

*Planning and Environment Act 1987*

**Panel Report**

**Casey Planning Scheme Amendment C190  
Brompton Lodge Precinct Structure Plan**

**14 June 2016**

*Planning and Environment Act 1987*

Panel Report pursuant to Section 25 of the Act

Casey Planning Scheme Amendment C190

Brompton Lodge Precinct Structure Plan

14 June 2016



Rodger Eade, Chair



Geoff Underwood, Member

# Contents

	Page
<b>Executive Summary .....</b>	<b>1</b>
<b>1 Introduction.....</b>	<b>4</b>
1.1 Location and context .....	4
1.2 The Amendment.....	6
1.3 Amendment process .....	7
<b>2 Strategic planning context .....</b>	<b>10</b>
2.1 Planning context.....	10
2.2 Discussion .....	12
<b>3 The plan and the issues.....</b>	<b>13</b>
3.1 Brompton Lodge Precinct Structure Plan.....	13
3.2 Development Contributions Plan .....	16
3.3 Native Vegetation Precinct Plan.....	17
3.4 Issues addressed by the Panel .....	17
<b>4 Traffic and road network and the DCP .....</b>	<b>18</b>
4.1 Ballarto Road .....	21
4.2 Chevron Avenue .....	35
4.3 Cranbourne-Frankston Road intersections .....	39
4.4 Project costing and amendments to the DCP .....	43
4.5 Recommendations .....	49
<b>5 Biodiversity.....</b>	<b>50</b>
5.1 Southern Brown Bandicoot .....	50
5.2 Dwarf Galaxias.....	55
5.3 Native vegetation .....	56
5.4 Recommendation .....	58
<b>6 Other unresolved issues.....</b>	<b>59</b>
6.1 Applied residential zone.....	59
6.2 Vegetation corridor along Cranbourne-Frankston Road .....	62
6.3 Amstel Golf Club.....	63
6.4 Acoustic report .....	65
6.5 Amendments to Schedule 11 to the Urban Growth Zone .....	66
6.6 Recommendations .....	67
<b>Appendix A Submitters to the Amendment</b>	
<b>Appendix B Document list</b>	
<b>Appendix C Panel recommended version of Schedule 11 to the Urban Growth Zone</b>	

## List of Tables

	Page
Table 1	Brompton Lodge Amendment process details..... 7
Table 2	Parties to the Panel Hearing..... 8
Table 3	Ballarto Road Function and Delivery ..... 19
Table 4	IN-06 (new) Ballarto Road / Western Port Highway intersection..... 25
Table 5	IN-06 (new) Ballarto Road / Western Port Highway intersection- proposed treatment..... 26
Table 6	Cranbourne-Frankston Road / Western Port Highway intersection..... 26
Table 7	IN-01 Ballarto Road / Woodlands Road intersection ..... 29
Table 8	IN-02 Ballarto Road / Eastern connector street intersection ..... 33
Table 9	Upgrade of Chevron Avenue to urban standard ..... 36
Table 10	IN-03 Woodlands Road / Cranbourne-Frankston Road intersection ..... 41
Table 11	IN-04 Chevron Avenue / Cranbourne-Frankston Road intersection..... 42
Table 12	Project costs as estimated by Watsons for UDIA ..... 45
Table 13	Summary revised project costing and Panel comment ..... 46

## List of Figures

	Page
Figure 1	Locational context of Brompton Lodge PSP ..... 5
Figure 2	Proposed urban structure of Brompton Lodge PSP ..... 14
Figure 3	Higher density residential area proposed by UDIA Pty Ltd..... 60

## List of Abbreviations

DCP	Development Contributions Plan
DELWP	Department of Environment, Land, Water and Planning
dos	Degree of saturation
EPBC Act	Environmental Protection and Biodiversity Conservation Act 1999
GRZ1	General Residential Zone Schedule 1
MPA	Metropolitan Planning Authority
NVPP	Native Vegetation Precinct Plan
PPRZ	Public Park and Recreation Zone
PSP	Precinct Structure Plan
RBGC	Royal Botanic Gardens Cranbourne
RGZ1	Residential Growth Zone Schedule 1
SBB	Southern Brown Bandicoot
UDIA	Urban Development Investments Australia Consolidated Pty Ltd
UGB	Urban Growth Boundary
UGZ11	Urban Growth Zone Schedule 11

## Overview

### Amendment Summary

<b>The Amendment</b>	Casey Planning Scheme Amendment C190
<b>Common Name</b>	Brompton Lodge Precinct Structure Plan
<b>Planning Authority</b>	Metropolitan Planning Authority
<b>Proponent</b>	UDIA Consolidated Pty Ltd
<b>Exhibition</b>	Between 12 November and 14 December 2015
<b>Submissions</b>	A total of 22 submissions were received, 17 of which could not be resolved. Submitters are listed in Appendix A

### Panel Process

<b>The Panel</b>	Rodger Eade (Chair) and Geoff Underwood
<b>Directions Hearing</b>	15 March 2016, MPA Boardroom
<b>Panel Hearing</b>	19 April 2016, MPA Boardroom; and 20-22 April 2016, Planning Panels Victoria
<b>Site Inspections</b>	Accompanied inspection on 11 April 2016
<b>Appearances</b>	See Table 2
<b>Date of this Report</b>	14 June 2016

## Executive Summary

### (i) Summary

Amendment C190 to the Casey Planning Scheme seeks to apply the Urban Growth Zone Schedule 11 to the Brompton Lodge Precinct, to introduce the *Brompton Lodge Precinct Structure Plan*, the *Brompton Lodge Development Contributions Plan* and the *Brompton Lodge Native Vegetation Precinct Plan* into the Casey Planning Scheme and to make other associated changes to the Scheme. The purpose of the Amendment is to facilitate urban development in the Brompton Lodge Precinct, including residential development and a local town centre.

The Precinct is relatively small at approximately 108 hectares in size and is located some 45 kilometres south east of the Melbourne CBD at the periphery of the metropolitan area. It is bounded by the Western Port Highway, the Cranbourne-Frankston Road and the Ballarto Road reserve, Cranbourne South. The Brompton Lodge Precinct was brought inside the Urban Growth Boundary in 2012 as a result of Logical Inclusions process.

Key issues raised in submissions which were considered by the Panel include:

- road and intersection projects, particularly along the Ballarto Road reserve, that should be included in the Development Contributions Plan
- the funding of the upgrade of Chevron Avenue to the south-east of the Precinct through the Brompton Lodge Development Contributions Plan
- the provision that should be made for the passage of the national endangered Southern Brown Bandicoot through the Precinct
- translocation of a population of Dwarf Galaxias
- the applied zone which should be included in the Schedule to the Urban Growth Zone for residential areas
- the provision of a vegetated corridor along the abuttal to the Cranbourne-Frankston Road; issues at the boundary of the Precinct to the north where the Ranfurly Golf Course is to the north of the Ballarto Road reserve.

The Panel has considered all submissions made to it and has inspected the site as part of its deliberations.

The Panel draws the following main conclusions:

- The full length of Ballarto Road between Western Port Highway and the Cranbourne-Frankston Road / Pearcedale Road roundabout should be constructed.
- A new intersection project should be added for the connection of Ballarto Road to the existing Western Port Highway roundabout.
- The project costings as proposed and to be revised by the Metropolitan Planning Authority should be adopted with the exception of IN01 where the proponent's costings should be adopted because this is likely to be delivered as works in kind.
- Only 50% of the total cost of the upgrade of Chevron Avenue should be apportioned to the Development Contributions Plan.
- There is no convincing case in policy or in the submissions and evidence presented that formal corridors should be provided to facilitate the movement of the Southern Brown

Bandicoot through the Precinct. However, it is acknowledged that the Southern Brown Bandicoot likely passes through the Precinct, and appropriate vegetation should be provided, particularly along the waterway and drainage reserve.

- The existing population of Dwarf Galaxias present on the site should be translocated as proposed within the Precinct.
- The General Residential Zone should be the applied zone for the majority of the Precinct proposed for residential development and the Residential Growth Zone be the applied zone for an area proposed for higher density residential development abutting the proposed local town centre.
- A vegetated reserve 10 metres in width should be provided along the Cranbourne-Frankston Road frontage.
- No convincing case has been made for the landowners in the Brompton Lodge Precinct or Development Contributions Plan to fund infrastructure for the Ranfurly Golf Course
- The trees at the boundary of the Ranfurly Golf Course are expected to be adequately protected by the proposed cross section for the construction of Ballarto Road.

In setting out its recommendations below, the Panel notes that before and during the Hearing a number of changes to the exhibited documentation were agreed to between the Metropolitan Planning Authority and submitters. These are accepted by the Panel.

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

**Casey Planning Scheme Amendment C190 be adopted as exhibited, subject to the following:**

- 1. Amend the Brompton Lodge Precinct Structure Plan as follows:**
  - a) Add a new Guideline to section 3.4.1 which makes reference to the need to retain existing native vegetation and where appropriate, enhance vegetation which would help support wildlife, particularly the Southern Brown Bandicoot, including in the waterway and drainage reserve.**
  - b) Amend Plan 2 to indicate the area proposed for higher residential densities as set out in Figure 3 of this report and designated as 'higher density residential opportunities'.**
  - c) Amend the note to Plan 2 to indicate that the tree reservation should be a minimum of 10 metres wide and that consideration should be given to providing habitat that is appropriate for the Southern Brown Bandicoot within this reserve.**
- 2. Amend the Brompton Lodge Development Contributions plan as follows:**
  - a) Amend project RD-01 in Tables 3 and 7 to make reference to constructing the full length of Ballarto Road between Western Port Highway and the Cranbourne-Frankston Road intersection to an interim standard at a construction cost of \$5,757,912 and make consequential amendments to the Development Contributions Plan and the Development Contributions Plan Overlay.**
  - b) Replace the detailed plan for project IN-01 in Appendix C, with plan reference V160589-TR-DG-2521 in Mr Butler's evidence submitted to the Panel for the Metropolitan Planning Authority.**



- c) Amend the cost of project IN-01 in Table 7 to \$1,916,989 and make consequential changes to the Development Contributions Plan and the Development Contributions Plan Overlay.
  - d) Replace the detailed plan for project IN-02 in Appendix C with plan reference V160589-TR-DG-2512 in Mr Butler's evidence submitted to the Panel for the Metropolitan Planning Authority.
  - e) Amend the apportionment to the Development Contributions Plan for project RD-02 in Table 7 to 50% and make consequential amendments to the Development Contributions Plan and the Development Contributions Plan Overlay. The remaining 50% should be apportioned to Council.
  - f) Include a plan for a new intersection project, IN-06 Western Port Highway connection, in Appendix C, based on the schematic in plan reference V160589-TR-DG-2521, in Mr Butler's evidence submitted to the Panel for the Metropolitan Planning Authority.
  - g) Amend Tables 3 and 7 to add a new project IN06, Western Port Highway connection at a construction cost of \$636,860 and make consequential amendments to the Development Contributions Plan and the Development Contributions Plan Overlay.
3. Amend Schedule 11 to the Urban Growth Zone as follows:
- a) Add 'higher density residential opportunities' to the Land use/development of Table 1 and the applied zone provisions be Clause 32.07 – Residential Growth Zone Schedule 1.
  - b) Add a new Clause 3.6 as follows:

"An acoustic report, prepared by a qualified acoustic engineer, demonstrating how the proposed subdivision would comply with the relevant noise regulations, particularly in relation to noise from Western Port Highway, and what measures are recommended to be implemented to ensure compliance with noise regulations."
  - c) Amend Schedule 11 to include the wording changes recommended by the Panel, as set out in Appendix C.
4. The Metropolitan Planning Authority resolve with Council the scope of the upgrade to Chevron Avenue within the budget proposed in Table 7 of the Development Contributions Plan.

# 1 Introduction

## 1.1 Location and context

Amendment C190 to the Casey Planning Scheme (the Amendment) applies to the subject land (the Precinct) identified in the Brompton Lodge Precinct Structure Plan (PSP) area in the City of Casey. The Brompton Lodge PSP covers an area of approximately 108 hectares in size as illustrated in Figure 1. The Precinct is bounded by the Ballarto Road reservation to the north, Cranbourne-Frankston Road to the south-east and Dandenong-Hastings Road (Western Port Highway) to the west, and is located approximately 45 kilometres south-east of the Melbourne CBD. The Precinct is located at the southern edge of the Cranbourne West PSP area, and defines the southern extent of the Urban Growth Boundary (UGB).

The Ranfurly Golf Course (which is outside the UGB) and the Cranbourne West PSP area are north of the Ballarto Road reservation. Low density residential development is located in the Green Wedge Zone land to the east. To the west there is Rural Conservation zoned land in the City of Frankston.

### Freeway and arterial road network

The site abuts Cranbourne-Frankston Road to the south-east and Western Port Highway to the west. Western Port Highway is to be upgraded to a freeway in the future. A road reservation exists for Ballarto Road along the northern boundary of the site but does not currently contain any road infrastructure.

The PSP proposes to provide access to Cranbourne-Frankston Road via two signalised intersections opposite Chevron Avenue and Woodlands Avenue. Northern access ramps at Ballarto Road will provide access from Western Port Highway to the Precinct.

It is not envisaged that major arterial road upgrades will take place as part of the development, apart from the construction of the first carriageway of Ballarto Road. Interim access will be provided to the Western Port Highway via a connection at the existing Western Port Highway roundabout.

It is expected that Ballarto Road will be upgraded to a 4-lane arterial road once the upgrade of Western Port Highway to a freeway takes place.

A Public Acquisition Overlay has recently been inserted via Planning Scheme Amendments Casey C199, Frankston C99 and Greater Dandenong C183 for the Western Port Highway North Upgrade Project, to allow for the future upgrade to freeway standard of the Western Port Highway from the South Gippsland Freeway to approximately 1.2 km south of Cranbourne-Frankston Road. The following ramps have been provided along the study area through the adopted Planning Scheme Amendment:

- Glasscocks Road – Full diamond interchange
- Thompsons Road – Full diamond interchange
- Wedge Road – Half diamond interchange with northern ramps
- Hall Road – Full diamond interchange
- Ballarto Road – Half diamond interchange with northern ramps
- Cranbourne-Frankston Road – Full diamond interchange.

