

Planning and Environment Act 1987

Panel Report

**Whittlesea Planning Scheme Amendment C188
Quarry Hills Precinct Structure Plan**

29 April 2016

Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Whittlesea Planning Scheme Amendment C188

Quarry Hills Precinct Structure Plan

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

William O'Neil, Chair

A handwritten signature in black ink, appearing to read 'Graeme David'.

Graeme David, Member

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List of Abbreviations

BCS	Biodiversity Conservation Strategy for Melbourne's Growth Corridors
DCP	Development Contributions Plan
DCPO	Development Contributions Plan Overlay
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
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
GGF	Growling Grass Frog
GRZ	General Residential Zone
GWMP	Green Wedge Management Plan
IPO	Incorporated Plan Overlay
LCA	Local Conservation Area
LPPF	Local Planning Policy Framework
LSIO	Land Subject to Inundation Overlay
MPA	Metropolitan Planning Authority
MSS	Municipal Strategic Statement
PAO	Public Acquisition Overlay
PSCA	Property Subdivision Corporation Australia Pty Ltd
PPRZ	Public Park and Recreation Zone
PSP	Precinct Structure Plan
PTV	Public Transport Victoria
QHPSP	Quarry Hills Precinct Structure Plan
QHRP	Quarry Hills Regional Park
RCZ	Rural Conservation Zone
RGZ	Residential Growth Zone
SPPF	State Planning Policy Framework
SUZ	Special Use Zone
UGB	Urban Growth Boundary
UGZ	Urban Growth Zone
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions

Overview

Amendment Summary

The Amendment	Whittlesea Planning Scheme Amendment C188
Common Name	Quarry Hills Precinct Structure Plan
Planning Authority	Metropolitan Planning Authority
Exhibition	16 April to 18 May 2015
Submissions	Fourteen submissions were received (including late submissions). See Appendix A

Panel Process

The Panel	William O'Neil (Chairperson), Graeme David
Directions Hearing	14 October 2015 (Directions Hearing No 1) 10 November 2015 (Directions Hearing No 2)
Panel Hearing	9-11 February 2016, Planning Panels Victoria
Site Inspections	Accompanied inspection on 9 November 2015
Appearances	See Appendix B
Date of this Report	29 April 2016

Executive Summary

(i) Location and features

The Quarry Hills Precinct Structure Plan (PSP) covers an area of approximately 280 hectares in the Northern Growth Corridor of Melbourne. The precinct is bounded by Lehmans Road to the north, the extension of the Quarry Hills Regional Parkland to the east, an existing transmission easement to the south, and the E6 Public Acquisition Overlay to the west.

The Quarry Hills Precinct lies immediately east of the Stockland Eucalypt Estate and immediately north of Epping. Approximately 150 hectares of the precinct is considered as net developable area. The precinct is projected to accommodate approximately 2,300 new dwellings and an ultimate resident population of approximately 6,600.

As described by the Metropolitan Planning Authority (MPA), the residential area will support a village town centre with a government primary school and co-located community facility and a central park sporting reserve, all located centrally within the precinct. The *Darebin Creek Conservation Area* provides for the creation and protection of Growling Grass Frog (GGF) habitat and facilitates a strong green network that will provide connectivity and recreation opportunities throughout the precinct and into the Quarry Hills Regional Park.

Development in Quarry Hills is proposed to incorporate existing significant River Red Gum trees, waterways, cultural heritage and post contact heritage features, preserve view lines to the Quarry Hills Regional Park and 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 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.

(ii) Overall assessment of the PSP

The Quarry Hills PSP is a thorough and well thought out plan that will ultimately facilitate the development of an integrated urban community.

The PSP has effectively dealt with a number of clear constraints such as:

- the ongoing operation of a significant quarry in the south-eastern portion of the precinct
- the traversing of Darebin Creek from the south to the north of the Precinct resulting in the need to design and accommodate three vehicle bridge crossings
- the steepness of the land in the east of the precinct
- challenging interface abutments - the Quarry Hills Regional Park to the east and the proposed E6 Road Reservation to the west.

In response to the exhibition of the PSP and Development Contributions Plan (DCP), the majority of submitters opposed the design response and associated cost of the three bridge crossings of Darebin Creek. In response it was agreed to defer the hearing for three months (from 10 Dec 2015 to 9 February 2016) to enable a review process to be undertaken which was informed by *'The Growling Grass Frog Crossings Design and Costing Conference'*. The output of the conference was circulated to all parties as well as to Melbourne Water and

DELWP on 13 January 2016, and all parties were requested to submit on whether the revised design and costings have addressed concerns. By the commencement of the hearing the majority of parties had agreed to the revised designs and costs. The Panel congratulates the MPA and Stockland for taking lead roles in this collaborative and worthwhile engagement process.

The Panel further acknowledges that the MPA, together with the City of Whittlesea has worked with stakeholders, landowners and submitters over an extended period and resolved the majority of issues related to the development of the area.

The substantive unresolved issues addressed in this report are addressed in Section 3.0 under the following headings:

- Clause 2.7 of Schedule 3 to the Urban Growth Zone (UGZ3)
- Requirement 117 & New Guideline G14
- Other changes requested by Boral
- Staging Plan
- Location of the local convenience centre
- Boulevard bridge crossing alignment
- Road zone classification – Road Zone Category 2
- Location and sizing of stormwater assets
- Requested changes to the Heritage Overlay.

In addition, a number of more detailed issues are addressed in Section 4.0 of the report.

(iii) Recommendations

The MPA resolved to make certain changes to the Amendment in response to submissions. The Panel has considered 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 C188 be adopted as exhibited, subject to the following:

Agreed Changes

- 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.**

Precinct Structure Plan

- 2. Replace existing Requirement R117 with the following wording:**

Applications must be accompanied by an assessment prepared by a suitably experienced and qualified person, which demonstrates that a variation to the Recommended separation distance for industrial residual air emissions (EPA publication number 1518 March 2013) is justified and provides sufficient

confidence that a sensitive use can be safely developed within 500 metres of any quarrying activity at WA102.

3. Insert the following wording as a new Guideline (G14):

Applicants within the buffer of the Extractive Industry Works Area as identified on Plan 2 should liaise with the Responsible Authority and the Earth Resource Regulation Section of the Department of Economic Development Jobs, Transport and Resources (DEDJTR) prior to lodging any permit application for residential or commercial development.

4. Replace Guideline G110 with the following:

Staging will be determined largely by the development proposals on land within the precinct, having regard to existing constraints (including the ongoing operation of the quarry) and the availability of infrastructure services and having regard to the Staging Plan. Development staging should, to the extent practicable, be integrated with adjoining developments. Access to each new lot must be via a sealed road.

5. Amend the Legend of 'Plan 2 – Future Urban Structure' in the Precinct Structure Plan by replacing the words "quarry extractive works area buffer (500m) with the following:

Quarry extractive works area buffer (500m as per EPA publication 1518).

6. Undertake further engagement with Stakeholders to confirm their acceptance to:

- a) Adding the following note to Plan 2 – Future Urban Structure
 - *The location of assets SBF and WLG (as per the Melbourne Water Drainage Service Strategy) are conceptual and a functional design is required to demonstrate that there would be no loss of habitat under the Commonwealth approval for urban development, to the satisfaction of DELWP.*
- b) Change the proposed middle road bridge crossing location to that supported by Department of Environment Land Water and Planning as reflected in the Metropolitan Planning Authority's closing submission (Refer Figure 5 of Panel Report) provided the cost (as set out in the circulated costings) are not increased in the Development Contributions Plan.

7. Insert the following note as a second bullet point under the heading 'Notes' to Precinct Structure Plan Plan 13:

- *Any Alternative proposal for the location and size of stormwater assets shall meet R97, and shall demonstrate no adverse impact to flood levels, the waterway values/physical form and/or loss of key Growling Grass Frog habitat.*

8. Replace Requirement R97 with the following:

Stormwater conveyance and treatment must be designed in accordance with the relevant Development Services Strategy, prepared by the responsible authority and to the satisfaction of Melbourne Water.

9. Replace the word ‘must’ with ‘should’ in Requirement R10.
10. Delete Quarry Road from all Plans.
11. Amend Plan 9 of the Precinct Structure Plan to reflect the Metropolitan Planning Authority’s revised shared path trail and local road network in the southern portion of the Precinct Structure Plan.

Development Contributions Plan

12. Amend the text in the Indicative Provision Trigger column in Tables 2, 3, and 5 of the Quarry Hills Development Contributions Plan (2015) by replacing the words “At the time of subdivision / access demand” with “At time of subdivision / access demand subject to availability of DCP funds”.

Planning Controls

13. Amend Clause 2.2 of Schedule 3 to the Urban Growth Zone by deleting “Connector Road” from Column 1 and the corresponding Column 2 entry “Clause 36.04 – Road Zone Category 2”.
14. Amend Clause 2.5 of Schedule 3 to the Urban Growth Zone (Specific provisions – Use of Land) by replacing ‘Table 2: Use’ with the following:

USE	Requirement
Shop where the applied zone is Commercial 1 Zone	<p>A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:</p> <ul style="list-style-type: none"> • 5,000 square metres for land as a Village Town Centre in the incorporated Quarry Hills Precinct Structure Plan. • 500 square metres for land shown as a local convenience centre in the incorporated Quarry Hills Precinct Structure Plan
Medical Centre	<p>The gross floor area of all buildings must not exceed 250 square metres.</p> <p>Must not require a permit under clause 52.06-3.</p> <p>The site must adjoin, or have access to, a road identified as Boulevard Connector Road in <i>Plan 2 – Future Urban Structure</i> of the PSP.</p>
Place of Assembly	<p>The gross floor area of all buildings must not exceed 250 square metres.</p> <p>The site must adjoin, or have access to, a road identified as Boulevard Connector Road in <i>Plan 2 – Future Urban Structure</i> of the PSP.</p>

15. Delete Clause 2.7 from Schedule 3 to the Urban Growth Zone.

(iv) Further recommendations

The Panel makes the following further recommendations in relation to The Background Reports

16. Amend Page 5 of the 'Quarry Hills Background Report Overview' (April 2015) by modifying the second last sentence in the second last paragraph to read as follows:

Any new residential development will need to be protected from amenity impacts associated with the quarry; as such development within 500 m of the Works Authority Extractive Works Area will need to be referred to the Department of State Development, Business and Innovation.

17. Amend Page 10 of the 'Quarry Hills Background Report' (April 2015) by replacing the 6th dot point with the following:

A large Hornfel quarry is currently located within the PSP boundary. The site includes a quarry processing plant, a concrete batching plant and associated ancillary plant, equipment, works and buildings. The quarry features blasting to remove the rock (hornfel) and is a major stone and rock resource within the northern corridor. Once operation of the site has ceased and has been rehabilitated, sections on the periphery of the current quarry hole will be suitable for some development, however, the quarry hole itself will be handed over to Council as per the existing section 173 agreement and any remediation requirements required by DEDJTR for open space and recreation use. Creative reuse and re-design options are currently being investigated by Council as part of the Quarry Hills Regional Parkland Master Plan.

1 Introduction

1.1 Location and context

The Quarry Hills Precinct Structure Plan (QHPSP) covers approximately 280 hectares and is located on the periphery of Wollert, South Morang and Epping (Refer Figure 1). The QHPSP boundaries are Lehmans Road, the Urban Growth Boundary to the north, the extension to the Quarry Hills Regional Parkland, the Urban Growth Boundary (UGB) to the east, an existing transmission easement to the south, and the E6 Public Acquisition Overlay to the west.

Figure 1: Regional Context Plan



Surrounding land use and development

The precinct lies immediately east of the Stockland Eucalypt Estate and immediately north of Epping. The UGB and proposed extension to the Quarry Hills Regional Parkland lies to the east of the precinct. Semi-rural farmland lies to the north beyond the UGB. The Wollert

Precinct Structure Plan, being considered as Amendment C187 to the Whittlesea Planning Scheme, is located to the north-west of the QHPSP area.

The reservation for the proposed E6 arterial road (currently covered by a Public Acquisition Overlay 6) forms part of the western edge precinct. It is proposed that the E6 will provide north-south connections from the Hume Freeway to the Metropolitan Ring Road to the south. It is noted that the reservation covers a substantial area of the Darebin Creek and submissions on the detailed design of the road have been raised. The MPA advised that there has been no detailed design work for the road undertaken to date.

Rail services and bus network

Fixed rail public transport is 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 (also on the South Morang train line) northwards to Craigieburn Road East. The Wollert PSP proposes an extension of this reservation northwards to the south of the Wollert Major Town Centre.

Currently, no bus routes service the area in which the precinct is located. However, a future bus-capable road network is proposed within the QHPSP. Public Transport Victoria has no objection to the Amendment proceeding as proposed.

Open space

The precinct is located at the foot of the Quarry Hills Regional Parkland. The development of the QHPSP will facilitate the transfer of approximately 180 hectares of land into public ownership for the Quarry Hills Regional Parkland. A masterplan for the parkland has been prepared by the City of Whittlesea. The QHPSP will anchor off this special area of Regional Open Space, to provide future residents with convenient access to a range of passive and informal recreation uses. The parkland will sit in addition to the local open space and Central Park within the QHPSP area, but will be well linked through a series of integrated pedestrian and cyclist paths.

The Darebin Creek and the Growling Grass Frog Conservation Area also traverses the precinct and will accommodate biodiversity outcomes whilst providing for passive recreation opportunities for residents.

The Central Park sporting reserve will provide for sports such as Australian Rules, cricket, tennis as well as multipurpose indoor and outdoor facilities. The local parks have been nominated to serve their local catchment and preserve natural features such as River Red Gums where practicable.

North Growth Corridor Plan

The North Growth Corridor Plan identifies key existing and future infrastructure items near 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

- Planning for connected high capacity public transport corridor with the potential for rail
- Bus capable roads within the precinct for local bus routes
- E6 transport corridor / Outer Metropolitan Ring road
- The Hume Freeway.
- Community, health and education facilities
 - La Trobe University and RMIT at Bundoora, Kangan Institute at Broadmeadows and Craigieburn and NMIT at Epping and Greensborough will provide the northern corridor with post compulsory education opportunities
 - Northern Hospital at Epping and Kilmore and District Hospital are currently are 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 Metropolitan Activity Centre 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 planned major town centres across the corridor
 - New major town centres are identified at Mickleham, South West Beveridge, Wollert, South Morang and Mernda
 - Industrial employment precincts at Wollert, Mickleham and Donnybrook Road.
- Open space and biodiversity
 - Protection of the Darebin Creek and Merri Creek via the Biodiversity Conservation Strategy
 - Suitable habitat along the Darebin Creek for the GGF
 - Metropolitan Trail Network.

The approved North Growth Corridor Plan identifies the Quarry Hills Precinct as primarily residential with the Darebin Creek nominated as having 'Biodiversity values' for the GGF.

1.2 The Amendment

Amendment C188 to the Whittlesea Planning Scheme proposes to make a number of changes to facilitate the development and use of land within the QHPSP area:

- Zones
 - Insert Schedule 3 to Clause 37.07 Urban Growth Zone (UGZ) into the Whittlesea Planning Scheme and apply the UGZ Schedule 3 (UGZ3) to part of the land within the Amendment area
 - Insert Schedule 2 to the Rural Conservation Zone (RCZ) into the Whittlesea Planning Scheme and apply the RCZ Schedule 2 (RCZ2) to part of the land within the Amendment area
 - Rezone land from Farming Zone (FZ) to UGZ Schedule 3 (UGZ3) to part of the land within the Amendment area
 - Rezone land from Farming Zone (FZ) to Rural Conservation Zone (RCZ) along the Darebin Creek and Growling Grass Frog Conservation Area

- Rezone land from Rural Conservation Zone (RCZ) to UGZ Schedule 3 (UGZ3) to part of the land within the Amendment area
- Rezone land from Special Use Zone Schedule 4 (SUZ4) to UGZ Schedule 3 (UGZ3) to part of the land within the Amendment area
- Insert Schedule 8 to Clause 37.01 Special Use Zone (SUZ) into the Whittlesea Planning Scheme and apply the SUZ Schedule 8 to the transmission easement within the Amendment area
- Rezone land from Farming Zone to Special Use Zone Schedule 8 (SUZ8) to land within the transmission easement within the Amendment area.
- Conservation
 - Insert Schedule 3 to Clause 43.03 Incorporated Plan Overlay (IPO) into the Whittlesea Planning Scheme and apply the IPO Schedule 3 to land zoned Rural Conservation Zone within the Amendment area
 - Amend the Schedule to Clause 52.17 to identify native vegetation that can be removed without the need for a planning permit
 - Delete Environmental Significance Overlays Schedule 1 (ESO1) & Schedule 5 (ESO5) from land within the Amendment area and replaces this overlay with an Environmental Significance Overlay, Schedule 6 (ESO6) and modifies the ESO6 to match the proposed shape of the RCZ.
- Infrastructure and contributions
 - Insert Schedule 13 to Clause 45.06 Development Contributions Plan Overlay (DCPO) into the Whittlesea Planning Scheme and apply the DCPO Schedule 13 (DCPO13) to land within the Amendment area
 - Amend the Schedule to Clause 52.01 to provide for passive open space contributions for land within the Amendment area.
- Amend the Schedule to Clause 61.03 to update the planning scheme maps in the Whittlesea Planning Scheme.
- PSP and DCP
 - Amend the Schedule to Clause 81.01 (Table of documents incorporated into the scheme) to include the new incorporated documents titled *Quarry Hills Precinct Structure Plan, April 2015* and *Quarry Hills Development Contributions Plan, April 2015*.

