 Change Requirement 16 to read:
 - Dry stone walls identified as prioritised for retention on Plan 4 must be retained as part of any future development, unless agreed by the Responsible Authority after consideration of overall design response and following receipt of advice from a suitably qualified professional regarding the condition of the wall.
- 15 Change Figure 2 *Residential interface to open space and waterway corridors* by:
 - reducing the Nature Strip to 2.5 metres; and
 - adding a note indicating there is potential to reduce the width if not needed for tree planting and/or provision of services.
- 16 Change Plan 5 to indicate the 400 metre walkable catchments as preferred areas for higher density.

- 17 Change Table 4 to:
 - Specify a standard density of 17 dwellings per net developable hectare
 - Specify a medium density of 30 dwelling per net developable hectare.
 - Adopt a figure of 30 per cent of land area for local roads when calculating average lot sizes based on these densities.
- 18 Change Table 6 to set a soft cap of 5,000 square metres of retail floor space for the South West Local Town Centre.
- 19 Replace Figure 6 with Council's amended version of the plan, further modified to reflect the following changes to the accompanying text:
 - Locate parking and loading bays behind retail and mixed use components and not in conflict with surrounding uses.
 - Feature planting and/or other landscaping treatment along the main street to reinforce local character and define the town centre precinct.
 - Vearings Road to provide activation, passive surveillance and form a principal place making opportunity into the centre and extended as linear open space between the schools. Dry stone walls and cycle paths to be incorporated.
 - Design of housing along the northern side of the main street should continue an active built form presence to continue the rhythm of the main street.
 - Retail/mixed use should be located on both sides of the main street to provide activated streetscape edge to enclose the main street.
- 20 Subject to VicRoads' approval reduce the 7-metre clear zone to the Koukoura Drive dry stone wall.
- 21 Change the Boundary Road cross-section to match Council's concept within a reduced 29-metre reserve in consultation with, mainly, Public Transport Victoria.
- 22 Include Functional Layout Plans to provide clarity, noting that final design will be subject to VicRoads/Responsible Authority approval at the time of permit application.
- 23 Replace Appendix 4.4 with new text as shown in Appendix E of this report.

Planning controls

- 24 Review the controls applying to conservation reserves to mirror the approach in recently adopted Precinct Structure Plans, as appropriate.
- 25 Review, in consultation with Council, the proposed Schedule to Clause 52.17 for workability and revise if necessary.
- 26 Apply the Public Acquisition Overlay to the Public Transport Corridor.

Urban Growth Zone Schedule 5

- 27 Change Clause 2.4 of the Urban Growth Zone Schedule 5 to set a soft cap of 5,000 square metres of retail floor space for the South West Local Town Centre.
- 28 Change Clause 2.4 of the Urban Growth Zone Schedule 5 to require a permit for Aged Care centre in the within the measurement length of the pipelines.
- 29 Reword Clause 2.9 of the Urban Growth Zone Schedule 5 to read:

- Any application to subdivide, use or develop land within the Wollert Landfill and Quarry Buffer and the Odour Buffer as shown of Map 2 of this Schedule, must demonstrate compliance with the Best Practice Environmental Management: Siting Design, Operation and rehabilitation of Landfills (Environment Protection Authority, 2014 – Publication 788.2) to the satisfaction of the Responsible Authority, in consultation with the Environment Protection Authority.

30 Change the Urban Growth Zone Schedule 5 to:

- (a) Require a permit to use the land located in the 'potential future gas fired power station buffer' shown on Plan 2 in the incorporated Wollert Precinct Structure Plan for Accommodation, a Child care centre, an Education centre, a Place of Assembly, Retail premises, a Cinema based entertainment facility or a Hospital.
- (b) Include provisions that where an application is made for a permit, the application must be referred to the operator or proposed operator (if the facility is not in operation) of the gas fired power station as a recommending referral authority. The purpose of the provision is to ensure that, prior to the commencement of any of the said uses, consideration is given to the possible acoustic impact of the facility on the proposed use.

31 Change the relevant dot point of Clause 3.1 of the Urban Growth Zone Schedule 5 to:

- A plan identifying how the proposed subdivision will provide for a diversity of housing as intended by Tables 3, 4 and 5 and Plan 5 of the Wollert Precinct Structure Plan.

32 Change the relevant dot point of Clause 4 of the Urban Growth Zone Schedule 5 to read:

- Before a plan subdivision is certified under the Subdivision Act 1988 or before the commencement of any buildings or works, as appropriate, the recommendations of the:
 - Phase 2 Environmental Site Assessment; or
 - The environmental audit as relevant,
 must be carried out.

33 Change the Urban Growth Zone Schedule 5 to include a new clause setting out notice requirements for sensitive uses within the measurement length of the pipelines, and make accompanying changes to Clause 66.06.

34 Review the Urban Growth Zone Schedule 5 for consistency with Appendix 4.4.

The Panel also recommends:

35 Expedite State Infrastructure status and Growth Areas Infrastructure Contribution considerations for public transport infrastructure in the Wollert Precinct Structure Plan area.

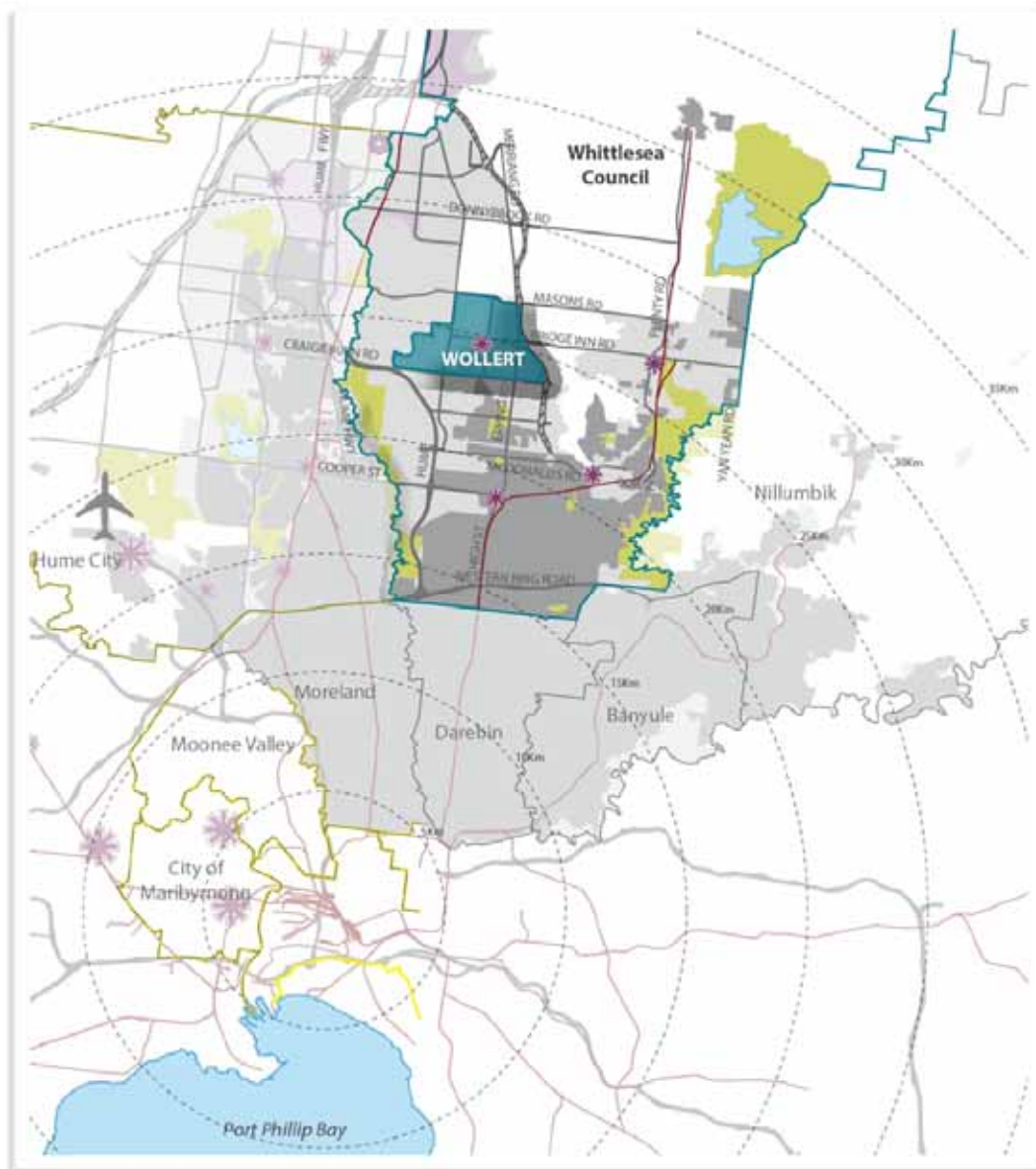
1 Introduction

1.1 Location and context

The Wollert Precinct Structure Plan (PSP) covers an area of approximately 1,434 hectares; it is shown in Figure 1. The precinct is bounded by Craigieburn Road to the south, Summerhill Road to the north, Curly Sedge Creek to the west and the future E6 road reservation to the east.

The Wollert Precinct is immediately north of the existing Epping North growth area. The Northern Quarries investigation area and conservation areas are to the west, the existing Wollert landfill and quarry to the east, and areas beyond the Urban Growth Boundary to the north include an investigation area for the Grassy Woodland Reserve.

Figure 1: Regional Context Plan



Freeway and arterial road network

Craigieburn Road is a declared arterial road providing city-bound access from the Wollert Precinct to the Craigieburn Bypass to the west. Epping Road, also a declared arterial road, provides north-south access within the precinct and to Epping to the south and Donnybrook to the north. VicRoads is the coordinating road authority responsible for further upgrades of Craigieburn and Epping Roads, including future road widening and intersection delivery.

The reservation for the proposed E6 is covered by a Public Acquisition Overlay. The E6 will provide north-south connections to the South Morang Major Activity Centre and further south to the Metropolitan Ring Road in the south. The alignment will also provide a connection with the Hume Freeway to the north. The E6 reservation provides for a number of potential interchanges including at Findon Road, Craigieburn Road and Bridge Inn/Boundary Road.

Rail services and bus network

Trains are available several kilometres south of the Wollert Precinct at Epping on the South Morang line and west of the precinct at Craigieburn. A high-capacity public transport corridor reservation extends from Lalor Station (on the South Morang train line) northwards to Craigieburn Road and is continued in the PSP. It is not covered by a Public Acquisition Overlay.

North Growth Corridor Plan

The North Growth Corridor Plan outlines key existing and future infrastructure items in direct proximity to the precinct that will provide direct or flow-on benefits to future residents in the area, including:

- Roads and public transport
 - The Melbourne–Sydney rail line will act as an integral part of the Northern Growth Corridor with development opportunities focused around this asset
 - The high-capacity public transport corridor will be extended from Lalor Station, providing connection to the south
 - The Outer Metropolitan Ring transport corridor
 - The Hume Freeway
- Community, health and education facilities
 - La Trobe University and Royal Melbourne Institute of Technology at Bundoora, Kangan Institute at Broadmeadows and Craigieburn and Melbourne Polytechnic, formerly known as Northern Melbourne Institute of TAFE, at Epping and Greensborough will provide the northern corridor with post compulsory education opportunities
 - Health Services – The Northern Hospital, Bundoora Extended Care Centre, Broadmeadows Health Service, Craigieburn Health Service and Preston and Northcote Community Hospital Community Health Service
 - The Austin Hospital
 - Northern Hospital at Epping and Kilmore and District Hospital currently being expanded
 - Primary, secondary and tertiary health services provided by the Northern Hospital, Epping and development of super clinics at Wallan and South Morang

- Donnybrook and Mickleham town centres will provide comprehensive and specialist education health and community facilities
- Employment
 - Broadmeadows Central Activities Area is expected to be the primary regional centre of the North Corridor, complemented by Epping primary town centre and a new principal town centre at Donnybrook as well as a network of existing and planning major town centres across the corridor
 - New major town centres are identified at Mickleham, West Beveridge, Wollert and Mernda
 - Industrial precincts at Mickleham and Donnybrook Road
- Open space and biodiversity
 - Protection of the Merri Creek via the Biodiversity Conservation Strategy
 - Metropolitan Trail Network.

The approved North Growth Corridor Plan identifies the Wollert Precinct as primarily residential, with an area of employment land along Epping Road, adjacent to the existing Wollert Quarry and Landfill.

Three areas are nominated as having 'Biodiversity values' in the southwestern portion of the precinct. Conservation Area 34 has subsequently been identified as no longer requiring preservation for the Growling Grass Frog.

1.2 The Amendment

As exhibited Amendment C187 proposes a number of changes to the planning scheme to facilitate the development and use of land within the Wollert PSP area:

- Policy
 - Amend Clause 21.11-1 Transport to include a reference to Wollert
 - Amend Clause 22.10 River Red Gum Protection Policy to include a reference to Wollert
- Zones
 - Apply the UGZ with a new Schedule 5 (UGZ5) to part of the land within the Amendment area
 - Apply the SUZ with a new Schedule 10 (SUZ10) to the transmission line easement
- Conservation
 - Insert a new Schedule 4 to Clause 43.03 Incorporated Plan Overlay (IPO4) to apply to the local conservation reserves in the Amendment area
 - Insert a new Schedule 5 to Clause 43.03 Incorporated Plan Overlay (IPO5) to apply to the Nature Conservation areas in the Amendment area
 - Amend the Schedule to Clause 52.17 to identify native vegetation exempt from requiring a planning permit
 - Delete Environmental Significance Overlay Schedule 1 (ESO1), Schedule 4 (ESO4) and Schedule 5 (ESO5) from land within the Amendment area
- Flooding
 - Apply Clause 44.04 Land Subject to Inundation Overlay (LSIO) to part of the land within the Amendment area

- Infrastructure and contributions
 - Apply Clause 45.01 Public Acquisition Overlay 2 (PAO2) to Craigieburn Road, part of Epping Road and part of Lehmanns Road
 - Insert a new Schedule 16 to Clause 45.06 Development Contributions Plan Overlay (DCPO) to apply to land in the Amendment area
 - Amend the Schedule to Clause 52.01 to provide for passive open space contributions for land within the Amendment area
- Referrals
 - Amend the Schedule to Clause 66.04 to require referrals for planning permit applications in the Wollert Major Town Centre to the Growth Areas Authority and the 'construction restrictions apply' area to the Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990*
- PSP
 - Amend the Schedule to Clause 81.01 to include the new incorporated document titled "Wollert Precinct Structure Plan, April 2015" and "Wollert Development Contributions Plan, April 2015"
- VicSmart
 - Amend the Schedule to Clause 94 and Clause 95 to include VicSmart provisions for buildings and works, car parking and signage in relation to industrial areas.

The MPA resolved to make certain changes to the Amendment in response to submissions. The Panel is considering the revised Amendment, and has not revisited these changes except where expressly addressed in further submissions.

1.3 Amendment process

Table 1 provides a timeline of consultation undertaken in the development of the Wollert PSP, and this panel process. The MPA submitted that the consultation has enabled the PSP to be a comprehensive amendment that seeks to balance the interests of all stakeholders.

Table 1: Wollert PSP consultation details

Date	Event
Consultation	
August – September 2012	Consultation on background reports
19 February 2013	Informal consultation commences – distribution of draft future urban structure
22 March 2013	Informal consultation concludes – 10 submissions received
19 December 2014	Agency consultation period begins
2 February 2015	Agency consultation period concludes – 8 submissions received
26 February 2015	Landowner update – update on agency consultation and distribution of draft future urban structure
Formal exhibition	
28 April 2015	Newspaper advertisement in Whittlesea Leader and North Central Review
29 April 2015	Circulation of Newsletter – Exhibition details and amended future urban structure
30 April 2015	Gazette Notice in Government Gazette Formal Exhibition period begins
15 May 2015	Public information session – Wollert Community Centre, 525 Epping Road, Wollert
1 June 2015	Formal Exhibition Period Concludes – 22 submissions received.
Panel process	
24 July 2015	Panel requested by the MPA
4 August 2015	Panel appointed
29 September 2015	Directions Hearing
30 November 2015	Site Inspections
7 December 2015	Panel Hearing commences
11 January 2016	Further information submitted
1 April 2016	Part A report provided to the MPA

2 The plan and the issues

This section describes the main elements of the PSP and the issues raised in relation to the PSP and the associated Development Contributions Plan (DCP) and planning scheme implementation.

This report categorises the issues as ‘substantive issues’ and ‘detailed and resolved issues’. This has been done to enable the reader to identify those issues most in contention with the PSP. The Panel has considered all written submissions, as well as submissions presented to it during the Hearing.

In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of specific sites.

The PSP presents a vision for Wollert:

Embracing natural and cultural heritage features, Wollert will be a self-sustaining community. The precinct will be defined by its urban villages, each providing a focal point for surrounding neighbourhoods, strong green networks will provide connectivity and recreation opportunities.

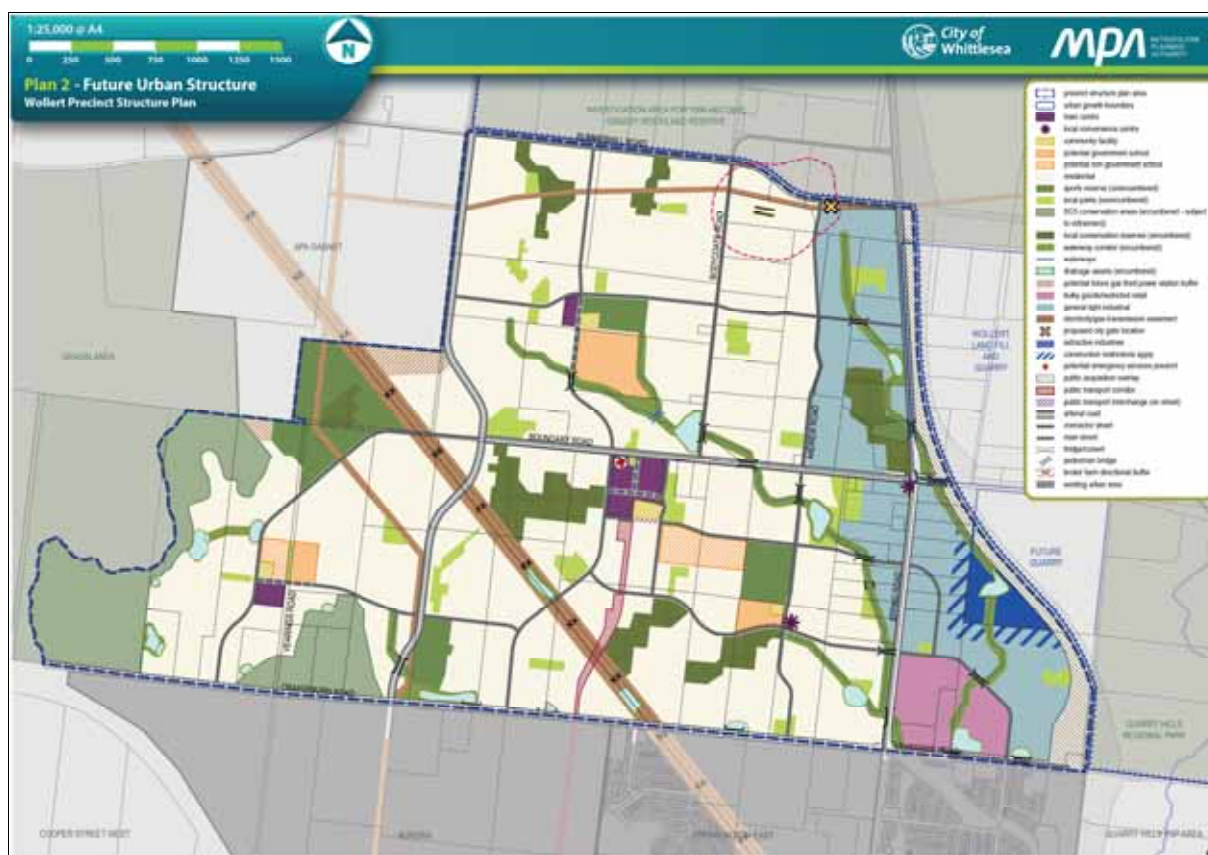
Development in Wollert will incorporate existing significant river red gums, waterways, stony rises and other cultural heritage features. Residential and commercial developments will actively incorporate these features into the urban environment to provide people with diverse environments with their own distinctive character. A range of lot sizes and housing types will encourage diverse residential neighbourhoods and provide housing choice and a sense of identity for future communities. Comfortable, sustainable buildings and infrastructure will provide high quality living for residents.









Integrating retail, commercial, education and other community facilities within one Major Town Centre and two Local Town Centres will create convenient and vibrant hubs. Each centre will have its own distinct character, incorporating existing natural features to create unique places for people to gather.

The PSP will provide the opportunity to deliver strong and diverse employment uses within the precinct which, over time, will deliver local jobs and provide separation of the residential areas from the existing landfill and existing and proposed quarries to the east of the precinct.

The development will facilitate the future delivery of an integrated public transport network. The opportunity to provide high-capacity public transport into the precinct in the future has been protected through the extension of the Epping North Public Transport corridor. A strong network of off-street walkways and cycle paths along creek corridors, utilities easements and proposed green links will provide a choice of active travel options in an attractive and safe environment, helping to deliver a healthy and connected community.

Figure 2 shows the overall urban structure proposed.

Figure 2: Wollert Future Urban Structure Plan

Of the 931 hectares of net developable area, 764 hectares (82 per cent) is proposed for residential development – including housing, town centres, schools, shown as  and  on Figure 2, and open space – with 167 hectares (18 per cent) for industrial , and restricted retail , in the east of the precinct. The residential area is defined by its town centres , each providing a focal point for surrounding neighbourhoods. Strong open space networks,  , will provide connectivity and recreation opportunities. Areas with conservation values will be protected . The employment area in the east of the precinct is anticipated to yield approximately 8,000 new jobs. It will have good exposure to Epping and Craigieburn Roads and ultimately to the E6 that forms the eastern boundary of the PSP.

2.1 Interpretation of the PSP

Under the heading ‘How to read the PSP’ the PSP sets out requirements that ‘must be adhered to’ and guidelines that express how ‘discretion is to be exercised’.

Submissions were made that some requirements should be expressed as guidelines. These submissions addressed the issues of the mandatory nature of the requirements.

This report addresses the substantive issue of:

- The role of ‘requirements’ and their mandatory nature.

2.2 Urban structure

Extent of PSP

Submissions were initially made that the PSP should cover more land than it does. These submissions were ultimately not pursued at the Hearing. The Panel does not see any issues with the extent of the PSP.


Light industrial development and the land fill and quarry buffer

The Wollert PSP area directly abuts Epping Road, which separates the precinct from the State-significant Wollert Landfill and Quarry. The eastern edge of the PSP area has been identified for light industrial development and employment uses, to capitalise on proximity to the proposed E6 road reservation, and to also provide a suitable land use buffer between residential and landfill and quarrying activities. A built form restriction has also been identified to respond to the potential off site impact associated with the Hanson Quarry while the quarry is active.

This report addresses the substantive issue of:

- Management of the landfill and quarry buffer.

Power station


The APA GasNet site is located to the northwest of the precinct. An existing gas compressor station is located at the confluence of the high voltage transmission lines and high pressure gas pipeline, which supplies gas to the eastern seaboard of Australia. The site has also been identified as the site of a future gas fired power station and additional compressor station. There is no approval in place to construct or operate such a facility; but the land use plan has identified buffers that respond to initial impact assessments. The buffer area associated with the APA site encumbers the land within the Wollert Precinct, shown as  on Figure 2.

This report addresses the resolved issue of:

- The extent of the power station buffer.

Conservation areas of national significance

The *Biodiversity Conservation Strategy for Melbourne's Growth Corridors*, June 2013 (BCS), describes the overarching strategy for the protection of biodiversity within Melbourne's growth corridors and identifies areas to be conserved to protect nationally significant biodiversity values.

The Wollert Precinct contains conservation area CA31 and part of conservation area CA32 identified in the BCS. These are shown as  on Figure 2. These areas are subject to a review process and may ultimately change if the Commonwealth agrees.

The key rationale for CA31 (Page 111 of the BCS) is the protection of Grassy Eucalypt Woodland within a practically manageable area. The conservation area contributes to the target to protect 80 per cent of all Grassy Eucalypt Woodland within the 2010 Urban Growth Boundary (UGB). The BCS allows for the possibility of reviewing the boundary of CA31 at the precinct structure planning stage if necessary.

The key rationale for CA32 (Page 112 of the BCS) is the protection of native grassland that contains a range of biodiversity values of national significance, particularly Natural Temperate Grassland, Striped Legless Lizard and populations of Curly Sedge. The BCS also

allows for the possibility of reviewing the boundary of Conservation Area 32 at the precinct structure planning stage if necessary.

The BCS identifies Conservation Area 34 along Edgars Creek for the protection of the Growling Grass Frog. A subsequent independent review of the area found there was a low likelihood that individuals would colonise Conservation Area 34 following a decrease in the local source population. The Department of Environment, Land, Water and Planning (DELWP) accepted the review's recommendation that the conservation area be removed from this location and this decision was subsequently supported by the Commonwealth Department of the Environment.

Changes to Conservation Areas 31 and 32 are being considered to ensure they accurately reflect the conservation values on the ground. These reviews have been informed by flora and fauna site assessments, completed in accordance with DELWP's requirements.

If the boundary changes receive Commonwealth approval prior to finalisation of the PSP, the Future Urban Structure and associated plans, land budget and DCP will be amended to reflect any changes to the area of developable land within the precinct.

This report addresses the substantive issue of:

- The suitability of development of land excluded from conservation areas CA31 and CA32.

Land budget

Some detailed concerns were also raised about:

- The land budget.

2.3 Image, character, heritage and non-residential interfaces

Scattered trees

Development in Wollert is proposed to incorporate existing significant river red gum trees, waterways, stony rises and other cultural heritage features which will provide place making opportunities. The residential and commercial developments will actively incorporate these features into the urban environment to provide people with diverse environments, each with its own distinctive character.

The PSP seeks to retain 80 per cent of red gums; this target and the details around its achievement were subject to submissions. As part of the introduction of controls over scattered trees in the PSP existing Environmental Significance Overlays (ESO1, ESO4 and ESO5) will be deleted from land within the Amendment area.

This report addresses the substantive issues of:

- Scattered trees
 - The 80 per cent tree retention target
 - Appendix 4.4 of the PSP
 - The need for an arborist's report
 - Clause 52.27.

Heritage

Within the Wollert Precinct, the waterways and adjacent land are identified as areas of cultural heritage sensitivity under the *Aboriginal Heritage Regulations 2007*. Additionally, 15 Aboriginal Places were recorded during a field assessment, including stone artefacts and a scar tree. Previous archaeological assessments show that areas of archaeological sites are most likely distributed on stony rises. Many stony rises are to be retained within the precinct, where they can be accommodated within compatible land uses, such as open space.

Historic heritage places have also been protected within the PSP. The area contains a large extent of dry stone walls as a marker of the historical farming uses of the land. The dry stone walls have local heritage significance and are protected within the Planning Scheme.

The PSP aims to retain significant dry stone walls in areas with compatible land uses such as road reserves, open space and within subdivision layouts. Many of the proposed road cross-sections in the PSP seek to incorporate these features by minimising vehicle crossovers in sensitive locations and open space areas have been designed to incorporate these features where possible.