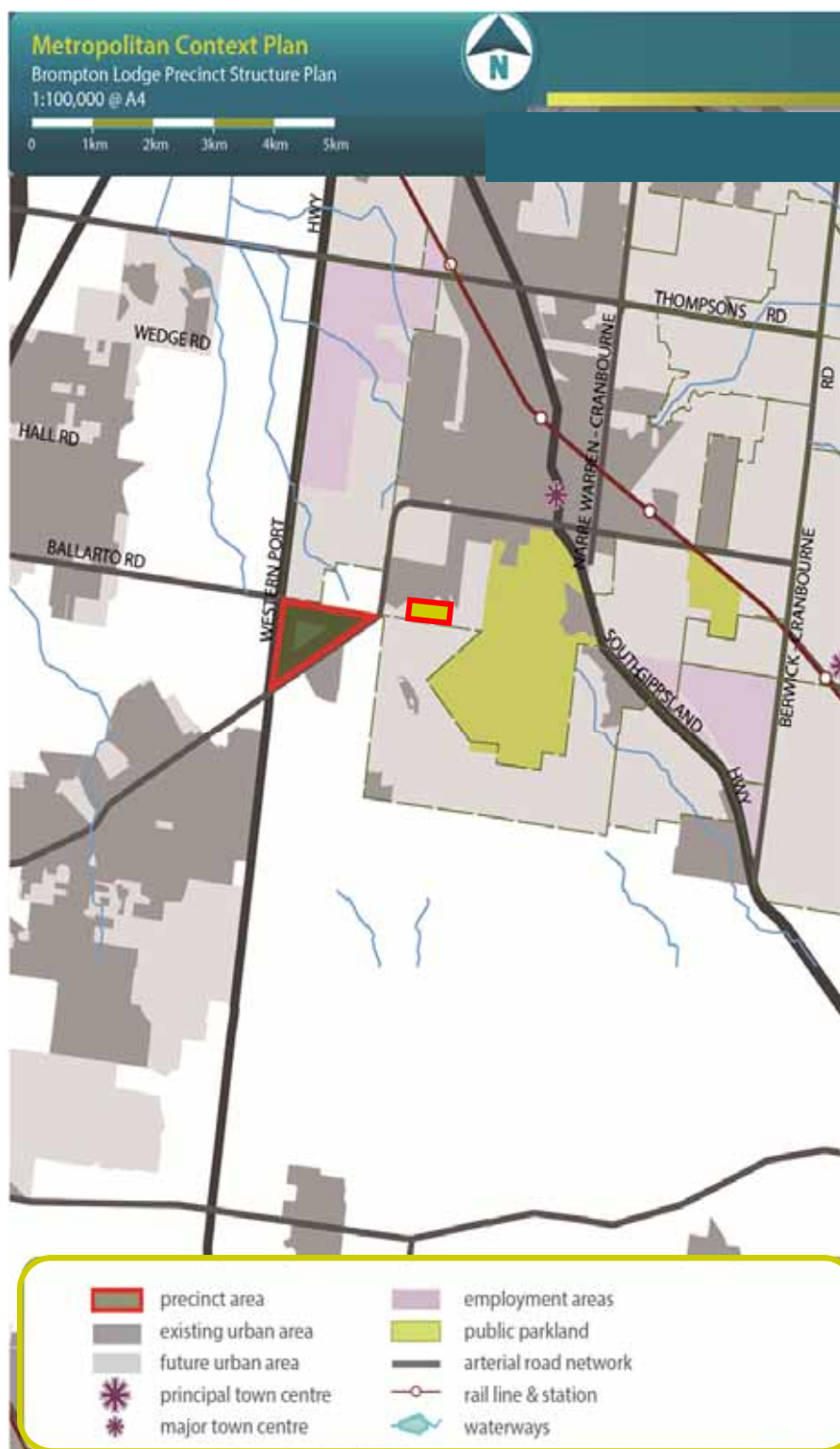


Figure 1 Locational context of Brompton Lodge PSP

## 1.2 The Amendment

Casey Planning Scheme Amendment C190 (the Amendment) was prepared by the Growth Areas Authority (now known as the Metropolitan Planning Authority (MPA)), as the planning authority for this Amendment. The Amendment was made by the MPA at the request of Urban Development Investments Australia Consolidated Pty Ltd (UDIA) (the Proponent).

The Amendment proposes to implement the Brompton Lodge PSP by introducing Urban Growth Zone Schedule 11 (UGZ11), the Brompton Lodge Development Contributions Plan (DCP) and the Brompton Lodge Native Vegetation Precinct Plan (NVPP) to the Casey Planning Scheme and applying it to the Precinct.

Specifically, the Amendment proposes the following changes to the Casey Planning Scheme:

- *Insert Schedule 11 to Clause 37.07 Urban Growth Zone (UGZ11) into the Casey Planning Scheme and rezone the Precinct to UGZ11. The Schedule sets out the land use and development controls for the Precinct. The Schedule requires land use and development within the amendment area to be generally in accordance with Brompton Lodge PSP*
- *Insert Schedule 19 to Clause 45.06 Development Contributions Plan Overlay (DCPO) into the Casey Planning Scheme and apply DCPO19 to the Precinct, to provide for development contributions to specific new development and community infrastructure*
- *Amend the schedule to Clause 52.01 to require a 5.32% public open space contribution public open space contribution from subdividers within the amendment area*
- *Amend the Schedule to Clause 52.16 to include the Brompton Lodge Native Vegetation Precinct Plan, June 2015 to manage vegetation in the Precinct*
- *Amend the Schedule to Clause 66.04 to include the Department of Economic Development, Jobs, Transport and Resources as a determining referral authority under Schedule 11 of Clause 37.07 (UGZ11)*
- *Amend the Schedule to Clause 81.01 to include three new incorporated documents titled 'Brompton Lodge Precinct Structure Plan, November 2015', 'Brompton Lodge Development Contributions Plan, November 2015', and 'Brompton Lodge Native Vegetation Precinct Structure Plan, November 2015', and*
- *Rezone land at 1070 Cranbourne-Frankston Road, north east of the precinct from General Residential 1 Zone (GRZ1) to Public Park and Recreation Zone (PPRZ) to provide additional public open space for the Brompton Lodge PSP, and other growth corridor residential areas.*

### 1.3 Amendment process

#### (i) Amendment preparation process

Table 1 Brompton Lodge Amendment process details

Date	Event
September 2012	Brompton Lodge Precinct is included within the UGB by Amendment C140 to the Casey Planning Scheme as part of the Logical Inclusions process, at which time the land is rezoned from Green Wedge Zone to Urban Growth Zone.
November 2013	Council circulates the PSP for informal agency consultation.
November 2013	Council writes to the Growth Areas Authority to seek confirmation that it will be delegated Planning Authority status with respect to Amendment C190 to the Casey Planning Scheme. This is subsequently not provided by the Growth Areas Authority.
January to April 2014	Growth Areas Authority provides detailed agency feedback to Council's informal agency consultation process, including background reports prepared by the proponent.
July 2014	The proponent advises Council that they wish to pursue an accelerated amendment process which would see them lodge a request with the Minister for Planning, requesting that he consider exempting himself from the exhibition requirements of Section 19 of the <i>Planning and Environment Act 1987</i> , (Act) which he is able to do via Section 20(4) of the Act.
July 2014	Council resolves to write to the MPA advising that it expects that any fast-tracked process for the consideration of Amendment C190 would be based upon consultation with the community and Council.
August 2014	The MPA indicates to the proponent that consideration of an accelerated amendment process for the PSP is unlikely given the lack of consultation and unresolved issues for the Amendment.
October 2014	The MPA commences discussions with Council and landowners regarding commencement of the PSP process by the MPA through a standard amendment process.
June 2015	The MPA undertakes informal consultation period with relevant stakeholders and agencies.
November 2015	Public consultation session held.

#### (ii) Panel process

A Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 5 February 2016 and comprised Nick Wimbush (Chair) and Geoff Underwood.

On 30 March 2016, the appointment was cancelled due to the unavailability of Mr Wimbush, and Rodger Eade was appointed as Chair with Geoff Underwood.

A Directions Hearing was held in relation to the Amendment on 15 March 2016. Following the Directions Hearing, the Panel undertook an accompanied inspection of the subject site and its surrounds on 11 April 2016.

The Panel then met at the MPA Boardroom on 19 April 2016 and at Planning Panels Victoria on 20-22 April 2016 to hear submissions about the Amendment. Those in attendance at the Panel Hearing are listed in Table 2.

Table 2 Parties to the Panel Hearing

Submitter	Represented by
Metropolitan Planning Authority	Greg Tobin of Harwood Andrews, Lawyers who called the following expert witness: <ul style="list-style-type: none"> <li>- Chris Butler of Cardno on Traffic</li> </ul>
UDIA Consolidated Pty Ltd	Megan Schutz, Schutz Consulting Pty Ltd who called the following expert witnesses: <ul style="list-style-type: none"> <li>- Alan Brennan of Brett Lane and Associates on Biodiversity</li> <li>- Aaron Harvey of Biosis on Biodiversity</li> <li>- Jason Walsh of Traffix on Traffic</li> </ul>
City of Casey	Jayden Mizzi, Strategic Planner, who called the following expert witness: <ul style="list-style-type: none"> <li>- Mark O'Brien of O'Brien Traffic on Traffic</li> </ul>
Frankston City Council	Craig Lyons, Senior Strategic Planner, who called the following expert witnesses: <ul style="list-style-type: none"> <li>- David Fairbridge of Frankston City Council on Flora and Fauna</li> <li>- Graeme Read of Frankston City Council on Traffic</li> </ul>
Amstel Golf Club Incorporated	Neil Taylor
Green Wedges Coalition	Rosemary West who called the following expert witnesses: <ul style="list-style-type: none"> <li>Dr Austin O'Malley on Ecology</li> <li>Ms Sarah Maclagan on Bandicoot ecology<sup>1</sup></li> </ul>
Robert Dean	Representing a number of Woodlands Road residents <sup>2</sup>

<sup>1</sup> Ms Maclagan was unable to attend the Hearing so her evidence was accepted as submitted but was not tested through cross examination.

<sup>2</sup> At the Hearing Mr Dean tabled signed pro forma letters from a number of Woodlands Road residents authorising him to speak on their behalf.

Southern Brown Bandicoot Regional Recovery Group	Gillian Collins who called the following expert witness: - David Nicholls on Bandicoot Ecology
Natural Resources Conservation League of Victoria	Anthony Hooper
Athena Jones	

### (iii) Post-Hearing process

The issues of the costing of two intersections with Ballarto Road and the construction of a section of Ballarto Road were in dispute at the conclusion of the Hearing because the MPA tabled revised costings on the last day of the Hearing.

As a result the Panel issued the following Directions on 26 April 2016:

- UDIA Consolidated Pty Ltd should provide to the Panel and copied to the distribution list, by the close of business Friday 29 April 2016, a review of the costs of projects IN01, IN06 and RD01 as set out in Tabled Document 26 which includes the costs for these projects prepared by Cardno in a document entitled 'Preliminary Estimate Summary Sheet V160589T', dated 21 April 2016. Details of these projects are as set out in Table 9.2 of the expert evidence of Mr Chris Butler dated 7 April 2016. The review of costs should be based on the scope of the projects as assumed in this table. The MPA has circulated relevant documentation subsequent to the Hearing.*
- Where UDIA wishes revised costs of any of these three projects to be included in the approved DCP, the reasons for the cost revisions must be clearly spelt out in the document provided.*
- The Metropolitan Planning Authority or any other party wishing to comment on the review of costs submitted by UDIA Consolidated Pty Ltd, should provide comments to the Panel and copied to the distribution list, by close of business on Friday 3 May 2016, setting out clearly why they do not accept any changes to the costings to the included in the DCP as proposed by UDIA. After this date there will be no further correspondence accepted by the Panel on this matter.*
- The Metropolitan Planning Authority should provide to the Panel and copied to the distribution list, by close of business on Friday 29 April 2016, documentation that supports their contention at the Hearing that the requirements for the preparation of an acoustic report for the Brompton Lodge PSP were transmitted to the proponents consultants, Watsons Pty Ltd, and the date that requirement was transmitted to Watsons.*

The Direction was complied with and the outcomes are included as part of the Panel's considerations.

## 2 Strategic planning context

This chapter briefly addresses the strategic planning context of Amendment C190.

### 2.1 Planning context

#### (i) South-East Growth Corridor Plan

The South East Growth Corridor Plan, released in June 2012 does not include the Brompton Lodge Precinct as it was outside the UGB at that time. It was included in the August 2012 version of the Plan as a 'logical inclusions area'.

#### (ii) Logical Inclusions process

A review of the UGB was undertaken and reported in November 2011. The Committee recommended that both the Brompton Lodge Precinct and the Ranfurly Golf Course be included inside the UGB as logical inclusions to it. The government accepted the first recommendation but not the second and Brompton Lodge was included in the UGB in 2012.

#### (iii) State Planning Policy Framework

The Amendment represents an integrated decision making process that balances the conflicting objectives of the relevant State Planning Policies as follows:

- Clauses 11.01 Activity Centres, 11.02 Urban Growth, 11.03 Open Space - The Amendment incorporates a PSP and DCP which set out the orderly structure for development of a residential Precinct.
- Clause 12.01 Biodiversity - The Amendment will incorporate the Brompton Lodge NVPP into the Planning Scheme which identifies vegetation to be protected (retained) or removed in the Brompton Lodge PSP area.
- Clause 16.01 Residential Development - Housing in the Precinct will be fully serviced. New residents will have access to services and employment opportunities in the Cranbourne West PSP to the immediate north and in adjacent developed neighbourhoods and through provision of new infrastructure in the Precinct. The PSP sets out a range of housing densities that can be accommodated in the Precinct.
- Clause 17.01 Commercial - The PSP designates a street based Local Town Centre, central to the Precinct which will comprise of a mix of retail and commercial floor space.
- Clause 18.01 Integrated Transport, and 18.02 Movement Networks - The Precinct is strongly integrated with the existing and planned road network and Principal Public Transport Network. The proposed road network provides a robust structure for traffic and transport movement within and through the Precinct.
- Clause 19.02 Community Infrastructure, 19.03 Development Infrastructure – Community facilities such as schools and health facilities have not been provided as part of the Brompton Lodge PSP due to the small size of the Precinct. Adequate schools and health facilities will however be provided as part of the Cranbourne West PSP which will service the population of the Brompton Lodge PSP.



**(iv) Local Planning Policy Framework**

The Explanatory Report with Amendment C190 lists these clauses as relevant to the Amendment.

**Municipal Strategic Statement:**

Clause 21.03 Vision – Strategic Framework - This policy provides a strategic framework and vision for Casey.

Clause 21.09 Building New Communities – The Brompton Lodge PSP and Brompton Lodge DCP will provide for services and infrastructure for the new neighbourhood including a Local Town Centre, an interconnected network of local parks, water bodies, off road bicycle paths and shared paths.

Clause 21.11 Employment – The Amendment supports this policy for the estimated Precinct population of 4,400 residents through the proposed Cranbourne-Frankston Road Local Town Centre which according to the Explanatory Report will provide approximately 294 jobs. In addition, home based businesses will provide approximately 75 jobs.

Clause 21.14 Infrastructure – The objectives of this Clause are supported by the Brompton Lodge DCP which establishes a framework for the cost of new shared development and community infrastructure and ensures the timely delivery of infrastructure to the Precinct.

**Local Planning Policies:**

Clause 22.01 Future Urban Areas Policy - Clause 22.01 does not yet identify the land within the PSP as a 'Future Urban Area'. This policy will need to be updated as part of a future planning scheme amendment.

Clause 22.05 Residential Development Policy - The objectives of this Clause are supported by the outcomes of the Brompton Lodge PSP to facilitate a planning framework to guide the orderly development of residential land, as well as identifying infrastructure and open space requirements of this developing residential area.

Clause 22.07 Retail Policy - The amendment supports this policy through applying the Commercial 1 Zone to land within the proposed Local Town Centre.