The MPA advised that minor changes are proposed to the exhibited Explanatory Report which include:

- Referencing that a drystone wall management plan and heritage assessment are application requirements within the UGZ3
- Advising that whilst the Environmental Significance Overlay (ESO) Schedules 1 and 5 are to be deleted, these ESOs will be replaced with a new ESO Schedule 6 which will ensure consistency with the recently approved English Street PSP (C183) and also ensure non-native vegetation that contributes to the landscape significance will be protected by way of requiring a planning permit to remove all vegetation, not just native vegetation
- Making reference to a Local Convenience Centre that is now proposed within the northern half of the PSP

- Updating references to the Environmental Audit requirements and site addresses with high levels of contamination.

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

1.3 The Amendment process

Table 1 provides a timeline of consultation undertaken by the MPA in the development and refinement of the QHPSP). 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: Quarry Hills PSP consultation details

Date	Event
Consultation	
August 2012	Consultation on background reports
7 September 2012	Consultation on background reports concludes
28 August 2014	Agency consultation period begins. Notification also included landowners within and surrounding the Quarry Hills PSP area
10 September 2014	In conjunction with the City of Whittlesea, hosted an informal community information session
29 September 2014	Agency consultation period concludes – 14 submissions received
Formal Exhibition	
13 April 2015	Circulation of newsletter and exhibition details to landowners, Prescribed Ministers and Agencies
14 April 2015	Exhibition notice appears in Whittlesea Leader and North Central Review
16 April 2015	Notice appears in Government Gazette. Formal exhibition commences
18 May 2015	Formal Exhibition Period Concludes – 14 submissions received
Hearing Deferment and Further Consultation	
10 November 2015	Scheduled Hearing Deferred / Second Directions Hearing
10 November 2015	Growling Grass Frog Crossings Design and Costing Conference
13 January 2016	Submission of the output of the Growling Grass Frog Crossings Design and Costing Conference to Panel and all submitters
9 – 11 February 2016	Panel Hearing

2 The plan and the issues

This section describes the main elements of the QHPSP 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.

2.1 The vision

The QHPSP presents a vision for Quarry Hills:

Quarry Hills will be a unique community where landform, landscape character and connection to the Quarry Hills Regional Parkland and the Darebin Creek are key planning and design drivers. The precinct is one which will be defined by its physical and visual connection to green links, unique topographical features, and a centralised town centre which ensures a sustainable, self-sufficient community.

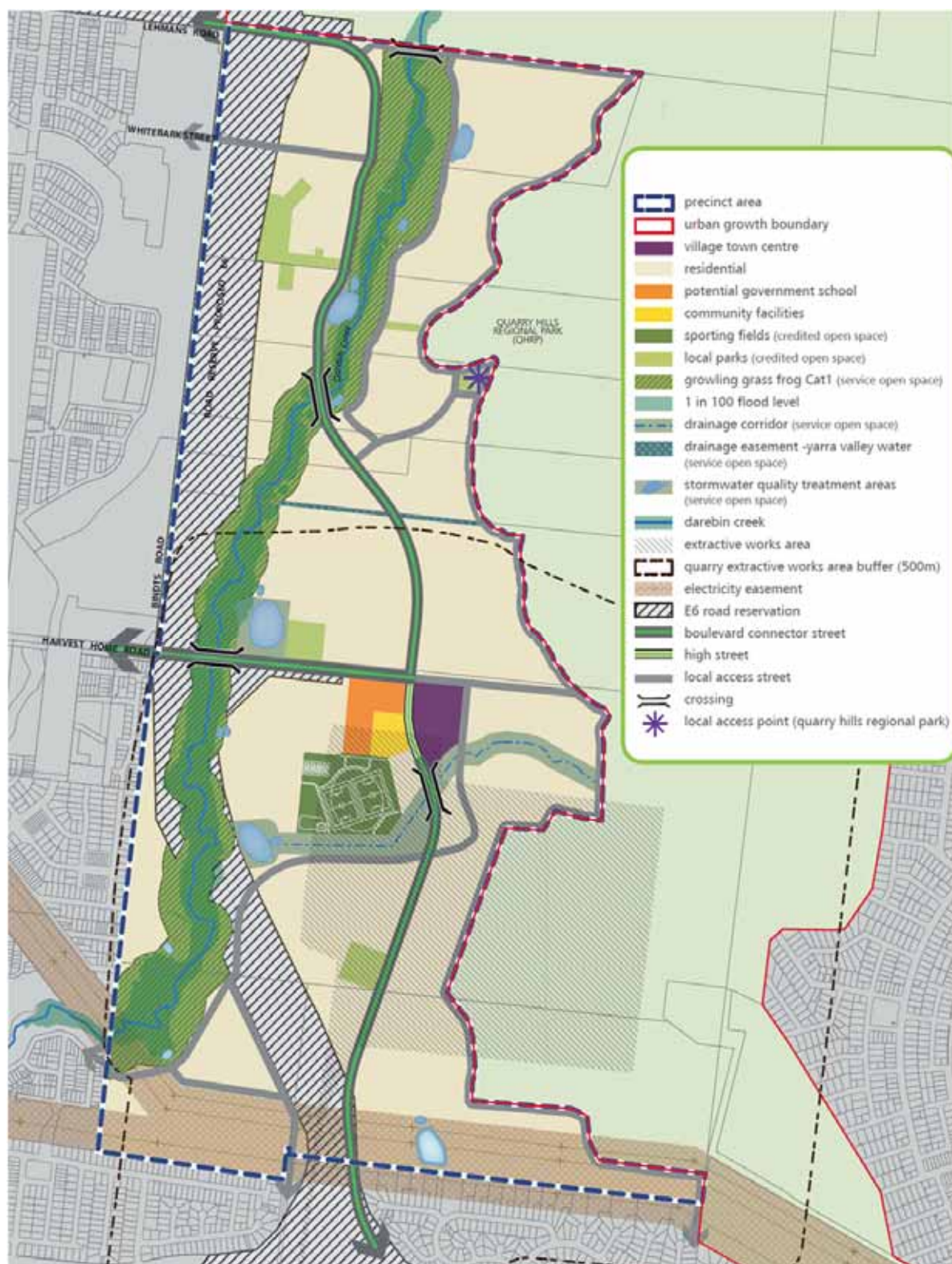
Quarry Hills will seek to be:

- *An innovative, well designed residential development which respects and works with its environmentally sensitive surrounds.*
- *A site responsive development that compliments the topographical features and instills a strong sense of place.*
- *A sustainable and self-sufficient community with access to local retail, education and associated community facilities.*
- *Connected to the natural environment through physical and visual links to the Quarry Hills Regional Parkland the Darebin Creek corridor and other natural features such as the River Red Gums located across the site.*
- *A place of housing diversity and housing choice, that caters for a diverse future community.*
- *A connected community with access to public transport, open space networks, and community facilities.*

Figure 2 shows the ‘Future Urban Structure’ proposed for Quarry Hill as presented by the MPA in its Part A Submission (Jan 2016). The Plan is presented as ‘Plan 2’ of the QHPSP. A number of modifications to ‘Future Urban Structure’ have been suggested during the Hearing process to reflect modifications agreed by the MPA in negotiation with Whittlesea Council, state and commonwealth stakeholders, and landowners within the precinct.

A number of parties to the Hearing either oppose or request further modifications to some elements of the ‘Future Urban Structure’ Plan. This report addresses the unresolved positions between the MPA and parties.

Figure 2: Quarry Hills Future Urban Structure



2.2 Urban structure

Net developable area and dwelling yield

Of the approximately 280 hectares within the precinct, approximately 150 hectares is considered as net developable area. This area is largely identified for residential purposes, generating an estimated 2,300 dwellings and an ultimate population of 6,600 people.

As described by the MPA the residential area will support a village town centre with a government primary school and co-located community facility and a central park sporting reserve, all located centrally within the precinct. The *Darebin Creek Conservation Area* provides for the creation and protection of GGF habitat and facilitates a strong green network that will provide connectivity and recreation opportunities throughout the precinct and into the Quarry Hills Regional Park.

Development in Quarry Hills is proposed to incorporate existing significant River Red Gum trees, waterways, cultural heritage and post contact heritage features, preserve view lines to the Quarry Hills Regional Park and 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 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.

2.3 Existing quarry

A portion of the south-eastern extent of the precinct contains an existing quarry operated by Boral Resources that is currently utilised for the extraction of hornfels, (a hard rock similar to basalt that requires blasting). A processing plant and concrete batching plant and a construction materials facility is also located at this site.

The development of the precinct will require careful staging to accommodate the transition of the land from quarry to urban development. A range of controls are contained within the PSP and proposed to be introduced into the Planning Scheme to acknowledge the existence of the quarry and its operations; its transition in land use; and the management of development within the quarry extractive works area buffer.

This report addresses the substantive issues of:

- Clause 2.7 of Schedule 3 to the Urban Growth Zone (UGZ3)
- Requirement 117 and New Guideline G14
- Other changes requested by Boral
- Staging Plan.

2.4 Town centres and housing

The Quarry Hills PSP plans for the development of retail, commercial, education and other community and sporting facilities within one village town centre. The location of the town centre has been sited to take advantage of the access provided by the two main thoroughfares that define the precinct, namely Harvest Home Road and the north-south connector. In general, the PSP encourages higher residential densities close to the proposed town centre and key destinations within the precinct, and for comparatively lower

residential densities throughout the remainder of the precinct. The unique topography of the precinct will result in diversity of housing type and size. Overall, diversity in housing types is encouraged to meet the likely needs of the future community.

The town centre has been designed to include a range of future retail and community facilities and to generate local employment opportunities. The centre includes provision for one small full line supermarket and a variety of speciality retail outlets. The concept plan for the Village Town Centre (Plan 5, Page 18) encourages the provision of office and non-retail space with exposure to the north-south connector road, and areas for medium density residential with small office/home office (SOHO) opportunities within and at the periphery of the centre. These uses will activate the community spaces throughout the day. These changes are anticipated to occur once the Quarry has closed and the land is rehabilitated.

This report addresses the substantive issue of:

- Location of the local convenience centre.

This report addresses the detailed issue of:

- Retaining wall requirement (R10).

2.5 Transport network

The proposed local road network provides a robust structure for traffic and transport movement within and through the precinct that will satisfactorily meet expected traffic demand. This includes an east-west connection on both Lehmans and Harvest Home Road, and a new north-south boulevard connector that provides connection throughout the precinct. The connector roads are proposed to be a boulevard treatment with a central tree median to provide an attractive and uniform street treatment.

The western side of the proposed E6 Transport Corridor forms the majority of the western boundary of the precinct and traverses the south-western part of the precinct. As such, the reserve is within the PSP boundary through this section of its route. The proposed E6 is a long-term proposition, with construction unlikely to commence in the next 15-20 years. The road network has been designed with this in mind, allowing for local connections to occur in the interim period.

Local bus services will be ultimately available to the Precinct via the boulevard connector roads and surrounding road network.

Rail transport is currently provided at Epping and South Morang, with a high capacity public transport corridor identified as part of the *Wollert Precinct Structure Plan* subject to Amendment C187 to the Whittlesea Planning Scheme.

This report addresses the substantive issue of:

- Boulevard bridge crossing alignment
- Road zone classification – Road Zone Category 2 (RDZ2).

This report addresses the detailed issue of:

- Quarry Road.

2.6 Open space

The Precinct is located at the foot of the Quarry Hills Regional Park. The precinct will anchor off this unique area of regional open space, by providing residents with a convenient local access point to the park. The park itself will include a range of passive and informal recreation uses in addition to those provided within the precinct. It is noted that the approval of the QHPSP will generate the transfer of 180 hectares of land into public ownership for the regional park.

The network of local parks is distributed throughout the Precinct, with the aim of all residents being within a 400 metre walkable catchment of open space. Where possible, the local parks have been located to assist with the retention of River Red Gum trees and other notable precinct features. The local park in the north and central areas of the PSP also provide a linear link to Darebin Creek.

Darebin Creek dissects the Precinct but allows for passive recreation uses such as walking and cycling paths alongside the Growling Grass Frog Conservation Area.

The Central Park sporting reserve located as part of the community hub can provide for sports such as Australian Rules, cricket and tennis and associated infrastructure.

This report addresses the detailed issue of:

- Location of a local park
- Funding of shared path across Darebin Creek.

2.7 Community infrastructure

The QHPSP and DCP have planned for a community centre within the precinct to provide a range of local services to support the future residential population. The types of facilities to be accommodated will include:

- Kindergarten rooms and associated outdoor spaces
- Meeting rooms
- Hall and kitchen
- Consulting suites for maternal child health and other non-government organisations.

The co-location of community infrastructure with the sporting reserve allows an opportunity to share facilities within the broader community hub. These facilities will be introduced once the Quarry has closed the land is rehabilitated.

2.8 Darebin Creek corridor and Growling Grass Frog conservation area

The GGF Conservation Area¹ corridor along Darebin Creek dissects the precinct. The Darebin Creek provides a key conservation and landscape asset for the precinct and acts as a continuous corridor supporting environmental, heritage and recreational values.

The *Growling Grass Frog Conservation Area Concept Plan* in the PSP provides for the protection and enhancement of the GGF corridor, but also supports a range of other biodiversity values to be protected and enhanced. The *Conservation Area Concept Plan*

¹ The *Growling Grass Frog Conservation Area* is also known as *Conservation Area 34*

enables the integration of informal recreation areas and shared trails within the corridor to allow people to access the creek environs whilst maintaining ecological outcomes.

This report addresses the detailed issue of:

- Modification to Conservation Area 34.

2.9 Integrated Water Management

The precinct encompasses multiple sub-catchments, that are all associated with the Darebin Creek catchment. The development of the precinct aims to maintain pre-development flows and flood protection through retardation of overland flows.

The development of precinct will be required to demonstrate compliance with the approved drainage services strategy prepared by Melbourne Water.

This report addresses the substantive issue of:

- Location and sizing of stormwater assets.

2.10 Heritage

A preliminary assessment of cultural heritage values within the precinct was undertaken and recorded 22 Aboriginal archaeological sites, 11 with stone artefact scatters and the remaining 11 being isolated artefacts. The PSP identifies these areas. The MPA noted that a complex Cultural Heritage Management Plan will be required as part of a planning application.

The precinct also contains two areas identified under the Heritage Overlay (HO161 and HO162) which are located adjacent to the local park in the north of the precinct.

This report addresses the substantive issue of:

- Requested changes to the Heritage Overlay.

2.11 Development Contributions Plan

The MPA seeks to modify the exhibited DCP by introducing the *Public Land Equalisation Method* (PLEM) approach. Submissions seek to modify the infrastructure provision trigger in the DCP.

This report addresses the detailed issues of:

- Introduction of the Public Land Equalisation Methodology into the DCP
- Indicative Provision Trigger listed in the DCP.

3 Substantive issues

The following substantive issues have been identified:

- Clause 2.7 of Schedule 3 to the Urban Growth Zone (UGZ3)
- Requirement 117 & New Guideline G14
- Other changes requested by Boral
- Staging Plan
- Location of the local convenience centre
- Boulevard bridge crossing alignment
- Road zone classification – Road Zone Category 2
- Location and sizing of stormwater assets
- Requested changes to the Heritage Overlay.

3.1 Clause 2.7 of Schedule 3 to the Urban Growth Zone (UGZ3)

(i) The issue

UGZ3 includes a Specific Provision requiring referral of applications within 500 metres of the *Boral Wollert Extractive Works Area* to the Department of Economic Development, Jobs, Transport and Resources (DEDJTR). Stockland submitted that the provision should be deleted from the Schedule.

(ii) Submissions

Stockland submitted that the clause should be deleted because the planning scheme already sets the process for use and development applications for subdivision or sensitive uses with 500 metres of any quarry activity, and the scheme already provides the range of matters to be considered when assessing buffer areas. Mr O’Farrell stated:

The concept of DEDJTR having a right of ‘veto’ is foreign to the Planning and Environment Act 1987. The process that is current(ly) provided for by the planning scheme appropriately provides for notice to DEDJTR for proposals within 500 metres with review rights to VCAT in the event of a dispute.

The submission cited relevant clauses of the planning scheme that support the above position as being Clause 14.03, Clause 52.09 and Clause 66.05. Mr O’Farrell emphasised that residential development within 500 metres is appropriate, and referred the Panel to aerial photographs that show existing housing within this distance.