Two sites within the precinct are covered by a Heritage Overlay (HO41 and HO51) and are proposed to be incorporated into the future urban structure to continue the heritage protection of these sites. Other areas of historic value have been identified in the PSP. A Heritage Conservation Management Plan will be required to be submitted as part of an application that includes a heritage significant site to ensure values are incorporated into any proposed development or subdivision.

This report addresses the detailed issue of:

- Dry stone heritage walls.

2.4 Housing

In general, the PSP encourages higher residential densities close to the proposed town centres and for lower residential densities throughout the remainder of the precinct. Overall, diversity in housing types is encouraged to meet the likely needs of the future community. A range of lot sizes and housing types will encourage diverse residential neighbourhoods and provide housing choice and a sense of identity for future communities.

This report addresses the detailed issues of:

- Higher density housing
 - Depiction of higher density housing areas
 - Rear access to narrow lots
 - Need for an indicative higher density housing layout.

2.5 Town centres and employment

The Wollert PSP integrates retail, commercial, education and other community facilities within one Major Town Centre, two Neighbourhood Town Centres and a Local Convenience Centre to create convenient and vibrant hubs. Each town centre has been designed to include a range of future retail and community facilities and help to generate local employment opportunities.

The Major Town Centre

The Major Town Centre includes provision for two full-line supermarkets, a discount department store and a variety of speciality retail. Land that can accommodate the future development of an integrated community facility with space for aquatics, library services and community meeting spaces, aged and youth services and a skate park has also been included within the centre. This town centre also nominates land for an emergency services precinct, office space and a public transport hub.

This report addresses the detailed issue of:

- Growth scenario for Major Town Centre.

The South West Local Town Centre

The South West Local Town Centre contains provision for a supermarket, specialty retail and office spaces. It also includes provision for a community centre that is co-located with a future government primary school and non-government primary school.

Villawood propose a relocation and redesign of the proposed South West Local Town Centre. While the MPA, Council, Department of Education and the Catholic Education Office support the relocation a number of submitters seek further modifications.

This report addresses the substantive issues of:

- South West Local Town Centre location, size and configuration
 - Location and general design
 - Size of the centre
 - Configuration of the centre.

The Northern Town Centre

The Northern Town Centre includes a supermarket, specialty retail and office space with provision for a future government P-12 School, community centre and sports facility (designed to fit three rectangular pitches that suit sports such as soccer, hockey, rugby and lacrosse) and an associated pavilion.

The Eastern Convenience Centre

The Eastern Convenience Centre is co-located with a future community centre, Government primary school, sports reserve (designed to facilitate two full sized ovals, four netball courts, cricket nets and an associated pavilion).

2.6 Community facilities and education

The PSP and DCP have planned for a series of community centres within the precinct to provide a range of local services to support the future residential population. The types of facilities that are distributed across the precinct will include:

- Maternal and child health
- Kindergarten
- Youth spaces
- Seniors services
- Library
- Space for non-government organisations

- Community health providers and community meeting spaces.

The PSP has also identified future school sites. Two submitters objected to their land being identified for a future school; one of these is dealt with in the discussion of the South West Local Town Centre location and layout, the other is addressed separately.

This report addresses the detailed issue of:

- Location of school on Shine land.

2.7 Open space

Once developed, the Wollert PSP will include a significant quantity of open space including local parks, and sporting reserves. The local parks will serve a local catchment and preserve river red gums or stony knolls where possible. The aim is that all residents will live within 400 metres of open space.


Open space will accommodate sports such as Australian Rules, cricket, soccer, netball, tennis as well as multipurpose indoor and outdoor facilities.

Two high pressure gas pipeline easements and a high voltage electricity transmission easement provide opportunities for additional green linkages within the precinct, and where possible, open space has been located utilities easements, waterways, local conservation reserves and State conservation areas, to create a comprehensively connected network.

This report addresses the resolved and detailed issues of:

- Open space design issues:
 - North side of Lehmanns Road
 - The Clune land
 - Local parks LP-24 and LP-25
 - Development of open space
 - Use of Conservation Areas as passive open space.

2.8 Conservation, biodiversity, threatened species and bushfire management

In addition to conservation areas CA31 and CA32 identified in the BCS, the Wollert PSP identifies six local conservation reserves, shown as  on Figure 2, intended to protect values of biodiversity, landscape, cultural and historic heritage. They have been located to connect with the broader open space and biodiversity conservation network.

Under the Commonwealth approvals for urban development in Melbourne's Growth corridors, habitat compensation fees are generally applicable to all areas except Conservation Areas identified in the BCS – that is CA31 and CA32. However, Section 5 of the Guidance Note specifies that native vegetation and habitat proposed to be retained outside conservation areas may be exempt from offset fees providing a number of criteria are met.

At the time of exhibition, the Local Conservation Reserves proposed in the PSP were not considered 'retained' according to the criteria set out in the relevant government guidance note. Following a revision of the guidance note, six of the seven Local Conservation Reserves are now considered to be retained and are therefore exempt from offset

payments. The treatment of Local Conservation Area 7, where vegetation was deemed to be removed, was subject to submission.

Submissions were made in relation to a number of local conservation issues.

This report addresses the resolved and detailed issues of:

- Offset for Local Conservation Area 7
- Shape of local conservation areas
- Zoning approach to local conservation areas
- Kangaroo management issues.

2.9 Transport and movement

The PSP aims to facilitate the future delivery of an integrated public transport network. The opportunity to provide high-capacity public transport into the precinct in the future has been protected through the extension of the Epping North Public Transport Corridor. The proposed Transport Corridor and station interchange provides an opportunity to develop a highly diverse range of mixed use housing options within, and around, the Major Town Centre.

A road hierarchy has been developed based on the framework in the Northern Growth Corridor Plan which identifies an arterial grid based network. Summerhill Road, Boundary Road, Epping Road, Koukoura Drive and Craigieburn Road have been identified as potential future arterial roads. These have been planned to cater for the interim and ultimate needs with land being secured to enable duplication when required. A distributed connector and key local road network will support the arterial roads and help to provide choices for road users and reduce congestion. The E6 corridor is preserved within the plan and the connecting arterial roads will provide up to three future interchanges. The implementation, timing and staging of the E6 is a VicRoads responsibility.

A network of off-street walkways and cycle paths along creek corridors, utilities easements and proposed green links will provide a choice of active travel options. This will help to deliver a healthy and connected community. These connections are nominated to be delivered by developers at the time of development.

Several submitters raised concerns about some key elements of the proposed transport and movement infrastructure, such as some road alignments, cross-sections, intersections and staging.

This report addresses the substantive issue of:

- Application of Public Acquisition Overlay (PAO) to the transport corridor

This report addresses the resolved and detailed issues of:

- Craigieburn Road/Andrews Road intersection
- Road cross-sections
 - Nature strip abutting open space and waterway corridors
 - Koukoura Drive cross-section
 - Boundary Road
 - Summerhill Road
 - Construction in interim and by others
 - Future Road connections and intersection improvements

- Vearings Road.

Intersection design, staging and costing issues on Craigieburn Road, which runs along the southern boundary of the PSP, will be dealt with in the Panel's Part B report.

2.10 Integrated water management, utilities, energy and sustainability

The PSP has been developed with a strong focus on water retention and water sensitive design. Water treatment is proposed to occur at various points along waterways, with additional water treatment assets. Open space reserves have been located to take advantage of opportunities to harvest stormwater where possible and all homes will have access to recycled water for irrigation purposes.

There are two small parcels of land adjoining drainage reserves that may be undevelopable. These were subject of submissions.

This report addresses the detailed issues of:

- Drainage issues
- Undevelopable land adjacent to drainage reserves.

Gas pipelines

Gas pipelines (shown as ■ on Figure 2 along with the wider electricity easement that runs northwest–southeast) are affected by the PSP:

- the Pakenham to Wollert Pipeline, which traverses the Wollert PSP area from east to west and is a 750 millimetre diameter pipe sitting within a 27 metre easement
- the Wollert to Keon Park Pipeline, which traverses the Wollert PSP area from north to south and is a 600 millimetre diameter pipe sitting within a 35 metre easement that connects the gas compression station located on APA's Power Station site to metropolitan Melbourne consumers.

Each pipeline is located within its own easement. The easements overlap at some points along the pipelines in the Wollert PSP area. Together, these pipelines make up an integral section of the Victorian gas transmission system.

The protection and zoning of these pipelines, together with protecting of adjoining land uses from catastrophic events, were subject to submissions and evidence.

This report addresses the substantive issues of:

- Protection of gas pipelines
 - Special Use Zone
 - Control of development near the pipelines
 - Detailed drafting of controls.

2.11 Precinct infrastructure plan and staging

(i) Contaminated land

A submitter raised concerns about the timing for any necessary remediation works for sensitive uses on contaminated land as specified in the proposed Schedule 5 to the UGZ (UGZ5).

In response, the MPA suggested changes in wording in the proposed UGZ5.

This report addresses the detailed issue of:

- Contaminated land.

(ii) Servicing

A submitter sought greater comfort and certainty for the delivery of public utility services.

This report addresses the following issue of:

- Servicing.

(iii) Staging

Whittlesea City Council queried whether the PSP Staging Guidelines were strong enough to deliver infrastructure and services at an early date and minimise potential community isolation.

This report addresses the following issue of:

- Staging.

2.12 Development Contributions Plan

Land valuation

Submissions sought the application of a flat land valuation in place of the Public Land Equalisation Method (PLEM) approach.

This report addresses the substantive issue of:

- Land valuation.

2.13 Drafting

While planning in general benefits from a consultative and interactive approach, such processes can sit uneasily with the procedures for a Panel set out in the *Planning and Environment Act 1987*. Especially problematic is trying to draft new provisions within the time constraints and processes of a Hearing. It is disappointing that the effort that has gone into planning the area was not consistently carried through to the drafting of controls and requirements. It can also be a waste of everyone's time as submissions are made, and evidence called, about issues that could have been avoided with better drafting.

The Panel notes that despite the long gestation of the PSP before exhibition, critical elements of the PSP and controls were subject to changes during the Panel process. Some elements of the PSP such as the controls on tree protection required complete redrafting.

Having said this, the issues raised are relatively confined and clearly capable of resolution without fundamental changes to the PSP.

3 Substantive issues

The following substantive issues have been identified:

- The role of ‘requirements’ and their mandatory nature
- Management of the landfill and quarry buffer
- The extent of the power station buffer
- The suitability of development of land excluded from CA31 and CA32
- Scattered trees
- South West Local Town Centre location, size and configuration
- Application of Public Acquisition Overlay (PAO) to the transport corridor
- Protection of gas pipelines
- Land valuation.

3.1 The role of requirements and their mandatory nature

(i) What is the issue

The PSP sets out ‘requirements’ that “*must be adhered to*” and ‘guidelines’ that express how “*discretion is to be exercised*”. Submissions were made that some requirements should be expressed as guidelines.

(ii) Evidence and submissions

This issue arose in relation to the retention of 80 per cent of scattered trees (discussed in Section 3.5 of this report), but has broader implications for a number of requirements in the PSP.

The PSP states (at page 5):

REQUIREMENTS must be adhered to in developing the land where they are not demonstrated in a permit application, requirements will usually be included as a condition on a planning permit whether or not they take the same wording as in this structure plan ...

GUIDELINES express how discretion will be exercised by the Responsible Authority in certain matters that require a planning permit. If the Responsible Authority is satisfied that an application for an alternative to a guideline implements the outcomes the Responsible Authority may consider the alternative.

Wollert Development Consortium (the Consortium) submitted:

It appears to be now accepted that the ‘80 per cent retention target’ should not be a mandatory control, but must be expressed so as to both allow for that figure to be varied, and for any Council decision with regard to retention to be able to be reviewed by the VCAT.

The Council has proposed, and the MPA has apparently accepted, changes to the wording of the PSP which it says allow for this to occur. However, the Council continues to argue that the ‘80 per cent retention target’ needs to be contained within a requirement, albeit a ‘discretionary requirement’ ...

It was submitted that this position make no sense and that the definition of 'guideline' corresponds directly to what Council asserts it now wants.

Council's concern appears to be that a guideline would have lesser weight or importance than a requirement. The Consortium submitted:

There is no substance to this argument, which fundamentally misunderstands the nature of VPP Planning Schemes. There is no basis whatsoever for an assertion that discretionary planning controls are given any less weight than mandatory controls in planning decision making.

In closing, Council submitted:

- 5. Furthermore, the submission that it is possible to simply convert those provisions to guidelines without affecting the overall intent is not agreed.*
- 6. Council will not lend its support, and indeed actively opposes the removal of Environmental Significance Overlays and the associated planning controls that go with them if the tree retention provisions are converted to 'guidelines'.*
- 7. The creation of the set of 'requirements' was the solution to the removal of the overlay controls.*

Council argued that the notion that one cannot have some aspect of discretion built into a requirement is misconceived and hardly worth responding to. Requirements are things that must be done. Guidelines are things that should be done. There is nothing inconsistent with the proposition that something that must be done, being the subject of some ability to exercise discretion in the way or, the extent to which, it is done. There are many instances of this form of drafting in the Wollert PSP and every other PSP approved over the last five years.

The Consortium gave the example of the Native Vegetation Framework policies of Avoid, Minimise and Offset and asked the question whether planning decision makers ever treated these as:

... having a lesser significance simply because they are part of a discretionary policy? Can it be seriously suggested that planning policies that are directed towards preservation of urban character (or achievement of urban consolidation) are treated as being of lesser importance because they are not 'mandatory' controls?

Council responded that the former Native Vegetation Framework's presence in the planning process as a guideline did not dilute its relevance as a consideration in the planning process was true, but rather narrow. The Native Vegetation Framework was backed up by Clause 52.17 and the expressed desire from a policy perspective of 'avoiding' losses.

(iii) Discussion

There are a number of 'levels' of control that can apply in planning schemes and incorporated documents:

- Mandatory requirements that have to be met under all circumstances

- Discretionary requirements, such as are found in many Design and Development Overlay schedules
- Design guidelines
- Performance measures that specify a 'deemed to comply' approach, but are not mandatory.

There can also be explicit permissive statements expressed using 'may'.

The PSP presents three levels of guidance:

- Mandatory requirements that must be met expressed with 'must'
- Mandatory requirements expressed with 'must' but with a qualification that matters be done to the satisfaction of the responsible authority
- Guidelines expressed with 'should'.

Some planning controls do specify the relative weight that should be given by decision makers to relevant considerations, especially where controls distinguish between requirements and design suggestions. The Panel agrees it is the role of the decision maker to balance competing objectives and arrive at a balanced outcome that achieves a net community benefit, but nothing in that process says there cannot be a different characterisation of the type of control or guidance presented in planning schemes.

The Panel agrees that the difference between mandatory controls and discretionary controls is not one of weight, and making a control discretionary does not have the effect of reducing its weight, but rather recognises that it may not be applicable in all circumstances.

The difference between requirements and guidelines in the PSP is more than whether something is discretionary or not, or at least Council believes it is.

If the PSP labelled the two lists 'mandatory requirements' and 'discretionary requirements' then it would be easy to decide which list to place a requirement. But this is not how the lists are labelled. It appears that the guidelines in a PSP may well play a different role from discretionary requirements.

The Panel agrees that, conceptually, a mandatory requirement that may not have to be met is inelegant drafting, but the requirements themselves are quite clear and generally well-expressed.

The drafting is clear but the broader consequences of shifting a statement from a requirement to a guideline are unknown. If guidelines do have the same weight as requirements then it does not really matter which heading they are presented under, but if they have a different weight the Panel could not support such a shift in the absence of a some debate about what this means for decision making for all the 'discretionary requirements' to become guidelines.

The Panel notes that Urban Growth Zone, Clause 37.07-10 Subdivision of land states:

A permit is required to subdivide land. Any requirement in the schedule to this zone or the precinct structure plan must be met.

A permit granted must:

- *Be generally in accordance with the precinct structure plan applying to the land.*

- *Include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.*

The Panel's reading is that a permit for subdivision cannot be issued unless a requirement is met; this is not the case for a guideline. There are clear practical implications of shifting material from requirements to guidelines.

(iv) Conclusion

The Panel concludes:

It is not appropriate to shift requirements to guidelines solely on the basis that an element of the requirement is to the satisfaction of the responsible authority.

3.2 Management of the landfill and quarry buffer

(i) What are the issues

The eastern edge of the PSP area has been identified for light industrial development (shown as ■ on Figure 2). The designation of the land for light industrial uses is to provide employment opportunities and a land use buffer between residential and landfill and quarrying activities. Submissions raised concerns regarding the industrial land provision and the controls to apply to the quarry buffer.

(ii) Evidence and submissions

Hanson Construction Materials Pty Ltd and Metropolitan Waste and Resource Recovery Group (MWRRG) were concerned about the control of uses in the quarry buffer, in particular with the wording of Clause 2.9 of the Urban Growth Zone Schedule 5 (UGZ5).

The MWRRG is a Victorian State Government Statutory Body responsible for coordinating and facilitating the delivery of waste management and resource recovery across metropolitan Melbourne.

The MWRRG noted Clause 2.9 would benefit from revision to ensure that it more specifically articulates the requirements for the use and development of the land.

The MPA advised (Part A submission, Unresolved Submissions Table at Appendix 1) that it had reviewed Clause 2.9 in consultation with MWRRG, Hanson, Environment Protection Authority (EPA) and Council. A reworded Clause 2.9 was proposed to address landfill gas migration, with odour and amenity impacts dealt with through the use of the Industrial 1 Zone (IN1Z) and the tailoring of the Use of Land Table at Clause 2.4 of the UGZ Schedule.

MWRRG submitted that the Use of Land Table in the UGZ Schedule should be expanded to include other uses (including education centre, places of assembly, places of worship) noting that the IN1Z is to be the applied zone within the buffer area. The MPA noted that the wording of the Use of Land Table had previously been agreed with Council, EPA, Hanson and the MWRRG.

The MPA advised in closing that it did not support the further submissions advanced by MWRRG during the Hearing. The list of sensitive land uses circulated by the MWRRG was tabled at the meeting with MPA, Hanson, Council and MWRRG and all parties agreed that these land uses appropriately triggered a permit for Use within the Industrial 1 Zone and

their inclusion in the Use of Land Table in the UGZ Schedule was considered an unnecessary duplication of planning controls.

MWRRG also suggested that there is a need to further identify the presence of the landfill in the planning controls.

The MPA also concluded that the presence of the landfill and the associated landfill and quarry buffer are clearly identified on Plan 1 within the PSP and on Map 2 in the UGZ Schedule 5, and the MPA do not consider it necessary or appropriate to further identify this through duplication of planning controls.

(iii) Discussion

The Panel agrees with the MPA that the presence of the landfill and the associated landfill and quarry buffers are clearly identified in the PSP maps. In relation to the MWRRG request to further revise the wording of the Schedule 5 to the UGZ, the Panel does not consider the proposed changes are required, noting that suite of provisions are comprehensive and that there is no need to repeat provisions in the Scheme.

The Panel supports the revised wording agreed Hanson, Council, EPA and the MPA.

(iv) Conclusion and recommendation

The Panel concludes:

The designation of the quarry and landfill buffer is clear.

The Panel recommends:

Reword Clause 2.9 of the Urban Growth Zone Schedule 5 to read:


- **Any application to subdivide, use or develop land within the Wollert Landfill and Quarry Buffer and the Odour Buffer as shown of Map 2 of this Schedule, must demonstrate compliance with the Best Practice Environmental Management: Siting Design, Operation and rehabilitation of Landfills (Environment Protection Authority, 2014 – Publication 788.2) to the satisfaction of the Responsible Authority, in consultation with the Environment Protection Authority.**

3.3 The extent of the power station buffer

(i) What is the issue

APA GasNet Australia (Operations) Pty Ltd (APA) was concerned that the buffer to the potential future gas facilities was not adequate. The Consortium seeks modifications to ensure that the buffer provisions are appropriate and responsive to APA's responsibilities and obligations.

(ii) Evidence and submissions

The PSP identifies a 'potential future gas fired power station buffer' on the Future Urban Structure Plan,  on Figure 2, and notes that land as encumbered within the land budget. This essentially makes the land undevelopable as a result of the proposed infrastructure on the adjoining site.

APA proposes to develop a 1,000 MW gas fired generation plant at the Power Station Site. Based on discussions with energy retailers, this would likely comprise both a 600 MW open cycle fast response 'peaking plant' and a 400 MW 'baseload plant'.

APA has also proposed expanding the gas compression station located on the site to have additional compression (approximately 20 MW of additional power).

The Panel was advised by APA that:

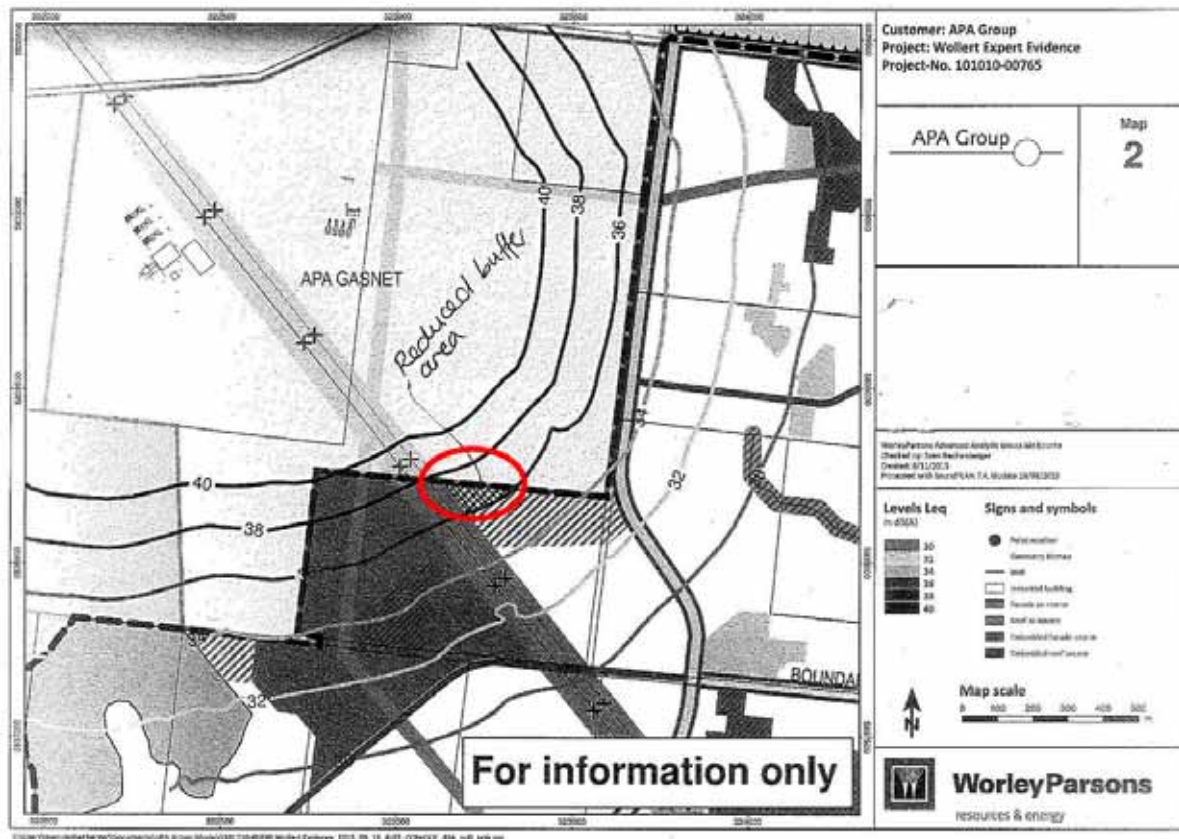
The discussions regarding this proposed infrastructure are on hold given prevailing electricity market conditions and the current planning scheme amendment process which could constrain the capacity of the Power Station Site to deliver this critical infrastructure.

APA was concerned that its plans are not undermined by development facilitated by the PSP.

APA submitted that it is important to recognise that the proposed power station will have off-site noise impacts which are inconsistent with the use of some parts of the adjacent Wollert PSP land for sensitive purposes. This should be reflected in the imposition of planning controls to establish an appropriate separation distance between APA's land and sensitive land use.

Council noted that while the exhibited PSP designates some land as a potential future buffer for the Gas Fired Power Station it shows the underlying land use as residential purposes. In effect, if a power station proposal does not eventuate, or is not deemed to have the amenity impacts envisaged by preliminary noise assessments, the land may be considered for residential development. Council considers the approach is appropriate because it protects the potential for the facility, but makes it clear what the land use would have been otherwise.

Villawood and Evolve initially submitted that the buffer area should be removed from the Future Urban Structure Plan given that there are not current proposals by APA GasNet and that it is APA's GasNet's responsibility to assess and undertake all amenity mitigation measures on its site rather than impacting on UGZ land. This position changed after consultation between the APA Group and the Consortium before to the Hearing. The Panel was advised by the Consortium (Document 46, Para 64) that an agreement had been reached between the APA Group and the Consortium regarding the appropriate buffer controls to put in place. APA confirmed (Document 36(a), Para 5(i)) that agreement had been reached between it and the Consortium to modify Future Urban Structure Plan within the PSP to show a reduced Buffer Area as shown in Figure 3.

Figure 3: Proposed modification to APA GasNet Buffer Area.

Source: MPA Part B submission, Hearing Document 11)

The Panel was also advised that agreement had been reached to insert the following text (Text B from Appendix to Hearing Document 36(b)) as a specific provision in Schedule 5 to the Urban Growth Zone:

A permit is required to use the land that is located within the potential future gas fired power station buffer shown on Plan [description of plan to be inserted] in the incorporated Wollert Precinct Structure Plan for Accommodation, a Child care centre, an Education centre, a Place of Assembly, Retail premises, a Cinema based entertainment facility or a Hospital. Where an application is made for a permit, the application must be referred to the operator or proposed operator (if the facility is not in operation) of the gas fired power station. The purpose of the provision is to ensure that, prior to the commencement of any of the said uses, consideration is given to the possible acoustic impact of the facility on the proposed use.

In closing, Council submitted:

Council agrees in-principle with what is sought to be achieved by the form of words as per Text B in APA's submission. The form of the referral however, need not take on the form set out in Text B but should be in the form of the normal methodology as per the planning scheme's referral and notification provisions.

The MPA advised that it has reached agreement with APA to amend the Future Urban Structure – Plan 2 of the PSP to clarify the intent of the buffer area, that is:

... for it to be encumbered, but with the ability for the land to revert to a residential use in the event that the buffer is not required.

In relation to the proposed reduced buffer area plan agreed by APA and the Consortium, the MPA advised that it supported the reduced buffer noting that the buffer is removed entirely from the Villawood land and significantly reduced on the Evolve land, and now affects approximately 0.9 hectares of otherwise unencumbered external landholdings within the precinct. The MPA concluded:

The MPA encourages APA to continue investigations into the reduction of the buffer area, and to work with affected adjacent landowners to ensure that they are not unreasonably affected by future proposals.

(iii) Discussion

The proposed power station site has specific site advantages because of the intersection of gas and electricity infrastructure. These advantages should be maintained and a buffer introduced to ensure that future development does not close off the opportunities the site provides.