Clause 22.08 Non-Residential Uses in Residential and Future Residential Areas Policy - The Brompton Lodge PSP supports this policy as non-residential uses, such as display homes, shops, schools and medical centres will be provided and integrated into the residential areas, either through the Precinct itself or through the adjacent Cranbourne West PSP.

Clause 22.14 Infrastructure Policy - In support of this policy the proposed Brompton Lodge DCP will ensure the timely provision of high quality infrastructure through adequate funding that is fairly distributed across the Precinct.

Clause 22.15 Good Design Policy - Design guidelines within the Brompton Lodge PSP aim to build a positive image for the City of Casey to attract business, create employment opportunities, attract future residents and instil community pride in existing residents.

Clause 22.17 Stormwater Policy - The Brompton Lodge PSP will address stormwater management issues as part of the future development.

## **Ministerial Directions**

Amendment C190 complies with the following Ministerial Directions:

Direction No. 1 – Potentially Contaminated Land

Direction No. 9 – Metropolitan Strategy

Direction No. 11 – Strategic Assessment of Amendments

Direction No. 12 – Urban Growth Areas

The PSP complies with the South-East Growth Corridor Plan which identifies the Precinct as a 'logical inclusions area'.

The MPA has indicated in the Explanatory Report that accompanied the Amendment that it has been prepared in accordance with the Precinct Structure Planning Guidelines and has been assessed in compliance with Direction 11, Strategic Assessment of Amendments.

## **2.2 Discussion**

The Panel is satisfied that Amendment C190 enjoys broad strategic support and has been prepared taking due account of appropriate guidelines and directions. No submitter contested the strategic underpinning of the Amendment.

### 3 The plan and the issues

This section of the report describes the main elements of the PSP and the issues that were raised in relation to the PSP and the associated DCP and planning scheme implementation.

This report focusses on substantive unresolved issues. There were a significant number of other issues raised by submitters which were resolved prior to or during the Hearing process. This Report does not focus on these and the Panel accepts that where an issue is resolved between the MPA and the submitter that it accepts that resolution. The Panel neither comments on nor formally endorses the resolution but accepts the resolution as part of its recommendation that Amendment C190 to the Casey Planning Scheme be adopted. 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 all submissions presented to it during the Hearing.

In addressing the issues raised in those submissions, the Panel has been assisted by the information provided as well as its observations from inspections of the subject site and surrounding areas.

#### 3.1 Brompton Lodge Precinct Structure Plan

The PSP presents a vision for the Brompton Lodge Precinct:

*The Brompton Lodge Precinct will be a model for sustainable, compact and mixed-use neighbourhoods. It will deliver a wide range of housing types and uses and in turn it will encourage a diverse local community. The neighbourhood will be an urban extension to the Cranbourne West Precinct Structure Plan and will integrate cohesively with the urban neighbourhoods planned to the north of Ballarto Road and the surrounding rural residential development.*

*The Brompton Lodge Precinct will provide an urban form that will lay the foundation for a healthy, prosperous and sustainable local community. A permeable network of pedestrian friendly streets will connect the residents to areas of attractive open spaces and the Local Town Centre. This street pattern will create a walkable neighbourhood with a strong sense of urban character.*

*More compact housing types and a mixing of uses will occur adjacent to areas of high amenity and around the Local Town Centre. Local parks will link with the central wetlands via high quality streets, providing a central green 'spine' to the neighbourhood, showcasing and protecting the biodiversity of the area.*

*The street based Local Town Centre will provide daily services and local employment opportunities for Brompton Lodge residents and for those residing in the surrounding local neighbourhoods. The centre will include a compact urban square activated with cafes and restaurants and creating a social setting and 'heart' for the community.*

*An interconnected network of dedicated cycle lanes and pedestrian pathways will create safe and convenient connections to this centre. This pathway*

network provides the opportunity for residents to access external destinations such as the recreational playing fields, schools and community facilities located within the Cranbourne West PSP area.<sup>3</sup>



Figure 2 Proposed urban structure of Brompton Lodge PSP

The following sections briefly outline the key sections of the PSP, the DCP and the NVPP and where relevant identify the substantive unresolved issues.

### (i) Urban structure

The Precinct has two north-south connector roads which are broadly extensions of Woodlands Road and Chevron Avenue to the south east. An east-west connector road along a central waterway and connecting to the proposed Local Town Centre is proposed. No substantive issues with respect to the urban structure were raised by submitters. Figure 2 shows the overall urban structure proposed.

### (ii) Image, character, heritage and non-residential interfaces

Because of its location at the urban periphery and adjacent to green wedge land, there is a considerable emphasis on vegetation and tree planting. Trees must be provided on both sides of all roads and streets. Council propose a 20 metre tree buffer along the Cranbourne-Frankston Road frontage arguing that when traveling along this road from the south, this is the first urban area of Casey encountered and that the buffer is an appropriate transition. The width of this buffer is an unresolved issue as is the extent to which it might be used in part to facilitate the dispersal of the Southern Brown Bandicoot (SBB). The removal of some existing trees and native vegetation across the Precinct is an unresolved issue.

<sup>3</sup>Brompton Lodge Draft PSP p9

**(iii) Housing**

A mix of housing types is proposed with higher density housing close to public open space, proposed public transport routes, activity centres and community hubs. The applied residential zones to be included in the UGZ schedule is an unresolved issue, with the MPA proposing that the Residential Growth Zone (RGZ) be applied.

**(iv) Town centres and employment**

A Local Town Centre with approximately 6,300 square metres of retail floor space and 1,700 square metres of commercial floor space is proposed to be located on the south eastern boundary of the Precinct, abutting the Cranbourne-Frankston Road. The Precinct is estimated to generate approximately 370 jobs. The local town centre will service both the Precinct and residential areas further to the east, including the Settlers Run development. There are no significant unresolved issues relating to the activity centre.

**(v) Community and education facilities**

Because of its relatively small size, no community or education facilities are proposed for the Precinct. It is proposed that a community centre and a family and children's centre be provided in the Cranbourne West PSP area to service the Precinct. Development contributions are proposed to be collected for this purpose. There are no unresolved issues relating to community and education facilities.

**(vi) Open space**

As part of the Amendment, land to the north of the Precinct will be rezoned to PPRZ to facilitate the expansion of open space to provide for the recreation needs of the future residents of the Precinct. Four local parks totalling 4.16 hectares are planned for the Precinct.

Open space is 5.32% of the net developable area of the Precinct.

**(vii) Conservation, biodiversity, threatened species and bushfire management**

Significant conservation areas along existing waterways and drainage lines are proposed. Planting adjacent to the conservation area, waterway corridors and retained indigenous vegetation should be indigenous species. Submitters have proposed that at least some of these areas be planned to facilitate the movement to the west by the SBB which is dispersing from the resident populations in the Royal Botanic Gardens Cranbourne (RBGC). The Federally listed Dwarf Galaxias has been found on the site and it is proposed that this be translocated to a new constructed wetland. One submission suggests that the species be retained in its current location in some sand pits.

**(viii) Transport and movement**

The Western Port Highway and Cranbourne-Frankston Road bound two sides of the Precinct. To the north is a road reserve for Ballarto Road which is to be an arterial road which provides connectivity to the west to Seaford. The accompanying DCP includes a number of projects to construct sections of Ballarto Road, intersections with it and two intersections

with the Cranbourne-Frankston Road. Provision is made for pedestrians and cyclists through a network of shared and dedicated paths. Cross sections for road and street types in the PSP guide the provision of these.

A bus route through the Precinct, on a yet to be finalised route, is planned providing connectivity through to the Cranbourne West PSP to the north. Roundabouts must be bus capable and a bus capable road must be constructed to facilitate future public transport provision.

Costings of some infrastructure projects, the extent of the construction of Ballarto Road and the inclusion of some infrastructure projects in the DCP are amongst significant unresolved issues.

**(ix) Integrated water management, utilities, energy and sustainability**

An Integrated Water Management Plan must be prepared. Development must meet or exceed best practice stormwater quality treatment standards prior to discharge to receiving waterways.

Before development commences on a property, functional layout plans of the road network are to be submitted, showing the location of all:

- underground services
- driveways/crossovers
- street lights
- street trees.

**(x) Precinct infrastructure plan and staging**

The Precinct Infrastructure Plan sets out the infrastructure and services required to meet the needs of the proposed development within the Precinct. The infrastructure items and services are to be provided via mechanisms including:

- *Subdivision construction works by developers. Agreements under section 173 of the Planning and Environment Act 1987.*
- *Utility service provider requirements. The Brompton Lodge Development Contributions Plan. Relevant development contributions from adjoining areas.*
- *Capital works projects by Council, State government agencies and non-government organisations.*
- *Works in Kind projects undertaken by developers on behalf of Council or State government agencies.*

### **3.2 Development Contributions Plan**

Development proponents within the Brompton Lodge Precinct will be bound by the Brompton Lodge DCP. It is proposed that contributions will be collected:

- two road projects
- five intersection projects
- one local sports reserve project external to the Precinct
- two community facility projects external to the Precinct.

The exhibited DCP provided for a development levy of \$290,301 per net developable hectare, to be collected from the 78.13 developable hectares in the Precinct. In addition, a community levy at the capped rate of \$900 per dwelling is proposed to be collected.

### **3.3 Native Vegetation Precinct Plan**

The Brompton Lodge NVPP has been prepared concurrently with the PSP. The NVPP identifies:

- *Native vegetation which may be removed without a planning permit; and*
- *The offsets that must be provided by landowners wishing to commence works prior to removing the native vegetation which can be removed.*

### **3.4 Issues addressed by the Panel**

As part of its Part A submission the MPA provided a table which listed all issues raised by submitters. The table indicated those issues which had been resolved at that time and the unresolved issues which were being referred to the Panel. Between the time of presentation of the Part A submission and the conclusion of the formal part of the Hearing on 22 April 2016, a number of other issues were resolved. Issues resolved between the parties are not considered by the Panel and are not addressed in this report.

The issues considered by the Panel are addressed under three broad headings as follows:

- Traffic and road network and the DCP
  - Ballarto Road
  - Chevron Avenue
  - Cranbourne-Frankston Road intersections
  - Project costing and amendments to the DCP
- Biodiversity issues
  - Southern Brown Bandicoot
  - Dwarf Galaxias
  - Native vegetation
- Other issues
  - Applied residential zones
  - Vegetation corridor along Cranbourne-Frankston Road
  - Amstel Golf Club
  - Acoustic report
  - Amendments to Schedule 11 to the Urban Growth Zone.

## 4 Traffic and road network and the DCP

This chapter of the report addresses traffic and road network issues both in the PSP area and in the surrounding areas. In a number of cases these have direct relevance to infrastructure items which are proposed by various submitters to be included in or excluded from the DCP; those DCP issues are also addressed here where relevant.

Initially UDIA proposed that contributions towards some infrastructure be excluded from the DCP and collected via a series of s173 agreements. In her closing submission Ms Schutz, appearing for UDIA, submitted that this position had been dropped and that her client had accepted that including infrastructure items in the DCP was the appropriate mechanism. However, Ms Schutz maintained the proponent's submission against some infrastructure items being included in the DCP and some costings proposed by the MPA. She sought time to review the projects in dispute. The Panel endorses this revised position regarding the s173 Agreements and makes no further comment on that issue. The Panel deals with the costing of infrastructure items and cost apportionment issues in this section.

In the usual way, this proposed DCP apportions liability for contributions from the developer ranging from 100% to lesser amounts, mostly 50%, of specified projects based on estimated usage of the item by future residents of the Precinct. The costings for the projects are based on estimations for the MPA by relevant experts, such as Cardno for traffic projects, by valuers for land acquisitions, and using standard rates for community facilities provided by the City of Casey.

The matter of which party meets particular costs was the subject of submissions from UDIA as the proponent on whom most costs fell as well as resident submitters who opposed responsibility for costs associated with the construction of roads external to the Precinct and associated works.

It is apposite to begin this section on traffic and DCP matters by stating VicRoads' position on cost contributions for arterial roads or future arterial roads. VicRoads 18 April 2016 letter to the MPA leaves no doubt about its position. Under a heading "Costs of Roadworks", the letter stated:

*Whilst VicRoads understands that no party is proposing that VicRoads contribute to the cost of any works exhibited in the DCP, or as part of the recent considerations to revise the traffic network and associated DCP, VicRoads would strongly object to any proposal for a VicRoads contribution.*

The Panel reviews the various proposals and projects in light of that position.

In the Part B submission to the Panel, Mr Tobin, appearing for the MPA presented a useful summary of the evidence of the traffic experts engaged by the various parties. The table serves as a statement of positions that the Panel applies as a starting point to its deliberations. The summary has nine tables relating to individual issues; extracts are included in the appropriate section of this chapter.

Table 3 is included here as a context for Ballarto Road as a whole. The extract refers to some issues to be repeated in sections to follow but is included in full to introduce the subjects.