Both PSCA and Findon Pastoral also support the deletion of Clause 2.7 in Schedule 3 to the UGZ. Ms Bisucci’s submissions on behalf of both of these submitters reflected that Clause 2.7 in the Schedule ‘causes confusion’. Ms Bisucci noted that both her clients agree with Stockland’s submissions, and that Clauses 14, 52.09, 66.05 and 65 provide sufficient mechanisms in the Planning Scheme to allow for a robust assessment of sensitive land use and development within the 500 metre buffer. Further, on behalf of PSCA on this issue, Ms Bisucci concluded:

The Panel can be confident that there is a robust mechanism already existing to deal with residential development in the quarry buffer.

Mr Montebello stated that Council supports the removal of Clause 2.7 and noted that other modifications to the PSP text are warranted (Refer Section 3.2).

Boral opposed the removal of Clause 2.7 from the UGZ Schedule. Mr Casper submitted that the Clause should be amended to include the operator and the owner of the quarry as additional referrals in order to ensure adequate consultation in relation to any development proposed within the quarry extractive works area buffer.

In its Part B submissions, the MPA stated:

The MPA accords with Stockland's request, given Clauses 52.09 and 66.05 of the Planning Scheme already require a referral to DEDJTR, and as such by removing Clause 2.7 of the Urban Growth Zone – Schedule 3 this will ensure there is no duplication of planning scheme requirements.

Noting the above concession, Mr O'Farrell stated that Stockland is satisfied that its concern in relation to clause 2.7 had been addressed.

(iii) Discussion

The Panel agrees with the submission of Stockland that the existing Planning Scheme provisions at Clause 14.02, 52.09 and 66.05 provide for adequate notice. Further, the Panel supports the concluding comments of Council and the MPA and that it is unnecessary and undesirable to have duplication in Planning Scheme provisions.

The Panel has reviewed the existing provisions and consider them adequate to achieve the intended purpose.

The Panel does not support Boral's submission that additional referral bodies to that provided for by the State Provisions at Clause 52.09-8 and 66.05 are warranted.

Consideration of submissions relating to proposed modifications to the PSP Guidelines and Requirements relating referral and application requirements in the extractive works buffer area are discussed in Section 3.2.

(iv) Conclusion

Inclusion of the proposed Clause 2.7 in Schedule 3 of the Urban Growth Zone is not supported, as it would represent an unnecessary duplication of satisfactory referral provisions already contained in the Planning Scheme.

(v) Recommendation

The Panel recommends:

Delete Clause 2.7 from Schedule 3 to the Urban Growth Zone.

3.2 Requirement 117 & New guideline G14

(i) The issue

Should Requirement 117 of the Quarry Hills PSP be replaced and should a new Guideline G14 be inserted?

(ii) Submissions

Requirement R117 specifies liaison requirements prior to lodging permit applications for development within the buffer of the Extractive Works Area.

All parties, other than Boral, support the removal of the requirement. As per their submissions regarding the proposed Clause 2.7 of Schedule 3 to the Urban Growth Zone (Refer Section 3.1) they consider R117 is an unnecessary requirement given that referral provisions are already clearly articulated via Clauses 14.02, 52.09 and 66.05 of the Planning Scheme.

Council suggested that modified wording of R117 should be inserted into the PSP as a new Guideline G14 as follows:

Applicants within the buffer of the Extractive Industry Works Area as identified on Plan 2 should liaise with the Responsible Authority and the Earth Resources Regulation Section of Department of Economic Development, Jobs, Transport and Resources (DEDJTR) prior to lodging a permit for any residential or commercial development.

Further Council's submission stated that R117 should be replaced with the following alternative text:

Applications must be accompanied by an assessment prepared by a suitably experienced and qualified person, which demonstrates that a variation to the Recommended Separation Distance for Industrial Residential Air Emissions (EPA publication number 1518 March 2013) is justified and provides confidence that a sensitive use can be safely developed within 500m of any quarrying activity at WA102.

Mr O'Farrell noted that the above modification "*is a sensible suggestion*" given that EPA Publication 1518 ('the Guidelines') is referred to at various parts of the Planning Scheme including Clause 13.04-2, Clause 17.02-1 and Clause 17.02-2. Mr O'Farrell concluded that collectively the provisions will ensure that "*consideration of the buffer is certain as part of the assessment of any future proposal for use, development and subdivision within 500 metres of the quarry*".

In its closing submission, the MPA stated that it has no opposition to the addition of the proposed G14 Guideline nor the Council's proposed replacement of R117. However, in noting this, the MPA considered that impacts from traffic, noise, blasting and vibrations should be added to the assessment considerations as follows:

Applications must be accompanied by an assessment prepared by a suitably experienced and qualified person(s), which demonstrates that impacts from

traffic, noise, blasting, vibrations and a variation to the recommended separation distance for industrial residential air emissions EPA publication number 1518 March 2013 are justified and provides confidence that a sensitive use can be safely developed within 500m of any quarrying activity at WA102.

(iii) Discussion

As discussed in Section 3.1, the Panel considers that the existing Planning Scheme provisions at Clause 14.02, 52.09 and 66.05 provide for adequate requirements. For the same reasons as the Panel supports previously discussed deletion of the exhibited Clause 2.7 to Schedule 3 of the UGZ, the Panel supports the deletion of the exhibited R117 within the PSP. The Panel does, however, support the reworking of the text into a new Guideline (G14) as recommended by Council.

The Panel supports the replacement of the existing text at R117 with a revised requirement that references EPA publication number 1518. The Panel considers this to be a worthwhile inclusion and supports Mr Montebello's observation that the proposed new requirement also will provide a benefit in providing a link to the derivation and purpose of the 500 metre measure.

The Panel does not support the MPA's suggested edits to the wording of the new R117 (to address impacts from traffic, noise, blasting, and vibrations) given that the 500 metre buffer is a 'residual air emissions buffer'. In reaching this finding, the Panel agrees with Mr Montebello that the 'amenity' buffer under Clause 52.10 for stone production is 100 metres and for a concrete batching plant is 300 metres.

(iv) Conclusion

The Panel supports modifications to R117 and G14 as drafted by Council.

(v) Recommendations

The Panel recommends:

Replace existing Requirement R117 with the following wording:

Applications must be accompanied by an assessment prepared by a suitably experienced and qualified person, which demonstrates that a variation to the Recommended separation distance for industrial residual air emissions (EPA publication number 1518 March 2013) is justified and provides sufficient confidence that a sensitive use can be safely developed within 500 metres of any quarrying activity at WA102."

Insert the following wording as a new Guideline (G14):

Applicants within the buffer of the Extractive Industry Works Area as identified on Plan 2 should liaise with the Responsible Authority and the Earth Resource Regulation Section of the Department of Economic Development Jobs, Transport and Resources (DEDJTR) prior to lodging permit application for any residential or commercial development.

3.3 Other changes requested by Boral

(i) The issues

In addition to matters addressed in Sections 3.1 and 3.2 of this report, Boral sought a number of other changes to the Background Report, the PSP and the UGZ Schedule. Each of the further requested changes is addressed in turn.

3.3.1 Item 1.1 of Attachment 1 to Boral's submission

(i) Submission

Boral submits that the text at Page 5 of Background Report should adopt MPA's proposed wording subject to the following changes:

...as such development within 500m of the Work Authority Extractive Works Area will need to be referred to the DEDJTR.

Mr Casper for Boral submitted that the reference to 'the Extractive Works Area' should be to 'the Work Authority Extractive Works Area', for the sake of clarity.

Both Council and the MPA agree with the suggested modification.

(ii) Discussion

The Panel considers the requested change provides clarity.

(iii) Conclusion

The Panel supports Boral's requested change to Page 5 of the Background Report (April 2015). This conclusion is reflected in the Panel's further recommendations listed in section 3.3.7 of this report.

3.3.2 Item 1.2 of Attachment 1 to Boral's submission

(i) Submissions

Boral submits that the dot point 6 on Page 10 of the Background Report, should be modified to adopt MPA's proposed wording subject to the following changes:

A large Hornsfel quarry is currently located within the PSP boundary. The site includes a quarry processing plant, a concrete batching plant and ~~a construction materials facility~~ associated ancillary plant, equipment, works and buildings. The quarry features blasting to remove the rock (hornsfel) and is a major stone and rock resource within the northern corridor. Once operation of the site has ceased and has been rehabilitated, sections on the periphery of the current quarry hole will be suitable for some development, however, the quarry hole itself will ~~be partially filled~~ handed over to Council as per the existing section 173 agreement for open space and recreation use. Creative reuse and re-design options are currently being investigated by Council as part of the Quarry Hills Regional Parkland Master Plan.

Mr Casper submitted that it should be noted that ultimately the quarry hole will be handed by Boral to Council as 'Open Space Land' in accordance with the existing section 173 agreement.

Council's closing submissions noted that it agrees to MPA's proposed changes and also to Boral amendments subject to the addition of the words "*and any remediation requirements required by the DEDJTR*" after the words "*section 173 agreement*".

The MPA confirmed that it supports Council's proposed modifications.

(ii) Discussion

The Panel considers the requested changes by Boral and Council provide clarity.

(iii) Conclusion

The Panel supports Boral's and Council's requested change to Dot Point 6 on Page 10 of the Background Report (April 2015). This conclusion is reflected in the Panel's recommendations listed in section 3.3.7 of this report.

3.3.3 Item 2.1 of Attachment 1 to Boral's submission

(i) Submissions

Boral submitted that on page 5 of the PSP, a new section 2.2 should be inserted as follows:

2.2 Ongoing quarry operations

The southern part of the Quarry Hills PSP includes part of Work Authority 102 (WA102) relating to the Boral Wollert Quarry. The quarry extractive works area buffer as shown in the Future Urban Structure for Quarry Hills (Plan 2) has been drawn to take account of quarrying operations and associated facilities and operations which may under WA102 be undertaken on Boral's land within the Quarry Hills PSP Area.

Land within the quarry extractive works area buffer is land within the boundary of WA102 as it stands on the date of this PSP, and land outside WA102 but within 500 metres of existing and proposed extraction works; within 500 metres of quarry plant; or within 200 metres of works ancillary to quarry operations. The quarry extractive works area buffer will help to protect future members of the community within the Quarry Hills PSP area not only from noise and amenity impacts of extractive works at the quarry, but also from those impacts associated with plant, equipment and ancillary works.

The Boral Wollert Quarry is an important stone resource for the construction industry and for the economies generally of metropolitan Melbourne and adjoining regions. The expansion of metropolitan Melbourne and increases in land prices mean that viable alternative stone resources are limited, and maximising the extraction of stone from existing quarries including the Boral Wollert Quarry assumes a higher level of importance.

It is anticipated that quarrying and associated facilities and operations within the PSP Area and associated with the Wollert Quarry will continue for a period of 8 to 15-plus years following the incorporation of this PSP into the Whittlesea Planning Scheme.

While those operations continue, it is intended that development of the Quarry Hills Precinct Structure Plan area will commence from close to its northern boundary and will proceed generally southwards in accordance with the Key Objectives, the Development Stating Requirements and other provisions of this PSP.

Boral considered that the inclusion of the above new section in the PSP is required in order to explicitly state the reasons for the likely 8 to 15-plus year ongoing operational lifespan of the quarry. The submission states that this is particularly important as Boral is concerned that potential misinformation or misunderstanding exists in relation to the quarry, especially to the effect that closure is planned to occur within a time period of less than 8 years.

On this issue, Mr Casper concluded that:

A clear statement of the likely timeframes in the PSP will assist in clarifying any potential confusion amongst surrounding landowners, Council, authorities and members of the public, and will help them to appreciate the reasons for provisions within the PSP dealing with the ongoing operations of the quarry.

Ms Bisucci, on behalf of Findon Pastoral, stated that they do not support the proposed inclusion. Ms Bisucci was critical of Boral's attempts "to secure flexibility" for its operations when such flexibility does not presently exist". Ms Bisucci stated:

The operations can only occur in defined areas within the Work Authority without amendment and the concrete batching plant permit is inherently linked to the quarry operations. What else could Boral seek to do on its Land without prejudicing delivery of the development envisaged by the PSP? It does not explain its position other than to say at paragraph 15 (f) "allowability of new ancillary operations on the Quarry Site". If the uses contemplated were truly ancillary, separate planning permission would not in fact be required.

In its closing submission, Council stated that it does not agree to the proposed changes. It considers the changes are not factually correct. Further they provided three key points in support of their opposition:

First, the 500 metre buffer is the default buffer representing the buffer per the Recommended Separation Distances for Industrial Residual Air Emissions (EPA publication number 1518 March 2013). While this is not apparent in the PSP document itself (or indeed the Background report to the PSP), it is clear from the initial drafting of clause 2.7 which is now to be deleted. Upon reflection, the deletion of clause 2.7 (which is agreed) also removes the link between the 500 metre buffer and the EPA publication and this could be a concern and retrograde step because it leaves too much scope for argument about the derivation and purpose of the 500 metre measure. However, this is easily resolved by for example making a slight change to Plan 2 by including the text

“per EPA publication 1518” immediately after the reference to 500 metre in Plan 1 of the UGZ Schedule and Plan 2 of the PSP so that the legend entry reads:

‘Quarry extractive works area buffer (500m per EPA publication 1518)’

For the panel’s information, the 500 metres comes from page 9 of the EPA publication.

It is important to note that the Buffer is a residual air emissions buffer. (See Part 2 of Page 2 of the EPA document.). It is not a buffer which is designed to protect future members of the community from noise, for example although it might have that incidental effect noting that other amenity buffers are less than the 500 metres. In this regard, we note that the "amenity" buffer under clause 52.10 for stone production is 100 metres and concrete batching plant is 300 metres both well within the 500 metres. (Refer Hearing Doc 25)

Secondly, the time frame referred to of 8 to 15+ years is unhelpfully vague.

Third, the planning controls, including clause 52.09 and the EPA document contemplates that an application for a permit can be made for a use within the buffer and possibly granted depending on the use, the location and an examination of impacts on a case by case basis. This is because the 500 metre buffer is a default minimum buffer. (See for example Part 7 on page 6 of the EPA document at 3rd last para).

For reasons similar to that expressed by Council, the MPA does not support Boral’s suggested inclusion of new text at Section 2.2. The MPA’s closing submission states:

The quarry is clearly shown within the PSP plans, as is the 500m buffer around the quarry. Additional wording referring to the Works Authority (WA) 102 is not necessary as this is already shown on the Future Urban Structure (FUS). The request including reference to the 500m quarry buffer and 200m buffer around ancillary operations is not required given the 500m buffer is already shown in the FUS from both the quarry and ancillary operations.

There is also no need to acknowledge the quarry is ongoing. The PSP considers how the land is to be treated whilst the quarry is operating, and when it has ceased.

(ii) Discussion

The Panel agrees with the submissions by Council, MPA and Findon Pastoral that Boral’s requested inclusion of additional text at Section 2.2 of the PSP is unnecessary. In reaching this finding the Panel considers that the PSP, both in its plans and text, is clear that the quarry exists and that there is a 500 metre extractive works area buffer. The Panel also agrees with the submissions advanced by Council that the proposed text, as drafted by Boral, contains inferences that are contestable as to their accuracy.

As already commented by the Panel in Section 3.2 of this report, Mr Montebello’s suggested reference to EPA publication 1518 is supported by the Panel.

(iii) Conclusions

The Panel does not support Boral's requested inclusion of additional text regarding the ongoing operation of the quarry at Section 2.2 of the PSP.

3.3.4 Item 2.2 of Attachment 1 to Boral's submission

(i) Submissions

Boral submitted that on page 5 of the PSP a new *Key Objective* should be inserted as the first Objective under the heading Employment, Town Centres and Community Facilities as follows:

Create a high amenity local convenience centre to the north of the quarry extractive works area buffer, to provide for the day to day needs of the future community, until the cessation of quarrying operations within the PSP area and the implementation of the Village Town Centre referred to in Key Objective 07.

The submission states that the proposed inclusion of the new objective in the PSP is required to further reinforce the importance of commercial and community facilities in a timely manner to support development of the PSP area in the sequence contemplated in the Staging Plan.

PSCA submitted that proposed inclusion of the **'until'** clearly indicates that Boral wants the commercial activity on its land exclusively in due course at the expense of the residents in the north. In response, PSCA submitted that the Panel should reject the amendments proposed by Boral.

Council considers the proposed new objective is not necessary and accordingly does not agree to the suggested inclusion.

The MPA submitted that it does not support the proposed inclusion. Its closing submission states:

The wording of this request is problematic as it specifies that the potential local convenience centre should no longer be supported once the Village Town Centre is constructed. The MPA considers that given the potential local convenience centre will be established many years before the Village Town Centre is constructed, to suggest established commercial uses should be removed would be unreasonable. There are sufficient controls within the PSP and ordinances to ensure the Village Town Centre is not competing with the smaller local convenience centre. This is by limiting the local convenience to being a small localised service centre given only up to 500m² of shop space may be utilised without a planning permit and the importance of the Village Town Centre in the PSP is also specified.

(ii) Discussion

The proposed inclusion of a local convenience centre in the northern part of the precinct is supported by the Panel. This matter is discussed in Section 3.5 of this report.

The small centre (up to 500 square metres) is proposed to provide a local convenience retail outlet for residents in advance of the development of the Village Town Centre to be located on the Boral site following its transformation to an urban development form.