The Panel accepts submissions that gas fired power generation offers two strengths when compared to coal fired generation:

- in open cycle operation it can be started and run up to full load very quickly (fast response)
- in combined cycle operation it has significantly lower carbon emissions per unit of electricity produced (low emissions).

These characteristics support a growing demand for gas power as the generation mix includes more renewables and the need to reduce carbon emission becomes more pressing.

There is limited flexibility in siting large infrastructure items such as power stations and other uses need to accommodate themselves to the impacts of the power station.

The Panel accepts the agreement among the MPA, APA, and members of the Consortium that the extent of the 'potential future gas fired power station buffer' can be reduced so that it only applies to land identified as future residential that is above the modelled 36dB(A) contour. Plan 2 of the PSP should be modified to reflect this agreement.

In relation to the proposed modification to UGZ Schedule 5, the Panel accepts that it is appropriate to include a particular provision to specify that permits for a range of noise sensitive uses should be referred to the operator of the facility (or the proposed operator of the facility) if the facility is not in operation. The Panel is comfortable with the intent of the drafting of the provision as agreed between APA and the Consortium, but accepts Council's closing submission (which were supported by the MPA) that the operator (or proposed operator) should not be a determining referral authority, and that the normal methodology for referrals should apply.

(iv) Recommendations

The Panel recommends:


In the Precinct Structure Plan amend Plan 2 to reduce the ‘potential future gas fired power station buffer’ so that it only applies to land identified as future ‘residential’ that is above the modelled 36 dB(A) contour as shown on the APA Group ‘Map 2’ prepared by Worley Parsons.

Change the Urban Growth Zone Schedule 5 to:

- **Require a permit to use the land located in the ‘potential future gas fired power station buffer’ shown on Plan 2 in the incorporated Wollert Precinct Structure Plan for Accommodation, a Child care centre, an Education centre, a Place of Assembly, Retail premises, a Cinema based entertainment facility or a Hospital.**
- **Include provisions that where an application is made for a permit, the application must be referred to the operator or proposed operator (if the facility is not in operation) of the gas fired power station as a recommending referral authority. The purpose of the provision is to ensure that, prior to the commencement of any of the said uses, consideration is given to the possible acoustic impact of the facility on the proposed use.**

3.4 The suitability of development of land excluded from CA31 and CA32

(i) What is the issue

Biodiversity Conservation Strategy for Melbourne’s Growth Corridors (BCS), identifies those areas that must be protected and conserved and those areas that can be removed to enable the urban expansion of Melbourne. With regard to the Wollert Precinct all areas can be developed for urban purposes with the exception of Conservation Areas 31 and 32 (Shown as  on Figure 2). These areas are subject to review and a change in their area would impact on the PSP.

(ii) Evidence and submissions

Friends of Merri Creek were concerned that all the area of native grassland should be protected in CA32 along the southwestern edge of the precinct, or at the very least the eastern boundary should be re-aligned to remove the narrow residential incursion, and to widen the corridor along Curly Sedge Creek to at least 100 metres from the waterway.

The MPA submitted that survey work has recently been undertaken for CA31 and CA32 and has been submitted to DELWP for consideration. The full extent of any boundary realignment is therefore unknown until DELWP provide comment on the proposal.

Plans tabled by Villawood show the requested area of change for CA31 will equate to approximately 16 additional developable hectares and Murdesk Investments Pty Ltd have submitted that approximately 21 hectares could be considered for excision from CA32.

Any approved changes to the BCS areas will require alterations to the land budget to include this land as developable area which will ultimately have an effect on the overall DCP rate as the area of developable hectares will be increased. The land will be rezoned to Urban

Growth Zone with an applied General Residential Zone and the Incorporated Plan Overlay Schedule 5 will be removed.

The MPA submitted that it considers that:

... the net change would be fairly minor across the entire PSP area and therefore no additional community facilities would be required.

The MPA advised:

The drainage requirements will be reviewed once the outcomes of the review of the Conservation Area 32 boundary. Note also that there is capacity for landowners to refine the design of water management assets at the permit application stage, with approval from Melbourne Water.

Council specifically requested that the PSP not be approved until any changes to the conservation areas are finalised to ensure the land budget and zoning are accurate and to avoid a further planning scheme amendment.

(iii) Discussion

It is not the Panel's role to determine the boundaries of the Conservation Areas that are subject to Commonwealth approval; it is the Panel's role to be satisfied that:

- the land identified for development is capable of being developed
- the consequent changes to the PSP would not adversely affect a party who has not had the opportunity to make submissions about the change.

For the mooted changes to CA31 and CA32 the Panel is satisfied that the land can be developed.

The Panel received detailed submissions of the ability to develop land that might be excluded from CA32 including agreements from relevant parties on the potential relocation of drainage assets.

The Panel agrees that it is preferable for the conservation areas to be settled before the Amendment is approved. If a Commonwealth decision on the shape of CA31 and CA32 is not made before the approval of the PSP then a notation on Plans 1, 2, 3, 5, 6 and 7 to indicate that an application for review is under consideration would need to be included. The plans should explicitly identify the areas that might be subject to change.

(iv) Conclusion and recommendation

The Panel concludes:

Land potentially released for development from conservation areas CA31 and CA32 is capable of development without major changes to the PSP.

The Panel recommends:

Do not approve the Amendment until a final determination is made on the size of conservation areas CA31 and CA32 by the Commonwealth.

Update the Amendment once a final determination is made on the size of conservation areas CA31 and CA32 by the Commonwealth.

3.5 The retention of scattered trees

What are the issues

The PSP includes requirements that:

R2: All trees shown for retention on Plan 4 must be retained to the satisfaction of the responsible authority

R3: No less than 80 per cent of river red gums classified as medium, large or very large must be retained for their landscape and amenity value to the satisfaction of the responsible authority.

Trees shown for retention in Plan 4 will contribute to this percentage.

R4: Where trees are retained, applications subdivision and/or development must apply the tree protection zones identified within Appendix 4.4 of the Wollert Precinct Structure Plan.

Council and the MPA agreed to new wording for requirement R3 to enable Council discretion to allow less than the 80 per cent retention rate. Council suggested a further refinement in closing (this refinement is underlined):

Except with the written consent of Council, a minimum of 80 per cent of river red gums classified as Medium, Large, or Very Large (per DSE publication 'Guide for Assessment of Referred Planning Permit Applications') must be retained on each parcel for their landscape and amenity value. The retention of trees on Plan 4 shown as 'to be retained' and 'to be considered for retention' will contribute to the attainment of this requirement. Where multiple contiguous parcels are owned or controlled by a single entity and planned to be developed in an integrated manner, this Requirement may be applied and met across those contiguous parcels.

Note: trees shown as 'permit not required for removal' on Plan 4 are excluded from the total number of trees used to determine tree retention calculations by parcel. However, where voluntarily retained, these trees will contribute to retention percentage.

Habitat compensation fees are required for scattered trees outside conservation areas identified in the BCS unless they are deemed by DELWP to be 'retained' in accordance with the criteria set out in the Guidance Note.

Council made an application to DELWP on 8 October 2014 to have tree retention standards recognised as providing appropriate level of protection to be considered retained. DELWP considered the application against the decision guidelines outlined in the Guidance Note and determined that the adoption of Council's standards are likely to provide equal or greater protection of scattered trees to the criteria in the Guidance Note. Consequently, trees that are retained in accordance with Council's tree retention standards will not be liable for offset payments.

Concerns were expressed about:

- the 80 per cent target
- tree protection requirements in Appendix 4.4 of the PSP

- the need for an arborist report
- Clause 52.27 controls.

3.5.1 The 80 per cent target

(i) Evidence and submissions

The MPA submitted:

The area within which Wollert is located is fairly unique in PSP terms due to the nature of the topography and significant number of mature river red gums in the landscape.

The Panel has visited the example of the Lyndarum development with mature river red gums making a significant contribution to the open space and character of the development.

The MPA supports Council in its endeavours to integrate the majority of mature river red gums into the new community.

The Panel was advised that it was originally proposed that the 80 per cent retention requirement would be implemented on a property-by-property basis. That is, each land parcel would have needed to achieve the 80 per cent target.

It was not clear whether red gums which were to be retained within the Biodiversity Conservation Reserves, Local Conservation Reserves, and other reserves, would count towards the 80 per cent target.

Greencor sought a broader approach with a 'Guideline' worded generally as:

Subdivision design should seek to retain red gums in public domain, where feasible and to the satisfaction of the responsible authority where this enables the objectives, lot yield and developable area of the PSP to be maintained.

The Consortium opposed the introduction of a mandatory 80 per cent retention target. It maintained that, if such a retention target is to be identified in the PSP, it should be clearly identified as a guide to the exercise of discretion.

The Consortium submitted that:

There was, and still is, no justification for providing for a mandatory 80 per cent retention target with regard to scattered river red gums. Indeed, such a control is unlikely to lead to good planning outcomes.

Mandatory controls are by their nature, inflexible. As a result, they must be:

- *underpinned by a robust and comprehensive contextual and strategic analysis and which identifies a clear need for the mandatory control*
- *necessary to address a particular adverse design outcome, for the vast majority of sites subject to the proposed control, as identified in the robust and comprehensive contextual and strategic analysis*
- *these parameters are necessary in order to limit the unnecessary loss of flexibility and opportunity available in a performance based system.*

Planning Practice Note No 59 [The role of mandatory provisions in planning schemes, June 2015] adopts these principles. In doing so, it largely adopts the

analysis of Planning Panels Victoria and developed in the course of the Panel's consideration of proposals to implement mandatory controls.

Here, there is no strategic basis for the 80 per cent mandatory target. It is not, as has been claimed, part of any adopted Council policy. It has never formed part of any Council policy.

The Consortium does not oppose the proposed changes to R2, R9, G3, G4, G5 and the deletion of G6.

While there is evidence that some subdivisions within Whittlesea have met or exceeded an 80 per cent rate of retention for the preservation for river red gums, there is also evidence that many have not, including subdivisions approved by the VCAT.¹

Mr Organ and Mr Wyatt stated in their evidence that the 80 per cent retention rate has been achieved for some developments, mostly as a result of a process of negotiation with developers. Both pointed to examples of where this has contributed to good urban design outcomes, but equally:

- both were of the view that the 80 per cent retention rate should be able to be varied in appropriate circumstances²
- Mr Organ has personally supported such variations in the past³
- it is not clear whether the 80 per cent rate achieved for other developments is for all river red gums (and not just Medium, Large, or Very Large Trees)
- the Tribunal has allowed such a variation⁴.

Wollert JV Nominee was concerned that the 80 per cent retention rate is too high and arbitrary and is likely to be in conflict with yield and population objectives. The retention rate should be based upon tree health and urban design outcomes rather than arbitrary figures.

In closing, Council submitted:

Furthermore, the drafting as suggested in Council's opening submissions can be amended to add the words 'or controlled' where it comes to the issue of contiguous land.

Council submitted that Requirement 3 is one of the key requirements of the PSP:

The specification of the minimum of 80 per cent is based on experience and practice (per Wyatt and data sheets). It is not arbitrary. The provision of an ability to give consent to tree retention of less than 80 per cent does not undermine the minimum retention target but rather acknowledges that there will be instances where circumstances demand a lesser retention rate. There is no need however, to throw out the baby with the bathwater to achieve that. The Villawood case in which ... [the Consortium] relied on to make this point

¹ See, for example: Villawood Properties v Whittlesea CC [2013] VCAT 1842

² See, for example Mr Wyatt's written evidence at p.19.

³ Mr Organ, as recently as August 2013, and in considering the development of 305 – 315 Craigieburn Road East, Wollert, considered that a subdivisional layout which retained only 71 per cent of the river red gums in that estate was appropriate.

⁴ Including in Villawood Properties v Whittlesea CC [2013] VCAT 1842

where only half the site area was developable illustrates that Council officers have taken a reasonable view of special circumstances (given that officers recommended approval of this application). Conversely, it may be that there are instances where the correct planning outcome is to achieve more than the 'minimum' retention as well. R3 preserves this outcome as well.

In closing Council pointed out that arboricultural quality and landscape/biodiversity quality, or value, are two separate things. Council urged the Panel not be persuaded by the proposition made with reference to the Tree Logic report that because 50 per cent of trees are of low arboricultural quality, the 80 per cent figure has no basis.

Council submitted:

First of all in statistical terms, small trees are in the bundle surveyed and this makes it impossible to understand the percentage as a comparison to the retention rate in R3 which excludes small trees.

Perhaps more pertinently, small (i.e younger) red gums tend to achieve the best arboricultural rating. This is because red gums by default become less structurally sound for the most part as they age. In fact, it is these structural abnormalities and irregular growth patterns that make these trees so visually significant in the first place. Indeed, it is the older trees that display the best visual characteristics.

In relation to this, we can conclude that the arboricultural condition of the tree is a matter that helps to determine its management, and the context it is situated within in an urban sense, rather than being a direct and overarching decision making tool over whether or not it ought to be retained. That ... [the Consortium] suggests otherwise shows that ... [it] does not properly understand the issue. Indeed, the tree depicted on the last page of the Visual Character Assessment background report is a pertinent illustration of this.

Mr Organ noted that while a dead tree might have no arboricultural quality, it would almost certainly have value from a biodiversity perspective for animal life.

It was conceded by Mr Galbraith that a tree which has a lower order structural rating could be improved with pruning, giving it a higher ranking. The health of trees can also be further improved by techniques such as irrigation and mulching.

The MPA submitted:

Mr Organ's oral evidence detailed a VCAT case where 71 per cent of vegetation was considered appropriate. This situation could be adequately dealt with by the proposed wording.

(ii) Discussion

Is there strategic justification for tree retention?

Ultimately the strategic justification of a planning control is that there is reasonable evidence that it will achieve identified objectives in the planning scheme:

- the control needs to support a strategy aimed at achieving something that has been agreed (or will be agreed)

- the control and the strategy need to be supported by evidence or modelling that it will work as intended.

There are clear policy objectives to maintain native vegetation and to create new communities with an attractive character and sense of place.

The presence of retained trees in exiting subdivisions shows that retaining the trees does have a clear outcome of creating a unique character and retaining natural values. Retaining trees is an effective strategy to achieve agreed objectives.

Is 80 per cent the right level for retention?

Retaining trees may be an effective strategy to achieve agreed objectives, but the realities of urban development are such that retaining all trees runs the risk of imposing costs on development that might better be directed to other conservation approaches, such as funding offsets.

A balance needs to be struck between the inefficiencies of retaining too many trees, and the lost opportunity of retaining too few, or retaining them in poor settings.

The practical evidence of what works in an area should not be arbitrarily dismissed because there is no formal theory or analysis – or no detailed report. In this case the Panel is left with Council's assertion that, in its experience, a flexible 80 per cent retention is appropriate.

The Panel agrees that a target for retention should be set to provide clarity; this target may be departed from for individual developments based on specific site issues, but a starting point for retention is desirable.

The choice that this amendment process must determine is not whether a target should be set, but whether it should be 80 per cent or a lower figure. The Panel was told that in some cases it will need to be lower than 80 per cent, but it would seem that this can be achieved with flexibility in the controls, rather than setting a lower target figure.

Are the controls constructed with appropriate flexibility?

The Consortium raised the issue of discretionary requirements in the context of trees. The revised requirements provide an appropriate level of flexibility to deal with issues as they arise.

Drafting of the revised Requirement 3

The Panel accepts the revised wording for R3 proposed by Council, as addressing the issues that have been raised in relation to the workability of the requirement.

(iii) Recommendation

The Panel recommends:

In the Precinct Structure Plan replace R3 with the following wording:

- **Except with the written consent of Council, a minimum of 80 per cent of river red gums classified as Medium, Large, or Very Large (per DSE publication 'Guide for Assessment of Referred Planning Permit Applications') must be retained on each parcel for their landscape and amenity value. The retention of trees on Plan 4 shown as 'to be retained' and 'to be considered for**

retention' will contribute to the attainment of this requirement. Where multiple contiguous parcels are owned or controlled by a single entity and planned to be developed in an integrated manner, this Requirement may be applied and met across those contiguous parcels.

- **Note:** trees shown as 'permit not required for removal' on Plan 4 are excluded from the total number of trees used to determine tree retention calculations by parcel. However, where voluntarily retained, these trees will contribute to retention percentage.

3.5.2 Appendix 4.4 of the PSP

(i) Evidence and submissions

The Consortium supported the proposition that river red gums should be retained, but sought flexibility to ensure:

- the development yield is not unnecessarily reduced
- the application of the 80 per cent mandatory target does not have unexpected and onerous outcomes
- alternative design solutions are possible.

Consistent with the recent practice of the MPA to keep the body of PSP's brief, it consigns more detailed provisions to an annexure or appendix. Appendix 4.4 provides the detail of what is required for Tree Protection Zones. It is an approved DELWP methodology for considering trees retained under the BCS.

Concerns were expressed that Appendix 4.4 was too prescriptive. In closing, Council submitted:

Even in its current form, the Guidelines provide for an ability to vary the TPZ with the consent of the Responsible Authority. Mr Galbraith's proposal seeks to specify too much detail and produce a methodology that different to that embodied without Council's drafting. Furthermore it is not approved by DELWP. Therefore it would not be clear at all that trees that are kept are regarded as being retained. The implication of that is that offset payments may have to be paid on those trees. Whatever the recommendation of the Panel, Council is unlikely to write to DELWP requesting that they agree to Mr Galbraith's criteria from the perspective of counting trees retained in the manner they did with their own guidelines.

In any event, our methodology enables one to consider exactly what Mr Galbraith suggests might be appropriate. They just do not allow it as-of-right. This is because while there will inevitably be instances this will be an appropriate outcome (such as that shown in Mr Galbraith's evidence) there will inevitably be countless others where this is not appropriate. As the Panel rightly pointed out – these are the examples absent from Mr Galbraith's evidence. As a result, these changes are neither required, nor appropriate.

In relation to the proposition that the Appendix 4.4 does not provide guidance, Council submitted that it is true that it does not go into technical guidance. Council said that it is appropriate that it not do this. Instead, it clearly sets out the performance measure that must be met, namely that it can only be varied if it can be determined that the works

proposed within the zone will not adversely impact or damage any part of the tree including canopy, branches, trunk and roots or the variation is required to minimise risk to the public and or property.

(ii) Discussion

The Panel notes that it was shown photos of healthy trees from existing subdivisions that had a variety of works within what would be the tree protection zone. No figures were presented on the long-term survival of trees that have been impacted by such works. Such data runs the risk of the survivor fallacy where tree that have not survived such works are no longer there to be photographed.

Appendix 4.4 in the exhibited PSP was sourced from a more generally applicable document used by Council. At the Hearing Council proposed to redraft the provisions to:

- regroup like provisions
- reorder provisions into a more logical order
- remove unnecessary provisions
- refine remaining provisions.

A revised version of Appendix 4.4 was circulated for comment.

The revised Appendix 4.4 (shown in Appendix E in this report) improves the drafting and provides for better flexibility for works in the tree protection zone. Comments were received from the Consortium on the draft and these related more to technical drafting issues.

The Panel is satisfied that the revised Appendix 4.4 is appropriate to manage scattered trees and provides sufficient flexibility to allow for certain works within the tree protection zone.

The Panel notes that the tree protection zone in Appendix 4.4 differs from the Australian Standard. The revised protection zone better reflects the tissues with red gums in a suburban environment and is to be preferred over the Australian Standard. It also appears to be different to provisions in Clause 4.7 of the UGZ.

(iii) Recommendation

The Panel recommends:

In the Precinct Structure Plan replace Appendix 4.4 with new text as shown in Appendix E of this report.

Review the Urban Growth Zone Schedule 5 for consistency with Appendix 4.4.

3.5.3 The need for an arborist's report

It was submitted that an additional site-specific arborist report is not considered to be required where the PSP arborist report (background report) has already assessed the trees. Instead, the UGZ requirement could be amended to refer to a summary of the existing arborist report.

The MPA advised:

Site specific arboricultural assessments are required to confirm the GPS coordinates of trees (these were only recorded on hand-held devices by

Treelogic) and to re-assess the condition of the trees, which may have changed since the background report was completed.

The Panel supports the MPA's view that a more accurate location of the trees and a reassessment of their condition is desirable.

3.5.4 Clause 52.17

Clause 52.17 states a permit is required to remove, destroy or lop native vegetation, including dead native vegetation, subject to certain exceptions. The purpose of the clause is to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

The Amendment proposes a Schedule to Clause 52.17 to identify native vegetation exempt from requiring a planning permit.

It was submitted that the revised permit triggers proposed under clause 52.17 need further refinement.

In closing, Council submitted:

In relation to the exemption in the schedule to clause 52.17 provided the mapping is correctly drawn, the exemption as proposed by the MPA works. On the other hand, the exemption as drawn by the Consortium in its submissions does not work as it purports to only deal with vegetation in a BCS conservation area and a local conservation reserve. It does not deal with other vegetation that may be retained in passive open space and as part of road reserves (and incorrectly omits the reference to very large trees as per the relevant publication).

This is a matter of technical drafting that needs to be tested for workability.

The Panel recommends:

Review, in consultation with Council, the proposed Schedule to Clause 52.17 for workability and revise if necessary.

3.6 South West Local Town Centre location, size and configuration

What are the issues

The PSP and controls:

- Identify the centre on the Future Urban Structure (Plan 2 in the PSP) as well as other plans as part of the base map and the UGZ
- Present a structure for the centre at Figure 6 in the PSP
- Set out information on the size and role of the centre in Table 6 in the PSP
- Set an as-of-right floorspace limit, with the ability to go above this with a permit, in Clause 2.4 of the UGZ.

Parties to the Hearing seek different outcomes regarding the location, layout and size of the proposed South West Local Town Centre.

3.6.1 Location and general design of centre

(i) Evidence and submissions

The South West Local Town Centre is proposed to be located on land owned by Villawood. With the aim of delivering the centre earlier in the development process, to the benefit of the project and the surrounding catchment, Villawood suggested relocating the centre to the Craigieburn Road frontage of its land.

There were discussions between the MPA, Council, landowners and developers about the location of the South West Local Town Centre for some time before the Hearing.

Villawood undertook a project visioning process and actively assessed three alternative options – Option 1 the exhibited position, Option 2 the Craigieburn Road frontage and Option 3 approximately midway between Options 1 and 2.

Figure 4: Villawood's 'Options' for South West Local Town Centre location



Source: Evidence Statement of Justin Ganly, Page 15

Through consultation Option 3 was ultimately identified as the preferred option having regard to its ability to:

- improve the commerciality of the centre
- establish a two-sided 'main' street condition with provision for mixed use development opposite the retail uses
- support delivery of medium density development in close proximity to the centre
- incorporate a town park within the walkable catchment of the centre
- support delivery of diverse street cross-sections that will create a focus of activity at the town centre but also distribute traffic in and around the centre
- create positive view lines and relationships between key buildings such as the Council community activity centre.

The Panel was told that the entry from Craigieburn Road East will be occupied by the 'Villawood Club Facility' which will be located opposite a retained stony knoll and the westerly extent of BCS Conservation Area 31. The entry will take the form a landscaped boulevard with minimum two-storey housing that will be carefully sited and controlled by Villawood and the designated medium density housing sites will accommodate two to three-storey development with potential to deliver mixed use at ground level.

In support of its Option 3 concept for the South West Local Town Centre Villawood submitted that Vearings Road will be retained as a pedestrian path with direct connectivity between the non-government primary school and the government primary school (noting that pedestrian signals could be installed at the Vearings Road crossing of the east–west collector). The role, function and design of Vearings Road is discussed in Chapter 4.14 of this report.

Villawood also submitted that the Council community activity centre will be delivered as a works-in-kind project by Villawood.

Catholic Education Melbourne has confirmed its support for Option 3.

As a result of those discussions, a plan was prepared by Villawood that proposed the relocation of both the Catholic school and town centre facilities further south over the east–west connector road. This revised layout is accepted by MPA and Council and is shown in Figure 5.

The submission by Boglis/ID Land, while generally supportive of the Option 3 location, advocated for the government school to be moved to the southern side of the connector road (Figure 6). This outcome would result in the majority, but not all, of the school being sited on the neighbouring Gazeas property.

Boglis/ID submitted that its proposed location of the government primary school should be preferred because it is closer to the community and commercial facilities of the town centre and is co-located with the Catholic school as proposed in the exhibited PSP. Boglis/ID stated that issues of equity and fairness arise, particularly for future students and parents, with respect to locating the government school further away from the rest of the town centre, including the Catholic school. The submission stated that the proposed Boglis/ID land location provides a similar level of local road abutments to the school grounds as that in the Villawood Plan.

Figure 5: Villawood, MPA, Catholic Education Melbourne Preferred Location and Design of South West Local Town Centre

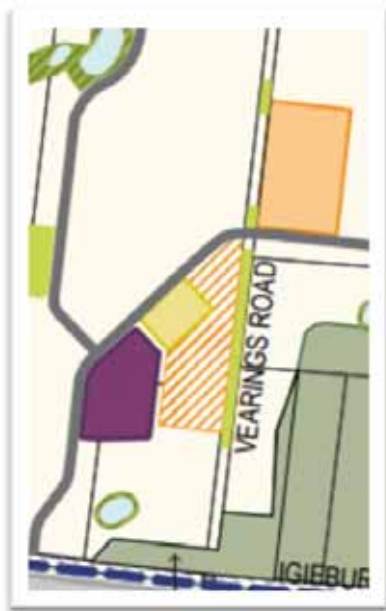


Figure 6: Boglis/ID preferred South West Local Town Centre and Government school location



A personal statement by Mr Gazeas rejected the Boglis/ID proposition as a 'land grab'. He stated that Council made this same point (using different words) in paragraphs 153–157 of its submission.

The Gazeases submitted that from a planning perspective the Boglis/ID proposal provides an inferior outcome to the updated Villawood Plan, and that the Boglis/ID proposal results in the conservation area having road abutments on two sides, with the second road not appearing to serve any educational purpose and simply serving as a substantial and unnecessary cost on the government.

A letter from Mr Turnbull, a traffic engineer of some experience, tendered by the Gazeases advised that there is no traffic benefit from having the two schools opposite each other as shown on the Boglis/ID plan. Mr Turnbull stated:

In fact, the lack of a major road between the Government school and Craigieburn Road would suggest that traffic would seek to filter through the narrower local streets on the Gazeas land and to the south.

- *Boglis/ID – Not appropriate to use local road network for school drop-off and pick up traffic*
- *Villawood – Government Primary School north of connector road has better distribution of traffic.*

The Gazeases also submitted that that the Boglis/ID proposal would result in the vast majority of the Gazeases' land becoming encumbered which would be neither orderly planning nor fair. They concluded by requesting the Panel to reject the "belated and

opportunistic” attempt by Boglis/ID land to move the government school onto the Gazeases’ land.

The MPA submitted:

The Department of Education does not support moving the Public School site to the south onto the Gazeas property. The proposed site does not suit the needs of the Department in terms of size or configuration. The proposed shift is not supported by the Council or the MPA.

The proposal was circulated to the parties at the site inspection on the 30th November 2015.

The MPA provided a copy of advice it had received from the Department of Education:

The Department has considered the revised urban structure (rev 5 26 November 2015).

The Department does not support the location of the Government school as shown in the plan.

The Department would prefer more local road frontage bordering the government school and for the site to be on a single title.

The Department supports the location of the Government school to be on the north east corner of the Vearings Road/Connector Road intersection, as shown in the PSP.