**Table 3** Ballarto Road Function and Delivery  
*Panel note: the name abbreviations in the table are:*  
*MOB is Mark O'Brien for Casey City Council*  
*JW is Jason Walsh for the proponent*  
*GR is Graham Read for Frankston City Council*  
*CB is Chris Butler for the MPA]*

Experts' positions and commentary	MPA position
<p><b>Agreed:</b></p> <ul style="list-style-type: none"> <li>a) That Ballarto Road between Western Port Highway and Cranbourne-Frankston Road is desirable as a broader strategic road network connection.</li> <li>b) Traffic volumes would be approximately 50 percent attributable to Brompton Lodge at Western Port Highway (MOB view is at least 50 percent is attributable to Brompton Lodge. JW view is that no more than 50 percent is attributable to Brompton Lodge).</li> <li>c) That locally generated traffic (Brompton Lodge, Cranbourne West) will not warrant the future duplication of Ballarto Road on its own.</li> </ul>	<p>MPA agrees that constructing Ballarto Road between the Western Port Highway and Cranbourne-Frankston Road would positively contribute to the wider road network.</p> <p>MPA also agrees that local traffic generated by the Brompton Lodge and Cranbourne West precincts would not of itself warrant the future duplication of Ballarto Road (therefore opening an interim position consistent with other PSPs of land take but not the delivery of the ultimate road.</p>
<p><b>Not agreed:</b></p> <ul style="list-style-type: none"> <li>a) GR view that the full length of Ballarto Road should be delivered with PSP and timing of delivery confirmed, ideally with the full connection constructed as soon as practicable due to its' importance as a future direct connection between Cranbourne and Seaford and subsequent travel time / diversion impacts should this connection not exist.</li> <li>b) MOB agreed on the need for full connection given the broader strategic road network benefit (notably potential reduced need for future 6-lane Cranbourne-Frankston Road cross section) and noting concerns on the practicalities of staged delivery and subsequent risk of completion. CB and JW agree that while the broader strategic view is desirable it should not be wholly attributable to the Brompton Lodge PSP based on the traffic flows.</li> <li>c) JW view that DCP contribution to Ballarto Road delivery should apply to full length between Western Port Highway and Cranbourne-Frankston / Pearcedale Road, including connections to Western Port</li> </ul>	<p>MPA considers that the full (interim) length of Ballarto Road should be delivered and 100% attributed to Brompton Lodge within the DCP.</p> <p>MPA notes traffic generation is relevant to the question of funding, but that attribution of cost does not necessarily need to equate to attribution of traffic flows.</p> <p>MPA does not dispute Mr Walsh's assessment that delivery would progress from the west to the east with the development front, though this is not clear in the absence of any staging or other process that this is the concluded or binding view of the proponent. MPA maintains that the whole length of Ballarto Road should be included within the DCP from a funding and delivery perspective.</p> <p>MPA further submits that the ultimate land take should be included within the DCP, consistent with the approach taken for growth area planning.</p> <p>The concept drawings included in the various evidence statements are considered below in further detail.</p>

Experts' positions and commentary	MPA position
<p>Highway and the Cranbourne-Frankston / Pearcedale Road roundabout. The contribution attributable to Brompton Lodge PSP should reflect the ultimate traffic attributable to the Brompton Lodge PSP area (no more than 50 percent).</p> <p>d) CB acknowledges JW position, noting that the connection to Cranbourne-Frankston / Pearcedale Road is not critical for PSP road network, however adds that the preferred Ballarto Road / Woodlands Road intersection (land and construction over above the projection of Ballarto Road through the intersection) should be included within the DCP.</p> <p>e) JW's view that delivery would progress from west with development front, with extent of delivery tied to DCP contribution and final section (likely connection to Cranbourne-Frankston Road / Pearcedale Road roundabout) to be delivered by others. Expected progressive delivery west to east acknowledged by CB and MOB. MOB needed to undertake further analysis to test whether the road network could cater for the PSP traffic flows in 2030 without the eastern connection of Ballarto Road to Cranbourne-Frankston Road / Pearcedale Road roundabout.</p> <p>f) MOB does not support a DCP funding model that would likely result in the omission of connection to the Cranbourne-Frankston Road / Pearcedale Road roundabout (east of IN-02) for an indefinite period.</p> <p>g) GR's view is that DCP funding construction of Ballarto Road should be allocated on a section by section basis for the full length of the road (and made available as needed). Regarding future duplication, MOB is of the view that a four lane cross section west of Woodlands Road will be required if Western Port Highway is upgraded to a freeway in accordance with the Western Port Freeway AECOM model scenario 2 and likely required if in accordance with Western Port Freeway AECOM model scenario 8. Duplication east of Woodlands may be required under Western Port Freeway AECOM model</p>	

Experts' positions and commentary	MPA position
<p>scenario 2. JW disagrees duplication of Ballarto Road will be required between Western Port Highway and Cranbourne-Frankston Road / Pearcedale Road roundabout. CB is of the view that duplication may be required west of Woodlands Road, but not required to the east.</p>	

The following sections discuss the infrastructure projects included or proposed to be included in the DCP. The chapter concludes with discussion on the costings of the various infrastructure items and draws conclusions. Recommendations are made on changes which should be made to the exhibited DCP and the PSP.

## 4.1 Ballarto Road

Ballarto Road is the northern boundary of the Precinct between the Cranbourne-Frankston Road Pearcedale Road roundabout in the east and Western Port Highway in the west. Ranfurly Golf Course and the property owned by the Natural Resources Conservation League abut the road reservation to the north. Ballarto Road is unconstructed save for a short length at the east-end where a leg of the roundabout provides access to property 9 in the PSP.

Ballarto Road has a role in the arterial road network for the region. Until the decision to not traverse the grounds of the RBGC and thereby truncate Ballarto Road, it formed a major east-west link from Seaford in the west to the growth areas of the east. Despite this reduced function, current plans are for Ballarto Road abutting the northern boundary of the Precinct to provide the vacant link as a four lane road with shared paths in its ultimate form.

The Future Urban Structure Plan in the PSP shows that development within Brompton Lodge relies upon a constructed Ballarto Road to provide access to and from the area as well as cross-links from the areas south of Cranbourne-Frankston Road as well as to the north into the Cranbourne West PSP area. Construction of Ballarto Road is included in the DCP as project RD-01 described as *"Ballarto Road widening. Purchase of land to widen the road reserve (ultimate treatment) including land for intersections and construction of road (interim treatment) for 1,000m."* Mr Walsh notes in his written evidence statement that the *"Portion of Ballarto Rd to be constructed in the interim extends from Cranbourne-Frankston Rd in the east to the Woodlands Road extension (That is it does not extend through to Western Port Hwy)"*.

The Panel accepts that a constructed Ballarto Road is critical to achieve the outcomes anticipated under the PSP.

To provide the proposed links and access to and from the Precinct, intersections from connector streets within Brompton Lodge will be created with Ballarto Road, a new connection with Western Port Highway and improved connections at the Cranbourne-Frankston Road / Pearcedale Road roundabout are proposed.

The various proposals and submissions are dealt with in this section.

Key statements and positions from the evidence and submissions provide the starting point for the Panel's consideration. They include the agreed positions from the traffic experts from their conclave prior to the Hearing:

- a) *That Ballarto Road between Western Port Highway and Cranbourne-Frankston Road is desirable as a broader strategic road network connection.*
- b) *Traffic volumes would be approximately 50 percent attributable to Brompton Lodge at Western Port Highway (M O'Brien view is at least 50 percent is attributable to Brompton Lodge. J Walsh view is that no more than 50 percent is attributable to Brompton Lodge).*
- c) *That locally generated traffic (Brompton Lodge, Cranbourne West) will not warrant the future duplication of Ballarto Road on its own.*

Further, Mr Tobin submitted that the "MPA maintains that the whole length of Ballarto Road should be included within the DCP from a funding and delivery perspective" and that "the ultimate land take should be included within the DCP, consistent with the approach taken for growth area planning".

#### **4.1.1 Western Port Highway to Woodlands Road**

##### **(i) The issue**

The issue is whether the 366 metre section of Ballarto Road from Woodlands Road to the Western Port Highway not proposed to be constructed in the Brompton Lodge PSP and therefore not proposed to be funded in the DCP should be constructed; and if so, what standard of road should be provided. Further whether the construction of this section of road should be included in the DCP.

##### **(ii) Evidence and submissions**

In his evidence statement, Mr Walsh for UDIA stated:

*There is no consideration for that part of Ballarto Road between Woodlands Avenue and Western Port Highway, presumably because this part of the road will form part of the works for the future upgrade of the Western Port Highway, and associated grade separation of Ballarto Road and construction of a half diamond interchange.*

*Considering the timing for the upgrade of Western Port Highway and associated grade separation of Ballarto Road is not defined, I am of the view that for broader strategic traffic planning, there is merit in including construction of a single carriageway of Ballarto Road through to Western Port Highway. This will provide interim convenient access to the subject land and also offer a broader east-west route for the Cranbourne area.*

The outcome of the traffic conclave, as reported in the first part of Table 4, is that this section of Ballarto Road should be constructed. All parties adopted that outcome.

As to the standard of the road, no party disagreed with the proposition that the entire length of Ballarto Road must be the same standard as intended in the PSP shown as Cross Section 1 on the plan titled Ballarto Road Secondary Arterial - 4 lane (34m) at page 44 of the exhibited version of the PSP.

Mr Tobin for the MPA stated the whole length of Ballarto Road should be included within the DCP from a funding and delivery perspective and that the ultimate land take should be included within the DCP, consistent with the approach taken for growth area planning.

Referring to this prospect, Ms Schutz said that the proponent accepted that delivery of the proponent's liability by works-in-kind meant that 50% of the ultimate form of the road will be delivered by the developer. Given the proposed staging of development, it is logical that the western end of Ballarto Road will be delivered by the proponent early in the project.

Mr Walsh dealt with the width of the existing reservation for Ballarto Road in the section between Western Port Highway and proposed Woodlands Road. His opinion is there is no requirement for land acquisition necessary to add to the corridor for the future duplication of Ballarto Road, despite the road reservation narrowing to 32 metres, immediately west of Woodlands Road.

### **(iii) Discussion**

As Mr Walsh states, this part of Ballarto Road was originally not intended to be constructed. Subsequently parties referred to it as a missing link in the length of Ballarto Road the absence of which would defeat the function of the road in the network. The Panel agrees.

The only questions are about how this project is dealt with in the PSP and DCP. The Panel agrees with the MPA that the same approach is to be applied to this leg of Ballarto Road as with the balance length. That is, this section of Ballarto Road is to be shown in the PSP as part of the project length and the costs of land acquisition and construction are added to the project cost in the DCP.

Relying upon Mr Walsh's evidence, Ms Schutz told the Panel that there is sufficient area within the road corridor to construct this section of road. If that turns out to be wrong, the impact will fall to the developer who carries the subsequent risk of added cost. The Panel therefore accepts that it is unlikely that additional land acquisition will be needed.

Adopting the proponent's position means there is no need to adapt DCP item RD01 relating to Ballarto Road to include acquiring additional land between Woodlands Road and Western Port Highway, or elsewhere along the corridor.

### **(iv) Conclusion**

The Panel agrees with the MPA to include this section of Ballarto Road in the PSP as part of the project length and for the costs of land acquisition and construction to be added to the project cost in the DCP.

The Panel concludes that:

- The section of Ballarto Road between Western Port Highway and Woodlands Avenue must be constructed to complete the road.
- The same design standard as is proposed in the DCP should be used along the entire length of Ballarto Road.
- No further land acquisition is needed for this section of road.

#### **4.1.2 Ballarto Road - Western Port Highway intersection**

##### **(i) The issue**

The prospect of a connection of Ballarto Road to the existing Western Port Highway intersection was raised by the proponent subsequent to the exhibition of the Amendment and receipt of submissions. With agreement between the authorities, including VicRoads, that Ballarto Road should connect to the Western Port Highway from the east, the issue is what form the link should take.

##### **(ii) Evidence and submissions**

In the Part A submission for the MPA, Mr Tobin states *"Planning for the development of the Brompton Lodge precinct recognises the adopted Public Acquisition Overlay (PAO) for the Ballarto Road and Western Port Highway upgrade"*. Further submissions were made in its Part B submission about the construction and purpose of Ballarto Road. The MPA supports the connection of Ballarto Road with the Western Port Highway.

In the written opening submission for the proponent, Ms Schutz stated at section 8.1.2, Traffic Submissions:

- *There should only be one signalised intersection on Cranbourne-Frankston Road providing access to Brompton Lodge. This should be at Chevron Avenue. Instead of a second signalised intersection on Cranbourne-Frankston Road, there should be a second access via Ballarto Road to Western Port Highway for travelling to the north.*
- *The construction of the whole of the Ballarto Road corridor must be developed in an orderly and integrated manner to avoid traffic and safety issues at the existing Western Port Highway roundabout and western section within the City of Frankston.*

The proposition for the reduction of one intersection on Cranbourne-Frankston Road was not pursued in the proponent's closing submission.

In his additional (summary) evidence statement Mr Graeme Read, called by Mr Lyons of Frankston City Council, stated *"There is overall agreement on the network value of connecting Ballarto Road east and west at Western Port Highway"*.

Mr Read stated that the implications for the capacity of the wider road network from joining Ballarto Road to the Western Port Highway also needs consideration and that fully connecting Ballarto Road will result in new east-west through traffic along Ballarto Road east. This traffic will be in addition to that from Brompton Lodge which will encroach upon the capacity of the intersection of Ballarto Road with Cranbourne-Frankston Road and bring forward the need to upgrade Ballarto Road east to four-lanes. He added that this demand may not be as crucial as traffic wanting to access the Western Port Highway corridor from Pearcedale Road south or from traffic generated by land development on the north side of Ballarto Road east.

Mr Read concluded:

*there are clearly road user benefits in connecting Ballarto Road with Western Port Highway sooner rather than later. Their travel costs will be lower and there will be greater opportunities for route choice. An early Western Port Highway connection also has network benefits by spreading the network load. What is not clear is whether Ballarto Road should be connected to Western Port Highway now (and so be a condition of the PSP) when balanced against the overall costs of network upgrading resulting from resulting changes in traffic movements.*

In presenting his expert evidence, Mr O'Brien (called by Mr Mizzi for Casey City Council) proposed a design solution different to Mr Butler (called by Mr Tobin for the MPA). The O'Brien design included an additional slip lane for traffic to turn left into Ballarto Road from the north and some associated works. Mr O'Brien proposed payment for the full costs of works entirely through the DCP.

In its letter to the MPA dated 18 April 2016, VicRoads commented on its review of design concepts by Cardno for the MPA and O'Brien Traffic for Casey City Council to connect Ballarto Road to the Highway; the letter stated VicRoads:

*is of the opinion that either layout would provide an appropriate level of service for the interim time period and inclusion in the DCP.*

*As these layouts are conceptual in form, VicRoads would be pleased to work with the MPA and Casey City Council in the development of a functional layout plan (incorporating dimensioned lengths, widths, vehicular turning templates etc...) prior to the finalisation of the planning scheme amendment.*

The outcome of the traffic conclave about the design and cost apportionment is summarised in Table 4.

Table 4 IN-06 (new) Ballarto Road / Western Port Highway intersection  
*Panel note: the name abbreviations in the table are:  
 MOB is Mark O'Brien for Casey City Council  
 JW is Jason Walsh for the proponent  
 CB is Chris Butler for the MPA]*

Experts' positions and commentary	MPA position
<b>Agreed:</b> a) Connection of Ballarto Road east to current Western Port Highway / Ballarto Road roundabout can and should be delivered by PSP (JW qualification that costs to the PSP should be apportioned as per Ballarto Road; others disagree). b) Equivalent eastern approach and internal roundabout works on both options, with MOB eastern approach lane configuration acceptable to CB. Difference being line marking.	MPA agrees that the connection of Ballarto Road to the current roundabout at the Western Port Highway should be included in the PSP.

Experts' positions and commentary	MPA position
<b>Not agreed:</b> a) CB disagrees that the left turn lane on the north Western Port Highway approach as shown by MOB is necessary for Brompton Lodge traffic. MOB to review modelling and advise further.	MPA shares the view of Mr Butler that left turn lane is not required for Brompton Lodge traffic.  MPA does not suggest that any additional works for this intersection should be included in the DCP.

The outcome of the traffic conclave about future works is summarised in Table 5.

Table 5 IN-06 (new) Ballarto Road / Western Port Highway intersection- proposed treatment

Experts' positions and commentary	MPA position
<b>Agreed:</b> a) Current proposed treatment is acceptable with sufficient capacity to accommodate expected traffic. b) PSP should not contribute to future additional intersection improvements.	MPA accepts the views of the traffic experts that the current proposed treatment for this intersection is acceptable and future improvements to the intersection should not be included in the DCP.
<b>Not agreed:</b> N/A	

The opinion of the traffic experts from the conclave about the need for consequential improvements at the Cranbourne-Frankston Road / Western Port Highway intersection is presented in Table 6.