The Panel does not support Boral's suggestion that an objective is required to specify that the role of the local convenience centre as proposed. The Panel does not consider that 500 square metres of shop floor space in the north of the precinct will in anyway pose a threat to the function or viability of the Village Town Centre in the south of the precinct.

(iii) Conclusions

The Panel does not support Boral's requested inclusion of an additional Key Objective to define the role and function of the proposed local convenience centre.

3.3.5 Item 2.4 of Attachment 1 to Boral's submission

(i) Submissions

Boral submitted that Guideline G110 on page 48 of the PSP should be modified to read as follows:

Staging will be determined largely by the development proposals on land within the precinct, having regard to existing constraints (including the ongoing operation of the quarry) and the availability of infrastructure services and ~~have~~ having regard to the Staging Plan. Development staging should, to the extent practicable, be integrated with adjoining developments. Access to each new lot must be via a sealed road.

The submission states that it is appropriate for Guideline G110 to expressly refer to the quarry as a constraint on when development can be realistically expected to begin, given the long-term nature of continuing operations at the quarry.

Council does not support the proposed modification and submitted that it is not necessary to emphasise the operation of the quarry over and above other constraints.

The MPA supports the proposed modification.

(ii) Discussion

The Panel accepts that the ongoing operation of the quarry is a primary significant issue that will influence the staging of development within the precinct. The Panel considers that it is not feasible to be prescriptive on development staging at this stage and that to do so could discriminate against developers who may be 'ready to roll' before their 'turn' or as other circumstances permit. On this basis, it supports the proposed inclusion of the words suggested by Boral.

(iii) Conclusions

The Panel supports Boral's proposed inclusion of additional text in Guideline G110 to acknowledge that the ongoing operation of the quarry is an existing constraint. This conclusion is reflected in the Panel's recommendations listed in section 3.3.7 of this report.

3.3.6 Item 3.1 of Attachment 1 to Boral's submission

(i) Submission

Boral submitted that Clause 2.4 of the proposed Schedule 3 to the Urban Growth Zone should be modified by inserting additional Uses and associated Requirements in Table 2 as follows:

2.4 Specific provisions – Use of land

The following provisions apply to the use of land.

Table 2: Use

USE	REQUIREMENT
Shop where the applied zone is Commercial 1 Zone	A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds: 5,000 square metres for land shown as a Village Town Centre in the incorporated Quarry Hills Precinct Structure Plan. 500 square metres for land shown as a local convenience centre in the incorporated Quarry Hills Precinct Structure Plan.
<u>Any use shown as a Section 1 – Permit not required use where the applied zone is General Residential Zone</u>	<u>A permit is required for the use where the land is within the quarry extractive works area buffer as shown in the incorporated Quarry Hills Precinct Structure Plan. The application must be referred to the DEDJTR and to the operator for the time being of the quarry in accordance with Specific Provision 2.7 to this UGZ3.</u>
<u>Stone extraction where the applied zone is General Residential Zone</u>	<u>The use of land for stone extraction is allowed if the land is within the boundary of the Wollert Quarry Work Authority (WA102) area, as that boundary stands on incorporation of the Quarry Hills Precinct Structure Plan into the Whittlesea Planning Scheme, subject to a planning permit being obtained.</u>
<u>Industry where the applied zone is General Residential Zone</u>	<u>The use of land for Industry is allowed if the land is within the quarry extractive works area buffer as shown in the incorporated Quarry Hills Precinct Structure Plan, subject to:</u> <u>any requirements of Clause 52.10 being satisfied in respect of the use; and</u> <u>a planning permit being obtained.</u>

Boral's submission on this issues noted that the above proposed amendments to Clause 2.4:

are required to specifically to allow the use of land to which the GRZ has been applied for:

- *Stone extraction, but only on land within the current Work Authority boundary and subject to the requirement for a planning permit; and*

- *Industry, but only within 500 metres of the Work Authority boundary, and subject to compliance with Clause 52.10 of the Whittlesea Planning Scheme and to the requirement for a planning permit.*

The Council submitted:

we do not agree with the submission that the zone needs to be modified. The zone reflects the underlying and overt strategic intent for the land, namely that it be developed for urban purposes (at the appropriate point in time) consistent with all of the strategic planning that has been undertaken for this area.

In so far that Boral has flagged that the General Residential Zone is not an appropriate zone to be "applied" to the land under the applied zone provisions of the Urban Growth Zone, while this might be true in a case which did not involve a strategic land use vision of a future residential community, it is completely contrary to the strategic land use vision for this area to apply an applied zone which specifically envisaged or permitted either with a permit or as of right, quarrying operations. We reiterate that

- *the PSP zoning reflects the expectations of the North Corridor Plan for the northern region; and*
- *the zoning reflects what Boral agitated for at the time the North Corridor Plan was being prepared.*

Council submits that upon the approval of proposed Amendment C188 in its current form, the quarry will benefit from the existing use right provisions of the planning scheme. The existing use rights are in effect, the beginning of a perhaps lengthy time of transition from one use to another use and this transition is one which has been sought by Boral since they initially approached Council for the land to be included into the UGB.

...

Accordingly, Council strenuously opposes any move to apply a different applied zone to the quarry land or its buffer as this would be likely to further undermine the development of the residential community envisaged by the North Corridor Plan and the PSP and the provision of vital infrastructure for the community that establishes beyond the buffer area.

It would be totally unpalatable for a new community to establish in areas unaffected by the buffer only to have their future provision of services determined by the expansion of a quarry within or adjacent to an area that is planned for other residential related purposes.

Council reiterated in its closing submission that it does not agree with Boral's position that the zone needs to be modified. Council stated that it considers that the zone proposed reflects the underlying and overt strategic intent for the land, namely that it be developed for urban purposes (at the appropriate point in time) consistent with all of the strategic planning that has been undertaken for the area.

The MPA also does not support the requested change. In its closing submission the MPA stated:

Reference to a use not required within the GRZ:

MPA considers that the number of uses that do not trigger a planning permit within the extractive works buffer extremely limited. Boral's concerns appear to stem from concerns development will result in conflict between sensitive land uses and the quarry. Of these, developments which do not trigger a planning permit and result in residents on the land, are highlighted in the below figure.

32.08-1
01/07/2013
VB

Table of uses

Section 1 - Permit not required

Use	Condition
Animal keeping (other than Animal boarding)	Must be no more than 2 animals.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Dwelling (other than Bed and breakfast)	
Home occupation	
Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250 square metres. Must not require a permit under clause 52.06-3. The site must adjoin, or have access to, a road in a Road Zone.
Minor utility installation	
Place of worship	The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Road Zone.
Railway	
Residential aged care facility	

GENERAL RESIDENTIAL ZONE

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Of these 3 uses, two require an existing dwelling to be located on the site (bed and breakfast and dependent person's unit) and there are no existing dwellings on the neighbouring lots within the PSP area within the buffer area. It is unlikely a single dwelling or residential aged care facility is only proposed on the two neighbouring large lots in the PSP within the buffer, that being land belonging to Stockland and Findon Pastoral land. Rather given both land holders have expressed the desire to subdivide their properties and it is more practical and financially beneficial to subdivide first, which would trigger a

permit, by providing contingencies for these two unlikely scenario, is unnecessary.

(ii) Discussion

The Panel agrees with the submissions advanced by both Council and the MPA that Boral's proposed modifications to Clause 2.4 of Schedule 3 to the Urban Growth Zone are unnecessary. The modifications proposed to the zone as requested by Boral would potentially transform and jeopardise the overarching vision for the precinct. The Panel accepts that Boral has existing use rights. The Panel considers that the proposed zone modifications sought by Boral inappropriately seek to transform future use and development within the quarry site. The Panel agrees that the zone as drafted appropriately reflects the underlying and overt strategic intent for the land, namely that it be developed for urban purposes (at the appropriate point in time) consistent with all of the strategic planning that has been undertaken for this area.

(iii) Conclusions

The Panel does not support Boral's proposed modifications to Clause 2.4 of Schedule 3 to the Urban Growth Zone

3.3.7 Recommendations

The Panel recommends:

Amend Page 5 of the 'Quarry Hills Background Report Overview' (April 2015) by modifying the second last sentence in the second last paragraph to read as follows:

Any new residential development will need to be protected from amenity impacts associated with the quarry; as such development within 500 m of the Works Authority Extractive Works Area will need to be referred to the Department of State Development, Business and Innovation.

Amend Page 10 of the 'Quarry Hills Background Report' (April 2015) by replacing the 6th dot point with the following:

A large Hornfel quarry is currently located within the PSP boundary. The site includes a quarry processing plant, a concrete batching plant and associated ancillary plant, equipment, works and buildings. The quarry features blasting to remove the rock (hornfel) and is a major stone and rock resource within the northern corridor. Once operation of the site has ceased and has been rehabilitated, sections on the periphery of the current quarry hole will be suitable for some development, however, the quarry hole itself will be handed over to Council as per the existing section 173 agreement and any remediation requirements required by DEDJTR for open space and recreation use. Creative reuse and re-design options are currently being investigated by Council as part of the Quarry Hills Regional Parkland Master Plan.

Replace Guideline G110 with the following:

Staging will be determined largely by the development proposals on land within the precinct, having regard to existing constraints (including the ongoing operation of the quarry) and the availability of infrastructure services and having regard to the Staging Plan. Development staging should, to the extent practicable, be integrated with adjoining developments. Access to each new lot must be via a sealed road.

Amend the Legend of 'Plan 2 – Future Urban Structure' in the Precinct Structure Plan by replacing the words "quarry extractive works area buffer (500 metre) with the following:

Quarry extractive works area buffer (500 metres as per EPA publication 1518).

3.4 Staging Plan

(i) The issue

Should the Quarry Hills PSP include a Staging Plan?

(ii) Submissions

Stockland submitted that there is no need for a staging plan and highlighted that the exhibited PSP did not include one. Stockland reiterated that matters dealing with staging are comprehensively addressed in the Quarry Hill's PSP at pages 48 and 49 (Section 3.10 – Development Staging), that includes a number of detailed Requirements and Guidelines. Mr O'Farrell noted that if its primary submission was not accepted by the Panel that no staging plan should be included, then Stockland would not oppose a staging plan that shows the following two stages:

- *Stage 1 – North of Harvest Home Road*
- *Stage 2 – South of Harvest Home Road.*

PSCA stated that it supports the inclusion of an indicative staging plan.

Ms Bisucci advised that Findon objects to the form of the current staging plan given that its land has been placed in Stage 2:

To the extent that staging is considered appropriate by the Panel then Findon submits that its Land should be in Stage 1 and only the Boral Land should be in Stage 2.

The MPA discussed how the Findon Land could be accessed from the west and as such does not rely on infrastructure on the Boral Land for access. Hence, the Findon Land could conceivably be developed separately and hence should in fact be in Stage 1.

In its closing submission the MPA stated:

The Panel has heard that there are difficulties for developers in the implementation of the staging plan, and some support for its removal. The MPA prepared the plan as Council was concerned with staging in the PSP, but

concede that development of the area may occur outside of the proposed sequencing and don't object to the removal of the plan.

(iii) Discussion

The Staging Plan that has been proposed by the MPA in response to Council's request depicts two higher order stages (Stage 1 – North of Harvest Home Road; and Stage 2 – South of Harvest Home Road). Stage 1 is further divided into stages 1a, 1b, 1c and 1d.

As observed by Mr O'Farrell there is no text associated with the plan to provide guidance as to what the differences is between the sub-stages of Stage 1 and nothing to suggest triggers or sequencing.

The Panel agrees with the submissions put by Mr O'Farrell that there is no sustainable justification for the suggestion that land with the Quarry Hills PSP should be development in a north to south direction and that:

In relation to the Boral quarry, its existence is a consideration to the development of land to the immediate north of Harvest Home Road, but it is not a probation. Nor should it be..... If Stockland is able to obtain approval for use and development within the buffer, then there ought be no impediment to that occurring.

Further, the Panel is satisfied that if development was to occur on the Stockland site in the early stages of the development of the PSP, future residents will have access to a range of conveniently located community and shopping facilities, albeit outside the PSP area.

(iv) Conclusion

The Panel does not support a post exhibition inclusion of a Staging Plan in the PSP.

3.5 Location of the Local Convenience Centre

(i) The issue

There are opposing views on where the local convenience centre in the northern part of the PSP should be located and depicted in the PSP.

(ii) Submissions

PSCA stated that it does not oppose the provision of a local convenience centre in the northern part of the PSP Area. However, it expressed a concern with the location as depicted in the MPA's Part A submission:

In PSCA's view there has been little or no justification for the location and an ultimate location should be considered after further research is undertaken.

Whilst the MPA has submitted that the location of the local convenience centre is indicative only, those of us(e) involved with the issues created downstream know only too well that there will be a dispute between PSCA and Council if a centre is not located in that general vicinity.

We implore the Panel to remove the designation on the plan and provide a notation that a local convenience centre be located in the northern area.

The MPA submitted that by showing the potential local convenience centre on the plan, in its current location (Refer Figure 3), the strategic reasoning of the location of the centre is reinforced. Ms Patterson explained the locational attributes as being:

- On the main vehicular route through the PSP, which is bus capable;
 - the centre would be close to pedestrian paths within the GGF corridor and open space; and
- the centre is adjacent to the road which provides the most direct route from Stage 1 to the nearest neighbourhood and local town centres outside of the PSP.

Figure 3: Proposed location of potential Local Convenience Centre



For the above reason the MPA concludes the location of the potential local convenience centre should be included on the Future Urban Structure Plan.

In its closing submission Council stated:

The location of the Local Convenience centre is not a complex issue. It must go on the Boulevard Connector Road. It should preferably go on the corner of roads and the corner with Whitebark Road is a logical candidate indeed the only real candidate.

Mr Montebello also observed in closing that the Essential Economics² report of July 2013 contemplated a Local Convenience Centre. The Panel notes that the Report at page 30 notes that “potential may exist for a small LAC of around 500m² on the main north-south connector

² Activity Centre and Employment Analysis as Input to Precinct Structure Plan. Essential Economics, July 2012

road within the PSP, and which could serve a local catchment in the northern part of the PSP”.

(iii) Discussion

The Panel considers that it is appropriate to depict on the Future Urban Structure Plan a location for the ‘potential local convenience centre’, as opposed to a generic note being added to the plan as submitted by PSCA. The purpose of the Future Urban Structure Plan is to provide direction on the future urban form of the Precinct. Having noted this, the Panel agrees with the observation of the MPA in relation to the status of the Future Urban Structure Plan:

The MPA wishes to also clarify that the FUS is an indicative plan that provides flexibility regarding the positioning of specific items. It is considered that the ultimate location of the potential local convenience centre as well as the design of the intersection along the north boundary can be manipulated at the detailed design phase, where such changes provide good design outcomes, and as such the flexibility that PSCA seeks is inherent in the plan.

In relation to the proposed location of the potential local convenience centre, the Panel agrees that the identified location appears logical. The Panel agrees with Council and the MPA the centre should be located on the corner of the main north south boulevard and the proposed east west road in the northern part of the precinct. The Panel notes that the above-mentioned Essential Economics report, at Figure 4.3 at page 31 supports this indicative location. Future detailed planning will determine the merits of a location on the north or south side of the east west road.

(iv) Conclusion

The Panel supports showing the location of the ‘potential local convenience centre’ on Plan 2 of the PSP – Future Urban Structure in the location proposed by the MPA.

3.6 Boulevard bridge crossing alignment

(i) The issue

On the last day of the hearing the MPA requested a modification to the location of the Boulevard bridge crossing, and consequential relocation of two storm water bodies, ‘SBF’ and ‘WLG’ that are specified in the Melbourne Water Drainage Services Strategy.

(ii) Submissions

In relation to river crossing locations and bridge design and costings, the submission on behalf of Property Subdivision Corporation Australia Pty Ltd (PSCA) is that the costings and designs are appropriate. The submission reiterated that “*given the position circulated on 13 January 2016, PSCA is satisfied that the matters are resolved as between the parties.*”

Council submitted that it is satisfied that the process which has been undertaken ‘to date’ with respect of resolving bridge design, costing and locations has yielded an appropriate outcome. In respect the cross sections, Council submitted that the presented sections

represent Council views and are supported. Council's submission qualified its support, noting potential issues that may arise concerning costs and designs:

From Council's perspective, the resulting cost estimates seem reasonable and it is noted that this resulted in a significant reduction in the DCP rate to the benefit of developers. However, it is ultimately landowners / developers who need to be confident that the costs will cover the obligations noting that the crossings will inevitably have to be delivered as works-in-kind as part of the development of the precinct given that they are required for access to the developments from on or near the outset of development. Further, given that the precinct is located on the edge of what will become the permanent extent to urban development in this location, Council would have limited need to construct the crossings for the benefit of the broader road network. It is on this basis that Council does not object to these reductions.

Council has maintained that it wishes for the DCP to be robust and able to be administered efficiently. Therefore, it is imperative that DELWP and Melbourne Water commit to the DCP design specifications so that subsequently, when it is time to build the bridge(s), neither of them specify a bridge which is different to that which the DCP cost estimates are based on. This should be provided in the form of written confirmation, accepting that all parties have been involved in the creation of the designs, and that they are supported and that this is subsequently clearly stated within the DCP.