The Department will continue to work with Catholic Education Melbourne, the City of Whittlesea and other stakeholders on sharing infrastructure to deliver educational, economic and social benefits in Wollert.

In relation to the Boglis/ID alternative for the layout of this town centre, Council submitted that it is an inferior outcome to the plan that maintains the government school on the north side of the east–west road with higher density housing being able to be delivered by taking advantage of the amenity characteristics of the locations close to the centre and the visually attractive woodland area. It also achieves a more efficient development scenario with no ‘non-sided’ roads having to be constructed and finally, it delivers a more equitable outcome in terms of a landowner’s ability to develop remaining parts of their land holdings after public land requirements are dealt with.

Council also submitted that the separation of the side-by-side arrangement avoids a long fenced-in greenway that on reflection may not have been an appropriate urban design outcome.

Council concluded:

In its view, the plan to slightly separate the schools so they are diagonally opposite will not have a noticeable effect on the opportunities for shared use and will ultimately result in a superior urban design outcome. When coupled with potential concerns over procedural fairness it appears that is outcome meets both the planning test and the fairness test.

(ii) Discussion

While there was much debate about the relative merits of the location of the government school in Villawood's Option 3 scenario for the South West Local Town Centre, there was broad consensus that the Option 3 location is a better strategic outcome compared with the exhibited location.

The revised location is generally consistent with the PSP guidelines and objectives. The Panel agrees with the MPA that the new location is generally in accordance with the exhibited town centre layout and it appears to have greater scope to accommodate medium density housing and strong pedestrian links. Option 3 will:

- improve the commerciality of the centre
- provide for mixed use development opposite the retail uses
- support delivery of medium density development
- create positive view lines and relationships between key buildings such as the Council community activity centre.

The Panel supports the relocation of the Centre as depicted in Villawood Option 3 plan (shown in Figure 5), subject to some minor refinements on the precise configuration of the centre discussed in the Section 3.6.3.

Arguments about which of the Town Centre layouts would better support walking or integration of the centres hinge on relatively minor differences:

- the distance from the government school to the shops
- opportunities for integration of the two schools
- quality of Vearings Road greenway
- the amount of land available for higher density development around the town centre.

In relation to the location of the government school, the Panel believes the location proposed in the Villawood Plan is significantly superior to that advanced by Boglis/ID Land. The key benefits include:

- The Villawood location is supported by the Education Department, the Boglis/ID proposal is not.
- The Villawood location is supported by Catholic Education Melbourne.
- The Villawood location maximises active interfaces and provides a greater opportunity to accommodate compatible and proximate medium density housing development opportunities compared with the Boglis/ID plan which has a significantly reduced potential for such uses due to the location of local conservation reserve on its southern boundary.
- The Villawood location provides a superior traffic distribution outcome.
- In the context of what was exhibited and given the extent of encumbered land proposed on the Gazeas property, the Villawood location provides a fairer and more equitable outcome for the Gazeases.
- The Villawood location ensures the entire site is contained within one land parcel resulting in an easier acquisition/compensation and development process.

For the above reasons the Panel prefers the location of the Government school as shown on the Villawood Plan.

(iii) Recommendation

The Panel recommends:

In the Precinct Structure Plan change the location of South West Local Town Centre generally consistent with the proposal advanced by Villawood as shown in Figure 5 of this report.

3.6.2 Size of the centre

(i) Evidence and submissions

The June 2015 submission of Villawood sought an increase in the size of the centre to approximately 8,000 square metres of retail floor space, regardless of where the activity centre is ultimately located.

The MPA initially advised:

MPA supports an increase of the retail floor space from 3,500 square metres to 5,000 square metres. This allows for a full line supermarket (approximately 2,500 square metres) and adequate specialty retail shops. The submitter is able to seek additional retail floor space through a planning permit application. Note: retail floor space areas are to be deleted from Figures 4-6, but the increase will be reflected in Table 6.

Villawood's submission to the Panel noted a revised position:

The advice of an independent expert was sought regarding the options and the appropriate soft cap that can be justified based on economic and other considerations.

The other consortium members (most notably including AV Jennings who control the Major Town Centre site) have agreed to the increase to the soft cap from 3,500 square metres to 5,000 square metres with the potential to seek further planning approval for additional specialty shops at a later date as required.

Notwithstanding that the expert has recommended an increase to the soft cap to 6,000-7,000 square metres, I am instructed that Villawood Properties are agreeable to the proposed change to the soft cap from 3,500 square metres to 5,000 square metres on the proviso that it is acknowledged that approval may be sought at a later date via the Planning Permit process to increase the retail area to accommodate the specialty retail if required (depending on the size of the full line supermarket) (emphasis added).

In light of the agreements reached the expert was not called and the evidence was not subject to cross-examination. The Panel read the evidence prior to the Hearing but it has not further reviewed it.

Villawood sought a supportive Panel recommendation to:

- increase the 'soft retail cap' from 3,500 square metres to 5,000 square metres to provide for the centre to accommodate a full-line supermarket as the anchor tenant; and

- recognise that further approval may be obtained through the planning permit process (with appropriate justification) as required.

From Council's, opposed the change sought (to 6,900 square metres) because the achievement of the overall hierarchy of centres would be potentially compromised by this (because it would potentially allow for a second supermarket). Council said that this is the key purpose of floor space 'soft cap' in a growth area context.

Council submitted the South West Local Town Centre issue is largely resolved given Villawood's agreement to the 5,000 square metre 'soft cap' for retail.

Villawood sought:

A supportive Panel recommendation is sought to:

- *increase the soft retail cap from 3,500 square metres to 5,000 square metres to provide for the centre to accommodate a full line supermarket as the anchor tenant*
- *recognise that further approval may be obtained through the planning permit process (with appropriate justification) as required.*

Council submitted that the Panel should not comment in the manner sought by Villawood:

The way that the planning provisions operate (that is soft cap) is self-evident. Soft caps do not invite applications for greater floor space but rather allow such applications in the context of the outcomes to be achieved as set out in the Outcomes and Requirements and Guidelines set out in the PSP.

(ii) Discussion

Council and the MPA support the development of a full-line supermarket within the South West Local Town Centre. In the Panel's view competitive full-line supermarket offer is a critical element for a vibrant and diverse centre. Caps on floor space are relevant when establishing a retail network, but unnecessary as a long-term management tool.

The Panel accepts the agreed position that the PSP should reflect that the South West Local Town Centre should have a soft cap of 5,000 square metres by inserting this figure under the heading 'Anticipated Retail Floorspace' for the 'South West Local Town Centre' in Table 6 at Section 3.3.1 of the PSP.

The provisions of Clause 2.4 of the UGZ will need to be updated including correcting the reference to the South West Local Town Centre.

The Panel is satisfied that this increased 1,500 square metres as-of-right capacity will not compromise or threaten the functionality of the proposed retail hierarchy in this PSP area, nor neighbouring PSP areas. The Panel is also not concerned if the long-term growth of the Centre extends beyond 5,000 square metres so long as the ongoing expansion of the Centre does not jeopardise the timely evolution of other centres in the broader retail catchment.

(iii) Recommendation

The Panel recommends:

In the Precinct Structure Plan change Table 6, and in the Urban Growth Zone Schedule 5 change Clause 2.4, to set a soft cap of 5,000 square metres of retail floor space for the South West Local Town Centre.

3.6.3 Configuration of the centre**(i) Evidence and submissions**

The configuration of the centre is shown in Figure 6 of the PSP.

Villawood submitted a replacement *Figure 6: Wollert South West Local Town Centre* that it urged the Panel recommend be adopted to reflect the revised location and composition of the Centre. Council submitted a modified version of the same plan Figure 6 (at Tab 6 of Hearing Document 18).

On the morning of Day 8 of the Hearing Mr Cicero, while referencing Hearing Document 60, stated that Villawood now accepts Council's version of Figure 6.

While both plans were generally consistent, some notable differences are shown in Table 2.

Table 2: Difference between Council and Villawood Key Design Elements on Plan 6 in the PSP for the South West Local Town Centre

Council plan	Villawood plan
5,000 square metres retail floor space provision.	6,000 square metres retail floor space provision.
'Maximum one supermarket retail anchor' under the heading key components.	The Villawood Plan identifies 'One full-line supermarket retail anchor'.
Includes an extended 'boulevard connector street' and longer 'shared zone' through centre.	
Parking and loading bays to be located behind retail and mixed use components with <u>no direct vehicle access from the main street</u> .	Parking and loading bays to be located behind retail and mixed use components <u>and not in conflict with surrounding uses</u> .
Feature planting along the main street to reinforce local character.	Feature planting <u>and/or other landscaping treatment</u> along the main street to reinforce local character <u>and define the town centre precinct</u> .
Council Plan states Vearings Road to provide activation, passive surveillance and form a principal place making opportunity into the centre and extended as lineal open space between the schools. Dry stone walls and cycle paths to be incorporated.	Villawood Plan states <u>Vearings Road to form a principal place making opportunity into the centre and extended as lineal open space connection between the schools. Dry stone walls and cycle paths to be incorporated where practicable</u> .
Specifies that schools and public buildings should be oriented to <u>Vearings Road</u> as well as the main street and other connector streets.	

Council plan	Villawood plan
Specifies “design of housing along the northern side of the main street opposite the future non-government school” as the location to where active built form presence should be continued compared to the more general description in the Villawood plan ‘... <u>along the northern side of the main street</u> ’.	
Specifies “Retail/mixed use should be located on both sides of the main street to provide activated streetscape edge to enclose the main street”.	No such reference is proposed.

(ii) Discussion

The Panel considers both Council’s and Villawood’s versions of Plan 6 will provide safe and functional guidance on the development of the Centre and that refinements will occur during the detailed design phase. Given that Villawood agrees to Council’s version of the Plan, which the Panel understands the MPA also supports, the Panel is satisfied to recommend Council’s version of the Plan. In the subsequent detailed design phase the Panel anticipates refinements to the extent of ‘shared zone’; and the location of the bus route through the centre.

(iii) Conclusion

In relation to the disputed wording of the Key Design Elements listed in Figure 6 – Wollert South West Local Town Centre, the Panel prefers the following:

- Parking and loading bays to be located behind retail and mixed use components and not in conflict with surrounding uses.
- Feature planting and/or other landscaping treatment along the main street to reinforce local character and define the town centre precinct.
- Vearings Road to provide activation, passive surveillance and form a principal place making opportunity into the centre and extended as linear open space between the schools. Dry stone walls and cycle paths to be incorporated.
- Design of housing along the northern side of the main street to continue an active built form presence to continue the rhythm of the main street.
- Retail/mixed use to be located on both sides of the main street to provide activated streetscape edge to enclose the main street.

(iv) Recommendation

The Panel recommends:

In the Precinct Structure Plan replace Figure 6 with Council’s amended version of the plan, further modified to reflect the following changes to the accompanying text:

- **Locate parking and loading bays behind retail and mixed use components and not in conflict with surrounding uses.**
- **Feature planting and/or other landscaping treatment along the main street to reinforce local character and define the town centre precinct.**

- **Vearings Road to provide activation, passive surveillance and form a principal place making opportunity into the centre and extended as linear open space between the schools. Dry stone walls and cycle paths to be incorporated.**
- **Design of housing along the northern side of the main street should continue an active built form presence to continue the rhythm of the main street.**
- **Retail/mixed use should be located on both sides of the main street to provide activated streetscape edge to enclose the main street.**

3.7 Application of PAO to public transport corridor

(i) What are the issues

The Panel has considered whether the:

- Public Acquisition Overlay (PAO) should be applied to the proposed public transport corridor?
- The station forecourt and the bus interchange should be designated State Infrastructure and credited against the Growth Areas Infrastructure Contribution (GAIC)?

(ii) Evidence and submissions

Wollert JV Nominee supported the inclusion of the Public Transport Corridor running through its land but submitted that the station forecourt and the bus interchange should be designated State Infrastructure and credited against GAIC similar to the Public Transport Corridor.

The Consortium supported the Wollert JV Nominee's suggestion and sought confirmation of the way State Infrastructure items are to be secured, such as, through the GAIC process. The Consortium requested the PAO be applied to the Public Transport Corridor.

The MPA advised:

The Minister for Planning and Treasurer periodically allocate funds for projects identified for GAIC (there is not a public request process available). The GAIC expenditure is reported each year in the MPA's annual report.

Note, PTV has endorsed the transfer of land upon which the corridor is located as suitable for the purposes of GAIC Works in Kind (land), noting that the landowner and the Minister would need to agree to such a process.

The MPA is unable to apply a PAO without the support of PTV.

Council requested starting the process to secure the land required to extend the Epping North Public Transport Corridor in the precinct before finalising the Amendment.

Council stressed the importance of the proposed public transport corridor in providing access to quality public transport options to access the Major Town Centre and helping to secure the Major Town Centre as a key destination within the precinct in the future. To achieve this, Council strongly favoured delivering the future bus interchange in a street-based format as shown in 'Local Access CS05b Public Transport Interface' in the PSP. Council believes this would lead to a far superior outcome than the consolidated outcome Public Transport Victoria (PTV) commonly pursues, such as at the recently-constructed South Morang Railway Station.

Council noted the MPA's response on designating and securing State Infrastructure items, adding it:

- supported the protection of the Wollert Public Transport Corridor
- did not have an in-principle objection to applying the PAO over any of its length
- had no objection to the use of GAIC funds for this purpose.

(iii) Discussion

While noting the MPA's and Council's positions on State Infrastructure and GAIC provisions, the Panel believes the importance of providing reliable and safe public transport to the Wollert PSP area in a timely way warrants a more-focused approach to securing State Infrastructure status and triggering GAIC provisions.

The MPA undertook to present a whole-of-Government approach to panels – and the Panel supports that approach. The Panel appreciates that the MPA is unable to apply a PAO without the support of PTV, but this does not amount to a particularly sophisticated submission from a whole-of-Government approach. The Panel has no idea why PTV does not support a PAO.

The Panel notes that a PAO is applied to land required for road projects in the region, and that prudent planning is to secure transport corridors to meet the future needs of communities; this, after all, is a key element of PSPs.

From an orderly planning perspective the Panel cannot see any disadvantage in applying the PAO. If there is a reason it was not clearly articulated in submissions or at the Hearing. It would have assisted the Panel, and submitters, to understand why PTV does not support a PAO.

Applying a PAO would:

- be consistent with how road corridors are treated
- provide certainty on the precise boundaries of land required
- signal that the provision of public transport was taken seriously.

The Panel considers that there may be merit in the station forecourt and the bus interchange being designated State Infrastructure and credited against GAIC, but the Panel is not in a position to provide a definitive finding on this issue.

(iv) Recommendations

The Panel recommends:

Expedite State Infrastructure status and Growth Areas Infrastructure Contribution considerations for public transport infrastructure in the Wollert Precinct Structure Plan area.

Apply the Public Acquisition Overlay to the Public Transport Corridor.

3.8 Protection of gas pipelines

What are the issues

Within the PSP area there are two gas transmission pipelines:

- Pakenham to Wollert Pipeline
- Wollert to Keon Park Pipeline.

The pipelines are owned and operated by a number of private companies (collectively known as APA).

Submissions addressed:

- the application of the Special Use Zone (SUZ)
- control of uses near the pipeline
- detailed drafting.

3.8.1 Special Use Zone

(i) Evidence and submissions

The Consortium submitted that the SUZ should be applied to gas pipe line easements as they are a similar category as transmission lines easements.

The MPA initially advised:

MPA does not support this submission. Unless the easement was previously zoned as being constrained, or the other land further down the gas line is zoned as something else, we expect the land to be zoned UGZ. As the GAIC is a broad hectare tax we are generally do not seek to reduce the area that is subject to GAIC.

The Consortium submitted that it is desirable to rezone land within gas transmission pipeline easements from Urban Growth Zone to Special Use Zone because it would:

- appropriately identify the presence of the gas pipelines on zoning maps
- negate the need for the landowners to pay GAIC on the land within the easement.

The MPA submitted:

In response to the first of these points, it is considered that the easement has been appropriately identified through the PSP and through the easements which are shown on the relevant property titles. The proposed UGZ Schedule 5 also includes provisions to manage land uses on and around the easements. This represents a higher level of identification and protection than is afforded to many other infrastructure items including other gas pipelines throughout the State. The MPA is not aware of any other instance where a gas pipeline easement is identified through the application of a specific zone.

The rezoning of gas pipelines, if it is to be contemplated, is not considered by the MPA to be something that should be undertaken on a piecemeal basis, which any rezoning proposed in this PSP would do. If the application of a specific zone for gas pipeline easements was to occur then it is the MPA's view that this should be led by the Major Hazards Facility Advisory Committee who

can identify an appropriate planning tool, noting that the pipeline is typically not the primary use of the land.

In relation to the second of the points, the MPA submitted that the pipeline land has been included within the UGZ since the precinct was brought into the Urban Growth Boundary. The GAIC is a broad hectare infrastructure tax payable on UGZ land, and the MPA generally does not seek to reduce the area that is subject to GAIC based on the development potential of the land.

Council did not object to gas transmission easements being rezoned in the same manner as electricity transmission easements as they serve essentially the same role.

(ii) Discussion

The Special Use Zone Schedule 10 that will apply to the electricity easement is not obviously appropriate for the gas easement, given the submissions that have been made to the Panel, and a new schedule would need to be developed and agreed.

In any case, electricity transmission with its significant above-ground infrastructure presents a markedly different urban condition to the underground pipes of gas transmission.

The pipelines are contained within, and protected by, easements granted in favour of APA. Under the terms of those easements, APA has the ability to strictly control activities occurring within the easement. This private property control exists independently to, and in addition to, any control that may be imposed by the planning scheme.

Planning Practice Note 3 Applying the Special Use Zone, June 2015 makes it clear that it is inappropriate to use the SUZ when the adjoining zone can give effect to the desired objectives and requirements for the site.

(iii) Conclusion

The Panel concludes:

There is no strategic reason to apply a Special Use Zone to the gas easement.

3.8.2 Control of development near the pipeline

(i) Evidence and submissions

APA is obliged under the *Pipelines Act 2005* (Vic) to, among other things, manage its pipeline operations to minimise, as far as is reasonably practicable, hazards and risks to the safety of the public and the environment arising from the pipeline operation. The risks of a pipeline extend either side of the pipe to a distance called the 'measurement length' – which is a confusing term given that it measures a width.⁵

Mr Tuft gave evidence that:

Failures of high pressure gas pipelines are extremely rare, particularly in Australia. In fact there has never been a death or serious injury to a member

⁵ Measurement length is a term defined by AS 2885.1. It is the distance from the pipeline at which the radiation intensity from an ignited full-bore rupture is 4.7 kW/m². An unprotected person exposed to this radiation level for a short period (around a minute) is likely to be hospitalised for a long time with severe burns.

of the public in Australia as a result of failure of a transmission pipeline. Nevertheless the consequences of a worst-case failure are potentially devastating if it occurs in a populated area where multiple fatalities may be possible. Notable examples overseas are 24 deaths and 150 serious injuries at Ghislenghien (Belgium) in 2004 and eight deaths at San Bruno (California) in 2010.

Australian Standard, AS 2885 considers the safety of pipelines to be paramount and pipeline companies in general are deeply concerned to maintain the highest levels of safety. APA bears the sole responsibility under the provisions of the relevant for the safety of the pipeline.⁶ This responsibility cannot be delegated to another person or body.⁷

Mt Tuft concluded:

- The Wollert PSP should maximise separation of all population concentrations from the pipeline, particularly land uses that would be classed as High Density or Sensitive.*
- Future developments that would create High Density or Sensitive location class should not be permitted; i.e. preschools, residential health care facilities, etc should be prohibited within the measurement length.*
- The pipeline Licensee should be notified of development applications within the measurement length so that they have the opportunity to make a submission on the implications for pipeline safety and the consequences of pipeline failure.*
- Activities that pose the most significant threats should be prohibited near the pipelines (e.g. horizontal directional drilling, rippers, etc, as recommended by the safety management study). Consideration should be given to making the exclusion zone somewhat wider than the easement, and all horizontal drilling towards pipelines should be prohibited unless special arrangements are made with the pipeline Licensee.*
- The restrictions recommended above should be explicitly linked to pipeline safety so that future revision of planning rules is less likely to dilute them.*

APA contends that, pursuant to these obligations, it should be entitled to have input into planning controls for areas that contain its pipelines. The Consortium accepted this general proposition.

Specifically, the PSP has been substantially modified so as to exclude certain land uses from areas that fall within the 'measurement lengths' around the pipelines. The restrictions imposed on land uses within the 'measurement lengths' are significant, and have come at substantial private cost to landowners (by way of development restrictions) and the broader community.

The Consortium submitted:

AS2885 does not require increased risk arising from changes in land use around a pipeline to be mitigated at the cost of everyone else other than the relevant pipeline operator.

⁶ See: AS2885.0, at 1.3(b).

⁷ Conceded by Mr Tuft during cross-examination, and not challenged by APA.

On the contrary, clause 4.7.4 of the AS2885.1 directs that, where there changes to land use planning or land use along the route of existing pipelines to permit Residential, High Density, Industrial or Sensitive development⁸ in areas where those uses were currently prohibited, then the pipeline Licensee must:

- Undertake an SMS designed to assess any risk of the proposed changes; and*
- Consider a number of alternative solutions to appropriately address that risk.*

One possible alternative to address risk is 'Modification of land use (to separate the people from the pipeline)'. This alternative costs APA nothing. However, other alternatives (or a combination of alternatives) must also be considered, and their cost/benefit analysed; including:⁹

- MAOP reduction (to a level where rupture is non-credible)*
- pipe replacement (with no rupture pipe)*
- pipeline relocation (to a location where the consequence is eliminated)*
- implementing physical and procedural protection measures that are effective in controlling threats capable of causing the rupture of the pipeline.*

The standard does not require risk to be eliminated entirely. Rather, all that is necessary is that it be demonstrated that risks are either low or negligible, or if greater than this that they have been reduced 'as low as reasonably' (ALARP).

The Panel notes that AS2885.1 at 1.5.3 defines ALARP to mean the cost of further reduction measures is grossly disproportionate to the benefit gained from the resulting reduced risk.

The Consortium contended that:

There is no need to introduce a further permit trigger into the UGZ5 to require certain uses to obtain a permit if located within the measurement distance.

In particular, there is no need for a new permit trigger for dwellings, including medium density dwellings. The SMS has identified that such uses can be accommodated within the measurement length without compromising its obligation to safely operate the pipeline; and

If APA is to be given notice of any permit applications within the measurement length, then:

- Notice should be restricted to those uses properly regarded as "Sensitive" within the terms of the definition in the relevant standard (such as schools, hospitals, aged care facilities and prisons); and*
- There is no need for notice to be given for applications for dwellings, whether individual or at a higher density; and*

⁸ These terms are defined terms in AS2885.1 in Part 4.3.

⁹ See clause 4.7.4.

- *APA should have the right to be heard and consulted, but should not be given any greater status and certainty not the status of a “determining referral authority”.*

There is no increase in risk to the community from this approach. APA will continue to be bound by its obligation to ensure that the pipeline can operate safely. If, over time, land use changes within the vicinity of the pipeline are assessed as requiring a further response, then APA can act accordingly, and take steps necessary to protect the pipeline and mitigate risk. If this involves some cost to APA, this is hardly unfair. On the contrary, it is precisely what the Standard contemplates.

The submission by ESV supports the above analysis. While the ESV expresses a concern that the impacts of development adjacent to high pressure gas pipelines should be taken into account in planning decision making processes – that is exactly what has occurred here. The PSP has been modified. The risk has been assessed, and found to be reduced as low as is reasonably practicable.

Council pointed out that the Safety Management Study (SMS) which was organised by APA (as is its responsibility) led to changes to the PSP.

Council submitted to go further in the manner that is suggested by APA is not appropriate. In particular, Council did not agree that it is appropriate for a private company with commercial interests to have far reaching determining authority powers:

If they are concerned that the Responsible Authority will not give appropriate weight to comments lodged as a notice authority in the planning process, there are arbitration processes (through the Tribunal) to challenge such a decision.

(ii) Discussion

The Panel certainly rejects the overstated and incorrect submission of APA that nobody had addressed the issue of the planning implications of the pipeline. It is important to note that the whole layout of the PSP has been adjusted to keep land uses that concentrate people away from the pipelines. The Panel understands that this did not introduce any major inefficiencies into the urban structure and on this basis it is a prudent approach.

The exhibited version of the UGZ schedule as well as the revised version both included a suite of provisions dealing with the issues as did the PSP in the various maps.

APA has, in conjunction with Council and others, carried out a Safety Management Study of the PSP as currently proposed. The SMS concluded that, thanks to the substantial modifications that were made, the pipeline could continue to operate safely in accordance with AS2885. This conclusion was based on an analysis that classified most of the land within the length of the pipelines as ‘Residential’, under the definition in the standards.

In other words, the SMS concluded that APA could continue to discharge its personal obligation to operate the pipelines safely in a context where land within the measurement length would be used for ‘community living’, where “multiple dwellings exist in proximity to

each other” and where there may also be *“isolated higher density areas”* and *“suburban parks”* and *“small strip shopping centres”*.

The Panel agrees with the Consortium’s summary that:

- AS2885.1-2010, at section 4.7.4, sets out a requirement that a Safety Management Study be prepared when land use adjacent to a pipeline is changed, and to demonstrate that the risk from a loss of containment is ‘as low as reasonably practical’ (ALARP) and that the cost of further risk reduction measures is grossly disproportionate to the benefit gained from the reduced risk that would result.
- The pipeline licensee has undertaken a SMS in response to the Wollert PSP.
- The SMS concludes that the two pipelines which run through the precinct “will continue to be in compliance with the SMS requirements of AS2885.1-2010 in the area located within the “revised” Wollert Precinct Structure Plan.” That is – that the risk is ‘as low as reasonably practical’.

The notion that controls should further restrict development in the measurement length of the pipeline on the basis of an unquantifiable risk is not prudent. Urban environments present a number of obvious risks; the risk of death or injury from a motor vehicle accident being obvious and uncontroversial. More controversial are the possible health risks from some patterns of development, or the health opportunities forgone from reduced access to open space.

Designing an area to avoid some sort of unforeseen risk from a pipeline failure runs the risk of introducing other unforeseen risks from changed pedestrian and traffic patterns or access to open space. The catastrophic nature of a gas pipe explosion has to be seen in the context of such an explosion happening in the first place. The failure of the pipe, if it ever were to occur, would be akin to a building falling down. Proper management of construction activities near the pipeline and a proper inspection regime should guard against these eventualities.

APA is free to adopt an approach to safety that goes beyond that which is required by the relevant Australian standard; APA can do whatever it likes to further protect the pipeline from risks (even unforeseeable risks) if it so chooses. The Panel agrees, however, it has no right to ask for others, or the community, to do so.

The Panel does not agree with contentions made in submissions that seem to invite consideration that APA is a private company. The Panel is not sure how an approach to this issue would change if the pipelines were run by a public entity in place of a private company. The fact that the pipelines are managed by a private company is the direct result of State government action – gas pipelines used to be publicly managed in Victoria but were privatised. APA acting like a private company is presumably what was intended or expected from the privatisation process.

(iii) Conclusion

The Panel concludes:

The safety issues associated with the gas pipeline have been properly dealt with in the urban structure.