Table 6 Cranbourne-Frankston Road / Western Port Highway intersection

*[Panel note: the name abbreviations in the table are:*

*MOB is Mark O'Brien for Casey City Council*

*JW is Jason Walsh for the proponent*

*GR is Graham Read for Frankston City Council*

*CB is Chris Butler for the MPA]*

Experts' positions and commentary	MPA position
<b>Agreed:</b> N/A	
<b>Not agreed:</b> a) MOB and GR view that improvements may be required should Ballarto Road not be provided in full between Western Port Highway and Cranbourne-Frankston Road/ Pearcedale Road intersection. CB and JW view that this is a broader strategic road network consideration and not relevant to the PSP.	MPA strongly agrees with Mr Butler and Mr Walsh that any future improvements to the Cranbourne-Frankston Road / Western Port Highway intersection fall outside the scope of this PSP.



**(iii) Discussion**

There is overall agreement amongst submitters and relevant experts about the connection of Ballarto Road to the Western Port Highway. There is capacity within the road reservation to accommodate the works required and the roads authority supports the creation of the intersection. The Panel supports this position. All that remains is resolution of the design via functional layout plans which VicRoads proposes can be done before approval of the Amendment.

With the traffic experts substantially in agreement, and with VicRoads supporting the direction of the design solutions, matters remaining for Panel consideration are reduced. The main issues come down to the Frankston City Council submission that the link will increase traffic volumes at the Western Port Highway / Cranbourne-Frankston Road roundabout and that as a consequence improvement works are required; to the issue of who pays the costs of land acquisition and for works to create the new intersection; and the timing of the preparation of functional layout plans to settle the final design.

The Panel notes that no other expert agreed that works would be required at the Western Port Highway / Cranbourne-Frankston Road roundabout as a result of the new connection, or for any other reasons such as increased traffic along Cranbourne-Frankston Road. The Panel adopts the view of the majority of the traffic experts and does not propose any works at that roundabout.

As the scope of works for the connection of Ballarto Road to the Western Port Highway will not be resolved until the functional layout plans are resolved, the question of the cost of land acquisition and work and who pays those, remains.

There were differing opinions on the allocation of costs for the Ballarto Road Western Port Highway connection. For the MPA, Mr Tobin submitted the costs should be apportioned 100% to the proponent through the DCP. Messrs O'Brien and Read agreed. Mr Walsh for the proponent submitted 50% was the appropriate contribution based on assumed eventual demand share. Ms Schutz submitted that a 50% apportionment satisfies the requirements of the relevant statutory framework. VicRoads is silent on who should pay but *"would strongly object to any proposal for a VicRoads contribution"*.

As to the construction of Ballarto Road as whole including this section, at paragraph 16 of the closing submission, Ms Schutz submitted that *"put simply, the reality is that delivery of 50% of RD01 as in kind works means that 50% of the length of the road will be delivered by the developer. Based on the proposed staging of the development, it is logical that the western end of Ballarto Road will be delivered by the Proponent."*

**(iv) Conclusion**

The Panel accepts that while the construction of Ballarto Road over the full length through the Precinct will provide network benefits to users from the east farther along Ballarto Road toward the RBGC and from the south, for example for motorists from Cranbourne-Frankston Road and Pearcedale Road, the greatest benefit falls to future residents in the PSP area.

The Panel concludes that:

- While an argument for a 50% external apportionment has some appeal, for pragmatic reasons, the Panel is of the view that the full cost of the project should be apportioned to the Brompton Lodge DCP.
- Prior to the submission of the PSP for approval, the MPA must ensure that the full cost of the construction to interim standards be costed into the DCP.

#### **4.1.3 Ballarto Road – Woodlands road intersection**

##### **(i) The issue**

The issue is about the design of the intersection to cater for traffic from within the Brompton Lodge Precinct and for connection to the Cranbourne West PSP area being developed to the north.

##### **(ii) Evidence and submissions**

Mr Butler considered two different intersection treatments for what he called the Ballarto Road / Western Collector intersection. The first option would be to construct a roundabout intersection, with pedestrian operated signals located to the east of the roundabout across Ballarto Road to provide north-south connectivity for pedestrians and cyclists. The second option would be to construct a signalised intersection.

In his written evidence statement, Mr Butler set out an analysis of the engineering and traffic merits of both options as well as consideration of future use of community facilities to the north by residents of Brompton Lodge including pedestrian and cyclist connectivity. He stated:

*A signalised intersection would provide better pedestrian and cyclist connectivity, however, I am satisfied that adequate pedestrian and cyclist connectivity across Ballarto Road could be provided for a roundabout treatment by constructing pedestrian operated signals a short distance to the east of the roundabout. A roundabout treatment would have the benefit of a lower cost to the DCP and would provide improved operating performance for traffic in terms of delays and queue lengths.*

Mr O'Brien stated that a northern leg of Woodlands Road and Ballarto Road was desirable for connectivity to the north including as a bus route and should be allowed for in the interim intersection design and a reservation provided in the PSP.

The conclave of traffic experts agreed that:

*A single lane roundabout option or signal option is appropriate for expected traffic volumes.*

*Expected traffic volumes would not warrant localised duplication at signals (as per the Butler option which is in accordance to MPA guidelines for interim signals).*

The conclave reached no agreement on the identification of the specifics of the project in the PSP and DCP, the lane treatment and the installation of the pedestrian signals.

Ms Schutz first submitted that the intersection, project IN-01 in the DCP, was to be provided by the developer and thus was to be provided as a development project subject to engineering investigation. She said that a fair cost apportionment was 50%. In the closing submission, Ms Schutz revised the position to accept intersection IN-01 being included in the DCP at full cost to the DCP.

Table 7 IN-01 Ballarto Road / Woodlands Road intersection

*[Panel note: the name abbreviations in the table are:*

*MOB is Mark O'Brien for Casey City Council*

*JW is Jason Walsh for the proponent*

*GR is Graham Read for Frankston City Council*

*CB is Chris Butler for the MPA]*

Experts' positions and commentary	MPA position
<p><b>Agreed:</b></p> <p>A single lane roundabout option or signal option is appropriate for expected traffic volumes.</p> <p>Expected traffic volumes would not warrant localised duplication at signals (as per CB option which is in accordance to MPA guidelines for interim signals).</p>	<p>MPA agrees with the traffic experts' consensus position that either a single lane roundabout or signal would be appropriate at this intersection and that the expected traffic volumes would not warrant localised duplication.</p>
<p><b>Not agreed:</b></p> <p>JW view that intersection should not be a DCP item, but developer funded/delivered, excluding the projection of Ballarto Road through the intersection (this would be subject to a 50 percent contribution for the Ballarto Road delivery). Intersection form can be identified in the PSP.</p> <p>MOB view that PSP and DCP should be specific on the intersection layout and delivery. CB and GR agree that intersection should remain in DCP.</p> <p>JW of the view that pedestrian operated signals are not required for the roundabout option. CB and MOB of the view that these should be provided.</p>	<p>MPA is supported by the view of Mr Butler in submitting that this intersection should remain in the DCP and that pedestrian operated signals are required for the roundabout option.</p> <p>MPA is concerned Mr Walsh's suggestion that the intersection be funded by developers could face implementation difficulties, as the landownership will fragment and section 62(6) of the Act constrains Council's ability to impose permit conditions requiring a contribution for works.</p> <p>This is considered further below.</p>

The conclusion of all the traffic experts is that intersection IN01 can be a roundabout and not the signalised treatment. The inclusion of the pedestrian signals remains in dispute.

### (iii) Discussion

The need for future residents of the Brompton Lodge Precinct to rely upon the provision of facilities and services within the Cranbourne West PSP area to the north means that connectivity to that area is critical. The provision of a road link and a safe, efficient intersection treatment with pedestrians and cyclists in mind must follow. Though the

experts disagree on the specifics of the treatments for the component parts, there is no disagreement about the provision.

In a situation where the consensus position of the traffic experts is that either a single lane roundabout or signals would be appropriate, the Panel chooses the lesser cost option. This is supportable on the basis that there is no reduction in efficiency or safety. The Panel adopts Mr Butler's submission that a roundabout *"would provide improved operating performance for traffic in terms of delays and queue lengths"*.

The question of the installation of pedestrian lights is less clear.

The proponent first submitted that the design of the intersection could be prepared at the planning permit stage. In her submission, Ms Schutz accepted the need for an intersection but did not support pedestrian signals associated with the intersection.

On the other hand Mr Butler stated:

*A signalised intersection would provide better pedestrian and cyclist connectivity, however, I am satisfied that adequate pedestrian and cyclist connectivity across Ballarto Road could be provided for a roundabout treatment by constructing pedestrian operated signals a short distance to the east of the roundabout.*

Table 9-2 of Mr Butler's evidence statement included Revised Costings – Roundabout at Ballarto Road / Woodlands Road for the purchase of land for intersection (ultimate treatment) and construction of a roundabout intersection. His preliminary estimates were land costs of \$428,887, construction costs of \$2,010,000 and a total project cost of \$2,438,887. The way the figures are presented does not disclose if a contingency is allowed. The estimate was based on layout plan reference V160589-TR-DG-2521 at page 43 of Mr Butler's evidence statement.

During closing submissions Mr Tobin tabled a set of revised project costs (document 26) including project IN-01 described as "Ballarto Road/Woodlands Roundabout (including pedestrian crossing) with a total cost of \$2,241,336.79 excluding land and no contingency. A project sheet in document 26 adds a 20% contingency to make the total cost \$2,634,312.00.

Subsequent to the review opportunity allowed to the proponent, Ms Schutz submitted revised costings for this and other projects. Using Mr Butler's design plan, the proponent's revised cost for IN-01, including the same cost of land, is \$1,916,989.10.

The Panel is mindful of that the inclusion of signals raises the cost of the project by \$127,000 according to the Butler cost estimate as accepted by UDIA. However, as with the choice of design for a roundabout treatment, the Panel falls on the side of safety and efficiency; it therefore adopts the evidence of Mr Butler and recommends the inclusion of the pedestrian operated signals.

The Panel adopts Mr Butler's design plan reference V160589-TR-DG-2521 as the appropriate plan for inclusion in the PSP and for DCP purposes.

The question remaining is what cost should be included in the DCP.

On the last day of the Hearing, seeking the Panel's consent for time to review the MPA cost estimates, Ms Schutz stated that the proponent believed estimates by its engineering consultants, Watsons should be preferred over the estimates for the MPA on the basis that Watsons were closer to the project and their present-day experience nearby at Cranbourne West positioned them to better calculate costs. Subsequently, in forwarding the revised costings, she confirmed Watsons had undertaken the review and stated *“these costings should be included in the approved DCP rather than those prepared by Cardno on the basis that Watsons will be the project engineers responsible for delivering the DCP works in kind.”*

As a principle, the Panel favours estimating costs on the basis of best and latest rates. Practically, in this instance as Ms Schutz stated, Watsons are well placed to give an estimate based on work in the field nearby at Cranbourne West. Also, as a principle, the Panel accepts that contingencies can be reduced or not included the closer delivery of a project is to the estimation. In this instance these are factors to support adopting the proponent's estimate. Further, the proponent states its intention to begin development in the north-west sector of the site which is ear-marked for early delivery of the development and flagged to commence as soon as possible after approval of the Amendment; if these things transpire, there should be a limited hiatus between approval and commencement.

The Panel agrees that the proponent's revised cost estimate should be the figure included in the DCP for project IN-01.

The Panel notes the stated intention for the developer to deliver the project as works in kind. As that system works, any increase in costs above the sum allowed in the DCP will not be covered by the delivery agency and so the proponent carries the risk of its estimate being wrong. The Panel sees the risk falling in the right area away from the Council.

#### **(iv) Conclusion**

The Panel accepts the design of the intersection of Ballarto Road and Woodlands Road with a roundabout treatment as proposed by the MPA. The design is to include pedestrian operated signals east of the intersection in a suitable location to ensure the safe and efficient operation of the intersection. Plan reference V160589-TR-DG-2521 submitted to the Panel for the MPA is adopted as the base plan on which amendments to the PSP and the DCP are to be made.

The Panel concludes that:

- The design of project IN-01 as shown on plan reference V160589-TR-DG-2521 submitted to the Panel for the MPA by Mr Butler be adopted and included in the appendix to the DCP.
- The proponent's revised cost estimate of \$1,916,989.10 should adopted and be the figure included in the DCP for project IN-01.

#### **4.1.4 Ballarto Road – Eastern north-south connector intersection**

##### **(i) The issue**

This intersection is the second and eastern-most of two roads that connect development within Brompton Lodge to Ballarto Road. Its location within Brompton Lodge makes it the link road to the neighbourhood activity centre. The issue is about the design of the intersection with Ballarto Road.

##### **(ii) Evidence and submissions**

Project IN-02 is described in the DCP as the Ballarto Road and Eastern Connector. Purchase of land for intersection (ultimate treatment). The estimated cost included in the DCP is \$543,662 with 100% recovery apportioned to the Precinct.

In his evidence statement at section 7.4 Traffic Distribution, Mr Butler presented his estimates of directional distributions of traffic for this intersection. He stated:

###### *7.4.1 Residential Component*

*I have adopted the following directional distributions*

*Two-thirds (67%) of the residential lots will use the western collector road (Woodlands Road extension) as their primary access point, with the remaining one-third (33%) of residential lots using the eastern collector road (Chevron Avenue extension) as their primary access point.*

In section 7.8 of his statement, Mr Butler reported a SIDRA analysis of the intersection. After assessing forecast 2030 volumes of traffic in the hundreds in peak periods, he stated:

*The Ballarto Road / Eastern Collector intersection has been analysed as a 'Give Way' controlled intersection with no turn lanes.*

*The SIDRA Intersection results indicate that the Ballarto Road / Eastern Collector intersection will operate well as a 'Give Way' controlled T-intersection.*

Mr Walsh at section 4.2.4 of his evidence statement stated:

*The intersection of Ballarto Road and the Eastern North-South Connector Road is illustrated with a standard T-intersection. Ultimately, it is expected that the intersection will provide for a signalised cross-intersection, with the fourth (northern) leg providing access to a developed Ranfurly Golf Club.*

*Similar to the intersection of Ballarto Road and Woodlands Road, I do not think it is necessary to include this intersection as a DCP item.*

In his conclusions, Mr Walsh stated:

*DCP item IN02 relating to the intersection of Ballarto Road and the Eastern Connector should be deleted. An appropriate intersection can be required at the planning application stage, fully funded by UDIA, and to the satisfaction of Council when Brompton Lodge connects through to Ballarto Road via the Eastern Connector.*

In her closing submission, Ms Schutz stated:

*In relation to IN02, the Proponent's position is that there is no clear nexus between the proposed development of Brompton Lodge and the need for the intersection. Whilst there may be benefit in providing the intersection in future, it can still be provided even it is not in the DCP. Rather than inclusion in the DCP, it is suggested that instead it is shown as an optional connection in the Brompton Lodge PSP subject to a traffic engineering assessment.*

Mr O'Brien expressed the opinion that this intersection can take a different initial form to the Ballarto Road/Woodlands Road intersection to the west because of the lower demand on this section of Ballarto Road. He stated:

*The interim GIVEWAY controlled T-intersection proposed by Cardno will be adequate until the northern extension of Chevron Avenue is built as part of a redevelopment of the Ranfurly Golf Course – except for the potential need for a separate right-turn lane on the western approach for safety reasons.*

The outcome of the traffic conclave is summarised in Table 8.