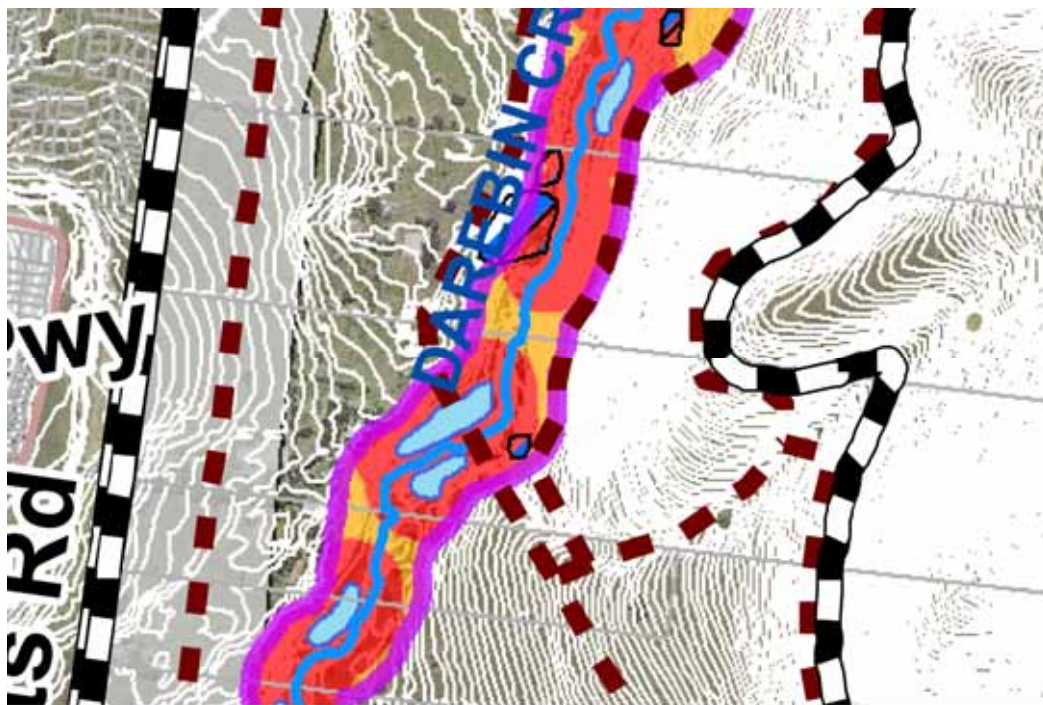
In its closing submission, the MPA advised that it had consulted with DELWP on 11 February 2016 (the morning of the last day of the hearing) to determine the level of changes proposed by DELWP to the Future Urban Structure plan (FUS) in relation to the location of the two storm water bodies, SBF and WLG, and the location of the Boulevard Bridge Crossing. The MPA stated:

DELWP have advised that they are satisfied with the location of SBF and WLG as shown in the latest version of the FUS that incorporated the Melbourne Water Drainage Services Strategy that was circulated with the Part A, subject to a note being added to the plan specifying that:

- The location of assets SBF and WLG are conceptual and a functional design is required to demonstrate that there would be no loss of habitat under the Commonwealth approval for urban development, to the satisfaction of DELWP.*

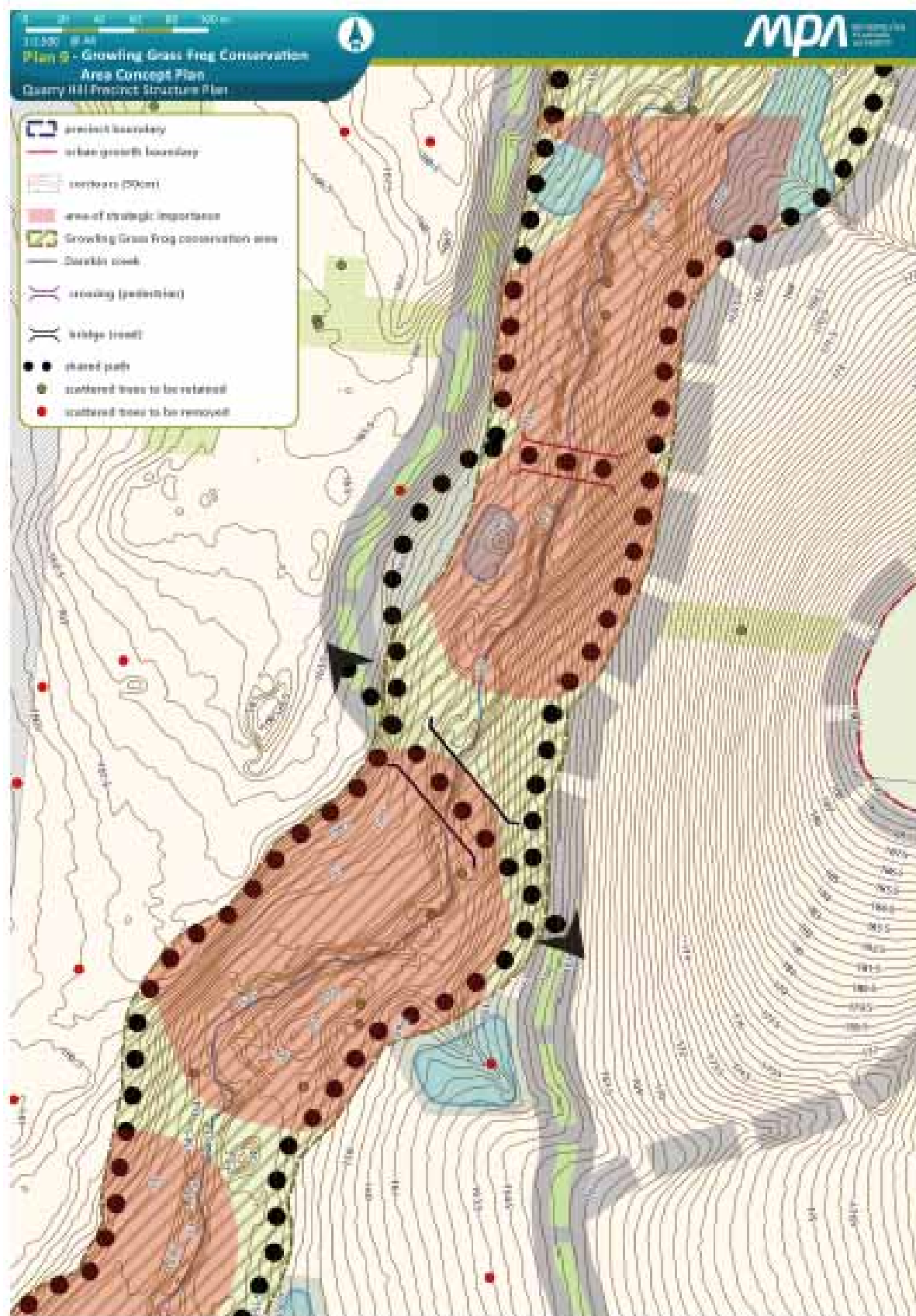
In relation to the Boulevard Bridge Crossing, the MPA advised that DELWP have proposed to relocate the bridge approximately 100 metres north of the original location to avoid a Growling Grass Frog node. The location of the bridge intersecting with the Growling Grass Frog node as shown in the Future Urban Structure circulated with the Part A submission is shown in Figure 4.

Figure 4: Boulevard crossing location over the Growling Grass Frog node as per MPA's Part A submission



The MPA advised that DELWP proposes instead that the bridge be located approximately 100 metres north to avoid the Growling Grass Frog node and trees of significance as per Figure 5.

Figure 5: Proposed location of creek crossing consented to by DELWP



The MPA stated that DELWP has advised that the new crossing location will not impact on the current design of the bridge or the costings agreed to at the Bridge Design Conference. Further, the MPA stated that it had circulated the new alignment to Melbourne Water and Stockland's engineers who chaired the Creek Crossing Design conference. The MPA concluded that:

We understand that there is no objection to the location of the bridge provided the cost (as set out in the circulated costings) are not increased in the DCP. MPA supports this position.

Council stated its position in its closing submission as follows:

We remain concerned that though the design of the bridges is addressed, the alignment issue is still a little up in the air. The concern is that the alignment may affect the costings because it impacts on quantities. Lack of certainty contributes to cost risks. Cost risks are usually accounted for in the contingency. The contingency for this bridge is a standard contingency (20%) no(t) one which recognises these other locational uncertainties.

(iii) Discussion

When questioned by the Panel to clarify if Council supported the new bridge location, Mr Montebello stated that while it appears that the revised location may work, Council was reluctant to support the proposed variation at this time as it has not had the opportunity to adequately assess it.

The Panel notes that the above plans appear to have a new pedestrian bridge to the north of the road bridge.

The Panel considers it would be appropriate to confirm that the new location will not increase costs in the DCP and is acceptable to all parties. Further consultation with parties is required to achieve this. The MPA's Part B submission noted that it proposed to enter into discussions to finalise changes that may impact on the detail within the plans after the Panel Hearing; and the result of these discussions be finalised before gazettal. The Panel considers that it would be inappropriate to exclude discussion with land owners on this issue.

The Panel considers it appropriate for the PSP to reflect the revised location should the further consultation with parties result in consensus being reached on the new location and costings being within the agreed scope.

(iv) Conclusions

The Panel concludes that the MPA should further engage with parties to confirm their acceptance of the DELWP's proposed revision to the location of the Boulevard bridge crossing. The Panel supports the inclusion of DELWP's suggested additional note to Plan 2.

(v) Recommendations

The Panel recommends:

Undertake further engagement with stakeholders to confirm their acceptance to:

- c) Adding the following note to Plan 2 – Future Urban Structure**
 - **The location of assets SBF and WLG (as per the Melbourne Water Drainage Service Strategy) are conceptual and a functional design is required to demonstrate that there would be no loss of habitat under the Commonwealth approval for urban development, to the satisfaction of DELWP.**
- d) Change the proposed middle road bridge crossing location to that supported by Department of Environment Land Water and Planning as reflected in the Metropolitan Planning Authority’s closing submission (Refer Figure 5 of Panel Report) provided the cost (as set out in the circulated costings) are not increased in the Development Contributions Plan.**

3.7 Road zone classification - Road Zone Category 2

(i) The issue

Whittlesea City Council opposes MPA’s proposed application of Road Zone Category 2 (RD2Z) to the north south road and Harvest Home Road.

(ii) Submissions

The MPA’s Part B submission observed that the purpose of the Road Zone as specified at Clause 36.04 of the Whittlesea Planning Scheme, is:

To identify significant existing roads.

To identify land which has been acquired for a significant proposed road

The MPA considers that the applied Road Zone Category 2 is the best classification of the north south road and Harvest Home Road given that these roads are ‘significant roads’, as defined by the by Clause 36.04. MPA noted that both of the roads will facilitate most traffic entering and exiting the Quarry Hills Precinct Structure Plan precinct and furthermore will also be bus capable, run through the Village Town Centre and potential Local Convenience Centre, and have wider widths of between 29 metres and 34 metres, to contain significant levels of traffic.

The Council strongly opposes the MPA’s position on this issue:

Council does not support this zone being applied to non-arterial roads. By reference to Plan 2 and Plan 11, it can be seen that this will apply to the north south road extending from Lehmans Road in the north, right through the PSP area all the way to the southern boundary and Harvest Home Road is also included. The only exclusion seems to be through the town centre where the street is labelled Town Centre Main Street.

This is somewhat curious given that Lehmans Road to the west of the PSP area is not in a Road Zone and it is not clear why it is proposed to place it in a Road

Zone in a location which is at the edge of the urban area. It is noted that the first 30% of the alignment of the north south road is one which abuts the sensitive conservation areas. Even Harvest Home Road, west of the PSP is not in a Road Zone so again, it is unclear why it is proposed to place this last stretch of Harvest Home Road into a Road Zone.

Council noted that the Road Zone 2 currently only applies to arterial roads within Whittlesea that are not declared and the recent Whittlesea Amendment C187 (Wollert PSP) did not propose the application of the Road Zone 2 despite it being exhibited around the same time as this proposed Amendment.

Council further submitted:

Noting that the applied zone abutting these roads is General Residential Zone, the table of uses for the GRZ provides in section 2 that there are a number of highway type uses that are able to be considered for a permit if the uses are on a road which is in a road zone. These uses include service station, convenience restaurant, convenience shop, car wash and take away food shop. Council does not support this.

One of the main reasons Council does not support this is because it opens up the consideration of these non-residential uses such as Service Stations in a manner which Council broadly considers to be inappropriate having regard to the usual scale of these facilities in what are essentially residential precincts.

Council submitted that the Vision for the PSP places a premium on the unique landscape and environmental attributes provided by the Darebin Creek and the sloping Quarry Hills. Council submitted that this, along with its location on the edge of the catchment offer the opportunity for a unique, boutique housing development and do not warrant the introduction of this range of *ad hoc* section 2 uses along key road ways. In reiterating its position on this issue Council submitted:

The Image and Character Element of the PSP does not account for or contemplate these types of uses and so has provided no guidance to where these uses are or are not appropriate. Consequently, what is bound to happen is that the normal planning provisions will apply without any guidance from the PSP. Council is concerned at the prospect of the inappropriate clustering of Section 2 uses such as for example, an integrated service station / fast food / medical centre / child care centre proposals). Council's preference is that in an area that is planned such as the PSP area, these uses should be directed to commercial areas and major roads.

In its closing submission Council restated its opposition to the application of the RD2Z and specifically requested the following changes:

In clause 2.2 of the UGZ Schedule 3, strike out the row dealing with the Connector Road.

In the table at clause 2.5 'Specific Provisions Use of Land', make the following changes: following entry:

Use	Requirement
<i>Shop</i>	<i>As per MPA Part A submission – Appendix 3.1 Panel Version</i>
<i>Medical Centre</i>	<p><i>The gross floor area of all buildings must not exceed 250 square metres.</i></p> <p><i>Must not require a permit under clause 52.06-3.</i></p> <p><i>The site must adjoin, or have access to, a road identified as a Boulevard Connector Road in Plan 1 of the PSP.</i></p>
<i>Place of Assembly</i>	<p><i>The gross floor area of all building must not exceed 250 square metres.</i></p> <p><i>The site must adjoin, or have access to, a road identified as Boulevard Connector Street in Plan 1 of the PSP.</i></p>

In so far as we have identified that Road Zone 1 roads are VicRoads arterial roads and Road Zone 2 roads are Council arterial roads, we also provide the listing below which illustrates the point made in our submissions more emphatically.

Road Zone 1 roads:

- *High Street, Epping Road, Merriang Road – VicRoads Declared Arterial Road.*
- *Wallan Road – VicRoads Declared Arterial Road.*
- *Whittlesea Road – VicRoads Declared Arterial Road.*
- *Donnybrook Road – VicRoads Declared Arterial Road.*
- *Plenty Road – VicRoads Declared Arterial Road.*
- *Craigieburn Road East – VicRoads Declared Arterial Road.*
- *Craigieburn Bypass – VicRoads Declared Arterial Road.*
- *Cooper Street – VicRoads Declared Arterial Road.*
- *McDonalds Road – VicRoads Declared Arterial Road.*
- *Dalton Road – VicRoads Declared Arterial Road.*
- *Gorge Road – VicRoads Declared Arterial Road.*
- *Yan Yean Road – VicRoads Declared Arterial Road.*
- *Edgars Road – VicRoads Declared Arterial Road.*
- *Settlement Road – VicRoads Declared Arterial Road.*
- *Mahoneys Road – VicRoads Declared Arterial Road.*
- *Childs Road – VicRoads Declared Arterial Road.*

Road Zone 2 roads:

- *Bridge Inn Road – Council Arterial Road (ultimate 4 lanes).*
- *Findon Road – Council Arterial Road (ultimate 4 lanes).*
- *Arthurs Creek Road – Council Rural Highway.*
- *McKimmies Road – Council Arterial Road (2 lanes, no direct access).*

Council reiterated that the RDZ2 is not applied to collector road anywhere in the municipality.

The closing submission referenced the neighbouring Epping North Growth Area as a further example of Council approach noting that all of the following connector roads are zoned in the underlying zone (GRZ or Comprehensive Development Zone) **not** Road Zone 2:

- **Harvest Home Road** (*emphasis added*)
- Salt Lake Boulevard
- Di Rossi Boulevard
- Pine Park Drive
- Baltrum Drive
- Champions Parade
- High Park Drive
- Greenfields / Northside Drive
- Steen Avenue
- Gammage / Farmhouse Boulevard
- Rockfield / Lyndarum / Hayston Drive
- Redding Rise
- Great Brome Drive.

In highlighting the above, Council observed that all of the identified collector roads have similar cross-sections and function to the cross sections and functions proposed for the two Boulevard Collector Roads in the Quarry Hills PSP. In this regard, Council encouraged the Panel to view the cross sections in the gazetted Epping North East Local Structure Plan (refer C81):

Finally, further to our submissions about the consistency of the approach with that proposed in the Wollert PSP, it is also relevant to observe that the recently exhibited Donnybrook-Woodstock PSP is consistent with the approach Council is espousing.