3.8.3 Detailed drafting

(i) What is the Issue

There were a range of submissions on the appropriate wording in the UGZ around pipeline issues.

(ii) Discussion

In closing, Council submitted the key things to ensure in relation to the pipeline are that:

- A permit trigger exists for the sensitive type uses. In this regard, additional triggers in the UGZ are unnecessary because the permit trigger already exists in the provisions of the applied zones.
- The Scheme should be clear that APA should be notified of an application for one of those sensitive uses. Currently, Clause 2.13 is expressed as referring an application to APA. The requirement should be expressed as being a requirement to give notice under Clause 52(1)(c) because of the broad third party exemption set out in the UGZ.
- Every permit which is within the Pipeline Protection Area should be subject of a condition which requires a Construction Management Plan (CMP) under Clause 4.14 of the UGZ Schedule. We note the recent advice from APA for the CMP requirement to operate up to 55 metres either side of the Easement. This seems reasonable.

The MPA agreed that it was appropriate to delete 'Specific provision – Referral of applications – Gas Pipeline Transmission Easement' in the UGZ5 and submitted that with regard to development within the measurement length for the APA pipeline, the following wording is proposed in the UGZ Schedule:

5.0 Notice to gas transmission pipeline owner and operator

Notice must be given to the person or body listed in the Schedule to Clause 66.06 of an application on land shown within:

- *708 metres of the Pakenham to Wollert (T61-750mm) pipeline with Pipeline Licence PL141 (i.e. the east-west pipeline); or*
- *377 metres of the Wollert to Keon Park (T74-600mm) pipeline with Pipeline Licence PL101 (i.e. the north-south pipeline),*

and shown as gas transmission pipeline on Plan 11 – Utilities in the incorporated Wollert Precinct Structure Plan for Accommodation (other than a dwelling on a lot or a Dependent person's unit), Dwelling where density will equal or exceed 30 dwellings per net developable hectare, a Child care centre, an Education centre, a Place of Assembly, Retail premises, a Cinema based entertainment facility, Hospital or Aged Care Facility.

The Panel supports this approach.

The MPA submitted all of the relevant sensitive uses are listed as Section 2 – Permit required uses within the applied zone (General Residential Zone), with the exception of Aged Care Facility which is a Section 1 Use. The MPA submitted that Section 2.4 of UGZ5 – Specific Provisions – Use of land should be amendment to include Aged Care Facility as follows:

Aged Care Facility for land within: 708 metres of the Pakenham to Wollert pipeline or 377 metres of the Wollert to Keon Park pipeline – A permit is required to use the land for an aged care facility.

The MPA also provided detailed submissions on the wording of referrals at Clause 66.06.

(iii) Recommendations

The Panel recommends:

Change the Urban Growth Zone Schedule 5 to include a new clause setting out notice requirements for sensitive uses within the measurement length of the pipelines, and make accompanying changes to Clause 66.06.

Change Clause 2.4 of the Urban Growth Zone Schedule 5 to require a permit for Aged Care centre in the within the measurement length of the pipelines.

3.9 Land valuation

(i) What is the issue

Land will be valued using the Public Land Equalisation Methodology (PLEM) that applies a broad hectare value to land required for public purposes up to the average public land requirement in a PSP, and then a higher post-development rate for anything over that amount. The blending of these figures provides for a higher per hectare value for parcels that contribute a greater percentage to public land in a precinct.

Concerns were raised about the PLEM.

(ii) Evidence and submissions

Council requested fixing the land value at \$800,000 per hectare, indexed to the Consumer Price Index over time.

The Consortium was concerned that the PLEM method used should be adjusted to either apply a site-specific valuation for land that is required for public purposes or increase the site-specific broad hectare rate to take into account various charges (including, for example, GAIC and DCPs) and taking into account the transition from undeveloped land to developed land **OR** apply an agreed flat per hectare land value to de-risk the process and ensure an equitable outcome is achieved.

The MPA did not support the use of site-specific estimates of value in DCPs. As noted by the Panel for Wyndham Amendment C177 (Wyndham North DCP):

... the Panel is concerned that the site specific valuation approach may significantly increase land values in the DCP and negatively impact affordability. The Panel accepts the point made by the MPA that no approach is perfect and meets the aspirations of all stakeholders" (p 208).

The MPA did not support increasing the broad hectare rate to take into account various charges as this does not appear to be an accepted valuation methodology as outlined by Urbis in previous expert evidence supplied to Panel as part of Wyndham C177. The MPA does not support an agreed flat rate per hectare as the method to determine this rate is not transparent, is not based on an independent report prepared by a licensed valuer and is potentially unfair to landowners not involved in the negotiations.

The MPA submitted the Wyndham C177 Panel report went on to urge:

... the MPA to develop and adopt a standard approach and to make that approach known. Input from a broader range of industry stakeholders than were involved in this Hearing would be a necessary part of developing a standard approach (p 209).

Following the Wyndham C177 Panel report the MPA established a roundtable group in April 2014 to discuss the issue in detail and to arrive at a workable solution. Members of the roundtable group included representatives from the Urban Development Institute of Australia (UDIA), Property Council of Australia (PCA), Casey Council, Whittlesea Council and the MPA with independent expert advice from Urban Enterprise, Urbis and legal advice as well as consultation with the Victorian Valuer General's office. The PLEM methodology was the outcome of these roundtable discussions and after receiving general support from the industry has been implemented in subsequent DCPs by the MPA as the consistent approach going forward. The MPA continues to support the PLEM methodology as the method that is the most equitable and achieves a reasonable balance between compensating landowners fairly for land needed for public purposes and limiting the negative impacts on affordability.

In closing, Council submitted:

42. In its opening submissions Council indicated a preference for the fixing of land values in the PSP area. While there are logistical issues associated with that, we think that the MPA should encourage landowners to consider such a mechanism in preference to the PLEM as proposed.

(iii) Discussion

The MPA has responded to earlier concerns on land valuation in a careful and systematic way. It has consulted with relevant stakeholders and adopted a preferred approach as suggested.

There is benefit in a consistent approach to issues across PSPs.

(iv) Conclusion

The Panel concludes:

The application of the Public Land Equalisation Methodology is appropriate.

4 Detailed and resolved issues

A number of detailed issues requiring comment have been identified by the Panel as follows:

- The land budget
- Dry stone heritage walls
- Higher density housing
- Growth scenario for Major Town Centre
- Location of school on Shine land
- Open space design issues
- Offset for Local Conservation Area 7
- Shape of local conservation areas
- Zoning approach to local conservation areas
- Kangaroo management issues
- Craigieburn Road/Andrews Road intersection
- Road cross-sections
- Vearings Road
- Drainage issues
- Undevelopable land adjacent to drainage reserves
- Contaminated land
- Servicing
- Staging.

4.1 Land budget

Concerns were raised over the detail in the PSP land budget, in particular the assumed percentage of land required for local roads.

The Consortium submitted that the Summary Land Budget (Section 2.3 of the PSP) should be updated to use at least a 30 per cent assumption for local roads. The 20 per cent figure was considered too low for an urban context. They stated that a 30 per cent assumption would produce a more accurate yield scenario for the PSP.

Council submitted that based on a recent audit of some of the key sites developing in the growth areas a 30 per cent allocation for local roads for would be an accurate depiction.

In relation to the local road percentage, the MPA advised that it *“supports an increase to 25 per cent”* (Part A Submission, Appendix 1). Its position was further amended in its Part B submission to the Panel (Hearing Document 11) in which it advised the MPA supports *“the local roads figure of 30 per cent”*.

Based on the consensus position reached among the MPA, Council and the Consortium the Panel accepts that it is appropriate to modify the Land Budget to increase the percentage of land required for local road provision to 30 per cent.

The Panel recommends:

In the Precinct Structure Plan change Table 1 to apply a 30 per cent assumption for local road provision.

4.2 Dry stone heritage walls

The PSP includes requirements that:

- R16: Dry stone walls identified as prioritised for retention on Plan 4 must be retained as part of any future development, unless agreed by the Responsible Authority.*
- R17: Where dry stone wall removal is proposed, land owners/applicants must consult with Council to determine the most suitable relocation and reconstruction opportunity for the removed wall and appropriate arrangements for relocation and reuse of removed stones where reconstruction is not possible.*
- R19: Where dry stone wall removal is proposed, land owners/applicants must consult with Council to determine the most suitable relocation and reconstruction opportunity for the removed wall and appropriate arrangements for relocation and reuse of removed stones where reconstruction is not possible.*

Concerns were raised over specific walls and the nature of these requirements.

Wollert JV Nominee was unclear why the dry stone wall running along and through its land is significant. It sought clarification as to how its retention should be incorporated in an urban design sense.

Evolve submitted that Requirements 16 and 19 should be moved from a Requirement to a Guideline to provide more flexibility and detailed assessment during the detailed permit application and having regard to other influencing factors such as the proposed movement network, open space and knolls which collectively influence a subdivision design.

The MPA advised that it:

... supports revision of Requirement 16 to provide greater direction on where dry stone walls should be prioritised for retention, i.e. locations where natural and heritage features overlap.

The MPA advised it did not support changing the requirements to guidelines noting that Requirement 16 provides flexibility by inclusion of the words 'unless otherwise agreed to by the Responsible Authority'.

The MPA undertook to review, with Council, which sections of drystone wall are nominated as 'priority for retention' on Plan 4, ensuring that those identified in PSP road cross-sections, and in the conservation and open space network are identified for priority retention:

However, subdivision layouts should in the first instance attempt to retain drystone walls which are in fair to good condition. It should not be assumed that support will be given for removal of drystone walls that are not identified as being priority for retention. It is noted that the requirement is to the satisfaction of the Responsible Authority, providing Council with discretion to allow for the removal of dry stone walls.

It is understood some sections of wall identified for retention are not in suitable condition for retention. Requirement 16 should be reworded to ensure that there is flexibility to consider the condition of the wall.

The Panel recommends:

In the Precinct Structure Plan change Requirement 16 to read:

- **Dry stone walls identified as prioritised for retention on Plan 4 must be retained as part of any future development, unless agreed by the Responsible Authority after consideration of overall design response and following receipt of advice from a suitably qualified professional regarding the condition of the wall.**

4.3 Higher density housing

4.3.1 Depiction of higher density housing areas

(i) What is the issue

Plan 5 of the PSP identifies medium density housing areas within 400 metres of town centres and presents a table (Table 3 of the PSP) on estimated housing yield and distribution that sets out minimum average dwelling densities.

The PSP includes a requirement:

R24: Subdivision of land within a 400 metre walkable catchment of town centres or designated public transport routes must create a range of lot sizes suitable for medium or high density housing types listed in Table 4 and in accordance with guidance provided in Table 5.

Single dwelling covenants must not be pursued in these locations.

Table 4 in the PSP sets out housing type by lot size and Table 5 in the PSP sets out a 'housing delivery guide' on suitable housing types for different areas.

A number of concerns were raised in relation to this approach.

(ii) Evidence and submissions

The Consortium expressed a preference for a density target approach with flexibility to work through the approvals process to deliver the overall target on a property-by-property (or group of properties) basis. In this way it considered the requirements and guidelines of the PSP could be applied within particular landholdings without the constraint of the 400-metre walkable catchment boundary as a requirement.

In summary the Consortium's submission was that density targets should be performance based, that is, to encourage higher densities within 400 metres of an activity centre but medium density should be allowed if considered appropriate beyond this location. The Consortium did not support a plan in the PSP which nominates preferred density allowances. It believed this could be interpreted presumptively by a statutory planner.

The MPA advised:

MPA considers that plan-based approach is appropriate for the Wollert PSP, however rather than identifying medium density residential in the legend of

Plan 5, a 400 metre walkable catchment will be identified as preferred areas for higher residential density. The PSP provides guidance for preferred density, however flexibility is provided for throughout the requirements and guidelines. Density targets will also be reviewed.

Council submitted that a choice did not have to be made between a purely a concentric approach or a scattered approach:

There has been much conjecture in recent times about what an appropriate density target is in a growth area context and how that density should be achieved.

The Precinct Structure Planning Guidelines call for 15 dwellings per net developable hectare while there has been some discussion recently through the Plan Melbourne Refresh process about pursuing 25. Council notes that the recently exhibited Donnybrook-Woodstock PSP proposed the latter.

Having regard to the above factors and Council's own desire for a gradual step change in this area, it proposes the following:

- *400 metre town centre walkable catchments to have densities of 30 dwelling per hectare*
- *balance residential as 17 dwellings per net developable hectare*
- *adoption of 30 per cent of local roads figure (applicable to calculations for average lot sizes based on these densities).*

Council notes that the above gets the overall density of the precinct to around the 20 dwellings per net developable hectare overall.

Council notes that its analysis and recommendations are 100 per cent of net developable area after when local and connector roads are removed from the land budget as shown in the PSP.

Bruce and Colleen Batten queried whether consideration would be given to the *Plan Melbourne Discussion Paper* which proposes a minimum dwelling density in the urban growth and precinct structure plan areas of 25 dwellings per hectare.

Bruce and Colleen Batten were concerned about the requirement in Clause 3.1 of the proposed UGZ5 for a housing diversity plan that identifies the size and proposed housing type with reference to Table 3 and Table 4 of the PSP.

The MPA advised:

This wording has been amended to read: "A plan identifying how the proposed subdivision will provide for a diversity of housing as intended by Tables 3, 4 and 5 and Plan 5 of the Wollert Precinct Structure Plan". The intent of the clause remains, as this is considered necessary in assisting Council in determining whether an application will achieve the objectives of the PSP.

Michael Shine requested that Residential Land Zoning on 65 Bodycoats Road be specified as 'medium-high density' to greater respond to the opportunities of the nearby open space, waterways and educational facilities.

The MPA initially advised:

Plan 5 in the PSP identifies areas within 400 metres of town centres as suitable for medium or high density housing. An area along the southern boundary of the property is located within the 400-metre walkable catchment of the Major Town Centre. Additionally, a range of subdivision options can be explored at the planning permit application stage and may include a range of lot sizes.

The remainder of residential land on the allotment is proposed to be zoned as General Residential Zone. The GRZ does not unreasonably restrict the development of medium density housing, and a range of subdivision options can be explored at the planning permit application stage and may include a range of lot sizes. This will be supported by the presence of nearby features such as open space, waterways and educational facilities.

Council agreed with the MPA's position.

(iii) Discussion

The Panel agrees with the MPA's position, including the notion of a 400-metre walkable catchment, strengthened by Council's response on matters about achieving suitable density in the precinct and its wish for a gradual step change in this area.

The Panel accepts Council's analysis of some key sites that are currently developing growth areas, namely, that densities generally range between 13 and 17 dwellings per net developable hectare for large master planned estates, while smaller sites near planned activity centres range between approximately 30 and 50 dwellings per net developable hectare.

The development industry appears to have a preference against a concentric circle of walkable catchment around town centres approach. Instead they appear to favour an approach where they achieve a target dwelling number through a 'salt and pepper approach' that litters denser housing lots throughout.

The Panel agrees with Council that it need not be one or the other exclusively. The Panel supports the approach in the Amendment where the walkable catchment of town centres has the Residential Growth Zone as the applied zone to encourage a greater density overall in these locations without necessarily indicating that it all has to be 'medium density'.

The Panel notes the MPA's response to the UGZ5 Clause 3.1 Residential development requirements, to change the requirement to:

A plan identifying how the proposed subdivision will provide for a diversity of housing as intended by Tables 3, 4 and 5 and Plan 5 of the Wollert Precinct Structure Plan"

The Panel accepts Council will have a leading role in managing housing density outcomes, mainly at the permit application stage.

(iv) Recommendations

The Panel recommends:

In the Precinct Structure Plan change Plan 5 to indicate the 400 metre walkable catchments as preferred areas for higher density.

Change the relevant dot point of Clause 3.1 of the Urban Growth Zone Schedule 5 to read:

- **A plan identifying how the proposed subdivision will provide for a diversity of housing as intended by Tables 3, 4 and 5 and Plan 5 of the *Wollert Precinct Structure Plan*.**

In the Precinct Structure Plan change Table 4 to specify:

- **A standard density of 17 dwellings per net developable hectare**
- **A medium density of 30 dwelling per net developable hectare.**

Adopt a figure of 30 per cent of land area for local roads when calculating average lot sizes based on these densities.

4.3.2 Rear access to narrow lots

Requirement R112 states:

Vehicle access to a lot that is 7.6 metres or less in width must be via rear laneway, provided that service locations comply with the requirements of the GAA Engineering Design and Construction Manual, and City of Whittlesea Guidelines for Urban Development.

Wollert JV Nominee submitted that Requirement R112 should be a guideline to provide flexibility and allow for product evolution, especially in the higher density precinct.

The Consortium considered the requirement should be deleted because it was too restrictive and did not provide for flexibility to respond to new housing product. It said there were currently a number of front-loaded (single car garage) products available on the market on lots less than 7.6 metre which would not comply with this requirement.

The Consortium submitted it was not the role of the PSP to restrict housing outcomes. It sought the deletion of R112 or it changed to a guideline.

Neither the MPA nor Council supported this change because this requirement prevents vehicle crossovers and garages dominating in areas with small frontages and preserves opportunities for tree planting.

The Panel agrees with the MPA and Council on the desirability of preventing vehicle crossovers and garages dominating areas with small frontages.

The Panel concludes:

The MPA's changes and responses are appropriate and no further changes are needed.

4.3.3 Higher density housing layout

(i) What is the issue

Concerns were expressed about Clause 3.1 in UGZ5 that requires an “*indicative layout of land identified as future medium and high density and/or integrated housing*”.

(ii) Evidence and submissions

Bruce and Colleen Batten were concerned about aspects (underlined) of the following requirement in Clause 3.1 of the proposed Schedule 5 to the UGZ (UGZ5):

Indicative lot layouts for land identified as future medium and high density and /or integrated housing, that is located adjacent to a waterway which details the following to the satisfaction of the Responsible Authority or Melbourne Water:

- *Location of conservation areas*
- *Potential dwelling yield*
- *Indicative floor plans*
- *Safe and effective internal vehicle and pedestrian circulation*
- *Proposed means and location for waste collection*
- *Servicing arrangements*
- *Landscaping treatments*
- *Active interface treatment with adjacent streets, open spaces and waterways*

The Consortium considered the requirement for an indicative layout of land identified as future medium and high density or integrated housing to be premature at the subdivision application stage and sought to understand the basis for this requirement which it considered inflexible.

The MPA said that it is an indicative plan only to show that the development outcomes are achievable.

The MPA advised:

This clause has been amended to read:

Indicative lot layouts for land identified as future medium and high density and/or integrated housing which details the following to the satisfaction of the responsible authority:

- *Location of conservation areas.*
- *Indicative dwelling yield.*
- *Indicative building envelopes.*
- *Safe and effective vehicle ingress and egress.*
- *Proposed means and location for waste collection.*
- *Servicing arrangements.*
- *Landscaping treatments.*
- *Show how the site will be able to facilitate active interfaces to adjacent streets, open spaces and waterways.*

Where land identified as future medium and high density and/or integrated housing is located adjacent to a waterway, the above must be to the satisfaction of the responsible authority and Melbourne Water.

As above, this clause is considered necessary in assisting Council in determining whether subdivided allotments for medium and high density housing will have the potential to achieve workable and desirable outcomes in the future.

Council agreed with the MPA submitting that it was entirely reasonable to consider the merits of likely land uses and development outcomes on land being subdivided. Council added that medium density sites are commonly proposed initially as super lots and developed later. It submitted: if the Responsible Authority cannot satisfy itself that super lots are logical and in keeping with the PSP and the rest of the Planning Scheme, how could it satisfy itself the subdivision is generally in accordance with the PSP and, more broadly, the orderly development of the area?

The Panel agrees with Council's assessments. Without an indicative layout it would not be clear that acceptable outcomes can be achieved.

The MPA submitted that, on the last point (Melbourne Water requirements) in UGZ5 Clause 3.1:

On the last point, except where the proposed lots are less than 300 square metres, no permit is required for the construction of a dwelling. If the site is of the size and dimensions to suitably accommodate multiple dwellings in the future, this is a matter for separate consideration and assessment at that time and the provision of Clause 3.1 should be rewritten to reference those matters applicable for the construction of medium density housing as opposed to residential subdivision.

The requirement applies to subdivision applications which contain superlots identified for future medium and high density and / or integrated housing. The clause has been re-written as above.

The Panel understands there were no other submissions or responses on these matters and has no concerns with the MPA's position and changes it has already made to Clause 3.1 in the proposed UGZ5.

(iii) Conclusion

The Panel concludes:

The MPA's changes and responses are appropriate and no further changes are needed.

4.4 Growth scenario for Major Town Centre

Lend Lease was concerned that the Wollert PSP should be amended to adopt the medium growth development scenario for its town centres so as not to prejudice the development of the Aurora North Town Centre.

The MPA advised:

MPA does not support this submission. The Wollert major town centre was designated in the growth corridor plan whereas there is no MTC designation in Aurora in the growth corridor plan. The highest and best land use at the Wollert major town centre needs to be protected, noting flexibility to rezone part of the town centre should the high population growth scenario not eventuate.

The submission by Lend Lease presented at the Hearing (Document 41) noted that ‘the growth scenarios adopted for the Wollert PSP town centres’ was a matter on which agreement has now been reached.

The Panel notes that the Growth Corridor Plan designates Wollert as the location for a Major Town Centre. The Panel is satisfied that the growth projections in the Wollert PSP are appropriate and that the retail hierarchy is responsive to the projections.

The Panel concludes:

The growth scenario adopted in the Wollert PSP that has informed the planning of the Wollert Town Centre hierarchy is appropriate.

4.5 Location of school on Shine land

(i) What is the issue

Submitters sought relocation of the school site shown on their land.

(ii) Evidence and submissions

Michael Shine requested that consideration be given to reducing the size of the school site shown on 65 Bodycoats Road in line with requirements for government schools with any reduction in size of school being replaced with Residential.

It was submitted that the 12.22 hectares allocated for the government school significantly exceeds any existing private or government school in the City of Whittlesea or surrounding municipalities. The school would adjoin a large sports recreational reserve with facilities provided in the sports reserve; given the school would have access to these facilities, consideration should be given to size of the proposed school site.

The MPA advised the size of the school reflects the requirements of the Department of Education for a Preparatory to Year 12 school, which requires more land than either a primary or secondary school.

The land required for the school had been reduced in size from 12.22 hectares (approximately 30 acres) to 11.92 (approximately 29.5 acres) in line with the department's requirement for a site of 11.9 hectares. Additionally, the land required for the waterway has been reduced by creating a more regular size site for the school. While the co-location with the sports reserve does create some efficiency in terms of land use, this is reflected in the land area required by the department.

(iii) Discussion

Land that is identified for a school site is ultimately purchased from the owner. It is accepted that this is often towards the later stages of the development of an area, and so

any financial windfall that accrues to owners of land in growth areas is delayed. It is also accepted that for active developers having land identified for public purposes can impose an opportunity cost as the developer is unable to develop part of their land portfolio.

The land acquisition and compensation procedures are set out in legislation and an unpinning principle is that people whose land is acquired receive market value on the basis of what the land would be worth if not required for a public purpose. The Panel accepts that there is an issue with when this compensation might flow.

The Panel notes the decision of *Skerdero Pty Ltd v Cardinia SC* [2014] VCAT 1334, a case involving an appeal against a decision to refuse the subdivision of land identified in a PSP because it was a proposed site for a primary school. The landowner in that case sought a determination that the land was required for a public purpose in order to trigger an entitlement to compensation. The Tribunal rejected the application for review on the basis that the most that can be said is that they are designated and thus planned for that purpose and that they may ultimately be required for such purposes.

The Tribunal concluded that, in accordance with Clause 37.07-10, a planning permit for the subdivision cannot be granted. It cannot refuse the application on the basis that the proposed lots are too big or too small or that the land is or will be required for a public purpose.

Clearly, having a school site on your land can delay financial benefit, and for active developers impose additional costs as land must be held with no prospect of an immediate return on investment.

These concerns cannot be addressed in a sensible fashion by simply reducing the size of the school sites on some sites, or agitating a relocation of the school to another location.

(iv) Conclusion

The Panel concludes:

The depiction of the school site on the Shine land is appropriate.

4.6 Open space design issues

What are the issues

Table 8 of the PSP presents a, 'open space delivery guide' that sets out the classification, location and other attributes, and the managing authority for open space areas.

Submissions sought:

- A new park to address potential visual and noise impacts on residents to the south of Lehmanns Road from proposed light industrial development on the north side of Lehmanns Road.
- The proposed park on the Clune land.
- A different description for two local parks (LP-24 and LP-25) affected by the proposed relocation of Andrews Road intersection with Craigieburn Road.
- Development of open space.
- Use of Conservation Areas as passive open space.

4.6.1 North side of Lehmanns Road

Peter and Anna Sallis are currently building a house in Alma Road in the Eucalypt Estate on the southern side of Lehmann's Road outside the Wollert PSP area. They requested parkland directly across from the residential area covering their house and their neighbours' houses to improve the visual and acoustic amenity if the proposed light industrial area on the north side of Lehmanns Road is to remain.

The MPA advised that direct frontage to an arterial road is desirable for the viability of the light industrial area. It considered that the upgrades to the road with sufficient room for canopy tree planting combined with on-site landscaping will provide sufficient visual amenity for residents opposite.

The Panel agrees that the proposed 41-metre wide reservation and the cross-section for Lehmanns Road east of Epping Road (SC01a in the PSP) provides sufficient room for the planting the MPA broadly described in its advice to address the visual and any noise impacts on residents to the south.

4.6.2 The Clune land

Colin and Pamela Clune objected to the rezoning of their land to 'local park', arguing that a local park would be better situated within residential regions close to residents who have very small backyards. They submitted that their property would be more appropriately zoned residential, office park or light industrial.

The MPA supported this submission and advised:

This will be amended to be consistent with surrounding applied zoning (C2Z).

Council submitted that the surrounding zone was in fact Industrial 1.

The Panel recommends:

In the Precinct Structure Plan change the open space designation on the Boundary Road land adjacent to the employment area to be consistent with the surrounding zoning.

4.6.3 LP-24 and LP-25

Greencor sought changes to the wording for local parks LP-24 and LP-25 in Table 8 of the PSP to describe the alternative park design to reflect the proposed relocation of Andrews Road intersection with Craigieburn Road (IN-02 in the PSP).

The MPA advised:

The intersection alignment has not yet been finalised and the provision of passive open space will need to be generally in accordance with the PSP, so no change will be made to the PSP.

The Panel deals with the intersection alignment matters in Section 4.12.

Council agreed with the MPA's response and submitted that the PSP offers the flexibility for the Responsible Authority to consider the matter under the 'general accordance' principle.

The Panel believes there is no need to change the words in the PSP for LP-24 and LP-25 – the two local parks on either side of Andrews Road, namely:

Located adjacent to Craigieburn Road prioritised to retain existing trees. Park will serve as a gateway into residential catchment to the north

The words adequately describe the intent of the local parks, provide flexibility for consideration under the 'general accordance' principle and, until the layout and other details Andrews Road/Craigieburn Road intersection are finalised, any changes would be premature.

The Panel agrees with the MPA's response, and considers these are matters for resolution during detailed design, noting Council is designated the lead agency.