Table 8 IN-02Ballarto Road / Eastern connector street intersection

[Panel note: the name abbreviations in the table are:

MOB is Mark O'Brien for Casey City Council

JW is Jason Walsh for the proponent

CB is Chris Butler for the MPA]

Experts' positions and commentary	MPA position
<p><b>Agreed:</b></p> <p>Turn lanes are not needed at the interim T-intersection for traffic capacity.</p>	<p>MPA accepts the expert evidence that turn lanes are not needed at the interim T-intersection for traffic capacity.</p>
<p><b>Not agreed:</b></p> <p>MOB of view that the PSP and DCP should allow for the land to allow for the future cross intersection treatment and construction of the interim T-intersection treatment as per the Cardno plans CG150179T05 (T-intersection) and CG150179T06-02 (future cross intersection) dated 07/09/2015. CB agrees that land only should be included. JW's view is that this intersection (land and construction) should not be a DCP item.</p> <p>MOB also of the view that a west-south right turn lane may be warranted at the interim T-intersection for safety reasons subject to traffic volumes and application AustRoads warrants</p>	<p>MPA adopts the view of Mr Butler and Mr O'Brien that the PSP and DCP should allow for the land required to achieve both the interim T-intersection and future cross intersection.</p> <p>MPA does not submit that the DCP should include the costs of construction.</p>

**(iii) Discussion**

Mr Butler regarded the current design of the intersection as a 'Give Way' controlled T-intersection as satisfactory. The MPA adopts that position as an outcome of the traffic conclave.

Mr O'Brien favoured an enhanced interim treatment at this intersection and for it to be included in the DCP. His rationale was based on an ultimate treatment upon development of the Ranfurly Golf Course site, with the exact nature of the works determined at the time of application when what he calls 'real world' traffic demands at this intersection are likely to be known, albeit that circumstance is uncertain as Ranfurly Golf Course lies outside the UGB.

Mr Walsh saw the intersection of a low scale that should be treated as a development project for consideration at the time of subdivision and for the design to be left until then.

The project presents as a simple T-intersection which by its location in the eastern sector will accommodate traffic from and to that part of the Brompton Lodge development and to the local town centre which is sited on the connector road running from Ballarto Road to Cranbourne-Frankston Road.

Among the traffic engineers only Mr O'Brien had a different opinion about the form of the intersection and his opinion is based on a long term prospect of development of the Ranfurly Golf Course land. As that prospect is uncertain, and not for consideration of this Panel, the Panel agrees that a give way T-intersection is the appropriate design for project IN-02.

**(iv) Conclusion**

In effect there is little difference between the positions of Mr Butler and Mr Walsh. The intersection design proposed by Mr Butler is a low scale design; to the Panel the T-intersection form is a simple design intended to cater for relatively low traffic flows of the quantum presented in Mr Butler's forecast 2030 volumes. For that reason, the Panel agrees that the design of the intersection should be a Give Way T-intersection.

The Panel concludes that:

- Plan V160589-TR-DG-2512 contained in Mr Butler's evidence statement be adopted as the base plan for this intersection. It should be substituted for the plan titled Interim Intersection Designs at Appendix C in the exhibited PSP at page 34.
- The cost of construction of the intersection does not need to be included in the DCP as the project will be a cost of development. There is no need to change the project in the DCP. Project IN-02 should remain as a DCP project to cover the cost of land acquisition.
- No weight should be placed on the need to allow for future urban use of the Ranfurly Golf Club site. Inclusion of the Ranfurly Golf Club land in the UGB is not a matter for this Panel.



## 4.2 Chevron Avenue

### (i) The issue

The issue is the form and function of Chevron Avenue, and who pays for its upgrade as proposed in the DCP including the signalised intersection to be created with Cranbourne-Frankston Road.

### (ii) Evidence and submissions

The upgrade of Chevron Avenue is project RD-02 in the DCP and described as the "*upgrade of existing carriageway for 587m, excluding intersections, to an urban standard*". It has a project cost of \$733,070 with 100% recovery apportioned to the Precinct.

Mr Butler's evidence statement included information about Chevron Avenue in section 3.2.6:

*Chevron Avenue is a local road that extends south and east of Cranbourne – Frankston Road to Pearcedale Road.*

*The northern section of Chevron Avenue (extending south from Cranbourne – Frankston Road) is constructed with a sealed carriageway bordered by kerb and channel.*

*The eastern section (extending west of Pearcedale Road) is constructed with an unsealed carriageway. Auxiliary left and right turn lanes provided on Cranbourne – Frankston Road at the intersection with Chevron Avenue. A roundabout intersection is provided at Pearcedale Road, forming a cross-intersection with Settlers Run.*

He then set out key components of the existing road network, including the current function and daily traffic volumes with Chevron Avenue estimated as carrying 550 vehicles per day.

In section 8 of his evidence statement, in addressing submissions, Mr Butler stated:

*Chevron Avenue currently provides access to approximately 15 dwellings, which indicates that approximately 400 vpd are using Chevron Avenue as a through route between Pearcedale Road / Settlers Run and Cranbourne – Frankston Road.*

*My distribution of traffic assumed that 20% of traffic generated by the Town Centre would be to / from the residential estates (Settlers Run and Botanic Ridge) to the east of Pearcedale Road. This equates to approximately 1,600 vpd.*

*Chevron Avenue would present a logical route for traffic moving between the Town Centre and the abovementioned residential estates. It would not be unreasonable to expect Chevron Avenue to carry in the order of 2,000 vpd post-development of the Brompton Lodge precinct.*

*Accordingly, I am of the opinion that it is reasonable that costs associated with the upgrade of Chevron Avenue are included in the DCP.*

Mr Butler stated *"a budget for the upgrade of Chevron Avenue has been allowed for in the draft DCP. The City of Casey as the responsible authority for this road is responsible for determining its cross-section"*.

Mr Walsh presented data about traffic flow in Chevron Avenue. At section 4.3 Mr Walsh stated that his firm had placed traffic counters at the northern and eastern ends of Chevron Avenue for the period 18 – 24 March 2016 to ascertain two-way, weekday, average daily volume of 461 vehicles at the northern end and 342 vehicles at the eastern end. In relation to peak hour traffic, Chevron Avenue at the northern end recorded an average two-way AM and PM peak hour volume of 36 vehicles and 59 vehicles respectively.

He stated:

*On my estimation Chevron Avenue provides access to 17 properties, which could be expected to generate in the order of 170 movements per day. In this regard, it is clear that there is a level of external traffic that is currently utilising Chevron Avenue to provide access between Pearcedale Road and Cranbourne-Frankston Road.*

*Based on current volumes, absent of any development, it would be desirable for Chevron Avenue to be sealed for its full length. To this end, I am of the view that Brompton Lodge should not be burdened with the cost of sealing Chevron Avenue.*

*... if there was to be a contribution to the sealing of Chevron Avenue it should be limited to 40% of the cost.*

The outcome off the traffic conclave is summarised in Table 9.

Table 9 Upgrade of Chevron Avenue to urban standard  
[Panel note: the name abbreviations in the table are:  
JW is Jason Walsh for the proponent  
CB is Chris Butler for the MPA]

Experts' positions and commentary	MPA position
<b>Agreed:</b> a) The Brompton Lodge town centre and signalisation of the Cranbourne-Frankston Road / Chevron Avenue intersection will result in additional traffic on Chevron Avenue between Cranbourne-Frankston Road and Pearcedale Road.	MPA agrees that the development of the Brompton Lodge town centre and signalisation of the Cranbourne-Frankston Road / Chevron Avenue intersection will increase traffic flows along Chevron Avenue to the south of the Precinct.
<b>Not agreed:</b> a) The full cost for upgrade works should fall to the Brompton Lodge PSP. Based on apportionment (of Brompton Lodge local town centre traffic) JW of the view that current use warrants upgrade and that that of ultimate traffic, approximately 40 percent is attributable to Brompton Lodge. CB has not considered apportionment, but traffic increase as a result of Brompton Lodge is significant.	MPA considers Chevron Avenue to be already in need for an upgrade, irrespective of the future development of the Brompton Lodge Precinct.  MPA does not dispute that the development from Brompton Lodge will increase the traffic carried by Chevron Avenue. In the circumstances, MPA submits that a fair and reasonable proportion of costs for inclusion within the DCP would be 50%, with the balance

	<p>to be attributed to the Council.</p> <p>This represents a fair and reasonable meeting of current traffic demands, the likely further actions of the Council required irrespective of the PSP and the need to control DCP cost.</p>
--	---

### (iii) Discussion

Chevron Avenue, presently an unmade gravel road catering for fewer than 20 residential properties in a rural living environment, lies outside the Precinct. Under the PSP, it is to be extended into Brompton Lodge Precinct to provide a link for traffic from the east to access the proposed local town centre on the extended Chevron Avenue via a new signalised intersection with Cranbourne-Frankston Road.

Chevron Avenue is estimated to carry 550 vehicles per day made up of an estimated 150 vehicles from abutting residences and 400 vehicles from through traffic that uses Chevron Avenue as a through-route from Pearcedale Road in the east. In the Brompton Lodge PSP, Chevron Avenue will be extended from its current end-point on the south side of Cranbourne-Frankston Road into the Precinct and eventually to Ballarto Road. The new intersection of Cranbourne-Frankston Road and Chevron Avenue will be signalised as a project in the DCP. A local town centre is proposed for the land fronting the extended Chevron Avenue abutting the Cranbourne-Frankston Road. This new centre with its shopping, commercial premises and community facilities is expected to service residential areas beyond the Precinct with some residents east and south-east of the Precinct attracted to the centre via the upgraded Chevron Avenue.

Chevron Avenue will operate as a link road and a signalised intersection to provide safe access to the local town centre on the extended Chevron Avenue. Traffic predictions estimate an increased amount of traffic with vehicle numbers to move from the present figure of about 550 movements per day to an estimated 1,600 vehicles per day and perhaps as many as 2,000 post development of the Precinct. The increase is expected to be created by traffic from the east off Pearcedale Road.

Resident submitters living on Chevron Avenue support the proposition that the cost of construction should be met from the DCP but also argue that because of traffic levels the road should be made now at no cost to abutting owners. In her presentation to the Panel, Ms Athena Jones argued that the road should be closed to through traffic to avoid its connection to Pearcedale Road and use by non-residents.

Any increase in traffic movements will be noticed by the Chevron Avenue residents. The Panel understands the wish of residents to retain their semi-rural environment but the PSP will bring change. The choice of Chevron Avenue as a route for traffic from southern areas to access the Precinct is a strategic decision. The creation of the signalised intersection is a way of treating the increased traffic numbers and to control traffic flows.

The decision to close or leave open Chevron Avenue is one for Casey City Council. The Panel must proceed on the presumption that what is before it is the circumstance to come, unless for good reason the Panel might recommend otherwise. In this instance, while

acknowledging the inevitability of increased traffic movements and impacts therefrom, the Panel sees no reason to vary the proposal in the PSP:

- to upgrade Chevron Avenue to the Council standard that applies for a road that may cater for 1600-2000 vehicles per day in the ultimate
- to install traffic signals at the intersection with Cranbourne-Frankston Road
- to include the project in the DCP so there is no direct cost to the residents.

The issue for the Panel is the allocation of costs. But what costs?

Mr Butler stated that *"a budget for the upgrade of Chevron Avenue has been allowed for in the draft DCP. The City of Casey as the responsible authority for this road is responsible for determining its cross-section."* That is, council will determine the relevant *"urban standard"*. Appendix H in the DCP is headed Chevron Avenue upgrade costing assumptions. The cost estimate for the project, including fees and contingency of 15%, is \$1,063,603.72. At page 50 of the exhibited PSP, costings for a project described as Chevron Avenue - Local road with shared path has a total cost including fees and contingency of 15% about \$300,000 less at \$733,069.70. That cost is recorded in table 7 in the PSP, Infrastructure Timing and Calculation of Costs - Development Infrastructure Levy with 100% of the cost apportioned and recovered by the DCP.

A review of the costs sheets shows variations in rates for some items including fees, the inclusion of the shared path in one estimate but not the other and extras works. For the Panel, the variations are not inimical to dealing with the project. It is sufficient for the Panel to direct that the specifics of the project be settled before the PSP is submitted for approval. That will likely mean resolution by the MPA and the council as to standards and lead to better costings for inclusion in the DCP.

As to the apportionment of costs, the Panel agrees that residents of Chevron Avenue should bear no direct cost of the project. The issue is, however, how to apportion the cost.

Mr Walsh held the opinion that Chevron Avenue should be upgraded now as a result of traffic movements. That would be at the cost to the Council. The proponent supported that position but sought to rely upon Mr Walsh's traffic figures to justify a DCP contribution of 50%.

The MPA supports that percentage. The position is cited in the summary of the traffic conclave and set out in Mr Tobin's closing submission beginning at page 7 under the heading DCP costings. There the MPA confirms that the costings premised on the DCP standard costing sheets prepared by Cardno as: *All new projects – 100% apportionment of all items except 50% of Chevron Avenue.*

#### **(iv) Conclusion**

The Panel concludes that:

- The MPA, and the Council should resolve the specifics of the project and adjust the documentation accordingly.
- The DCP apportionment for the cost of the upgrading of Chevron Avenue be 50% of the total cost with the remaining 50% apportioned to Council.

### 4.3 Cranbourne-Frankston Road intersections

#### (i) The issue

The issue is whether intersections are required at both Woodlands Road and Chevron Avenue and whether they warrant signalisation.

#### (ii) Evidence and submissions

The MPA Part B submission usefully summarised the position at Panel with this issue. The submission stated:

*Plan 6 (Road Network) in the PSP shows two new signalised intersections along the Cranbourne-Frankston Road, aligning with Woodlands Road and Chevron Avenue to the south, as well as one left-in/left-out access.*

*Three submissions raise issues in relation to the Cranbourne-Frankston Road intersections that remain unresolved:*

- 1. Robert Dean (submission 10) raises concerns regarding amenity impacts on residents of Woodlands Road following signalisation of its intersection with Cranbourne-Frankston Road and requests that the cost of sealing Woodlands Road between Cranbourne-Frankston Road and Carr-Boyd Road be included within the DCP, as well as a traffic management system to mitigate safety issues.*
- 2. Watsons (submission 11, item 7) opposes the design and layout of the intersections on the basis that the use of land required is excessive.*
- 3. The City of Frankston (submission 21, item 5) submits that the intersections will add to existing delays along the Cranbourne-Frankston Road between the Frankston and Casey municipalities and is not persuaded that the signalisations are justified.*

The submission then relied upon statements in the conclave summary as setting out the MPA's position in relation to each point.

In the DCP, the Woodlands Road project is IN-03 and described as Cranbourne-Frankston Road and Woodlands Road Purchase of land for intersection (ultimate treatment) and construction of arterial to connector signalised 4-way intersection (interim treatment). The estimated project cost is \$4,486,324 with 100% of the cost apportioned within the PSP.