In relation to this issue the MPA in its closing submission stated that:

We defer to the panel to make a decision.

(iii) Discussion

The Panel accepts Council's submission that within the City of Whittlesea the Road Zone Category 2 has only been applied to arterial roads and accordingly the proposed application of the Road Zone Category 2 to the north south road and Harvest Home Road, which are both collector roads, would be inconsistent with this approach. The Panel also notes that the Road Zone Category 2 is not proposed to be applied to collector roads in adjoining PSP areas.

The Panel shares Council's concern regarding the range of 'highway type' Section 2 uses (service station, convenience restaurant, car wash, etc) that would be able to be considered as Section 2 (Permit required) uses should the Road Zone Category 2 be applied.

(iv) Conclusion

The Panel does not support the application of the Road Zone Category 2 to the north south road or Harvest Home Road.

(v) Recommendations

The Panel recommends:

Amend Clause 2.2 of Schedule 3 to the Urban Growth Zone by deleting 'Connector Road' from Column 1 and the corresponding Column 2 entry 'Clause 36.04 – Road Zone Category 2'.

Amended Clause 2.5 of Schedule 3 to the Urban Growth Zone (Specific provisions – Use of Land) by replacing 'Table 2: Use' with the following:

USE	Requirement
Shop where the applied zone is Commercial 1 Zone	<p>A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:</p> <ul style="list-style-type: none"> • 5,000 square metres for land as a Village Town Centre in the incorporated Quarry Hills Precinct Structure Plan. • 500 square metres for land shown as a local convenience centre in the incorporated Quarry Hills Precinct Structure Plan
Medical Centre	<p>The gross floor area of all buildings must not exceed 250 square metres.</p> <p>Must not require a permit under clause 52.06-3.</p> <p>The site must adjoin, or have access to, a road identified as Boulevard Connector Road in <i>Plan 2 – Future Urban Structure</i> of the PSP.</p>
Place of Assembly	<p>The gross floor area of all buildings must not exceed 250 square metres.</p> <p>The site must adjoin, or have access to, a road identified as Boulevard Connector Road in <i>Plan 2 – Future Urban Structure</i> of the PSP.</p>

3.8 Location and sizing of stormwater assets

3.8.1 The issue

Stockland request that the PSP provide greater flexibility in relation to the location and sizing of stormwater assets.

3.8.2 Location of stormwater assets

(i) Evidence and submissions

In relation to the location of stormwater treatment assets, Stockland submitted that the PSP should be modified to indicate that the location of the depicted stormwater treatment assets in Plan 13 are *'indicative only'*.

Mr O'Farrell explained that the rationale for seeking the modifications was to provide his client (and other landholders) *'flexibility in design'*.

The specific modifications sought by Stockland is inclusion of the following into Section 3.8, (either in text or as an annotation):

Stormwater treatment assets locations shall be deemed indicative only in Plan 13. Where agreed by the relevant authorities to be located within the PAO and GGF conservation area the developer shall demonstrate no adverse impact to flood levels and/or loss of key GGF habitat.

Mr O'Farrell submitted that the modification sought *"isn't asking for much. In effect, all it is asking for is the ability to seek permission from the relevant authorities to locate stormwater treatment assets, including partly, within the PAO and GGF conservation area"*.

In support of the requested changes Stockland called the following expert evidence:

- Mr Leigh Holmes (stormwater management); and
- Mr David Wright (terrestrial ecology).

Mr Holmes stated:

Given the space allocation to the PAO I believe there is adequate flexibility to co-locate the wetland in the Stockland property within the PAO and conservation area. Given the future road will be most likely elevated within the vicinity of this area I would expect that the proposed alignment to easily cross or avoid the wetland in an alternate location further to the west.

Mr Holmes concluded that the PSP should be amended to reflect that the location of the stormwater treatment assets are indicative only, to provide flexibility to co-locate the wetland in the Stockland property within the PAO and the conservation area.

Mr Wright prepared a desktop review on behalf of Stockland to determine the potential to locate proposed stormwater treatment asset 'WLE' (or part of it) within the mapped Growing Grass Frog Conservation Area (CA34). Based on his desktop review Mr Wright concluded:

Wetland 'WLE' could be amended so as to be partly located within CA34 and provide a dual role of a stormwater management asset and Growling Grass

Frog 'semi-natural' permanent wetland. This would be contingent on adequate treatment of stormwater to ensure no adverse effects on a population which may use the wetland and provided wetland design follows DELWP's design and construction standards.

On this issue, Stockland concluded:

... the requested changes is a sensible inclusion so as to provide flexibility whilst ensuring that relevant government bodies have oversight to ensure that if this is any co-location, that the outcome is appropriate.

Council submitted that it agrees with the evidence of Mr Wright. Specifically, Council submitted that:

The evidence statement of Mr Wright suggests that the wetland and basin denoted WLE should at least partly (be) sited within Conservation Area CA 34. Council does not object to this outcome.

In response to questioning from the Panel, Mr Montebello stated:

Council supports WLE being partly within CA34. Council would allow it.

The MPA, in its closing submission, stated:

In relation to the potential location of storm water assets within the PAO and GGF areas, all three relevant government agencies have not supported the proposed guideline to allow the location of storm water assets in the PAO and GGF conservation area. We attach a copy of the responses from Melbourne Water, DELWP and VicRoads for your information (Appendix 1).

We can confirm that the storm water asset within the Stockland property is directly adjacent to a GGF node.

In those instances where DELWP have allowed storm water assets in the GGF corridor, these assets have been separated from GGF nodes, such as SBF and WLK to the south.

As none of the authorities which have final say to the positioning of the storm water assets within the VicRoads PAO or GGF areas have consented to this variation, we should not indicate that variation can be achieved.

(ii) Discussion

The Panel has reviewed the correspondence attached to the MPA closing submission.

VicRoads, via email dated 4 February 2016 objects to the consideration of a wetland within the existing PAO for the Outer Metropolitan Ring/E6 Transport Corridor. It notes that the PAO was put in place to reserve the land for the Outer Metropolitan Ring/E6 Transport Corridor and a retarding basin or wetland location within the PAO would “introduce a new encumbrance on the land”.

DELWP, via email 5 February 2016, advised that:

Stormwater asset WLE has been intentionally located outside of the GGF conservation area as the section of conservation area adjacent to the site is considered an Area of Strategic Importance to Growling Grass Frog owing to the area's importance as a potential location for creation of a GGF breeding wetland. It is therefore considered habitat for a matter of national environmental significance (MNES). Impacts resulting in a net loss of MNES habitat would not be supported by DELWP.

The Melbourne Water letter dated 5 February 2016 attached to MPA's closing submission advises:

In consultation with VicRoads, Melbourne Water have been instructed to not locate any stormwater works with the PAO, hence the revised Strategy asset WLE being located abutting the reserve.

Melbourne water can reassess the location of WLE, should VicRoads formally agree to all use of the PAO for a portion of the land required for creating WLE.

The current note on Plan 13 states:

"Notes: Constructed waterways minimum 55m width, subject to confirmation and approval by Melbourne Water through the subdivision process". This note refers to the tributary of Darebin Creek that is proposed to be a constructed waterway. Darebin Creek is to be retained as a natural waterway.

Melbourne Water agrees in-part to the suggestion by Spiire. We recommend the note of Plan 13 include the following:

Notes:

- Constructed waterways minimum 55m width, subject to confirmation and approval by Melbourne Water through the subdivision process.

- Any alternative proposal for the location and size of stormwater assets shall meet R97, and shall demonstrate no adverse impact to flood levels, the waterway values/physical form and/or loss of key GGF habitat. (Panel Emphasis).

Having considered the sum of the evidence and submissions on this issue, the Panel supports Mr O'Farrell's submission on behalf of Stockland for the PSP to be amended to provide an opportunity in the future for the relevant authorities to consider a revised location of the stormwater assets. In reaching this position the Panel notes that any variation will need authorisation from relevant government bodies. Further, the Panel takes some comfort in the support provided by Council for additional flexibility.

In relation to the form of wording to give effect to this finding, the Panel supports inclusion of the words proposed by Melbourne Water to be added as a note to Plan 13.

(iii) Conclusion

The Panel supports inclusion of a note on Plan 13 to enable alternative proposals to be considered regarding the location and sizing of stormwater assets. This conclusion is reflected in the Panel's recommendations listed at Section 3.8.4 of this report.

3.8.3 Sizing of stormwater assets

(i) Evidence and submissions

The second modification sought by Stockland in relation to the PSP's integrated water management guidance is a request to modify Requirement R97 to read:

Development and the location of stormwater treatment and retardation assets must be in accordance with the relevant drainage strategy prepared by the responsible authority. Sizing of the assets depicted in Plan 13 are conceptual only, however should be deemed the maximum land take to meet best practice stormwater quality treatment standards.

Mr O'Farrell explained that this provision is sought to "place a limit upon the land take associated with the stormwater assets".

The evidence statement of Mr Holmes noted that the revised drainage strategy had resolved the equity issue between land owners. This has been achieved by each parcel now having a water quality treatment asset located on it to cater for the stormwater flows on a site by site basis in accordance with best practice guidelines. Mr Holmes also notes:

The sizing of these assets is conceptual only, however should be deemed the maximum land take. Upon further investigations and assessment of potential alternatives as outlined in the Spiire (Formerly CPG) integrated water management strategy for Quarry Hill, the land take associated with each asset should be subject to change.

The submission by PSCA stated that it was their understanding that the size and location of wetlands and sediment basins is consequent upon the Melbourne Water Drainage Strategy. In relation to this PSCA stated:

These issues have not tested by the Panel they are being accepted as fact.

To that end, PSCA concurs with the evidence of Mr Holmes of Spiire Australia in respect of the drainage strategy and the proposed amendments to Section 3.8 Requirement 97 that the "sizing of the assets depicted in Plan 13 are conceptual only, however, should be deemed the maximum land take to meet best practice stormwater quality treatment standards".

PSCA further submitted:

The location of the wetlands and sediment basins do not make allowance for the existing fall of the land in the PSP area, let alone the future subdivisional layouts, which will dramatically alter the drainage characteristics of any land. In contemplation of that issue, we submit that the plan should be more generic in its terms, for example:

- *Specify that suitable treatment provisions for each parcel of land must be installed to achieve industry best practice targets using appropriate treatments that are suitable for each individual site, rather than actually specifying the number of Wetlands or Sediment Basins; and*

- *The size and location of the various treatments should be flexible depending on site typography and development layout.*

In reality, the PSCA Land (that is both 130 and 150 Bindts Road) will be developed as an integrated site. In those circumstances, the number of treatment provisions and their location might be quite different to that set out in Plan 13.

We implore the Panel to make recommendations that these matters are conceptual only and that further investigations would be required once a development or subdivision proposal is received.

Lastly, in discussions between consultants engaged by PSCA and Melbourne Water, there was an understanding that retarding of flows was not a requirement in the circumstances. This is supported by earlier studies undertaken by Spiire and in the circumstances we would ask the Panel to make specific comments in respect of that issue.

In relation to the size issue Council submitted:

In relation to Mr Holmes' witness statement, Council does not agree with the proposed alteration to Requirement 97. It is not good planning to provide such a limit at this early stage of the 3 stage design process. The witness basically conceded that issue.

Mr Holmes also recommended that Requirement R97 should remove the words “and retardation assets” as the integrated water management strategy recommended that no retardation within Quarry Hills was required.

(ii) Discussion

The Melbourne Water letter dated 5 February 2016 attached to MPA's closing submission acknowledges that the *Quarry Hills Development Services Strategy* is 'conceptual only' and that further functional and detail design will be required to confirm the final land take of the asset. Accordingly, Melbourne Water does not support the change requested by Stockland to Requirement 97 because if the asset is not sized correctly, then stormwater treatment to industry best practice may be compromised thereby impacting on the long term health of the Darebin Creek. The Panel agrees with this general position.

Both Melbourne Water and the MPA acknowledged and agreed with the suggestion by Mr Holmes to remove reference to 'retardation assets'.

Hearing Document 29 (Version 3.0 – MPA Closing Submission – February 2016) includes the following 'Panel version text' for R97:

Stormwater conveyance and treatment must be designed in accordance with the relevant Development Services Strategy, prepared by the responsible authority and to the satisfaction of Melbourne Water.

The 'Related Submission' attribution is 'Melbourne Water'. The Panel notes that the revised wording deletes reference to 'retardation assets' as requested by Mr Holmes.

(iii) Conclusion

The Panel does not support amending Requirement 97 to specify that the land area identified for stormwater assets should be deemed the maximum land take. The Panel supports removal of the reference to 'retardation assets' and supports Melbourne Water's proposed revised wording.

3.8.4 Recommendations

The Panel recommends:

Replace Requirement R97 with the following:

Stormwater conveyance and treatment must be designed in accordance with the relevant Development Services Strategy, prepared by the responsible authority and to the satisfaction of Melbourne Water.

Amend the 'Notes' on Plan 13 to include the following as a second bullet point:

- Any alternative proposal for the location and size of stormwater assets shall meet R97, and shall demonstrate no adverse impact to flood levels, the waterway values/physical form and/or loss of key Growling Grass Frog habitat.***

3.9 Requested changes to the Heritage Overlay

(i) The issue

The submission on behalf of PSCA requests a Panel finding and recommendation that the extent of Heritage Overlay boundaries should be undertaken.

(ii) Submissions and evidence

PSCA submitted that:

PSCA relies upon the evidence of Ms Nicolson of Ecology & Heritage Partners Pty Ltd in respect of the heritage values of 100 and 130 Bindts Road.

The land at 100 Bindts Road, Wollert is subject to Heritage Overlay 161 (HO161).

The land at 130 Bindts Road, Wollert is subject to Heritage Overlay 162 (HO162).

Amendment C153 to the Whittlesea Planning Scheme introduced the Heritage Overlays described above, as well as others. It appears from the Panel Report that, whilst a submission was received in respect of HO161, no evidence was provided to the Panel.

Other than a submission from VicRoads, it appears that no other submissions were received in respect of HO162. It is noted that the Panel accepted the submissions on behalf of VicRoads to remove the Heritage Overlay from land to be ultimately acquired by VicRoads.

Whilst it appears from the Panel Report that not all the original land proposed to be included within the Heritage Overlay was ultimately included, again, no submission was made by the land owner or evidence was presented to the Panel.

Clearly, the extent of the Heritage Overlay is a relevant matter in this Panel's assessment of the Net Developable Area available in the PSP area.

Of course, this Panel should not undertake a de facto review of HO161 and HO162, however, based on the evidence filed, it could readily recommend that a review of the extent of the overlay boundaries should be undertaken to ensure that the objectives and overall outcomes of the PSP can be achieved.

PSCA called heritage evidence from Ms Nicolson of Ecology and Heritage Partners. Ms Nicolson concluded that 100 Bindts Road to be a place of low local significance and that:

As relatively well represented place at the local level in relatively good condition, consideration should be given to how the key significant features of the place, being the bluestone house, some of the mature trees and sections of drystone wall could be interpreted in the context of the proposed development area.

In relation to 130 Bindts Road (HO162), Ms Nicolson concluded the site is considered to be of low local significance, given that this type of place is well represented in the City of Whittlesea. Further:

Reducing the curtilage would still allow for the significance of the place to be maintained, in the context of the rural landscape.

If the place were to be impacted than options could also be examined for including parts of the site in a useable space that still incorporates some significant elements e.g. the altered remains of the main bluestone house could be incorporated into usable public open space and allows for suitable interpretation of the history of this region.

Council submitted the following:

It is noted that the landowners of Property 2 (130-150-151 Bindts Road) are seeking to reduce the Heritage Overlay applicable to the site, known as HO162.

Council does not support this on the grounds that the submitter has provided insufficient evidence to warrant a reduction of the extent of the Heritage Overlay.

The landowner, via their consultant, provided input into the process of reviewing the site.

The application of a Heritage Overlay does not prevent the use and development of the site.

The landowner has provided plans to Council which show the site incorporated into a broader park area and have accepted that as part of the detailed

subdivision planning they will undertake to prepare further work which will ultimately direct the future of the site.

In its closing submission Council stated:

The expert evidence regarding the Heritage Overlay does not make out a case for change of the overlay mapping that can be relied upon in this forum. This is because it does not make an adequate assessment for the alteration of the boundaries which were set by a prior amendment (which went through an extensive panel process, irrespective of whether there was evidence tendered on this particular citation or not). The expert has not looked at the criteria used for mapping. Neither has the expert made any reference the Practice Note on applying the Heritage Overlay. Consequently, it is not possible to understand the principles behind the proposed mapping other than in terms of impact on development. But this is a permit issue not a mapping issue.

The Heritage Analysis that accompanied the Amendment C153 noted:

4.5 Mapping. *To support the inclusion of appropriately significant places on the Whittlesea Heritage Overlay or the VHR, the citation for these places has included a description of the area to be included.*

For the majority of these places, the required overlay boundaries correspond to the title boundaries, and for these places the property addresses have been supplied to Council for entry into Council's GIS system.