4.6.4 Development of open space

Friends of Merri Creek were concerned that all parkland or open space containing indigenous vegetation and /or natural features such as rocky areas should be managed to enhance the natural values. They were concerned that the requirement for 'clearing of rubbish and weeds, levelled, topsoiled and grassed with warm climate grass' is inappropriate and potentially damaging if there is indigenous vegetation in the park or reserve, or if natural rock formations are present. They submitted that the stony knoll area within SR-04 should be explicitly exempted from the requirement (R136) for removal of loose surface or protruding rocks.

The MPA advised:

R135 and R137 require finishing works to be completed to a standard that satisfies the Responsible Authority, which gives Council the flexibility to amend these requirements. In relation to the stony rise in SR-04, this is to be retained within a local conservation area which is in Council ownership.

Greencor sought to shift the requirement for a Park Master Plan (R71) to a guideline. The requirement states:

R71 Where a park shown on Plan 6 spans multiple properties, the first development proponent to lodge a permit application must undertake a master plan for the entire park unless otherwise agreed by the Responsible Authority.

Council has advised that it intends to preserve SR-04.

The Panel agrees that Appendix 4.5 Local Parks Treatment provides sufficient flexibility to deal with these issues. The Panel sees merit in developing a master plan for parks early in their development so that surrounding development can properly integrate with the open space.

4.6.5 Use of Conservation Areas as passive open space

Wollert JV Nominees submitted that there should be an opportunity to co-locate passive open space into conservation areas.

The Panel agrees that Conservation areas are identified for conservation purposes and this is not consistent with their use as open space.

4.7 Offset for Local Conservation Reserve 7

The need to provide for offsets for trees retained in local conservation reserves was raised.

DELWP has agreed that offsets are not required for vegetation retained in conservation reserves except for local conservation reserve LCR07 (Plan 7 in PSP). This area is surrounded by active open space.

Council submitted:

In relation to LC07, we note that Mr Cicero supported treating the stony rise as Active Open Space, If that is accepted by the MPA and the Panel, all that remains is to consider what value to apply to that land for the purposes of the adjustment that will be necessary to the DCP. The land is undevelopable and encumbered and on that basis any value ascribed to the land would need to reflect this limitation upon it.

The Panel supports the approach of recognising LCR07 as part of the wider active open space area in which it is situated. It is not clear to the Panel that it could be reasonably designated for any other use given that it is surrounded by active open space.

The Panel recommends:

In the Precinct Structure Plan treat Local Conservation Reserve LCR07 as active open space.

4.8 Shape of local conservation areas

The size and configuration of a number of local conservation areas are under review.

The MPA advised:

The local conservation reserves have been located to protect areas where multiple values overlap, for example biodiversity, arboricultural, landscape, historic and cultural heritage as well as to connect with the broader open space and biodiversity conservation network. DELWP and Council are currently reviewing local conservation areas as they relate to the BCS guidance note.

The current form of LCR04 creates a land-locked parcel in the southeast corner of the property that is not contiguous with any other land controlled by Evolve. Evolve requested the LCR04 boundary be reviewed to establish a local road link through the conservation reserve to give access to this site. It is hoped that the design review that Evolve is undertaking to identify a suitable connection can be used to assist in finalising the RCZ zone boundary.

The MPA initially advised:

A road through LCR04 is not supported as it is inconsistent with the purpose of the local conservation reserve. Noting that it is considered unlikely that this parcel will develop in the medium term, it is suggested that Evolve liaise with adjoining landholders to secure access opportunities.

It is the Panel's understanding that negotiations have taken place adjusting the layout of a number of local conservation areas, and agreements reached.

The Panel does not see the need to revisit these agreements. Panels have made recommendations on the size of local conservation areas in other matters, and panels can have a role in recommending changes, but in order to recommend such a change a panel needs to be presented with expert evidence related to the conservation areas. In this instance the Panel has not been presented with evidence that disputes the size of the conservation areas.

It will occasionally be the case that the owners in growth areas will need to wait until adjoining parcels are developed before they can develop their own land. The long-term success of a conservation area should not be compromised for the short-term issues of staging. The Evolve land will remain developable, but Evolve will need to liaise with adjoining landholders to secure access opportunities.

The Panel concludes:

It is appropriate to revise the size of the local conservation areas in accordance with agreements.

Local Conservation values should not be compromised where a cooperative development approach could preserve those values.

4.9 Zoning approach to conservation areas

Friends of Merri Creek submitted that the Rural Conservation Zone (RCZ) should not be used in its current form and a new Conservation Zone should be developed that is fit for purpose. Friends of Merri Creek's secondary preference would be to zone each conservation area Public Park and Recreation Zone (PPRZ).

The MPA advised it was reviewing its approach to the statutory planning controls applying to BCS Conservation Areas. The final approach is still being finalised however, if it does change, is likely to be similar to that adopted for the English Street PSP – a schedule to the RCZ with an Incorporated Plan Overlay (IPO) and Environmental Significance Overlay (ESO). The RCZ schedule will reflect the values according to the BCS. This PSP was approved in February 2016.

The controls will implement the Commonwealth *Environment Protection and Biodiversity Conservation Act* 1999, potentially through a combination of Schedule 5 to the IPO, a new RCZ schedule and an ESO which will replace the existing ESOs. The MPA consider that these controls will provide adequate protection of the environmental values.

The Consortium was concerned that the need for an arboriculture assessment and flora and fauna assessment – IPO4, Section 2.1 – within the local conservation reserves requires clarification, particularly given the identification of these areas by Council and the MPA were undertaken during PSP preparation. The purpose of these reports is not known.

The MPA advised this is required to appropriately assess the impacts of any proposals within the local conservation reserves.

This is an issue where drafting is subject to review, and there is no clear alternative before the Panel to the exhibited controls. There is merit in a consistent approach to these issues

and the Panel supports changes that would create a more consistent set of controls among different PSPs.

The Panel accepts the need for an arboriculture assessment and flora and fauna assessment to assess the impacts of any proposals within the local conservation reserves.

The Panel recommends:

Review the controls applying to conservation reserves to mirror the approach in recently adopted Precinct Structure Plans, as appropriate.

4.10 Kangaroo management issues

Clause 3.4 of the proposed UGZ Schedule 5 requires a Kangaroo Management Plan as part of an application to subdivide land. Issues were raised in relation to the need for a plan, what such plans should address, and who should pay for their implementation.

Bruce and Colleen Batten wanted Clause 3.4 removed from the UGZ Schedule 5. They said a management regime should be led by Council as the approach proposed in the PSP will give rise to individual developers shifting the problem onto adjoining land on the premise of timing for each application.

The Consortium queried the need for a Kangaroo Management Plan, particularly as a requirement for a subdivision application. If a plan was required, it was submitted it should be required as a condition of permit not as part of the application.

The MPA advised these conditions have been negotiated with DELWP and is an agreed approach in growth areas.

Wildlife Victoria was concerned that a whole-of-government response is needed (State, Councils and Police) with a two-pronged approach. It submitted that, firstly, it was important to develop a response to the current situation and then an ongoing management plan to deal with the proposed escalation in development. Wildlife Victoria submitted that kangaroo management plans are ineffective as individual developers cannot be responsible for kangaroos. It said what is needed is an overarching plan looking at a larger geographical area where kangaroos can roam.

The MPA considered this to be outside of the scope of the PSP.

Wildlife Victoria also submitted that the costs of macropod call outs should be borne through the DCP process in conjunction with the relevant Council.

The MPA was unable to support this position as the DCP is only able to include infrastructure costs associated with the proposed development and cannot include ongoing costs such as this.

Kangaroo management is a vexed issue in growth areas, with a range of views on what is appropriate, especially as to the extent that the kangaroos should be killed.

The Panel accepts that the appropriate kangaroo management measures should be considered at the application stage, but that planning does not have a role in determining what measure should be adopted or funding those measures.

The Panel concludes:

Appropriate kangaroo management measures should be considered at the planning permit application stage.

4.11 Pedestrian crossing frequency and path lighting

(i) What are the issues

The PSP includes a requirement that:

R98: In addition to the crossing locations shown on Plan 8, development proponents must provide formal pedestrian crossings of creeks and minor waterways (to a standard that satisfies the requirements of Melbourne Water) at regular intervals of no greater than 400 metres where this level of connectivity is not already satisfied by the street network.

Requirement R134 of the PSP states that subdivision of land within the precinct must provide and meet the total cost of delivering, among other things:

- *Appropriately scaled lighting along all streets, major shared and pedestrian paths, in town centres and traversing public open space.*

Concerns were raised whether the proposed spacing of 400 metres for formal pedestrian crossings is too frequent and whether continuous lighting along shared paths is necessary.

(ii) Evidence and submissions

The Consortium was concerned the frequency of formal pedestrian crossings should be reduced from 400-metre intervals to 800-metre intervals which still would provide an adequate level of pedestrian connectivity. The Consortium submitted that, rather than the design standards of the formal pedestrian crossings replicating major crossings, they should reflect the expected use of these crossings.

The MPA advised that the 400 metre proposed accords with MPA and Melbourne Water standards.

The Consortium submitted it did not support the new requirement (R134) for lighting along shared paths.

The MPA did not support this submission, and Council agreed with the MPA's position, adding it had undertaken a review of the distance between crossing points along waterways in its growth areas. It confirmed that 400 metres or less has been adopted almost universally.

(iii) Discussion

The Panel notes Clause 11.04-4 of the SPPF 'Liveable communities and neighbourhoods' has the objective:

- *To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.*

Clause 18.02-1 'Sustainable personal transport' has the objective and matching strategies:

To promote the use of sustainable personal transport.

- *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
- *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
- *Ensure development provides opportunities to create more sustainable transport options such as walking, cycling and public transport.*
- *Ensure cycling routes and infrastructure are constructed early in new developments.*

The Panel strongly supports the notion that pedestrian connectivity is an important factor in promoting active neighbourhoods. And, personal safety is paramount.

The Panel recognises a development such as the one contemplated in the Wollert PSP will contain predominantly low-speed traffic movements. However, that does not diminish the importance of ensuring safe pedestrian infrastructure and facilities. At a spacing of 400 metres, which also matches public transport proximity aspirations and is the adopted maximum in other growth areas, the desired crossings interval arguably could be seen as a maximum.

The Panel believes continuous lighting of shared paths is highly desirable from a personal safety perspective.

(iv) Conclusion

The Panel concludes:

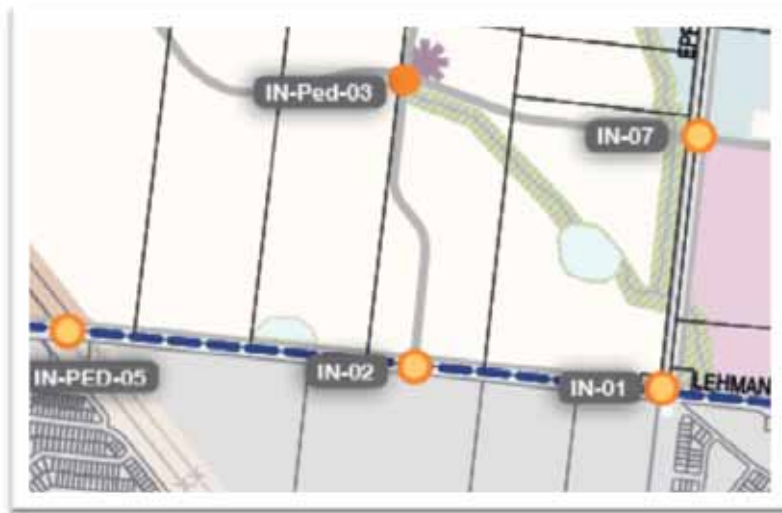
Pedestrian connectivity is an important factor in promoting active neighbourhoods and the proposed pedestrian crossing requirement is appropriate.

Continuous lighting of shared paths is highly desirable from a personal safety perspective.

4.12 Craigieburn Road/Andrews Road intersection

Greencor was concerned the proposed signalised Andrews Road/Craigieburn Road intersection (IN-02 in the DCP) – see Figure 7 – did not align with the approved intersection layout for development south of Craigieburn Road.

SFA Land Developments Pty Ltd, the owner of the land at 75 Craigieburn Road, in a late submission, was concerned about the timing of both interim and final works at the intersections along Craigieburn Road. SFA understood there were potential issues around funding for the works, in part arising from approved DCPs to the south and a new DCP proposed to the north of Craigieburn Road.

Figure 7: Extract from DCP Plan 4 – Intersection Projects in DCP

Greencor submitted the proposed intersection should move further to the east, impacting on red gum retention and the design of the local park in the south of the site. Greencor sought to show in the Structure Plan:

- A modified intersection/connector road location and redesigned park to reflect the approved intersection location, and either:
 - removing boulevard connector roads and replacing with standard connector roads; or
 - introducing a provision that allows greater flexibility in the design of boulevard connector roads to the satisfaction of the Responsible Authority, where site-specific influences necessitate greater flexibility.

SFA advised that its approved DCP for land south of Craigieburn Road in this location requires the construction of Andrews Road/Craigieburn Road intersection as a T-intersection, Type C and incorporates this as a DCP item. SFA said it will shortly seek approval of a development plan and apply for a planning permit, making it likely that this development will proceed before any development to the north.

SFA understood there have been submissions on the legality or appropriateness of funding from the DCP, proposed in Amendment C187 to be paid to developers south of Craigieburn Road, namely land not covered by the PSP and DCP in Amendment C187, and advised:

- This may not affect it at all because its development is likely to proceed first and its responsibility is (and should be) to deliver the Type C intersection, including as contemplated under the DCPO 10.
- As a matter of principle, however, it sees no legal reason why, if one of those developers from the south developed second (that is, after the development of an intersection to serve the north), and were required to upgrade the relevant intersection, why part of the cost of that could not be paid from the DCP presently contemplated in Amendment C187.

The MPA advised that Council and the submitter are currently in discussion regarding the realignment of Andrews Road as part of the subdivision design and changes to Andrews Drive alignment will enable two-sided development.

At the Hearing the MPA added (see Document 71):

The intersection alignment has not yet been finalised and the position of passive open space will need to be generally in accordance with the PSP, so no change will be made to the PSP.

Council's response agreed with the MPA response, adding:

Council considers that the PSP offers the flexibility for the Responsible Authority to consider this matter under the 'general accordance' principle.

The Panel considers the Greencor matter has been resolved in principle with Council (and VicRoads as necessary) to finalise the Craigieburn Road/Andrews Road intersection alignment and related details in consultation with other affected parties.

The Panel agrees Council has flexibility to consider this matter under the 'general accordance' principle and there is no to change the PSP.

4.13 Road cross-sections

What are the issues

Several submitters were concerned that some road cross-sections in the PSP were too wide.

4.13.1 The MPA position and Panel considerations

The MPA initially advised it did not support the submissions in relation to cross-sections, except for Summerhill Road, adding:

Cross sections are based on long term traffic volumes and the role within the broader, strategic network that needs to ensure connectivity for pedestrians, cyclists and vehicles in the long term.

Wollert JV Nominee was concerned that many cross-sections were too wide, as were some of the individual elements. The submission suggested there was unnecessary duplication of pathways and requested reduced cross-sections. The relevant cross-sections shown on Plan 9 in the PSP were:

- CS01a Craigieburn/Lehmanns (41 metres)
- CS02e Boundary Road (34 metres)
- CS03a Standard Connector (25 metres)
- CS03b Boulevard Connector (29 metres)
- CS03c MTC North–South Main Street (20 metres)
- CS03d MTC East-West Main Street (25 metres)
- CS03e MTC PT Interchange (28 metres)
- CS05b PT Corridor Interface (20 metres).

The Consortium was concerned about several proposed cross-sections and elements.

The Panel recognises one of the key objectives of the Wollert PSP is to deliver a quality urban environment for Wollert in accordance with Government guidelines, as it has at similar developments in Melbourne's growth areas.

The Panel supports the MPA's position, largely with Council support, on maintaining the cross-sections shown in the PSP, except for Summerhill Road and Boundary Road, based on

forecast long-term traffic volumes and to ensure connectivity for pedestrians, cyclists and vehicles in the long term.

The Panel supports some other changes in the PSP to reflect there is potential for flexibility and minor adjustments in some cross-sections which would not compromise or detract from the PSP's intent. The Panel deals with these in the following sections.

4.13.2 Nature Strip abutting Open Space and Waterway Corridors

Submissions queried the requirement for a 2.7 metre nature strip abutting open space and waterway corridors (See Figure 2 in PSP), adding that Council historically has permitted a one-metre landscape strip alongside open space. The submission suggested there should be flexibility to reduce the landscape width adjacent to open space and waterway corridors to a minimum of one metre.

The MPA initially advised did not support this submission; it considered a 2.7 metre nature strip is appropriate to allow of adequate canopy planting along roads.

At the Hearing, the MPA added that it considered a reduction to one metre would be too narrow to achieve adequate canopy tree planting within the nature strip. It did, however, support a reduction from 2.7 to 2.5 metres which would maintain the ability to plan canopy trees and suitably activate the interface to open space and waterway corridors as required by Requirements 21 and 23 of the PSP.

Council's position was that a 2.7 metre nature strip should remain in Figure 2 in the PSP as a starting point but with an added note indicating there is potential to reduce the width if not needed for tree planting and/or provision of services.

The Panel believes a reduction to 2.5 metres would be appropriate, accompanied by a suitable note on Figure 2 of the PSP which Council suggested.

The Panel recommends:

In the Precinct Structure Plan change Figure 2 *Residential interface to open space and waterway corridors* by:

- **reducing the Nature Strip to 2.5 metres**
- **adding a note indicating there is potential to reduce the width if not needed for tree planting and/or provision of services.**

4.13.3 Koukoura Drive Cross-section

The Consortium was concerned because Koukoura Drive (an Arterial Road CS02a in Plan 9 of the PSP) exists only as a reservation and is not constructed and its future delivery should use as much as the reservation as possible and limit land taken on adjoining allotments. The Consortium did not support the need for an additional 7 metres between the linear reserve/shared path link and the carriageway and suggested it should be removed or reduced.

In his expert evidence, Mr Hunt summarised his expectations for the sequence of staged construction of Koukoura Drive for Evolve Development's proposals and in conjunction with future stages of the Aurora Estate south of Craigieburn Road. He noted the scheduling envisaged the early construction of four intersections along Craigieburn Road East, and construction of Koukoura Drive north of Craigieburn Road East, forming the backbone for

development of the area progressively from the south – a strategy he said accords closely with the development aspirations of each land interest in the Consortium.

Mr Hunt understood that the DCP included the 34-metre road reserve and provision of the first carriageway, with the provision of the second carriageway by others.

On the matter of width the MPA initially advised it did not support the full reduction because VicRoads has clear zone requirements from the dry stone walls.

Council supported a reduction in the 7-metre clear zone subject to written confirmation from VicRoads that the dry stone wall can be retained. Council considered VicRoads clear zone requirements overall were excessive.

The Panel supports Council's position subject to VicRoads' written confirmation to a reduction to the 7-metre clear zone to the dry stone wall.

The Panel recommends:

Subject to VicRoads' approval reduce the 7-metre clear zone to the Koukoura Drive dry stone wall.

4.13.4 Boundary Road

The Consortium was concerned that the traffic volumes predicted for Boundary Road (CS02e in Plan 9 of the PSP) do not warrant the proposed cross-section design. The Consortium sought a combined authorities' review of the cross-section and standards given the road's role in improving the urban form and scale in the context of adjoining development and the Major Town Centre.

The MPA initially advised:

*Cross section of Boundary Road is being reviewed by the MPA and Council.
VicRoads have indicated that they do not have an interest in Boundary Road
from a strategic perspective.*

Council confirmed Boundary Road has not been nominated to become a VicRoads declared road in the future. Council proposed an alternative, it said superior, cross-section for Boundary Road between Epping Road and Andrews Road (as presented at Tab 7 in Hearing Document 18). Council's concept was for a narrower total width (29 metre compared with the exhibited 34 metre) with only one through traffic lane in each direction compared with two in the exhibited PSP.

Mr Hunt gave evidence in support of Council's proposed narrower cross-section for Boundary Road east of Koukoura Drive. He reviewed the concept which effectively downgrades the road to a Boulevard Connector by providing:

- a single traffic lane and a parking lane separated by a 4-metre median within a 29-metre reservation between Koukoura Drive and Andrew Road
- a single traffic lane in either direction (without a parking lane) separated by a 6-metre median within a 29-metre reservation between Andrew Road and Epping Road.

Mr Hunt, in his evidence, said that building the road and intersections to VicRoads' arterial standards would be excessive. He provided details on matters such as likely impacts of a narrower cross-section on traffic volumes and intersection designs, bus operations and

emergency services access. His opinion was that the narrower cross-section between Koukoura Drive and Andrew Road through the Town Centre was effectively the standard cross-section for a Boulevard Connector recommended by the MPA. Mr Hunt's view was that it would be the appropriate cross-section to accommodate projected volumes and traffic function, including operation as a bus route.

Mr Hunt concluded:

Boundary Road is expected to ultimately act as an east-west connector road with the function of the road reinforced by limited connectivity to the west. The downgrading of Boundary Road from a four lane arterial road to a Boulevard Connector Road east of Koukoura Drive is considered appropriate and consistent with projected ultimate traffic volumes and management of the route through the Town Centre.

The Consortium understood that Council and the MPA had agreed with it that the narrower Boundary Road cross-section was accepted and remained a DCP item. The Consortium added that the affected intersections would need to be redesigned to accommodate the revised cross-section.

At the Hearing the MPA added it was not able to support Council's amended cross-sections without further information on the impact of the proposed concepts and without VicRoads and Public Transport Victoria approval.

The Panel notes VicRoads has no interest in Boundary Road. Council's alternative cross-section may have merit. The cross-section would be appropriate given Boundary Road's function in the PSP area and would have no operational disadvantages according to Mr Hunt's evidence. It seems to have the MPA's conditional support.

The Panel supports further consideration of Council's alternative cross-section in consultation with, mainly, Public Transport Victoria.

The Panel recommends:

In the Precinct Structure Plan change the Boundary Road cross-section to match Council's concept within a reduced 29-metre reserve in consultation with, mainly, Public Transport Victoria.

4.13.5 Summerhill Road

The Consortium was concerned about the proposed upgrade of the existing Summerhill Road reservation (east of Andrews Road) (CS02d in Plan 9 of the PSP) and its intersection with Epping Road (IN-32 in the DCP), particularly given the relatively low traffic volumes the northern end of the PSP area will experience, and the future alignment and role of Summerhill Road.

The Consortium:

- Submitted, from a review of the cross-section in the PSP and description in Table 3 of the DCP, it was unclear whether this road is to be a future declared arterial road and, if so, what portion of the cross-section is to be delivered by development.
- Interpreted that development would fund the construction of the full cross-section, which it did not support.

- Sought a combined authorities' review of the exhibited position for Summerhill Road in terms of standard or road and intersection design and construction.

In his expert evidence, Mr Hunt summarised his expectations for the sequence of staged construction and role of Summerhill Road in association with Villawood Development and the rest of the PSP area. He gave his opinion about the future function of Summerhill Road:

It is apparent that Summerhill Road, forming the northern boundary of the Wollert PSP area and with limited connection available to the east and west will provide a very limited role in the transport network of the Wollert PSP.

Modelling of ultimate volumes suggest that Summerhill Road, forming part of a future 'one mile grid' may assume an arterial function in the regional context, depending on future decisions in relation to connectivity to the west across the Hume Freeway and connection to the east to the future OMR / E6.

It is considered that the concept in the DCP of requiring construction of the existing carriageway to urban standard is appropriate and the option to widen the road reserve in the future to allow potential upgrading to a four lane divided arterial is prudent in a regional; sense.

It is noted that similar widening reservations have been provided on east west arterial roads within the Northern Growth Corridor by widening to the north, including Craigieburn Road on the southern boundary of the Wollert PSP, Harvest Home Road and O'Herns Road to the south and Donnybrook Road to the north.

In my opinion, the inclusion of road widening for Summerhill Road, if required, should be designated on the north side of the existing road reserve, which in this case is within the Green Wedge Zone. Relocation of the widening to the north is not only consistent with previous strategies adopted for east west roads, but allows for maximisation of development within the Urban Growth Zone, while still preserving the option of regional connections to be provided in the future.

Mr Hunt described the Consortium's understanding of what the DCP provides for Summerhill Road:

The DCP provides for the provision of land for the widening of the road reserve along the existing alignment between Koukoura Drive and Bodycoats Road by widening the existing reservation to the south, and reconstruction of the existing carriageway to a two lane road to urban standard, and upgrading of Bodycoats Road/Summerhill Road to Epping Road (along the existing alignment).

He stressed that the funding responsibility for the creation of the proposed realignment of the road east of Bodycoats Road or the ultimate duplication of Summerhill Road was unclear. His evidence was:

- The DCP should provide for construction of a single carriageway between Koukoura Drive and Bodycoats Road.
- Consideration should be given to widening into the Green Wedge Zone to the north along the existing alignment between Koukoura Drive and Bodycoats Road for

future duplication instead of providing land for the widening of the road reserve by widening the existing reservation to the south.

The Consortium submitted:

- It would be prudent to provide for a dual carriageway for Summerhill Road's regional function but, because of its regional function, the cost of acquiring land for the dual carriageway road should not be included as a DCP item.
- Summerhill Road should be constructed to the reduced standard as set out in Mr Hunt's expert evidence, and DCP costings amended accordingly.

The MPA's response included:

Upgrades to existing Summerhill Road are required in the interim as the ultimate Summerhill Road alignment related to the E6 is not expected to come on line until the E6 is delivered. Summerhill Road will be used to access the precinct and upgrades are required for safety.

Summerhill Road will be a future declared arterial road. The DCP funds land take for ultimate duplication, and construction of the first carriageway (the existing rural standard is unsuitable for the urbanised area). Table 3 describes the construction element of R4 as "design and replacement of existing carriageway with new carriageway (interim)."

MPA would consider alternative cross sections proposed by the submitter. Note: the exhibited cross section will be reviewed as 22kv and 66KV power poles are currently incorrectly labelled (it's the other way around), meaning the cross section doesn't comply with VicRoads standards. Note Summerhill Road interim intersections are now all unsignalised.

Council agreed Summerhill Road appeared to be substantially over-designed with respect to its relationship to the precinct, however, it did not present a specific change for consideration. Council added:

The E6 roadway forms part of the Outer Metropolitan Ring Road and its corridor is preserved within the plan as are three potential interchange locations at the Craigieburn/Lehmanns Road, Boundary/Bridge Inn Road and Summerhill Roads. The implementation, timing and staging of the E6 roadway is a VicRoads responsibility. It has been formally on the cards however since VicRoads applied the Public Acquisition Overlay – Schedule 6 in 2010 as part of VC68.

Council further submitted:

A redesign and re-costing of the road and intersections will need to occur to inform revised DCP costs. However, we consider that it is very likely that the road the entire network will continue to operate effectively under the proposal given the extent of additional capacity built into the Craigieburn Road and Summerhill Road cross sections.

Other 2 lane divided boulevard connector roads proposed in the precinct with similar cross sectional functional elements have been nominated as future bus routes with the support of Public Transport Victoria.

Emergency services requirements can be managed via the use of rollover kerbs generally. In the case of the employment component of the cross section service lanes provide an alternative which in the town centre section parking lanes are provided.

VicRoads have previously indicated that they have no strategic interest in the road and that it will be a Council road in perpetuity.