Mr Butler's evidence statement provided full information about Woodlands Road presently and for the future. He stated:

At section 3.2.5 Woodlands Road

*Woodlands Road is a local road that extends south and east of Cranbourne – Frankston Road to a dead-end east of Stanhill Drive.*

*It is constructed with an unsealed carriageway (two lanes), with auxiliary left and right turn lanes provided on Cranbourne – Frankston Road.*

In Figure 3-5 Existing Traffic Volumes – Cranbourne-Frankston Road/ Woodlands Avenue, he recorded vehicle movements in peak hour in single digits except for one movement at 12 vehicles per hour.

In Figure 7-7 Cranbourne-Frankston Road / Chevron Avenue – Forecast 2030 Volumes, traffic movements remain in single digit vehicle movements per hour.

In section 8.2.2 Proposed Signals on Cranbourne-Frankston Road, he stated:

*The proposed signals at Woodlands Road and Chevron Avenue are required to enable traffic generated by the Brompton Lodge precinct to efficiently access the arterial road network.*

*In particular, not providing signals at Woodlands Road would place undue pressure on the other intersections serving the Brompton Lodge precinct.*

*The two signals are likely to be linked so that their phase timings are synchronised, which will minimise delays to through traffic.*

Mr O'Brien presented data and assessments of the intersections that focused on the efficiency of the Cranbourne-Frankston Road more so than the impacts on Woodlands Road traffic flows or intersection delays. He did however include data on the degree of saturation (dos) of each of the Woodlands Road and Chevron Avenue intersections that showed low dos as a result of few traffic movements into and out of the streets.

Similarly, Mr Graeme Read giving evidence for Frankston City Council, also focused on the operation of the Cranbourne-Frankston Road noting:

*The draft PSP proposes that Chevron Road and Woodlands Road access and cross Cranbourne-Frankston Road from Brompton Lodge. These are proposed to be controlled with traffic signals. Inevitably, traffic generated by Brompton Lodge will impact on the performance of Cranbourne-Frankston Road. Such an impact will be influenced by how the intersections are managed and coordinated. As already noted, connecting Ballarto Road with Western Port Highway will also reduce this impact. A single exit/entrance from Brompton Lodge on to Cranbourne-Frankston Road may not necessarily reduce the adverse impact on the road's performance compared to two exit/entrances. However, this will be a matter of signal coordination and allocation of capacity as determined by VicRoads.*

*It is noted, however, that traffic on Woodlands Road and Chevron Avenue from south of Cranbourne-Frankston Road will also have an impact on the performance of the corridor. In particular, there is the potential for Chevron Avenue to be used as a "rat run" for traffic travelling between from Pearcedale Road to and from the north (via Western Port Highway) and Frankston.*

Submissions from residents of Woodlands Road opposed the creation of a signalised intersection at the corner with the Cranbourne-Frankston Road. They argued that Woodlands Road is presently used as a rat-run by motorists seeking to avoid the Western Port Highway / Cranbourne-Frankston Road roundabout to gain access to the Highway. They

submitted that the installation of signals will make the route more attractive for motorists who might turn left into Woodlands Road to avoid delay at the signals.

The outcomes of the traffic conclave are set out in Tables 10 and 11.

Table 10 IN-03 Woodlands Road / Cranbourne-Frankston Road intersection

*Panel note: the name abbreviations in the table are:*

*MOB is Mark O'Brien for Casey City Council*

*JW is Jason Walsh for the proponent*

*GR is Graham Read for Frankston City Council*

*CB is Chris Butler for the MPA]*

Experts' positions and commentary	MPA position
<p><b>Agreed:</b></p> <p>a) With connection of Ballarto Road to Western Port Highway a second right turn lane on the north approach is not required for capacity (interim and ultimate) but desirable. The second right turn lane can be reduced in length but the proposed land take is appropriate.</p> <p>b) MOB and CB agreed that a 6 lane cross section for Cranbourne-Frankston Road would be able to be delivered in the road reservation shown on the plans however the left turn deceleration and bus jump queue lane on the southern side will be sacrificed and/or lane, median and verge widths reduced. Stakeholders should be made aware of this as they approved the plans assuming features as currently shown.</p>	<p>MPA accepts the evidence that it is appropriate to retain the proposed land take for a second right turn lane on the north approach, although this may be reduced in length.</p> <p>MPA notes Mr Butler and Mr O'Brien's suggestion to communicate that the left turn deceleration and bus jump queue lane on the southern side of the Cranbourne-Frankston Road would be sacrificed or dimensions reduced to achieve delivery within the road reservation shown on the plans.</p>
<p><b>Not agreed:</b></p> <p>a) MOB position that north approach second right turn lane could be a short lane only. CB not opposed to this but his view is that current land take should be retained and that particulars of second right turn lane be reviewed at delivery.</p> <p>b) JW view that intersection should not be a DCP item, but developer delivered. Not agreed by CB, MOB and GR.</p> <p>c) MOB concerned that the ultimate intersection option does not reasonably consider the existing retention structure along the south side of Cranbourne-Frankston Road as designed with additional land take on northern side of Cranbourne-Frankston Road potentially required. CB disagrees and notes delivery of Cranbourne-Frankston 6-lane cross section is by others. JW opposed to additional land take from Brompton Lodge within PSP.</p>	<p>MPA supports Mr Butler's view that the currently proposed land take for the north approach second right turn lane should be retained, with its specifications to be reviewed at the time of delivery.</p> <p>MPA does not agree with Mr Walsh that this intersection should be excluded from the DCP.</p> <p>As above, MPA is concerned Mr Walsh's suggestion that this intersection be funded by developers could face implementation difficulties, as the landownership will fragment and section 62(6) of the Act constrains Council's ability to impose permit conditions requiring a contribution for works.</p>

As recorded, submissions from residents of Chevron Avenue opposed the creation of the signalised intersection. Their opposition was premised on impacts from increased traffic volumes resulting from the upgraded form of Chevron Avenue.

Table 11 IN-04 Chevron Avenue / Cranbourne-Frankston Road intersection

*[Panel note: the name abbreviations in the table are:*

*MOB is Mark O'Brien for Casey City Council*

*JW is Jason Walsh for the proponent*

*GR is Graham Read for Frankston City Council*

*CB is Chris Butler for the MPA]*

Experts' positions and commentary	MPA position
<b>Agreed:</b> a) The ultimate intersection (6 lane Cranbourne-Frankston Road cross section) will accommodate expected traffic.	MPA notes the experts' view that the ultimate proposed intersection will accommodate the expected traffic.
<b>Not agreed:</b> a) MOB of the view that the interim intersection (4 lane Cranbourne-Frankston Road cross section) may not accommodate expected traffic volumes should Ballarto Road not be connected between Western Port Highway and the Cranbourne-Frankston / Pearcedale Road intersection. JW and CB do not agree. b) Lack of left turn slip lanes on Cranbourne-Frankston approaches will impact effectiveness of north-east bound bus queue jump lane (MOB). c) MOB view that interim and ultimate intersection needs refinement to properly consider existing retention structure and level changes along the south side of Cranbourne-Frankston Road (specifically impact on pedestrian connectivity). Additional land take on northern side of Cranbourne-Frankston Road potentially required to resolve. Acknowledged by CB but management within land allowed as per IN-03 above. JW opposed to additional land take from Brompton Lodge within PSP. JW view that intersection should not be a DCP item, but developer delivered. Not agreed by CB, MOB and GR.	MPA does not share Mr O'Brien's concern that the interim intersection may not accommodate expected traffic volumes if Ballarto Road were not connected between the Western Port Highway and Cranbourne-Frankston Road.  MPA further disagrees with Mr O'Brien that the absence of left turn slip lanes on the Cranbourne-Frankston Road approach would impact the effectiveness of the north-east bound bus queue jump lane.  MPA also disagrees with Mr Walsh's view that this intersection should be excluded from the DCP.  As above, MPA is concerned Mr Walsh's suggestion that this intersection be funded by developers could face implementation difficulties, as the landownership will fragment and section 62(6) of the Act constrains Council's ability to impose permit conditions requiring a contribution for works.

### (iii) Discussion

There are key but different principles behind the creation of the two intersections. For Woodlands Road, the intersection will provide a road through Brompton Lodge to Ballarto Road. It will be an access and egress point for residents and through traffic. For Chevron Avenue, the intersection treatment is required to control traffic flows and movements for



motorists using Cranbourne-Frankston Road, attending the local town centre or moving through Brompton Lodge. For Cranbourne-Frankston Road, the key issue is the control of traffic to ensure efficient flows and movements of vehicles.

The submissions of the expert traffic engineers highlight the importance of maintaining the efficiency of Cranbourne-Frankston Road.

The data supplied by the traffic consultants confirms that the impact on traffic numbers in Woodlands Road will be minimal. The present low numbers of vehicles is expected to remain low into the future. On the basis of the data, the Panel accepts there will be no large increase in traffic numbers as a result of the creation of the intersection as proposed. There is no reason for the Panel to make any recommendation for change to project IN-03.

The same outcome applies for Chevron Avenue. As discussed in the previous section, there will be increased traffic numbers as a consequence of the creation of the intersection but this is a strategic decision the impacts of which are helped by the upgrading of the road and by the installation of the signals. Again there is no reason for the Panel to make any recommendation for change to project IN-04.

#### **(iv) Conclusion**

The Panel concludes that there should be no change to the proposed intersection projects.

### **4.4 Project costing and amendments to the DCP**

#### **(i) The Issue**

On the final day of the Hearing the MPA tabled revised costings for DCP projects IN06, RD01-1 IN01 and proposed that the DCP be amended accordingly. Ms Schutz sought time to review these revised costs. As indicated in section 1.3(iii), the Panel subsequently issued a Direction to allow this to occur.

This section addresses the issue of the costing of proposed infrastructure items and the implications for the DCP resulting from recommended amended projects and revised costings.

Using the identification in the DCP, the projects at issue are:

1. RD-01 - construction of Ballarto Road
2. IN-01 - the Ballarto Road Woodlands Road intersection
3. RD-02 - the Chevron Avenue upgrade
4. IN-06 - the Ballarto Road Western Port Highway intersection.

The post-hearing submissions by Ms Schutz break project RD-01 into two projects:

- RD-01-1 for the section of Ballarto Road between Western Port Highway and Woodlands Road
- RD-01-2 for the balance length of Ballarto Road from Woodlands Road to the Cranbourne-Frankston Road / Pearcedale Road roundabout.

#### **(ii) Evidence submissions and discussion**

The DCP as exhibited included a project sheet for RD-01. The costed project is that part of Ballarto Road from Woodlands Road to the Cranbourne-Frankston Road / Pearcedale Road

roundabout with a cost estimate of \$4,222,870 at the 75% confidence level. Table 7 in the DCP lists project RD-01 described as Ballarto Road widening with a total cost recovered figure of \$4,943,706. The variation is explained at section 3.2.2 of the DCP which outlines the assumptions made in the estimates and that *"no allowance is made for land acquisition costs unless stated (these are separately identified in each DCP project costing in Table 7)"*.

This project is named RD-01-1 by UDIA.

The revised cost estimates tabled at the Hearing include a further 366 metres of Ballarto Road to provide for the construction of the full length of the road between Western Port Highway and Cranbourne-Frankston Road. The additional project is named RD-01-2 by UDIA.

The total cost of this revised RD01 project to be included in the DCP based on MPA costings is as follows:

RD01 (as exhibited)	\$4,222,870 (plus land acquisition as explained above)
RD01-1 (revised cost sheets)	\$1,535,042
Total	\$5,757,912

Subsequent to the Panel's direction Ms Schutz submitted revised costings prepared by the proponent's consultants, Watsons; she submitted:

*It is considered that these costings should be included in the approved DCP rather than those prepared by Cardno on the basis that Watsons will be the project engineers responsible for delivering the DCP works in kind. Watsons' costing sheets include commentary which explain their different figures as compared to Cardno's costing sheets.*

*A revised costing sheet is also attached for the remaining part of RD01 that was included in the exhibited DCP given the significant difference in Watsons' costing compared to Cardno's. It is logical that the whole of the RD01 costing is revised on the basis of Watsons figures.*

*UDIA Consolidated Pty Ltd maintains its submission to Panels last week that the appropriate apportionment of RD01 and RD02 is 50% of the cost of these projects given its share of usage.*

In addition to supplying revised cost estimates for projects IN01, IN06 and RD01-1 and RD-1-2, Ms Schutz included a summary table of consolidated figures, set out below as Table 12.

Table 12 Project costs as estimated by Watsons for UDIA

		Westernport Highway Roundabout connection with Ballarto Rd (to end of island 50m)	Ballarto Rd/Woodlands Roundabout (Inc. pedestrian crossing)	Western Section of Ballarto Rd construction (366m) - Between Woodlands Rd & Westernport HWY	Eastern Section of Ballarto Rd construction (880m) - Between Woodlands Rd and Pearcedale Rd Roundabout
ITEM	DESCRIPTION	IN-06	IN-01	RD01-1	RD01-2
A	Project and Program Management	\$ 27,465.48	\$ 61,172.75	\$ 40,630.63	\$ 96,904.71
B	Design and Investigation	\$ 54,880.10	\$ 122,606.36	\$ 81,434.53	\$ 194,222.66
C	Land Acquisition	\$ -	\$ -	\$ -	\$ -
D	Construction including Final Design	\$ 508,620.05	\$ 1,304,322.99	\$ 866,324.76	\$ 2,066,198.54
	TOTAL A-D	\$ 590,965.64	\$ 1,488,102.10	\$ 988,389.92	\$ 2,357,325.91
E	CONTINGENCY				
	Lower Bound Contingency (0% of D)	\$ -	\$ -	\$ -	\$ -
	Upper Bound Contingency (20% of D)	\$ 101,724.01	\$ 260,864.60	\$ 173,264.95	\$ 413,239.71
F	PROJECT BUDGET				
	Total Lower Bound Estimate	\$ 590,965.64	\$ 1,488,102.10	\$ 988,389.92	\$ 2,357,325.91
	Total Upper Bound Estimate	\$ 692,689.65	\$ 1,748,966.70	\$ 1,161,654.87	\$ 2,770,565.62
G	Project Budget (75% confidence)	\$ 667,258.65	\$ 1,683,750.55	\$ 1,118,338.63	\$ 2,667,255.70

**Note**

RD01-1 and RD01-2 together comprise RD01

RD01-1 is the additional scope to be included as part of the RD-01 Road Project in the exhibited Brompton Lodge DCP.

RD01-2 is included in this summary table and reflects the same Watsons Rates applying to RD01-1.

The costings for each of the projects in Table 12 differ from the MPA figures. Table 13 tabulates the variations using information tabled by Mr Tobin on the final day of the Hearing and supplied by Ms Schutz following the proponent's review and adds Panel comments.