In cases where the proposed overlay curtilage is different to the title boundaries (e.g. large farms), the Council provided aerial photographs onto which the recommended overlay boundary has been drawn. If agreed, these annotated aerial images, which are included in this report as Appendix 11, can be translated onto the Council's GIS system.

The citation expressly states in relation to "What is Significant" that it is the:

The 19th Century bluestone house and the Federation weatherboard house and associated structures including the cellar, well, and dry stone wall, outbuildings and the surrounding site to the title boundaries.

The 'Why it is Significant' component of the Statement of Significance explains locational characteristics as being relevant, namely the relative isolation of the house and its setting, on top of a hill, making it a dominant feature in the landscape (Criteria D G F & E). This clearly shows that the mapping was a considered issue as part of Amendment C153.

The expert endeavours to open an issue that has been dealt with but in a way which does not address the matters that underlined the mapping at that time. Furthermore, the way that the analysis has been done in this amendment confuses the issues associated with a heritage planning scheme amendment

(level of significance and mapping) with management of the place. The expert report does make a case out for change to the way the site is managed. We offer no response to that as that is entirely the role of the permit application.

Also, it must be noted that where land is in a Heritage Overlay it is included in the NDA not excluded as suggested in submissions. The extent of mapping of a HO does not impact on the NDA. This is because the presence of the overlay does not preclude development, it merely requires development to consider how any impacts on the heritage place are to be considered and managed.

Mr Montebello reiterated that the Planning Permit process is best to manage Heritage Assets and that it is not the role of the Panel to 'undo' previous Panel's findings. Further, he observed that there is no alternative suggested boundary before the Panel for it to consider.

On this issue, the MPA concluded the following in its closing submission:

Any changes to the two heritage overlays are not proposed as part of this amendment. The two sites were given heritage overlays last year. Any change to those overlays would be required to be undertaken by separate amendment.

(iii) Discussion

The Panel is satisfied that the decision to apply HO161 and HO162 to the subject sites, and the extent of the boundary applicable to the overlay, occurred via an adequately robust and independent Panel forum, that being Amendment C153. The Panel agrees with the submissions advanced by Council and the MPA that, based on the evidence tested in this Hearing and the lack of alternative suggestions being advanced, it would highly inappropriate for the Panel to find that the conclusions and recommendations of Amendment C153 ought be subject of further review via a unspecified review process.

(iv) Conclusion

The Panel does not consider there is strategic grounds that warrant a finding that a review of the Heritage Overlay boundaries of HO161 and HO162 should be undertaken.

4 Detailed issues

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

- Retaining wall requirement (R10)
- Quarry Road
- Location of a local park
- Funding of shared path across Darebin Creek
- Modification to Conservation Area 34
- Introduction of the Public Land Equalisation Methodology into the DCP.
- Indicative provision trigger listed in the DCP.

4.1 Retaining wall requirement (R10)

(i) The issue

Should the retaining wall requirement (R10) be modified.

(ii) Submissions

PSCA submitted:

In respect of Requirement 10, no amendments have been proposed by the MPA. In respect of that matter, PSCA relies upon the statement of evidence of Mr Ladson which concludes that the requirement is unsuitable and thus should not be included in the PSP. Rightly, Mr Ladson points out that there are steep slopes in some areas of the PSP Land including slopes of between 15% and 20% that are earmarked for residential development. Clearly it is not difficult to envisage a situation where a retaining wall greater than one metre in height would be required at a street edge, for example. Whilst these circumstances might be unusual or infrequent as the requirement is currently drafted, it is too restrictive and tends to indicate that construction of a wall greater than one metre is somehow prohibited. In those circumstances, we suggest that should the Panel conclude that the requirement remain within the PSP, but that it be drafted in a more flexible manner. For example, we suggest:

*“Retaining walls over one metre **should** be avoided along the street edge.”*

This issue is now resolved between PSCA and the MPA. (Panel Emphasis)

Council concluded that the provision is an appropriate requirement. In support of this finding Council stated:

It requires that retaining walls over 1 metre be avoided. There are methodologies available to avoid retaining walls that are over a metre (such as, but not limited to split-level housing). They ought to be employed in preference to high walls along footpaths which would be a highly undesirable outcome in such a high amenity landscape.

(iii) Discussion and conclusion

Hearing Document 1(B), Appendix 1 to Council's Part B Submission - Unresolved Submissions Summary and MPA Response notes:

It was discussed at the meeting with the submitter on 9/10/2015 that G14 and R10 of the PSP could be amended to include greater flexibility in design outcomes. However it is not desirable for streets to run perpendicular to the contours which R10 is aimed at avoiding.

The final document changes matrix supplied by the MPA (Document 29) confirms its intent to delete exhibited Figures 1, 2, and 3 and the corresponding Guideline (G14) from the PSP. The table of changes is silent on R10.

The Panel supports the intent of avoiding retaining walls over 1 metre high along the street edge. The Panel considers retention of some flexibility in design may be beneficial given the sloping topography within the precinct. For this reason the Panel considers R10 should be retained, but modified by replacing the word 'must' with 'should'. The Panel notes that R10 will not be considered in isolation, but rather together with R11 that states that earthworks, retaining structures and embankments 'must' be carefully and sensitively designed to transition gradually into natural contours.

(iv) Recommendation

The Panel recommends:

Replace the word 'must' with 'should' in Requirement R10.

4.2 Quarry Road**(i) The issue**

Clarification is sought by Findon Pastoral as to the future of Quarry Road.

(ii) Submissions

Findon Pastoral submitted:

In response to Findon's submission in respect of the road to the east of its Land the MPA (Quarry Road) remain outside DCP the MPA submitted before the Panel on the first day of the hearing that the Findon Land has access to a road to the west.

Findon repeats its submission that Quarry Road would have benefit to the PSP Land and for the wider precinct, which would include existing residential development to the west. Its inclusion as a DCP Item should be considered.

If this road is not included as a DCP Item, then Findon seek clarification as to what is envisaged as the standard of any reconstruction of such road by whom and when.

Further, if the Panel recommends that Quarry Road should not be a DCP item we request that the Panel make comments in respect that the MPA considers that the Findon Land has access from the west.

Further, in relation to Staging, Findon Pastoral submitted:

The MPA discussed how the Findon Land could be accessed from the west and as such does not rely on infrastructure on the Boral Land for access. Hence, the Findon Land could conceivably be developed separately and hence should in fact be in Stage 1.

In its closing submission Council stated that the issue could best be resolved by deleting the road from the PSP because access is available from the west. Further, they stated:

It is Council's understanding that while this road might be useful in providing interim access to the Precinct, it is likely to be removed once the E6 is constructed.

The MPA stated in its closing submission:

The quarry access road is shown on the plan as a local road. Council have requested that it be removed from the plan, and MPA concur with this change. It is not part of the DCP, and don't consider the road will be constructed in future due to the alignment of the E6.

(iii) Discussion and conclusion

The Panel supports the submissions advanced by Council and the MPA that Quarry Road should be deleted from the PSP plans. The Panel accepts that the Findon Pastoral Land does potentially have access from the west via extensions of Ladislav Drive and or Chettam Street and under the transmission line. The Panel considers that is desirable for such access arrangements to be preserved into the future, noting that Hayston Boulevard to the north provides similar access to abutting land. This outcome is reflected in the MPA's proposed revision to Plan 9 discussed in Section 4.4 of this report. The Panel agrees with Council that maintaining access from Quarry Road in the long term will be problematic due to the construction of the E6.

(iv) Recommendation

The Panel recommends:

Delete Quarry Road from all Plans.

4.3 Location of local park

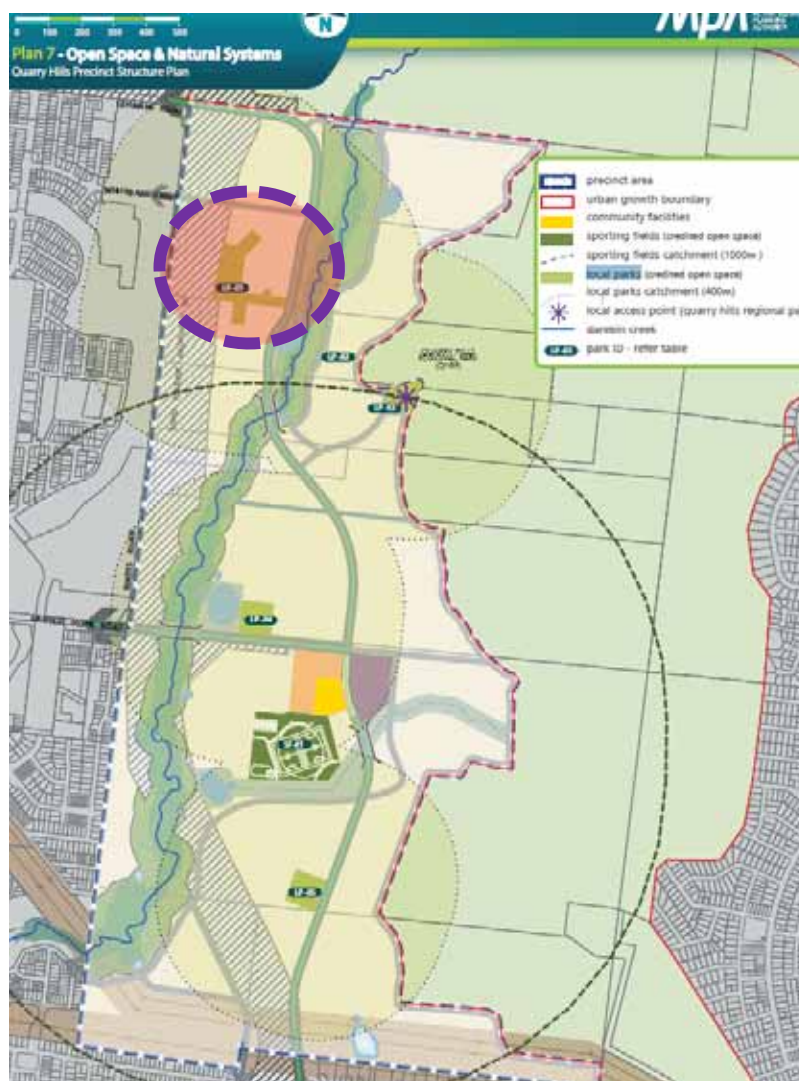
(i) The issue

The location of the Local Park 01 on Plan 7 in the PSP is opposed by the landowner.

(ii) Submissions

PSCA submitted that Local Park 01 which is depicted on the Open Space and Natural Systems Plan 7 in the PSP, could be better located to optimise the amenity offered by the park to the residents. The exhibited location of the local park is highlighted in Figure 6.

Figure 6: Exhibited location of local park 01



The PSCA submission noted that:

The position of Local Park 01 is said to be based on the theory to retain mature native trees. However, of the 17 trees identified within the local park, 2 are dead and a further 7 are of low retention value with “poor” to “poor to fair” health. 8 trees are considered as having a “moderate retention value”.

Whilst it is admirable to locate a park where there are a stand of trees to provide landscape and amenity values to users of the park, this should not override the objectives and outcomes sought by the PSP.

PSCA seeks the local park be relocated closer to 'Timm's House' and within the area covered by HO162 on the basis that a park in this location would allow for the retention of 4 trees and:

...it would be more centrally located to the surrounding dwellings, allowing greater development frontage to the park and maximising the amenity benefit of the local park in this part of the PSP area.

The current location of the local park is adjacent to E6 PAO which creates a long inactive edge to the local park. How can this be an appropriate urban design or amenity outcome?

Council concluded:

In relation to the location of the Local Park, these are more matters of detailed design and do not really necessitate the changes sought. The co-location of the local park with a heritage site may be appropriate but Council is not a depository for heritage sites and it should not be considered as a default position that they will become publically owned places. At the moment, the public open space is situated on unencumbered land and it's shifting to a site with heritage issues may or may not be appropriate depending on other considerations. The PSP should not mandate that outcome by changing the mapping now. We suggest that the usual processes involved in permit proposals should be left to deal with that micro issue.

Further in relation to the Local Park, the impact of the health of the trees on the siting of the park may be overstated. The trees in question are mainly river red gums which tend to exhibit a low arboricultural rating once they get to a mature state. However, it is these mature, usually low rated trees that exhibit the high value landscape amenity that river red gums are known for. Dead trees also continue to provide visual and habitat value in a park setting.

(iii) Discussion and conclusion

The Panel considers that there is merit to the submissions advanced on behalf of PSCA as well on behalf of Council. The Panel considers that there may be merit to co-locate the local Park with the identified heritage asset. Similarly, the Panel accepts that there is significant environmental benefit and positive 'place making' and amenity outcomes associated with locating local parks in locations where existing stands of trees are located and able to be preserved.

On balance, in this instance the Panel supports the PSP retaining the exhibited location of local park 01 due to the positive environmental attributes of this location and the uncertainty surrounding the inclusion of the heritage asset in the public realm. Having noted the above, the Panel agrees with Council's submission that this issue is a 'micro issue' and

more detailed planning and design may result in strategic justification emerging for the location of the local park to change.

The Panel is satisfied with the location of Local Park 01 on Plan 7 of the PSP. No change is required.

4.4 Funding of shared path across Darebin Creek

(i) The issue

Findon Pastoral Co Pty Ltd sought clarification on the funding of the shared path trail shown on Plan 9 of the PSP.

(ii) Submissions

Plan 9 of the PSP depicts a shared path in the Southern portion of the PSP (refer extract shown in Figure 7). Findon Pastoral Co Pty Ltd sought clarification on how shared paths would be funded.

Figure 7: Exhibited shared path location in southern section of the PSP



The MPA submitted:

The MPA notes the shared path shown in the exhibited Plan 9 of the PSP requires a crossing over the Darebin Creek which is not funded through the DCP.

The MPA has revisited this path alignment to avoid the need for a pedestrian crossing over the Darebin Creek. The shared path will follow the proposed local street network and connect back into the broader path network outside of the precinct, along Ladislav Drive to the west (Refer Figure 8).

It is the expectation that this path will be part of developer funded works but given no pedestrian crossing is required over the Darebin Creek, the cost impost on the developer would be significantly less than the former alignment.

Figure 8: Revised shared path and local road network



(iii) Discussion and conclusion

The Panel supports the recommendation by the MPA to modify the path and road network in this location and accepts that in doing so the cost of the shared path trail will decrease as there is no requirement for a creek crossing. The Panel has already discussed the future access arrangement from the West in Section 4.2 of this report. The Panel accepts that the shared path network is appropriate to be developer funded.

(iv) Recommendation

The Panel recommends:

Amend Plan 9 of the Precinct Structure Plan to reflect the Metropolitan Planning Authority's revised shared path trail and local road network in the southern portion of the Precinct Structure Plan.

4.5 Modification to Conservation Area 34

(i) The issue

Findon Pastoral seek commentary '*or even a recommendation*' that the PSP be amended to reflect that Conservation Area 34 could be adjusted subject to appropriate approvals being obtained.

(ii) Submissions

Findon Pastoral submitted that it has been in discussion with DELWP with a view to securing an adjustment to the GGF Conservation Corridor as it affects its land which is located in the south-west corner of the Quarry Hills PSP. It requests that the PSP be amended to provide comment on the possibility of an adjustment to the GGF Corridor, subject to appropriate approvals being secured. In particular, the submission notes:

That is probably best dealt with by a note on Plan 9 (Growling Grass Frog Conservation Area) in the PSP.

MPA's Part A submission states:

MPA wishes to advise that this is a matter for the submitter to pursue with DELWP (Environment). MPA was advised by DELWP in 2014 that there was no capacity for DELWP to change the GGF conservation area, rather this would be a federal decision as the area is a Biodiversity Conservation Strategy (BCS) area. Given that the adjustment of the GGF conservation area is beyond the Panel's scope, as it is a federal matter, this concern cannot be addressed through the panel process.

As submitted to previous panel, the Panel does not have a role which could give effect to any change to the GGF conservation area.

(iii) Discussion and conclusion

Consistent with findings of previous Panel Hearings, the Panel accepts the MPA's submission that matters concerning the adjustment of GGF conservation areas that are subject to Commonwealth approval are beyond the Panel's scope.

The Panel accepts the submission of the MPA that Findon Pastoral should pursue its ambitions to adjust the GGF Corridor via continued discussions with DELWP (Environment). No modification to the PSP is required.

4.6 Introduction of Public Land Equalisation Methodology into the DCP

(i) The issue

The MPA seeks to introduce the Public Land Equalisation Methodology (PLEM) into the DCP.

(ii) Submissions

Council noted that the DCP had been amended to apply the Public Land Equalisation Methodology. Council stated that it supports the change, and the post exhibition correction of administrative errors, noting that the headline charge has decreased from approximately \$278,800 per demand unit as originally exhibited to approximately \$236,600. Council also observed that the revised demand unit rate is *“well under the rate proposed in 2012 figures by the Advisory Committee that advised the State Government on development contributions reforms”*.