Council agreed with the MPA's position, namely:

- Upgrades of both Epping and Summerhill Roads and the Epping Road/Summerhill Road intersection are required for safety reasons in the interim.
- Summerhill Road is likely to experience increasing use over time and it is imperative there is a means to ensure it is safe and functional given the timeline for acquisition and delivery of the proposed VicRoads alignment is likely to be delayed significantly (linked to the delivery of the E6).

The Panel supports the proposed interim upgrades of Epping and Summerhill Roads and the Epping Road/Summerhill Road intersection for safety reasons. While recognising the ultimate Summerhill Road treatments are many years into the future and linked to the E6 delivery timeframe, the Panel believes it would be prudent to preserve the longer-term aspirations without compromising the road's ability to safely operate as intended. There was no disagreement among parties about the expected long-term regional function of Summerhill Road.

The Panel notes the MPA's position, with Council support, to consider alternative cross-sections for Summerhill Road. This would include adjustments to respond to the actual location of the 66 kV electricity line and reducing the impact on land to the south as in the Consortium submissions.

A key outstanding matter before the Panel was whether the likely ultimate widening of Summerhill Road between Koukoura Drive and Bodycoats Road should be to the south or north side of the existing roadway. The Panel notes VicRoads has said it has no strategic interest in Summerhill Road. The Panel believes, because the Green Wedge and other land to the north is outside the PSP boundary, it cannot recommend future widening and application of a PAO along the north side. Either the MPA must support making provision for such improvements to the south within the PSP land or favour widening to the north and leave it to Council to decide. On balance, the Panel has some sympathy for the Consortium submissions, with Mr Hunt's expert opinion, about designating widening to the north within the potential 1,200-hectare Grassy Woodland Reserve because it would be:

- consistent with previous strategies adopted for east-west roads
- allow for maximisation of development within the Urban Growth Zone.

But equally, ultimate widening to the south, if Council considers Green Wedge land to the north would be sacrosanct, would be acceptable.

The Panel believes Council should make the decision in its review of the cross-section with the MPA and any consequent updating of the PSP.

The Panel recommends:

Consider alternative cross-sections for Summerhill Road, including reducing the impact on land to the south and update the Precinct Structure Plan if required.

Decide whether ultimate widening of Summerhill Road between Koukoura Drive and Bodycoats Road should be along the north side within the potential 1,200-hectare Grassy Woodland Reserve and update the Precinct Structure Plan if required.

4.13.6 Construction in interim and by others

The Consortium was concerned the cross-sections were unclear on what is to be constructed by developers in the interim, and which cross-section elements are to be delivered by others – such as VicRoads – in the future. An example was lack of clarity on the interim treatment for Boundary Road and Summerhill Road treatment and the elements developers would build.

The MPA initially advised:

The interim Functional Layout Plans provide an indication of what the costings were prepared on. The Functional Layout Plans will be included in the updated PSP to provide further clarity, however final design will be subject to VicRoads / Responsible Authority approval at the time of permit application.

The Panel accepts the MPA's advice and intentions to further clarify the layouts and costings, but notes they would still be subject to VicRoads' and Council approval at the permit stage.

The Panel recommends:

In the Precinct Structure Plan include Functional Layout Plans to provide clarity, noting that final design will be subject to VicRoads/Responsible Authority approval at the time of permit application.

4.13.7 Future road connections and intersection improvements

The Consortium was concerned that the Victorian Integrated Transport Model (VITM), on which the transport model was based, assumed connections (and associated traffic assignments) that do not currently exist and which are unlikely to be delivered over the life of the PSP. The Consortium gave two examples – the westerly extension of Summerhill Road and northerly extension of Koukoura Drive.

The MPA initially advised:

MPA does not support this submission. The PSP needs to provide for the long term strategic network for when future connections may occur.

Danny Hanna was concerned the land take for Epping Road widening (CS01c in Plan 9 of the PSP) and Epping Road/Craigieburn Road/Lehmanns Road intersection (IN-09 in DCP) was excessive. He said he had engaged traffic engineers to review the matter.

The MPA initially advised:

The ultimate designs are based on traffic modelling, which considers traffic volumes and flow directions. The size of the Epping Road and Craigieburn

Road intersection allows two right-turn lanes, three through lanes and a left-turn slip lane to permit traffic to travel in a safe and timely manner through the road intersection. Design requirements are established by VicRoads and reflected in plans created by the MPA and are unlikely to change without significant strategic justification.

Council's response was:

Council notes that many of the nominated arterial roads in the precinct have been sized according to 'strategic' priorities from VicRoads relying solely on the 2046 modelled vehicle numbers produced to support the PSP however, Council does not specifically object to these for the most part with the exception of Boundary Road and Summerhill Road.

The Panel accepts VicRoads' role and responsibilities in developing and safely managing Victoria's arterial road network for all users. Accordingly, its strategic views and requirements should have primacy.

4.14 Vearings Road

(i) What is the issue

The Boglis Family and ID Land Pty Ltd (Boglis/ID) were concerned that, because of doubt about the future function of Vearings Road north of Craigieburn Road, the southern section of Vearings Road (Local Access CS05a in the PSP) should continue to provide access to their land in both the short and long term.

There was also the matter of a minor easterly diversion of the road to avoid a significant river red gum tree.

(ii) Evidence and submissions

An application was made to upgrade Vearings Road to a sealed road within Conservation Area 31. DELWP assessed the proposal against condition 2 of the Commonwealth's 2013 Part 10 approval, which regulates urban development in the growth corridors under the *Environment Protection and Biodiversity Conservation Act*. To inform the assessment, DELWP used the decision guidelines outlined in Guidance Note.

DELWP's assessment determined a referral to the Commonwealth Minister for the Environment was not required because there will be no net loss of habitat for a matter of national environmental significance.

DELWP agreed to the upgrade of Vearings Road under the Melbourne Strategic Assessment program provided construction occurs:

- within the construction footprint provided as part of the application
- in accordance with an Environmental Management Plan endorsed by DELWP prior to the commencement of works.

Boglis/ID submitted it was important to maintain access from Craigieburn Road in the south along Vearings Road into the residential development on the land and the proposed Wollert South West Local Town Centre until access is made available from the north. Ongoing access would be important, particularly in circumstances where development had not progressed on adjoining sites. The submission stressed access from the north involved roads over which

Boglis/ID had no control and would not build. It was submitted there would be merit in Vearings Road providing a secondary access into the Local Town Centre from the south.

The MPA's initial response was:

Vearings Road will provide access to the subject site in the interim, with alternative access ultimately provided from adjoining sites.

It is not intended that Vearings Road will continue to provide access once alternative access from adjoining sites is provided.

Mr Gnanakone gave evidence about the Boglis/ID short-term proposal as part of the immediate development of their land. He supported an upgrade of the intersection of Vearings Road and Craigieburn Road to provide for all movements through channelised auxiliary right and left-turn lanes into Vearings Road. When duplication of Craigieburn Road occurred, access could revert to left in, left out movements. His view was the retention of access to Craigieburn Road would be appropriate and was suitably located given its separation from Koukoura Drive (700 metres) and the future western north-south road (400 metres) – see Figure 8.

Figure 8: Vearings Road Separation Distances



Source: Figure 14 in Expert Witness Statement 30 November 2015 by Valentine Gnanakone

Mr Gnanakone's evidence included concept plans for the initial auxiliary lane proposal and an ultimate left in and left out only after the upgrading of Craigieburn Road. He added:

I am comfortable with this arrangement and am of the view that it will provide for a safe and efficient outcome for abutting land. Furthermore, the retention of Vearings Road will provide for a greater benefit with improved traffic circulation within the area as it will provide an alternative to local residents thus reducing travel distances.

Mr Gnanakone also reviewed the proposal to realign Vearings Road to avoid the river red gum and was comfortable with the proposed realignment – see Figure 9. The proposal would maintain road design principles with a 7.3-metre carriageway remaining consistent, and appropriate sight distances around the curve provided.

Figure 9: Vearings Road Realignment

Source: Figure 13 in Expert Witness Statement 30 November 2015 by Valentine Gnanakone

The Gazeas raised no concerns about retaining access to Vearings Road from Craigieburn Road in the south in both the short term and the long term.

Rigby Cooke Lawyers reiterated the Gazeas position in its response dated 11 January 2016, including:

Access to the Gazeas land must be maintained

Access to our client's land is currently taken from Vearings Road and, while our client does not oppose a greenway on Vearings Road along its frontage, it is concerned to ensure that access to its land is maintained at all times.

Our client understands that the Villawood plan is a concept plan which is intended to support the development of the town centre over time and that local road and block configuration will be the subject of further assessment at the subdivision stage. Our client's support for a greenway along Vearings Road assumes that the Gazeas land will not be landlocked at any stage and that the development potential of the Gazeas land will not be compromised.

Truncating greenway to ensure ongoing access to Gazeas land

In the Villawood plan, the greenway extends along Vearings Road for the full extent of the frontage of the Gazeas land and beyond.

To avoid compromising access to the Gazeas land, our client suggests the greenway be truncated so that the trafficable part of Vearings Road extends from Craigieburn Road to the southern tip of the Gazeas land. That way, vehicular access will still be available via Vearings Road and the function of the greenway (to provide pedestrian connectivity between the local town centre, the government school to the north-east and the residential development to the east) will still be achieved.

Funding of greenway

Our client is not benefited by the creation of a greenway along its frontage and believes either Villawood or Council should meet the cost of its construction, or a new DCP item should be created.

The Panel discussed these matters and other concerns raised about Vearings Road to the north in section 3.6: South West Local Town Centre location, size and configuration.

Because it is in conservation area CA31 the proposed realignment requires the agreement of the Commonwealth Minister for the Environment. This has been sought.

The MPA supported Mr Gnanakone's expert witness statement that an interim Vearings Road/Craigieburn Road intersection treatment could provide fully directional movements but it would require VicRoads' approval.

After the Hearing Council made a submission about Vearings Road, including the following point about interim access from Craigieburn Road:

Primarily, it is not the role of the PSP or the Panel to decide on interim access arrangements. This is the role of the Responsible Authority, exercised during the assessment of a planning permit application for subdivision. As non-DCP items, these are the responsibility of the developer, and dealt with through application of planning permit conditions.

(iii) Discussion

The Panel recognises the matter of a minor easterly diversion in the Vearings Road alignment to avoid the significant river red gum tree has been satisfactorily resolved among the key parties, mainly the MPA, Council and Boglis/ID. The Panel supports the proposed diversion shown in Figure 9.

The Panel accepts DELWP has agreed to the alignment and sealing proposals for Vearings Road and notes Commonwealth approval is being sought for the proposed Vearings Road realignment to avoid the river red gum.

The Panel supports the Gazeases' submissions about retaining access to the land, including truncation of the proposed greenway, mainly as set out in Rigby Cooke Lawyers' response dated 11 January 2016 – an extract of which the Panel included above.

The Panel notes there was no major disagreement in principle between the MPA (representing 'whole-of-Government') and Council with the proposal to retain access to Vearings Road from Craigieburn Road:

- in the short term (when development starts on the land) to provide for all movements using an interim treatment of auxiliary right- and left-turn lanes
- when Craigieburn Road is upgraded (duplicated) reverting to a treatment with left in, left out movements only.

From its questioning of Mr Gnanakone and the MPA, the Panel understands there would be no visibility constraints or other safety issues based on the concept intersection designs presented at the Hearing.

The Panel notes any short-term and longer-term treatments at the Craigieburn Road/Vearings Road intersection would need VicRoads' approval.

The Panel accepts:

- There are many unknowns around such matters as timing for providing access from the north to the residential development areas – all outside the control of the Boglis Family and ID Land.
- There will be an approval process the developers will need to follow with VicRoads and Council, probably including a planning permit application for subdivision, to resolve details of any interim treatment for the Craigieburn Road/Vearings Road intersection.

(iv) Recommendations

The Panel recommends:

In the Precinct Structure Plan make changes where appropriate to show a minor easterly diversion of Vearings Road (CS05a) around an existing significant Red River Gum tree.

In the Precinct Structure Plan, subject to VicRoads' approval, retain access from Craigieburn Road to Vearings Road with left in, left out movements only, noting the role of VicRoads and Council in resolving any interim design, funding and other details with developers.

4.15 Drainage issues

(i) What is the issue

Issues around the appropriateness, adequacy and timeframe of proposed surface drainage and wetland provisions were raised.

(ii) Evidence and submissions

Villawood was concerned the drainage requirements of Melbourne Water changed just prior to public exhibition of the PSP, with significant implications for properties 2, 3, 4 and 5. Villawood said it would communicate the outcome of discussions with Melbourne Water to Council and the MPA, including any matters agreed or in dispute.

Villawood's submission indicated it was engaging with Melbourne Water to:

- understand the basis for the late change in approach
- access what level of flexibility there may be in the spatial location of the assets
- assess what extent of refinement of the land may be possible.

Villawood assumed the land and construction requirements would be included in the relevant Development Services Scheme (DSS) and, on that basis, would be subject to compensation.

The MPA advised:

Melbourne Water has updated the DSS following exhibition. Submitter to confirm that the updated DSS reflects the outcomes of Villawood's discussion with Melbourne Water.

Evolve was concerned its landholdings are reliant on RBWL12 (shown in Plan 10 in the PSP – *Integrated Water Management*) for drainage. It submitted there was limited development that could be undertaken prior to construction of this wetland. Evolve discussed with

Melbourne Water the possibility of applying a Public Acquisition Overlay over the land for the wetland to give Melbourne Water the certainty and flexibility to provide the land for this wetland as and when required.

Evolve said it had engaged consultants to undertake a review of the proposed drainage requirements.

Evolve sought a change in the PSP to apply the PAO over wetland area RBWL12 giving Melbourne Water the ability to acquire the land for development of the wetlands when required by development.

The MPA advised:

The MPA cannot apply a PAO without approval of the requiring authority and therefore does not support this request.

Merri Creek Management Committee recommended that specific requirements/guidelines be established and incorporated into the PSP to ensure surface and groundwater flows to Conservation Areas are maintained in a pre-development pattern, as specified by the BCS.

The MPA advised:

This is supported in principle. Melbourne Water has advised that the DSS will endeavour to meet any requirements detailed in any subsequent Conservation Management Plans (where feasible), and will enter in discussions with DELWP as to the most appropriate design to complement the Conservation Area.

R120 of the PSP requires that development maintain existing flow regimes at pre-development levels. This is not specific to conservation areas but will be considered as part of an application for subdivision by Council.

Merri Creek Management Committee also recommended waterway corridors be widened beyond Melbourne Water's minimum 45-metre requirement in order to improve amenity and recreational outcomes.

The MPA initially advised:

MPA does not support this proposal. Proposed waterway widths are considered sufficient for their intended purpose and include capacity for a shared trail network. Additionally, the PSP currently provides over 10 per cent of the total precinct as credited open space (i.e. local parks) and more than 40 per cent of the precinct as open space in total (including conservation reserves, easements and drainage assets).

Merri Creek Management Committee further recommended creating a linear area of public open space adjacent to CA32 (shown in PSP Figure 12 Conservation Areas Concept Plan), particularly in the section of the narrow set back from Curly Sedge Creek, in order to provide for public use and amenity and to reduce conflict between public recreation use and conservation.

The MPA advised it did not support this proposal:

The PSP provides for a 20-metre setback along conservation area boundaries in the form of an edge road to offset the built form edge. Opportunities for passive recreation spaces are identified in Figure 12.

Peter Gazeas objected to the inclusion of the drainage asset WL21 (shown in PSP Plan 10 *Integrated Water Management*) because it is not based on detailed design but rather broad assumptions around drainage requirements for the area. He submitted that any small-scale drainage requirements should be dealt with through Melbourne Water and the DSS, as linking the requirements to the PSP only serves to unnecessarily lock in the land required for drainage. He requested that WL21 be removed from the plan or that flexibility be provided within the Amendment to make changes to the net developable area for properties impacted by stormwater quality treatment assets.

The MPA advised:

The PSP has been informed by the Melbourne Water DSS but the exact location and size of assets will be refined at permit stage. It is not proposed to remove WL21.

Council supported the MPA's position.

At the Hearing, an aerial photograph of the Gazeas land was presented suggesting its lowest part – and that most suitable for a drainage reserve – is within the proposed conservation area CA31 (shown in PSP Figure 12 *Conservation Areas Concept Plan*). It was suggested it might merely be a mapping error but, rather than have the potential error entrenched in the PSP, the Panel should recommend putting the drainage reserve in the conservation area subject to supporting detailed design advice.

(iii) Discussion

The Panel understands that Melbourne Water has updated the DSS to address Villawood's concerns.

The Panel accepts the MPA's position on the matters Evolve raised, namely, the MPA cannot apply a PAO without Melbourne Water's approval.

The Panel supports the MPA's responses on the matters Merri Creek Management Committee raised, namely:

- the need to ensure the maintenance of surface and groundwater flows to Conservation Areas in a pre-development pattern as part of detailed design and subdivision considerations.
- the adequacy of the waterway widths and generous open space proposed in the PSP.

On the matters Peter Gazeas raised, the Panel accepts refinements of aspects of the PSP will occur during the detailed design and permit phases, including:

- the exact location and size of assets, such as WL21
- the desirability and practicality of locating the proposed drainage reserve in conservation area CA31 – the Panel understands that the MPA raised no objection to this idea.

(iv) Conclusion

The Panel concludes:

The drainage issues raised are all manageable, mainly during the more detailed phases of the precinct's development, and makes no specific recommendations.

4.16 Servicing

(i) What is the issue

Concerns were raised on whether the PSP should include firm service provision commitments from servicing authorities.

(ii) Evidence and submissions

The Consortium submitted that the PSP needed to provide confirmation and commitment from the key servicing authorities, such as Yarra Valley Water and others, to recognise this PSP area as the next growth front within the Epping corridor. The Consortium believed this designation is consistent with the North Corridor Plan and should have triggered a requirement on the part of Yarra Valley Water and other service providers to plan for service provision without the burden of bringing forward costs to developers. The Consortium requested the MPA and Council to confirm this status and to assist with discussions with Yarra Valley Water to bring forward trunk services such that development can proceed in an orderly way.

The MPA advised:

Plan 11 shows the current alignment of utilities, however it is up to Yarra Valley Water to facilitate the roll out of these services. It is not the role of the PSP process to facilitate this. Bring forward cost is as per advised by the agencies.

Council supported the timely provision of services and infrastructure to emerging development fronts, adding the matter is outside the scope of the Amendment.

(iii) Discussion

The Panel notes the submitters' desire for greater comfort and certainty in delivery of services, which is not unusual for any major land development proposal, but:

- Accepts the MPA undertook to present a whole-of-Government position
- has no concerns with its response on servicing – which Council supports
- recognises the matter is outside the scope of the Amendment.

(iv) Conclusion

The Panel concludes:

The issue of utility service providers' commitments to urban growth in the precinct is beyond the scope of the Amendment.

4.17 Undevelopable land adjacent to drainage reserve

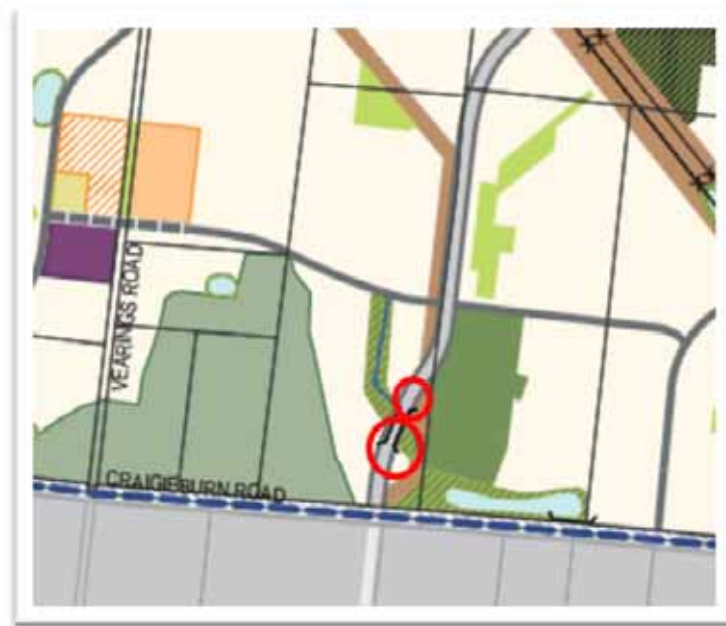
(i) What is the issue

The current design of the PSP creates two small parcels of land owned by Evolve that will be difficult to viably develop due to the proposed access and drainage solutions required for the wider precinct.

(ii) Evidence and submissions

Evolve is concerned that the PSP design creates two small areas of land between the north-south gas easement and the future Koukoura Drive alignment (see Figure 10: Evolve Identified 'Undevelopable Land'). Evolve submitted that the design be reviewed as the two parcels are not large enough to accommodate residential development. Evolve considered that a practical solution would be the use of the land for open space or drainage, which it submits would allow the northeast corner to the Craigieburn Road/Koukoura Drive intersection to be used as a green area into the development, softening the appearance of the intersection and arterial road interface.

Figure 10: Evolve Identified 'Undevelopable Land'



The MPA submitted:

Melbourne Water has advised that the gap to the north will be utilised for a sediment basin. However the gap to the south will be unencumbered. This gap is a result of the road design requirements and the presence of the existing gas transmission easement. The location at the intersection of two arterial roads means this area is inappropriate for passive open space.

In its closing Council advised:

Council supports the use of the land with direct Craigieburn Road abuttal for drainage purposes, request that Melbourne Water revise the DSS accordingly. Council stated that they have no objection to the land being set aside as additional passive open space however, it is not considered that this meets the test of well-located open space that should be shown/credited in the PSP given that it is more of a left over space than a strategically important piece of open space.

(iii) Discussion

The Panel accepts advice provided by the MPA that the 'gap to the north' will be utilised for a sediment basin. The Panel understands that the land identified as the 'gap to the north' is the very small parcel of land located to north/north east of the proposed bridge. The Panel supports use of the land as proposed by Melbourne Water.

In respect of the land on the southeastern side of the bridge, it is not clear that the site has development capacity. The land may not be large enough to accommodate residential development and access may be difficult. The land is not suitable for open space; rather, it is left over as result of the drainage proposal and so should be dealt with as part of that process. The Panel urges the MPA to further discuss the development usability of the land with Evolve in order to determine a transparent and equitable outcome.

(iv) Recommendation

The Panel recommends:

In the Precinct Structure Plan identify the land owned by Evolve Development to the south of the proposed bridge north of Craigieburn Road for drainage purpose and adjust the Development Services Scheme accordingly unless a viable development proposal can identified for the land.

4.18 Habitat links**(i) What is the issue**

Concerns were raised that the PSP does not provide for sufficient continuity for terrestrial fauna movement.

(ii) Evidence and submissions

Friends of Merri Creek expressed concern about the likely lack of continuity in habitat links and referred to Map 11 in the *Merri Creek and Environs Strategy 2009-2014*, which shows Regional Corridors 9, 10 and 11 crossing the Wollert Precinct. Its submissions suggested the proposed conservation areas, local conservation reserves and waterway corridors shown in the PSP would not constitute continuous habitat links.

Friends of Merri Creek further submitted that PSP Objective 025 refers to 'a local conservation reserve network' but a network needs to be connected. It recommended consulting with Merri Creek Management Committee about adjustments to the PSP Future Urban Structure Plan so as to create continuous habitat corridor links across the precinct and adjoining areas, as it is not currently a network (linked).

The MPA advised:

The existing network of credited open space, easements, waterways and conservation areas have been designed to maximise connectivity. The PSP currently provides over 10 per cent of the area in credited open space (that is local parks), which is above the average amount provided across PSPs.

(iii) Discussion

The Panel notes the Friends of Merri Creek's concerns about possible lack of continuity in habitat links.

The Panel recognises more than 10 per cent of the PSP area is credited open space and there is significant continuity. But there is limited, if any connectivity, proposed to the north.

At the Hearing the Panel asked the MPA, if it accepted the concept of wildlife corridors, whether there was potential to improve the links. In particular, the possibility of extending two waterway corridors, namely, from WL01 and WL19 shown in PSP Plan 10 *Integrated Water Management* into the potential Grassy Woodlands Reserve on the north side of Summerhill Road.

The Panel supports the concept of wildlife corridors and the desirability of exploring the extensions of the proposed waterway corridors as habitat links into the potential Grassy Woodlands Reserve on the north side of Summerhill Road.

(iv) Recommendations

The Panel recommends:

Investigate extensions of the proposed waterway corridors as habitat links from WL01 and WL19 shown in Plan 10 of the Precinct Structure Plan into the potential Grassy Woodlands Reserve on the north side of Summerhill Road and update the Precinct Structure Plan if required.

4.19 Contaminated land

(i) What is the issue

Concerns were raised about the timing for any necessary remediation works.

(ii) Evidence and submissions

The Consortium submitted that any remediation works or implementation of recommendations should be deferred to prior to Statement of Compliance or Commencement of Works.

The Consortium considered the requirement 'before a plan of subdivision is certified' as currently drafted in Schedule 5 to the UGZ (UGZ5) to be premature. It believed the wording would generate uncertainty, given UGZ5 nominates two trigger points for the preparation of an Environmental Site Assessment (ESA), namely, 'Prior to Statement of Compliance' and 'Prior to Commencement of Works'.

The Consortium sought a change in wording in Clause 4.13 of UGZ5:

'Prior to Commencement of Works'

The MPA advised:

This is to confirm whether the land is suitable for the proposed use within the subdivision plan. Traditionally this is required earlier in the process as the remediation of contaminated land should be undertaken prior to any development occurring.

The MPA proposed a revised rewording to Clause 4.13 in UGZ5 as shown in its Part A Submission:

Before a plan subdivision is certified under the Subdivision Act 1988 or before the commencement of any buildings or works, as appropriate, the recommendations of the:

- *Phase 2 Environmental Site Assessment; or*
 - *The environmental audit*
- as relevant, must be carried out.*

Council supported the proposed change.

(iii) Discussion

The Panel notes that, for use or development of land for a sensitive purpose, the proposed UGZ5 indicates the Phase 1 ESA has been done and requires detailed site investigations (Phase 2 assessment) of land identified as High Risk and Medium Risk.

The Panel believes the proposed change in wording should allay the Consortium's concerns and deal with any remediation and associated works in a logical and timely way.

(iv) Conclusion

The Panel concludes the MPA's proposed change in wording in UGZ5 would be a satisfactory outcome.

(v) Recommendation

The Panel recommends:

Change the relevant dot point of Clause 4 of the Urban Growth Zone Schedule 5 to read:

- **Before a plan subdivision is certified under the Subdivision Act 1988 or before the commencement of any buildings or works, as appropriate, the recommendations of the:**
 - **Phase 2 Environmental Site Assessment; or**
 - **The environmental audit**
- as relevant, must be carried out.**

4.20 Staging

Concerns were raised whether the PSP Staging Guidelines are strong enough to deliver infrastructure and services at an early date and minimise potential community isolation.

Council requested that the MPA strengthen the Staging Guidelines in the PSP to improve outcomes with respect to community isolation and early provision of infrastructure and services.

The MPA initially Council to specify how staging guidelines should be strengthened.

The matter was not extensively aired at the Hearings, however the Panel supports Council's aspirations.

The Panel concludes that Council's expressed views have merit and should form part of the MPA's thinking in achieving its own and Government's aims for the Wollert PSP development area.

Appendix A Submitters to the Amendment

No.	Submitter
1	Carol Pilatti for Catholic Education Office Melbourne
2	Julie Sim
3	Daniel Fyfe for Hanson Landfill Services Pty Ltd
4	Mathew Sorgi
5	Peter and Anna Sallis
6	Dean Steinberg for Bicycle Network
7	Colin and Pamela Clune
8	Daniel Fyfe for Hanson Construction Materials Pty Ltd
9	Justin Slater of Tract Consultants Pty Ltd on behalf of Golina Pty Ltd
10	David Allen for CFA
11	Christina Tosios
12	Peter Gazeas
13	Sarah Ancell of Echelon Planning on behalf of Lend Lease
14	Daniel Tucci for APA GasNet Australia (Operations) Pty Ltd
15	Chadia Chahoud for SJE Consulting on behalf of Mr Noel Athanasiou, Ms Connie Dupes and family
16	Rachel Butler of Tract Consultants Pty Ltd on behalf of C. Boglis
17	Greg Wood of Tract Consultants on behalf of Greencor
18	Rosie Bennett for Melbourne Water
19	Nick Hooper of Taylors on behalf of Wollert JV Nominee P/L AV Jennings and Australian Super
20	Andrew West of Fratello Consulting Pty Ltd on behalf of Scaffidi Pastoral Pty Ltd
21	Adam Terrill of Tract Consultants Pty Ltd on behalf of Murdesk Pty Ltd
22	Chris De Silva of Mesh on behalf of Villawood Properties
23	Angelo Tartaggia
24	Celia Konstas of Mesh on behalf of Wollert Developer Consortium
25	Celia Konstas of Mesh on behalf of Evolve Development
26	Chris De Silva of Mesh on behalf of Westrock
27	Lawrence Seyers for VicRoads
28	Nick Hooper of Taylors on behalf of Baycrown Pty Ltd
29	Neil McLeod for AusNet Services

30	Danny Hanna
31	Nick Deed for Greencor
32	Luisa Macmillan for Merri Creek Management Committee
33	Ann McGregor for Friends of Merri Creek Inc
34	Karen Mason for Wildlife Victoria
35	Martin Vegt for Public Transport Victoria
36	Aidan O'Neill for City of Whittlesea
37	Alex Parmington for Wurundjeri Tribe Council
38	Michelle Lee for Metropolitan Waste and Resource Recovery Group (MWRRG)
39	Rory O'Connor of Norton Rose Fulbright Australia on behalf of Boglis Family
40	Tricia Gadsden for Department of Environment, Land, Water and Planning Environment
41	Michael Shine
42	Chadia Chahoud of SJE Consulting on behalf of Bruce and Colleen Batten
43	Chadia Chahoud of SJE Consulting on behalf of Bob and Maria Basile
44	Steve Cronin for Energy Safe Victoria
45	Andrew Sherman of Russell Kennedy Lawyers on behalf of SFA Land Developments Pty Ltd

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Metropolitan Planning Authority	Adele Patterson instructed Katherine Smith and Tim Peggie of the MPA
City of Whittlesea	Terry Montebello of Maddocks Lawyers instructed by Aidan O'Neill and Kate Weatherby of the City of Whittlesea calling the following evidence: <ul style="list-style-type: none"> Allan Wyatt of Xurban in landscape and urban design) Aaron Organ of Ecology and Heritage Partners in ecology
Metropolitan Waste and Resource Recovery Group	Michelle Lee
Merri Creek Management Committee	Luisa Macmillan
Friends of Merri Creek	Ann McGregor calling evidence from: <ul style="list-style-type: none"> Dr Nicholas Williams in ecology
Wildlife Victoria	Karen Masson, Phoebe Knowles and Ian Temby
Colin and Pamela Clune	
Mick and Lyn Shine	
Danny Hanna	
Murdesk	Mark Bartley of HWL Ebsworth Lawyers calling evidence from: <ul style="list-style-type: none"> Brett Lane of Brett Lane and Associates in ecology
APA Group	Natalie Bannister of Hall and Wilcox Lawyers calling the following evidence: <ul style="list-style-type: none"> Peter Tuff of Pater Tuff and Associates in pipeline standards and safety
Lend Lease	Sarah Ancell of Echelon Planning
Wollert Developer Consortium – Villawood Properties, Evolve Development, AV Jennings and Greencor	Nick Tweedie SC and Andrew Walker briefed by Best Hooper calling evidence from: <ul style="list-style-type: none"> Robert Galbraith of Galbraith and Associates in arboriculture Stephen Hunt Cardno in traffic

Submitter	Represented by
Villawood Properties, Evolve Development, AV Jennings individual submissions	<p>John Cicero of Best Hooper Lawyers calling evidence from:</p> <ul style="list-style-type: none"> Justin Ganly of Deep End Services in economics for Villawood who was not called.
Scott, John and Peter Gazeas	Matthew Townsend instructed by Megan Schroor of Rigby Cooke Lawyers
AV Jennings	John Cicero of Best Hooper Lawyers
Boglis Family	<p>Jeremy Gobbo QC and Jennifer Trewhella instructed by Norton Rose Fulbright Australia, calling evidence from:</p> <ul style="list-style-type: none"> Valentine Gnanakone of One Mile Grid in traffic and transport Stuart McGurn of Urbis in town planning

Appendix C Framework for Growth Area Development

Growth area planning is guided by a hierarchy of plans prepared by state and local governments at a municipal or precinct level. The hierarchy of plans provide the framework for growth area planning and development and to achieve the objectives of the *State Planning Policy Framework*.

C.1 Designation of the land for urban growth

The Urban Growth Boundary (UGB) designates the long-term limits of urban development.

The UGB first came into effect in 2002 in conjunction with the release of *Melbourne 2030*. This plan established the long-term plan for land within the UGB, including the intention to review the boundary at an appropriate time in the future.

The initiative of *Melbourne at 5 Million* in 2008 and the subsequent *Delivering Melbourne's Newest Sustainable Communities Program Report 2009* facilitated the expansion of the UGB in 2010. It was at this time the Wollert Precinct was brought into the UGB.

C.2 Plan Melbourne

Plan Melbourne: Metropolitan Planning Strategy, an adopted government policy document released by the Victorian Government in May 2014, outlines the provision of necessary infrastructure and support for development proposed by the North Growth Corridor Plan as part of its discussion regarding Melbourne's Northern Subregion.

C.3 Growth Corridor Plans: Managing Melbourne's Growth

Work on Melbourne's Growth Corridor Plans began in 2011, with consultation at the end of the same year. These plans were formally approved by the Minister of Planning in mid-2012.

The *Growth Corridor Plans: Managing Melbourne's Growth* (GCP) are high level integrated land use and transport plans that provide a strategy for the development of Melbourne's growth corridors over the next thirty to forty years.

These plans will guide the delivery of key housing, employment and transport infrastructure and open space in Melbourne's newest metropolitan suburbs.

The GCP identifies:

- the long-term pattern of land use and development
- committed transport networks as well as network options for investigation
- committed regional open space networks as well as investigation sites
- opportunities for creating green corridors.

The GCP informs the development and review of local planning schemes and the preparation of future strategies, structure plans and other planning tools. They also provide a strategic basis for infrastructure and service planning as well as sequencing of land release.

The preparation of PSPs is the primary vehicle for the implementation of the GCP.

The North Growth Corridor Plan covers Melbourne's northern corridor and includes large areas of the cities of Whittlesea and Hume and the shire of Mitchell.

C.4 Melbourne Strategic Assessment and Biodiversity Conservation Strategy

Melbourne's Strategic Assessment

In June 2009, the Victorian and Commonwealth governments agreed to undertake a strategic assessment of the Victorian Government's urban development program *Delivering Melbourne's Newest Sustainable Communities*.

The Melbourne Strategic Assessment (MSA) evaluated the impacts of the Victorian Government's urban development program for Melbourne on matters of national environmental significance (MNES) protected under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). It also establishes conservation measures to mitigate these impacts. The MSA required the Victorian Government to make commitments to the Commonwealth Government in relation to conservation outcomes and measures to protect these MNES, which are outlined in *Delivering Melbourne's Newest Sustainable Communities Program Report 1* (the Program Report).

Biodiversity Conservation Strategy

The MSA included a commitment to prepare the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (BCS), which describes the overarching strategy for the protection of biodiversity within Melbourne's growth corridors.

The BCS was approved by the Commonwealth Minister for the Environment in 2013 and finalises the planning for biodiversity under the Melbourne Strategic Assessment.

The BCS sets out the conservation measures required for Victoria to satisfy the commitments made to the Commonwealth Government under the MSA and meet State requirements for biodiversity under Victorian planning schemes. These conservation measures will be funded using a cost recovery model.

Essentially, the BCS identifies those MNES that must be protected and conserved and those areas that can be removed to enable the urban expansion of Melbourne. With regard to the Wollert Precinct all areas can be developed for urban purposes with the exception of Conservation Areas 31 and 32.

Time Stamping Native Vegetation

The time-stamping project captured and "time-stamped" native vegetation information to establish a native vegetation dataset and maps showing the type, extent and condition of all native vegetation in the growth corridors. This information has been used, along with information on threatened species habitat from the conservation strategies, to calculate habitat compensation obligations and native vegetation offsets for urban development.

The report *Time-stamping native vegetation data – Public Consultation 2010 – 12 Final Report* (May 2013) outlines the growth corridor native vegetation survey, the public consultation process and explains how the data set was finalised.

Habitat Compensation

The habitat compensation scheme provides enables collection of offsets for the removal of native vegetation and loss of habitat for threatened species protected under the EPBC Act on land developed for urban uses within Melbourne's growth corridors.

The introduction of a flat fee for native vegetation removal and loss of habitat for threatened species affected by urban development in Melbourne's growth corridors provides a streamlined and consistent offset framework for landowners to make informed decisions about the costs of development. It also means that landowners can meet their offset obligations with an in-lieu payment and will not be required to undertake assessments or enter into negotiations.

Commonwealth Approval for Urban Development for North Corridor under the MSA

On 5 September 2013 the Commonwealth Minister for the Environment approved all actions associated with urban development in the northern growth corridor as described in the BCS. Importantly this approval was issued subject to conditions. Condition 4 of the approval are pertinent to Conservation Areas 31 and 32, which allows for the boundary of the conservation area to be refined and altered with the approval from the Commonwealth Minister for the Environment.

Appendix D Document list

No.	Date	Description	Presented by
1	29 Sep 15	Landowner Map	Adele Patterson, representing Metropolitan Planning Authority (MPA)
2	7 Dec 15	MPA submission – Part A, November 2015	Lester Townsend, Panel Chair
3	—	Department of Environment, Land, Water & Planning (DELWP) letter dated 27 November 2015 to MPA on <i>Endorsed Boundary Change Proposal for BCS Conservation Area 31</i>	—
4	—	DELWP letter dated 27 November 2015 to MPA on <i>Changes to Criteria for Deeming Native Vegetation Retained</i>	—
5	—	DELWP letter dated 2 December 2015 to MPA on <i>Proposal to Retain Native Vegetation Outside BCS Conservation Areas – Wollert</i>	—
6	—	<i>Wollert DCP, Revised Road Project and Intersection Cost Estimates</i> , 4 December 2015, prepared for Wollert Development Consortium (WDC) by Cardno	—
7	—	Energy Safe Victoria letter dated 16 November 2015 submitting a <i>Background paper on the issue of land development around Licensed Pipelines</i>	—
8	—	<i>Aerial Map Location of existing and proposed gas infrastructure – Wollert</i> handed out at sit inspection 30 November 2015	—
9	—	Map showing reduced noise buffer zone at southeast boundary of APA GasNet site attached to Hall & Wilcox email dated 1 December 2015	—
10	—	Drawing showing Villawood Properties preferred option for area around the South West Local Town Centre	Jeremy Gobbo, QC, for Boglis Family and ID Land Pty Ltd
11	—	MPA submission – Part B, Response to Submissions, December 2015	Ms Patterson
12	—	Attachments to MPA submission Part B, including updated Landowner Map, Road Cost Estimates Version 8 and Intersection Cost Estimates Version 15	—
13	—	Copy of MPA Opening PowerPoint presentation	Katherine Smith
14	—	Spreadsheet <i>PSP document changes</i> Version 0.1 (12 pages)	Ms Patterson

No.	Date	Description	Presented by
15	---	Spreadsheet <i>Submission summary & MPA response</i> , 4 December 2015 (13 pages)	---
16	---	Copy of MPA <i>Wollert Traffic/Transport</i> presentation	Chris Bright
17	---	City of Whittlesea opening submission	Terry Montebello, Maddocks Lawyers,
18	---	Folder of Council Documents	---
19	8 Dec 15	Enlarged PSP showing area in northeast corner of Koukoura Drive and Craigieburn Road East in which Melbourne Water proposes a sedimentation basin	Ms Patterson
20	---	Council officer email dated 8 December 2015 <i>Tree Retention Audit Update</i>	Mr Montebello
21	---	Spreadsheet <i>Tree Retention Analysis</i> , City of Whittlesea, Nov 2015	---
22	---	<i>Statement of Expert Evidence: 305-315 Craigieburn Road East, Wollert, Victoria</i> , August 2013, by Aaron Organ for Wollert Developments Pty Ltd	Nick Tweedie, SC for WDC
23	---	<i>Villawood Properties v City of Whittlesea, 305-315 Craigieburn Road East, Wollert</i> – VCAT P323/2013 & P324/2013 (30 October 2013)	---
24	---	Spreadsheet <i>Unresolved Submissions</i> combining MPA and Council positions (10 pages)	---
25	---	Melbourne Waste and Resource Recovery Group (MWRRG) submission, with Appendix 1: <i>Potentially Sensitive Land uses to Waste and Resource Recovery Facilities</i> , Appendix 2: <i>Extract Draft Metropolitan Waste and Resource Recovery Implementation Plan 2015</i> ; Appendix 3: <i>Extract SWRRIP, Table 2 Existing hub of state importance</i> ; and <i>Draft Metropolitan Waste and Resource Recovery Implementation Plan</i> (not dated)	Michelle Lee
26	---	Merri Creek Management Committee submission	Lisa Macmillan
27	---	Friends of Merri Creek Inc. submission, including --- Supplementary Expert Witness Report --- from Dr Nicholas Williams	Ann McGregor
28	---	Copy of text accompanying Ms Smith's PowerPoint presentation (Document 13)	Ms Patterson
29	9 Dec 15	Submission with bundle of photographs and other documents	Pamela Clune
30	---	Submission	Michael Shine
31	---	Murdesk Investments Pty Ltd submission	Mark Bartley, H W Ebsworth Lawyers

No.	Date	Description	Presented by
32	---	DELWP Email dated 1 October 2015 on <i>Time Stamping Data Requirements</i>	Brett Lane
33	---	DELWP Email dated 13 October 2015 on <i>Time Stamping Data – Project 2426</i>	---
34	10 Dec 15	MPA Email dated 9 December 2015 on the proposed splitting of Plan 7 (PSP page 46) into two plans 7a & 7b	Mr L Townsend
35	---	<i>Draft Revised Wording for Pipeline Requirements within UGZ5, 10 December 2015</i>	Ms Patterson
36	---	APA Group submission	Natalie Bannister, Hall & Wilcox Lawyers
37	---	AS2885 extracts: <i>Response to land use changes</i>	Mr Tweedie
38	---	AS2885 extracts: <i>Part Section 1 Scope and General of Part 1: Design and Construction</i>	---
39	---	<i>APA Group Pipelines within the Wollert Precinct Structure Plan, AS2885.1 Safety Management Study/Risk Assessment Workshop & Report (Draft 1 April 2014)</i>	Mr Montebello
40	---	AS2885 extracts: <i>4.3 Classification of Locations</i>	Mr Tweedie
41	---	Lend Lease Communities (Australia) Ltd submission on its Aurora Estate Holdings	Sarah Ancell, Echelon Planning
42	11 Dec 15	Folder with MPA's updated proposed Schedules in its Part A submission (Document 2)	Ms Patterson
43	---	Updated submitter list (to submission No 44)	---
44	---	Copy of PowerPoint presentation	Stephen Hunt
45	---	DELWP Letter dated 21 July 2015 to City of Whittlesea on <i>Melbourne Strategic Assessment – Scattered Tree Retention Standards to be used in City of Whittlesea</i>	Mr Montebello
46	---	Wollert Developer Consortium (WDC) submission	Mr Tweedie
47	---	Map showing WDC member land holdings	---
48	---	WDC suggested rewording for PSP Requirement 3 (R3)	---

Appendix E Revised text for Appendix 4.4 of the PSP

Scattered Tree Retention in the City of Whittlesea

The following guidelines apply, where appropriate, to the retention of scattered trees and may, where appropriate, be applied as conditions of planning permits.

Tree protection zones (TPZs) are exclusion zones designed to protect all trees and stags identified for retention in a development.

CALCULATING TREE PROTECTION ZONES

A Tree Protection Zone is defined by a circle or polygon, the centroid point of which is the centre point of the tree at ground level and whose radius is equal to half the height of the tree or half the crown width (whichever is the greatest) plus the tree canopy plus one metre (refer to Figure 8).

The Tree Protection Zone is to be determined by a consulting arborist, to the satisfaction of the Responsible Authority.

Figure 8: Calculating Tree Protection Zones

Insert Figure

AS4970 – 2009 TREE PROTECTION ZONES ON DEVELOPMENT SITES

The Tree Protection Zone as set out in this Appendix should be applied in preference to AS4970 – 2009 and/or any other tree protection zone standard/calculation.

The Tree Protection Zone as set out in this Appendix considers both the ongoing health of the tree but has also been developed to protect people, infrastructure and property (i.e. the shape considers the impact of falling limbs and delineates a pedestrian deterrent zone) whereas AS4970 – 2009 only considers the impact of works on the ongoing health of the tree.

CONDITION – TREE PROTECTION ZONES

No works are to be undertaken within a Tree Protection Zone unless:

- Council determines that the works proposed within the Tree Protection Zone will not adversely impact on the tree or damage any part of the tree including its canopy, branches, trunk and roots; or
- Council determines that the variation is required to minimise risk to the public and/or property; or
- Council otherwise consents.

All works located in or in close proximity to a Tree Protection Zone must be supervised by a suitably qualified and experienced consulting arborist.

CONDITION – WORKS WITHIN A TREE PROTECTION ZONE

With Council consent, works may encroach into a Tree Protection Zone, including (where appropriate):

- “no dig” footpaths, mulching and limited soft landscaping provided all footpaths are first pegged on site and confirmed by the responsible authority prior to construction and all works are undertaken by hand to minimise disturbance to surface roots.
- boring for services where all other alternative alignments have been investigated and determined unfeasible to the satisfaction of Council.

CONDITION – DOCUMENTATION OF WORKS WITHIN A TREE PROTECTION ZONE

All works proposed to occur within a Tree Protection Zone must be documented in the civil infrastructure drawings and landscape plans, or otherwise approved in writing, to the satisfaction of the Responsible Authority.

CONDITION – TREE PROTECTION ZONE FENCING

The Tree Protection Zone as calculated by the consulting arborist must be clearly identified on site by an appropriately qualified person.

Temporary Tree Protection Zone fencing (refer to Figure 9) must be erected around the perimeter of all Tree Protection Zones and must be inspected and approved by Council prior to the commencement of any buildings, works or demolition.

Tree Protection Zone fencing must be to the satisfaction of the Responsible Authority and should comprise:

- Treated pine posts with a minimum height of 1.8 metres (total post length) at every corner or at a maximum interval of 9.0 metres. These posts must be sunk 450mm into the ground. Concrete may affect the soil pH level and must not be used to secure posts.
- Treated pine stays must be fixed to all corner posts.
- Steel star pickets with a minimum height of 1.8 metres (total picket length) must be installed between the treated pine posts at a maximum interval of 3.0 metres. These pickets must be sunk 450mm into the ground and must include high visibility safety caps.
- Ring lock wire mesh fencing with a minimum height of 1.2 metres must be securely fixed at each post with wire ties. The fence must completely enclose the tree protection zone.
- High visibility hazard marker tape must be securely fixed to the top of the ring lock mesh fencing with wire ties.
- Signage must be attached to the fence at regular intervals. Signage must read “TREE PROTECTION ZONE. NO ENTRY EXCEPT TO AUTHORISED PERSONNEL. FINES SHALL BE IMPOSED FOR REMOVAL OR DAMAGE OF FENCING AND/OR TREES” (refer to Figure 9).

Tree Protection Zone fencing must be regularly maintained and may only be removed after the landscape pre-commencement meeting has occurred or until such date as is approved by the responsible authority in writing.

With the agreement of the responsible authority, Tree Protection Zone fencing may not be required where permanent fencing is introduced prior to construction. The specification of the permanent fencing must be to the satisfaction of Council.

Prior to the removal of Tree Protection Zone fencing, any required landscape planting below existing trees must be completed. The landscape planning must be designed to act as a deterrent to pedestrian access into the Tree Protection Zone, to minimise weed establishment, encourage habitat values and generally improve the visual amenity, to the satisfaction of the responsible authority. Alternative permeable mulching (eg oversized gravel) below existing trees may be considered where appropriate.

Figure 9: Tree Protection Zone Fencing

Insert figure

CONDITION – ENHANCED GROWING ENVIRONMENT WITHIN TREE PROTECTION ZONES

The area within the Tree Protection Zone must be modified to enhance the growing conditions of the tree to help reduce stress or damage to the tree as a direct result of adjacent construction works to the satisfaction of the Responsible Authority.

Specific improvements may include one or a combination of the following:

- Ground surfaces within tree protection zones must be left intact and a Glyphosate based herbicide mixed in accordance with the manufacturer's recommendations used to remove any weeds or unwanted vegetation.
- The area within the exclusion zone must be mulched with wood chips to a depth of 150mm.
- If required or as directed by the responsible authority, trees are to receive supplementary water. The amount of water is to be determined by the consulting arborist and will be determined by the amount of disturbance the tree has sustained and/or climatic conditions.
- Where severing of roots (greater than 50mm in diameter) is required directly adjacent to tree protection zones, the roots must be cleanly cut. Where possible this is to be completed at the beginning of the development of the site. Roots are not to be left exposed, they are to be back filled or covered with damp hessian.

The health of retained trees must be recorded prior to the commencement of works and periodically monitored by the consulting arborist during those works to the satisfaction of the responsible authority.

CONDITION – TREE PROTECTION ZONE INDUCTION

Prior to any works commencing in proximity to a Tree Protection Zone, a consulting arborist must induct all personnel involved in construction in close proximity to and/or involved in works that may impact Tree Protection Zone.

Construction personnel must be advised:

- Unless authorised by the consulting arborist or as directed by the responsible authority, no party must enter into a tree protection zone or modify the tree protection zone fencing in any way.

- No buildings or works (including loading and unloading, storage of materials, dumping of waste, vehicle access and parking or other construction activity) are to occur in the tree protection zone without the written consent of and to the satisfaction of the responsible authority.
- The storing or disposal of chemicals or toxic material must not be undertaken within 10 metres of any exclusion zone. Where the slope of the land suggests that these materials may drain towards an exclusion zone, the storing or disposal of these materials is strictly forbidden.
- Any trees that are to be removed next to exclusion zones are to be done so manually under the direct supervision of the consulting arborist (ie cut not pushed). Stumps are to be ground and not excavated to prevent damage to trees in close proximity.

CONDITION – TREE PROTECTION BOND

In appropriate circumstances, a Tree Protection Bond may be required as a condition of a permit for subdivision or development where existing trees are required to be retained. Such a condition may, as appropriate, include the following:

- Prior to commencement of the subdivision, a bank guarantee or other security to the satisfaction of the Responsible Authority for the total amount of \$100,000.00 (or otherwise as determined by the responsible authority) must be submitted to the Responsible Authority as security for the satisfactory observance of the conditions in relation to the Tree Protection Zones within that subdivision.
- Upon completion of any building or subdivision works to the satisfaction of the Responsible Authority, the bank guarantee or other security will be returned to the person providing the bank guarantee or security.

Where the Responsible Authority determines that a tree covered by a Tree Protection Zone has been damaged as a result of buildings and works by the developer or its contractors to an extent that it affects detrimentally the life, health and appearance of the tree or its contribution to the landscape, an amount from the security is to be paid by the developer for the purchase of trees for planting on the land or the pruning or other arboricultural works to rehabilitate and improve existing trees, all to the satisfaction of the responsible authority.

- The extent of amount of security to be forfeited is to be determined by the appointment of an independent suitably qualified person at the developer's expense.

CONDITION – HAZARD REDUCTION PRUNING

Prior to the issue of Practical Completion of the landscaping works, all trees that are to be retained must have hazard reduction pruning undertaking by a suitably qualified and experienced arborist to ensure the tree does not present an unreasonable risk. If necessary, pruning works shall include:

- Removal of all dead and diseased branches. Specifically, dead branches greater than 40mm in diameter (measured at the base of the branch) shall be removed from the canopy unless they contain hollows that are clearly being used for

habitat. Due care shall be given to ensure the integrity of the tree as habitat for native fauna is not compromised (larger material shall be left on site for its habitat value).

- Weight reduction and canopy thinning (especially for branches overhanging trafficable areas and fixed infrastructure). No live branches greater than 200 mm in diameter shall be removed from the tree without authorisation from the responsible authority. Remove no more than 20 per cent of live foliage from any tree.

Removal of epiphytic plant material, wire and any attached debris/rubbish.

Prior to any pruning works being undertaken, the arborist engaged to undertake the works must arrange a site meeting with a representative from Council's Parks and Open Space Department.

All pruning works must be to approved arboricultural practices and have regard to AS4373 – 2007.

CONDITION – TREE REMOVAL

Where a tree is permitted to be removed:

- Each tree nominated for removal must be suitably marked prior to its removal and an inspection arranged with an appropriate Council Officer to verify that the tree marked accords with the permit and/or endorsed plans;
- Prior to removal, the tree to be removed shall be inspected by an appropriately qualified and experienced zoologist to determine the presence of any native animals living or nesting in the tree. Should any native animals be detected they must be caught and relocated to a site deemed appropriate by the zoologist;
- Tree removal is to be undertaken in a safe manner;
- All services either above or below ground are to be located prior to the commencement of any works;
- Stumps and any surface roots are to be ground down below ground level. Ground and chipped material to a depth of 50mm is to be removed from site at the direction of the project manager. The project manager must supply and place suitable topsoil and seed the area making certain that the reinstated ground surface is level, even and safe;
- Stumps must be removed within 14 days of the removal of a tree. All stumps not removed immediately after removal of the tree are to be paint marked with a suitable bright yellow reflective marking paint;
- Where ever possible and appropriate, native trees to be removed should be retained for use in core conservation areas for habitat purposes or reused in open space as urban art, park furniture and/or other use determined appropriate by the responsible authority;
- After a tree has been fallen, the tree must be protected from firewood harvesting via temporary fencing and signage to the satisfaction of Council until such time as the tree has been relocated for habitat or mulched;

- All timber greater than 300mm in diameter that cannot be reused as habitat, furniture or another use determined appropriate by the responsible authority shall be hammer milled and shredded for reuse as mulch within the site;

All timber less than 300mm in diameter and branch/leaf material must be shredded for reuse as mulch within the site.