Stockland was the only party to the Hearing that expressed reservations about the post exhibition adoption of the PLEM into the DCP. Due to the concerns expressed by Stockland regarding the process which had been followed by the MPA to introduce a different valuation methodology after exhibition of the Amendment, on the last day of the Hearing the Panel agreed to provide additional time for Stockland to consider its position in relation to the issue. To facilitate this, the Panel directed that Stockland write to the Panel and the parties by 11 March 2016 advising:

- *If it has any objections to the valuations and / or valuation methodology of the DCP and what those objections are;*
- *Whether it intends to call expert evidence in relation to the valuations and/or valuation methodology; and*
- *Whether it requires the hearing to be re-convened for the Panel to hear further submissions.*

An additional Hearing date of 17 March 2016 was set aside to facilitate this outcome if required.

Neither Council nor the MPA addressed the Panel in their submissions in reply as they considered the issue to still be live, pending potential further submissions and or evidence from Stockland.

The MPA's written closing submission, however, summarised the issue as follows:

Historically, DCPs have used a variety of methods to estimate the value of land. This caused a lack of certainty and transparency for both councils and landowners and was identified by the Standard Development Contributions Advisory Committee as “the most significant risk to successful implementation” (Report 2 ‘Setting the Levies’ page 89).

PLEM has been introduced to create consistency and reduce uncertainty in the transfer of land required for public use.

PLEM was developed through an industry working group led by the Metropolitan Planning Authority (MPA). The working group included members of local councils and representatives from the Urban Development

Institute of Australia (UDIA) and the Property Council of Australia (PCA). This method is now used for all new PSPs.

Similar to the provision of local open space under Clause 52.01 of the planning scheme or the Subdivisions Act 1988, PLEM is based on the principle that all landowners / developers have an equal obligation to contribute public land for the future needs of the community.

The Quarry Hill PSP was exhibited at the same time as Wollert, which was exhibited with the correct PLEM methodology.

Appendix 13 to the Part A of the MPA submissions included a revised DCP table, subject to the new Boral Valuation. The text included in the Part A submissions specified:

“Revised Summary of Charges – DCP table 1. An issue in the DCP raised by the City of Whittlesea highlights an oversight in the methodology undertaken for the land valuations. Specifically, the DCP applies a Public Land Equalisation Methodology (PLEM) for the calculations of compensation. This requires a broad hectare valuation for the precinct. The current figures used for these land valuations are applied on a site specific basis, with no additional broad hectare valuations. It is the MPA’s intention to conduct new land valuations that reflect a broad hectare approach consistent with the PLEM methodology. In order to give a general indication of the contribution per Net Developable Hectare rate, an updated Summary of Charges (Table 1 of the DCP) has been included below. It should be noted that the figures within this table are based on the incorrect land valuation methodology, and are subject to some changes based on the new valuations.”

Prior to the finalisation of the PSP and gazettal, new land valuations will be prepared to accurately reflect the valuations at a time closest to gazettal. This is the consistent approach taken to DCP/PSP approvals.

(iii) Discussion and conclusion

On 29 February 2016 the Panel and all parties received a letter from Jessica Kaczmarek, Senior Associate with King & Wood Mallesons, advising that they continue to act for Stockland. The letter stated:

- (a) Stockland has concerns regarding the process which has been followed to introduce a different valuation methodology after exhibition and so close to the hearing of the Amendment, particularly as no party requested such a change to the Amendment. Notwithstanding this, Stockland heard and understood the submissions of Mr Freeman, Mr Birthisel and Ms Bisucci on behalf of her clients regarding the need to finalise the Amendment process. On this basis, Stockland does not wish to make any objection to the valuations or valuation methodology of the DCP;*

- (b) *Stockland does not intend to call expert evidence in relation to the valuations and/or valuation methodology; and*
- (c) *Stockland does not require the hearing to be re-convened for the Panel to hear further submissions on this matter.*

In response to the receipt of this information the Panel emailed all parties advising that it proposes to reconvene the Hearing on 17 March 2016 to provide the opportunity for Council and the MPA to provide closing submissions on this issue.

In response, Council advised via email dated 2 March 2016, that it did not have any future matters to put to the Panel. Mr Tim Pegg, Direction Structure Planning for the MPA advised, via letter on the same day:

I wish to advise that the Metropolitan Planning Authority (MPA) and Council considers that there is no need to further address the Panel. In relation to matters of the Development Contribution Plan and the Public Land Equalisation Method Stockland have withdrawn their submissions and such all other matters were covered in the closing on 11 February 2016.

No party to the hearing opposes modification of the DCP to implement the Public Land Equalisation Methodology. The matter is resolved.

4.7 Indicative provision trigger listed in the DCP

(i) The issue

There is concern regarding the DCP's wording relating the 'indicative provision trigger'.

(ii) Submissions

Council noted that:

The charge area includes the Boral works buffer. To the extent that that land is stifled from development, this will impact on funds collected by the DCP, which in turn impacts on the ability to deliver infrastructure as envisaged by the DCP and required by the Act given the existence of the DCP.

Table 2, 3, 4 and 5 each relate to the various categories of infrastructure projects which are funded by the DCP. The final column is the "Indicative Provision Trigger". The standardised timing point provided in that column is "at time of subdivision/access demand".

It is quite possible in fact, that "at the time of subdivision/access demand" the DCP account will not have sufficient funds to fund any particular item of infrastructure. The inability to collect funds from about half of the PSP area makes the funding of any project (even those outside the works buffer area) somewhat problematic. This will undoubtedly have real implications on those that seek credits to undertake works-in-kind for DCP infrastructure projects that are necessitated in the course of developing outside of the quarry buffer area.

For its part, however, Council submits that the standardised words in the final column dealing with the indicative provision trigger should each be amended to read: "At time of subdivision/access demand – subject to availability of DCP funds."

The PSCA submission also expressed concern regarding the timing of development and the corresponding implication this may have on collection of funds in the DCP and the DCP's administration. In respect of Council's proposed modification to Tables 2, 3, 4 and 5 of the DCP, PSCA submitted:

The concerns raised relate to the fact that the northern portion of the Precinct (now known as Stage 1) could mean that the DCP would be an ineffective mechanism for collection of funding given that Stage 2 is unlikely to come online for some time (that is, if we are to believe the submissions of Boral before this Panel).

The Council's submissions to this Panel is set out at paragraph 97 of its submissions dated 9 February 2016. For ease, the amendment sought by the Council is as follows:

"At the time of subdivision/access demand – subject to availability of DCP funds".

PSCA concurs with that submission.

This issue is resolved as between Council and PSCA.

(iii) Discussion and conclusion

The Panel notionally concurs with the submission advanced by Council and the PSCA that it is appropriate to note in the DCP that the provision of infrastructure will be in dependant on DCP funds being available. The Panel notes that the indicative provision trigger for Crossing Projects (Table 4) is listed as "*During road construction*". The Panel supports the retention of the exhibited version of the text for those projects, however is comfortable in provided additional flexibility for the Road, Intersection and Community and Active Recreation Projects listed in Tables 2, 3 and 5.

(iv) Recommendation

The Panel recommends:

Amend the text in the Indicative Provision Trigger column in Tables 2, 3, and 5 of the Quarry Hills Development Contributions Plan (2015) by replacing the words "At the time of subdivision / access demand" with "At time of subdivision / access demand subject to availability of Development Contributions Plan funds".

Appendix A Submitters to the Amendment

No.	Submitter
1	Department of Economic Development, Jobs, Transport and Resources
2	Al Siraat College
3	VicRoads
4	Tract Consultants on behalf of Boral Resources (Vic) Pty Ltd
5	Spiire on behalf of Stockland Development Pty Ltd
6	Best Hooper Lawyers on behalf of Findon Pastoral
7	Melbourne Water
8	EPA Victoria
9	Bruce Birthisel
10	D B & J A Freeman
11	City of Whittlesea
12	CFA
13	DELWP
14	Property Subdivision Corporation Australia Pty Ltd

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Metropolitan Planning Authority	Adele Patterson instructed by Charlene McCoy and Tim Pegg of the MPA
City of Whittlesea	Terry Montebello of Maddocks Lawyers instructed by Aidan O'Neill of the City of Whittlesea
Boral Resources (Vic) Pty Ltd	Andrew Caspar of Tract Consultants
Stockland Developments Pty Ltd	Peter O'Farrell, Barrister instructed by Jessica Kaczmarek of King & Wood Mallesons calling evidence from: <ul style="list-style-type: none"> • Malcom Wright – Terrestrial Ecology • Leigh Holmes – Stormwater Drainage
Findon Pastoral Co Pty Ltd	Teresa Bisucci of Best Hooper Lawyers
Property Subdivision Corporation Australia Pty Ltd	Teresa Bisucci of Best Hooper Lawyers calling evidence from: <ul style="list-style-type: none"> • Oona Nicolson – Heritage • Aaron Organ – Ecology (Not Heard)
Bruce Birthisel	
David Freeman	

Appendix C Document list

No.	Date	Description	Presented by
Pre-Hearing Documents			
1	Sept 2015	PSP 1094 Quarry Hills Folder 1 – PSP; DCP; Ordinance; Maps; Info to submitters; Sub Details; 14 Submissions	MPA
2	Sept 2015	PSP 1094 Quarry Hills Folder 2 – Background Reports (x12)	MPA
3	15 Oct 2015	Directions Letter and Timetable (Version 1)	Panel
4	27 October 2015	Planning Authority PART A Submission (including 8 Attachments)	MPA
5	30 Oct – 4 Nov 2015	Letters and Emails regarding adjournment request and response (x9)	Parties and MPA
6	2 Nov 2015	Expert Evidence Statement of Jonathon Ladson (JCA Land Consultants) for PSCA Pty Ltd	Property Subdivision Corporation Pty Ltd
7	2 Nov 2015	Expert Evidence Statement of Oona Nicolson (Ecology & Heritage Partners) for PSCA Pty Ltd	Property Subdivision Corporation Pty Ltd
8	2 Nov 2015	Expert Evidence Statement of Aaron Organ (Ecology & Heritage Partners Pty Ltd)	Property Subdivision Corporation Pty Ltd
9	5 Nov 2015	Letter advising of Hearing Adjournment and Date of further Directions Hearing	Panel
10	7 Nov 2015	Site Inspection Route Notes	MPA
11	10 Nov 2015	Directions Sought by Stockland Pty Ltd – Re Requested Circulation of Works Authority 102; any associated management plans; and Boral Wollert Quarry Extractive Works Area Plan	Mr O’Farrell, Barrister on behalf of Stockland
12	10 Nov 2015	Directions Letter and Timetable (Version 2)	Panel
13	10 Nov 2015	Meeting Agenda for Growling Grass Frog Crossings Design and Costings Conference	MPA and Spiire
14	27 Nov 2015	Works Authority 102 including Plan	Tract Consultants on behalf of Boral
15 (A–E)	13 Jan 2016	Output of Growling Grass Frog Crossings Design and Costing Conference Output <ul style="list-style-type: none"> - Letter from MPA requesting unresolved submissions by Friday 29 January 2016 (A) - Lehmans Road Design Package (B) - Boulevard Road Design Package (C) - Harvest Home Road Design Package (D) - Letter from Spiire outlining Outcomes (E) 	MPA
16	22 Jan 2016	Planning Authority Update Part A Submission (Including 13 Attachments)	MPA

No.	Date	Description	Presented by
17	23 Jan 2016	Email advising of incorrectly named files and incorrect numbering of attachments in Update Part A Submission	MPA
18	1 Feb 2016	Late Submission from Yarra Valley Water	MPA
19	1 Feb 2016	Letter dated 29 January 2016 on behalf of Stockland advising request to MPA has been made to provide additional information in relation to: <ul style="list-style-type: none"> - Increases in cost of DCP totalling \$2.93 Million - Suggestion re different land valuation method proposed - Changes to NDA across precinct - Reduction in yield from precinct The letter noted that additional directions may be sought from the Panel, if requested information is not provided.	King & Wood Mallesons
20	2 Feb 2016	Email on behalf of Stockland advising that they intend to only call evidence in relation to Engineering (Drainage) and Ecological Issues noting circulation will be delayed	King & Wood Mallesons
21	2 Feb 2016	Expert Evidence Statement of Leigh Holmes (Drainage) of Spiire	King & Wood Mallesons
22	2 Feb 2016	Expert Evidence Statement of Malcom Wright (JCA Land Consultants) for PSCA Pty Ltd	King & Wood Mallesons
23	4 Feb 2016 (Rec on 6 Feb)	Email requesting clarification of timetable	MPA
Hearing Documents			
1	9 Feb 2016	MPA Part B Submission including Appendices 1, 2, 3 and 4	Adele Patterson, representing Metropolitan Planning Authority (MPA)
2	“	Summary Table – Development infrastructure levy by charge area (Excluding CIL projects)	“
3	“	Proposed Changes to the Quarry Hills C188 – Future Urban Structure Plan (April 2015 version and January 2016 version)	“
4	“	MPA Opening Presentation Slides	Charlene McCoy, Senior Precinct Structure Planner with MPA
5	“	Clause 52.09 - Stone Extraction and Extractive Industry Interest Area	Adele Patterson

No.	Date	Description	Presented by
6	"	Clause 66.05 – Notice of permit applications under State standard provision	"
7	"	Email dated 22 December 2015 from Warrick McGrath, Director Regulatory Strategy and Design, Biodiversity Division, DELWP forwarded by Charlene McCoy of MPA to parties regarding approval of concept designs for the three road crossings of Conservation Area 34	"
8	"	Speaking notes from MPA opening presentation by Charlene McCoy	"
9	"	Submission on behalf of Whittlesea City Council	Terry Montebello, Maddocks Lawyers
10	"	Copy of City of Whittlesea Planning Permit for 10 Bindts Road, Wollert issued 16 Dec 2002 & Amended 2 May 2003 for the use and development of land for the purposes of a concrete batching plant	"
11	"	Issue table with Whittlesea City Council responses	"
12	10 Feb 2016	Submission on behalf of Boral Resources (Vic) Pty Ltd (12a Submission; 12b Slides)	Andrew Caspar, Tract
13	"	Submission on behalf of Stockland Development Pty Ltd	Peter O'Farrell, Isaacs Chambers
14	"	Clause 14.03 – Resource exploration and extraction	"
15	"	Clause 65 – Decision Guidelines	"
16	11 Feb 2016	Submission on behalf of Findon Pastoral Co Pty Ltd	Teresa Bisucci, Best Hooper
17	"	Directions sought on behalf of Stockland Development Pty Ltd regarding future conduct of the hearing	Peter O'Farrell
18	"	Submission on behalf of Property Subdivision Corporation Australia Pty Ltd	Teresa Bisucci, Best Hooper
19	"	DCP changes sought by MPA	Adele Patterson
20	"	Panel Directions	Drafted by Peter O'Farrell; issued by Panel
21	"	Public Land Equalisation Method in Development and Infrastructure Contributions Plans, MPA, Aug 2015	Adele Patterson

No.	Date	Description	Presented by
22	"	DCP Land Valuation Methodology Review, Amendment C177 – Wyndham North DCP, 18 Nov 2013	"
23	"	Closing submission on behalf of Whittlesea City Council	Terry Montebello, Maddocks Lawyers
24	"	Recommended separation distances for industrial residual air emissions, March 2013	"
25	"	Clause 52.10 – Uses with Adverse Amenity Potential	"
26	"	Closing submission on behalf of MPA	Adele Patterson
27	"	Schedule 3 to the Urban Growth Zone	"
28	"	Revised Plan 2 – Future Urban Structure	"
29	"	MPA Changes Matrix Table, Version 3.0 - MPA Closing Submission	"
Post-Hearing Documents			
30	29 Feb 2016	Email from King & Wood Mallesons advising that: Stockland does not wish to make any objection to the valuations or the valuation methodology of the DCP; Stockland does not intend to call expert evidence in relation to the valuations and/or valuation methodology; and the Stockland does not require the hearing to be re-convened for the Panel to hear further submissions on the matter.	Jessica Kaczmarek
31	1 March 2016	Email from Panel Chair requesting parties confirm proposed approach to convene last day of Hearing on 17 March 2016 to provide MPA and Whittlesea City Council opportunity to provide closing submissions on DCP methodology.	William O'Neil, Panel Chair
32	2 March 2016	Email on behalf of Whittlesea City Council advising that in view of Stockland's position they do not have any further matters to put to panel.	Terry Montebello, Maddocks Lawyers
33	2 March 2016	Email on behalf of PSCA and Findon Pastoral advising that they will be appearing at the hearing scheduled for 17 March 2016	Teresa Bisucci, Best Hooper Lawyers
34	3 March 2016	Email on behalf of Stockland advising that they will be represented at the re-convened hearing should the MPA and Council wish to present closing submissions	Jessica Kaczmarek, King & Wood Mallesons

No.	Date	Description	Presented by
35	4 March 2016	Email and attached letter from MPA advising that MPA and Council consider that there is no need to further address the Panel and a request for the Panel to advise other parties that there is no need for a future hearing day on 17 March.	Tim Peggie, Director Structure Planning, MPA
36	7 March 2016	Email to parties circulating MPA letter and advising that the hearing will not be reconvened.	William O'Neil, Panel Chair