Table 13 Summary revised project costing and Panel comment

Project	Description	Plan Title Reference	MPA Comment	UDIA revised cost (75% confidence)	Panel notes and comments
IN01	Ballarto Road / Woodland Drive  Roundabout with associated pedestrian signals.	Interim Alignment Design – Option 2, Woodlands Drive Roundabout Concept Layout.  V160589-TR-DG-2521	The length of Ballarto Road accounted for in this scope is 200m.  Cost of project is increased from \$2.01M to \$2.536M.	\$1,683,750.55 without land cost	Each budget relies upon the Butler plan thus the scope of works should be the same.
IN06	Western Port Highway and Ballarto Road  Upgrade to roundabout at the Western Port Highway	Interim Alignment Design – Option 2, Woodlands Drive Roundabout Concept Layout.  V160589-TR-DG-2521  (Note the roundabout concept is at the west on the same plan as for IN01).	No pedestrian signals.  Cost of project is reduced from \$900K to 637K.	\$667,258.65.	The MPA reference to 'no pedestrian signals' is unclear.  The Panel is unaware of a proposal to install signals at the new intersection with the Western Port Highway.
RD01-1	Ballarto Road between the Western Port Highway (sic).  Road construction.	No plan	Road between Western Port Highway and Pearcedale roundabout	For RD-01-2, the figure is \$2,667,255.70  For RD-01-1, the figure is	The MPA cost figure for RD-01-1 from document 26 is \$1,535,041.69.  The exhibited DCP has a cost figure of

Project	Description	Plan Title Reference	MPA Comment	UDIA revised cost (75% confidence)	Panel notes and comments
			<p>excluding the 200 metres associated with IN01.</p> <p>Distance of the road in project is 1246 metres (366 metres at the western end and 880 at the eastern end).</p>	<p>\$1,118,338.63</p> <p>The total cost for Ballarto Road on these figures is \$3,785,594.33</p>	<p>\$4,222,870.33 for RD-01, described in table 3 of the DCP for 1000m of road.</p> <p>Adding the figures totals \$5,757,912</p> <p>The Butler evidence statement for MPA describes the full project as RD-01 Ballarto Road widening Purchase of land to widen road reserve (ultimate treatment) including land for intersections and construction of road (interim treatment) for 1,270m<sup>4</sup> with land cost of \$720,835, construction cost of \$5,345,000 and a total cost of \$6,065,835</p>

<sup>4</sup> The Panel notes that contradictory information is provided in the PSP and submissions on the length of Ballarto Road between Western Port Highway and the Cranbourne-Frankston Road roundabout and that this should be resolved before the Amendment is approved.

The proponent's estimates for projects RD-01-1 and RD-01-2, and for IN-01 are less than the estimates for the MPA. The question for the Panel is whether to agree with Ms Schutz that these estimates are to be relied upon as figures for the DCP.

In section 1.1.3 the Panel considered project IN-01, the Ballarto Road Woodlands Road intersection and concluded that the proponent's cost estimate should be included in the DCP. There the Panel cited a principle of favouring estimates of costs on the basis of best and latest rates. After weighing the submissions by Ms Schutz, the Panel recommended that the proponent's revised cost estimate is the figure to be included in the DCP for project IN-01. Factors that influenced the Panel's recommendation included the proponent's intention to begin development in the north-west sector of the site which is ear-marked for early stage delivery of the development and so is flagged to commence as soon as possible after approval of the Amendment. In addition, the stated intention is for the proponent to deliver the project by works in kind. This latter point is important. The Panel repeats its earlier statement:

*The Panel notes the stated intention for the developer to deliver the project as works in kind. As that system works, any increase in costs above the sum allowed in the DCP will not be covered by the delivery agency and so the proponent carries the risk of its estimate being wrong. The Panel sees the risk falling in the right area away from the council.*

The DCP accounts for projects to be delivered by the developer at the time of subdivision and others to be delivered by parties apart from the developer. On the information before the Panel, the proponent has committed to delivering IN-01 the Ballarto Road Woodlands Road intersection by works in kind; expects to deliver IN-02 the intersection of Ballarto Road and the extension of Chevron Avenue as part of subdivision works; is likely to deliver RD-01 the construction of Ballarto Road to the interim standard over most of its length; will have responsibility for delivering IN-06 the new intersection of Ballarto Road and Western Port Highway but, other than paying levies, will not have a role in the delivery of RD-02 to upgrade Chevron Avenue.

Not all of the factors that influenced the decision of the Panel for project IN-01 are present for the other infrastructure projects. If all projects were to be delivered by works in kind, any risk of under-pricing the cost of development would be carried by the developer. Similarly, if the projects were to be delivered in the short term, the short term being the timelines set out in the Precinct Infrastructure Plan at table 7 of the PSP, the Panel might have accepted the proponent's proposition to include its estimates on additional projects in the DCP.

### **(iii) Conclusions**

The Panel concludes that:

- For infrastructure projects RD-01 (as it is identified in the DCP and otherwise identified as projects RD-01-1, RD-01-2 by the proponent), RD-02, IN-03, IN-04, IN-05 and IN-06 the cost estimates to be included in the DCP are those determined by the MPA.
- For project IN-01, the proponent's estimate should be adopted.

## 4.5 Recommendations

The Panel recommends:

**Amend the exhibited documentation as follows:**

- a) Amend project RD-01 in Tables 3 and 7 in the Development Contributions Plan to make reference to constructing the full length of Ballarto Road between Western Port Highway and the Cranbourne-Frankston Road intersection to an interim standard at a construction cost of \$5,757,912 and make consequential amendments to the Development Contributions Plan and the Development Contributions Plan Overlay.**
- b) Replace the detailed plan for project IN-01 in Appendix C of the Development Contributions Plan with plan reference V160589-TR-DG-2521 in Mr Butler's evidence submitted to the Panel for the Metropolitan Planning Authority.**
- c) Amend the cost of project IN-01 in Table 7 in the Development Contributions Plan to \$1,916,989 and make consequential changes to the Development Contributions Plan and the Development Contributions Plan Overlay.**
- d) Replace the detailed plan for project IN-02 in Appendix C of the Development Contributions Plan with plan reference V160589-TR-DG-2512 in Mr Butler's evidence submitted to the Panel for the Metropolitan Planning Authority.**
- e) Amend the apportionment to the Development Contributions Plan for project RD-02 in Table 7 to 50% and make consequential amendments to the Development Contributions Plan and the Development Contributions Plan Overlay. The remaining 50% should be apportioned to Council.**
- f) Include a plan for a new intersection project, IN-06 Western Port Highway connection, in Appendix C to the Development Contributions Plan, based on the schematic in plan reference V160589-TR-DG-2521, in Mr Butler's evidence submitted to the Panel for the Metropolitan Planning Authority.**
- g) Amend Tables 3 and 7 in the Development Contributions Plan to add a new project IN06, Western Port Highway connection at a construction cost of \$636,860 and make consequential amendments to the Development Contributions Plan and the Development Contributions Plan Overlay.**

**The Metropolitan Planning Authority resolve with Council the scope of the upgrade to Chevron Avenue within the budget proposed in Table 7 of the Development Contributions Plan.**

## 5 Biodiversity

Three biodiversity issues are addressed in this Chapter:

- provision for the passage through the Precinct of the Sothern Brown Bandicoot (SBB)
- protection of an existing population of the Dwarf Galaxias
- retention of native vegetation.

### 5.1 Southern Brown Bandicoot

#### (i) The issues

The provision of corridors to allow the dispersal of the SBB west from the RBGC is addressed in this section of the report. The SBB is a federally listed endangered species. The Panel addresses the issues by looking at five inter-related aspects of the issue:

- whether appropriate processes have been followed in assessing the need to provide for the SBB
- the need for and potential location of corridors for the SBB between RBGC and the Pines Flora and Fauna Reserve
- the width of any corridors provided
- whether there is a need for targeted surveys to confirm the existence of SBB on the Brompton Lodge Precinct
- provision of vegetation relied on by the SBB for habitat and protection.

There were a number of issues relating to the SBB which were raised in submissions which are not addressed in this report as it is considered that they are not directly relevant to this higher level strategic process, are not within the ambit of the Panel to consider as part of this Amendment, or are positions that have been agreed by the conclave of expert witnesses held prior to the Hearing. These include:

- whether there is a likelihood of a population of SBB on the Brompton Lodge site
- whether there is a likelihood of a population of SBB in the Pines Flora and Fauna Reserve (the Pines)
- restrictions applying to cat and dog ownership by future residents of the Brompton Lodge Precinct
- marketing the Brompton Lodge development as “SBB friendly”
- the provision of wildlife road crossings for roads not part of the Brompton Lodge development process.

#### (ii) Evidence and submissions

Mr Tobin submitted that proposals to set aside land for creating wildlife corridors in the Brompton Lodge Precinct are not supported for two main reasons. Firstly, that such an action is not supported in the *Sub Regional Species Strategy for the Southern Brown Bandicoot, January 2014*, (SBB Strategy), prepared under obligations arising from the *Environment Protection and Biodiversity Conservation Act* (EPBC). Secondly, the proposal to create wildlife corridors through the Brompton Lodge Precinct creates competing demands with policy that supports urban development in the Precinct.



Mr Tobin explained to the Panel, that because the Brompton Lodge Precinct was brought into the UGB in 2012 following the logical inclusions process, it was not covered by the Melbourne Strategic Assessment prepared under the EPBC Act. For this reason a different process with respect to potential biodiversity issues had to be followed.

With respect to the processes followed to underpin this position, the MPA submitted that the initial referral to the Commonwealth Government under the EPBC Act was not in respect of the SBB. However, information on the SBB was subsequently provided as a result of a request from the Commonwealth for further information with respect to the SBB. Consequently an assessment was undertaken. The Referral Decision dated 17 September 2013, indicated the proposed development at Brompton Lodge was not a controlled action under the EPBC Act. Nevertheless, Ms Rosemary West, appearing for the Green Wedges Coalition, contested the veracity of the assessment by Brett Lane and Associates which underpinned the further information provided to the Commonwealth and hence the Commonwealth Government decision. Under cross examination by Ms Schutz, Mr David Nicholls (called by Ms Gillian Collins) stated that the EPBC process *“has seriously let us down”*.

In presenting his expert evidence, Dr Austin O'Malley (called by Ms West) acknowledged the EPBC referral outcome, but indicated that there could still be the need for a future referral if a population was discovered on the Brompton Lodge Precinct at a later stage. He advocated a targeted survey to confirm the presence or otherwise of the SBB and this is addressed below.

With respect to the possible location of corridors to accommodate SBB dispersal through or adjacent to the Brompton Lodge Precinct, Mr David Fairbridge, (called by Mr Lyons) in giving expert evidence for the Frankston City Council, pointed to strategic work undertaken by Practical Ecology in 2012, which identified a proposed corridor linking the Pines RBGC, passing immediately to the north of the Brompton Lodge Precinct through land owned by the Natural Resources Conservation League and the Amstel Golf Club.

In giving expert evidence Mr Aaron Harvey (called by Ms Schutz for the proponent) stated that the SBB Strategy proposes no corridors through the Brompton Lodge Precinct. In questioning Mr Harvey, Mr Tobin took the Panel to Table 1 in the SBB Strategy, which shows that as one of a number of possible interventions to protect the SBB, the provision of corridors has a low benefit to cost ratio.

In their expert evidence, both Mr Nicholls and Ms Sarah Maclagan (who provided written evidence for the Green Wedges Coalition) pointed to the evidence that the SBB use corridors and in some cases quite narrow linear strips in order to disperse and move between areas of appropriate habitat.

Mr Fairbridge pointed to potential corridors within the Brompton Lodge Precinct. These were along waterways and drainage lines which are proposed as part of the PSP. It was acknowledged that there were some linkages which were missing. On the site visit prior to the Hearing, Mr Fairbridge pointed out a (Department of Environment, Land, Water and Planning (DELWP) controlled reserve on the western side of the Western Port Highway which could be linked to the conservation areas proposed for Brompton Lodge by the setting aside of land for that connectivity within the Brompton Lodge PSP.

Mr Anthony Hooper, who appeared for the Natural Resources Conservation League, submitted that in addition to the proposed corridor which would pass through his organisation's land, there should be further corridors located in the Brompton Lodge Precinct. Under questioning by the Panel, he indicated that these should be both in the east-west and north-south directions.

On the issue of connectivity for the proposed corridors both east and west of the Brompton Lodge Precinct, Mr Harvey stated that there was no legal requirement for private land owners to provide for the proposed corridors and that this would mean that full connectivity is unlikely to be achieved.

Connectivity across major roads is a further issue for wildlife corridors. Dr O'Malley provided evidence that major roads do not appear to be an impenetrable barrier for the SBB. As the construction or reconstruction of major roads which would need to be crossed are not part of the development proposed as part of this Amendment, the issue of the type and provision of such crossings is not addressed here.

The other major issue for the consideration of the location of proposed SBB corridors is what they are providing connectivity between. In his expert evidence Mr Harvey stated that the SBB is almost certainly extinct in the Pines. He further acknowledged under cross examination by Mr Tobin, that Frankston City Council has no plans to reintroduce SBB to the Pines or that they have appropriate protection strategies in place at the Pines.

The provision of areas within the Brompton Lodge Precinct which could provide habitat for the SBB and for movement of them gave rise to submissions and evidence regarding the minimum and desirable width of corridors to effectively facilitate the movement of the SBB. The corridors which are the subject of submissions and evidence are the waterways and drainage reserves which run broadly east-west and north-south, neither of which traverse the full length or width of the Precinct. A further possible location is the proposed tree reserve along the Cranbourne-Frankston Road.

The experts called who provided evidence on this differed in their views on the desirable width of any corridors that could be provided. Under cross examination, Mr Fairbridge said 70 metres was desirable, but 20-30 metres minimum was required. Dr O'Malley gave a range of 20-100 metres. He stated under cross examination by Mr Tobin, that a 20 metre wide corridor would be of low quality. When asked whether 20 metres was better than 10 metres he stated "*the wider the better*" and acknowledged that there was no evidence to support providing a corridor of a particular width. Ms Maclagan provided a diagram with an 80 metre wide cross section, but further indicated in her evidence and accompanying figures that the SBB have dispersed south from RBGC along some quite narrow corridors including some in urban areas.

The evidence of Ms Maclagan suggests that there has already been significant dispersal of the SBB from RBGC to the south. Her research has radio tracked SBB along some corridors including quite narrow corridors into the area around Koo Wee Rup. Submitters and experts including Ms West and Mr Nicholls provided anecdotal evidence of sightings of SBB close to Brompton Lodge on the southern side of Cranbourne-Frankston Road and at the Settlers Run housing estate east of Pearcedale Road. In cross examination of both Mr Nicholls and Dr O'Malley, Mr Tobin sought to establish that the dispersal from RBGC to the south was more

likely than to the west because of the series of abutting uses to the south were more likely to facilitate dispersal. The conclave of experts who considered this issue, accepted that SBB may occasionally move through the Brompton Lodge Precinct. However the conclave also accepted that it is unlikely that there is a population of SBB is resident in the Brompton Lodge Precinct.

In his evidence, Dr O'Malley stated that keeping as much of the remnant vegetation appropriate as SBB habitat on the Brompton Lodge Precinct, is important. This reinforced the position on this taken by the experts in the conclave who agreed that the habitat on the site should be enhanced where possible.

Prior to the Hearing, Mr Nicholls sought permission from UDIA to establish camera sites on Brompton Lodge to undertake a survey to establish the presence of SBB on the site. The proponents did not provide that permission. At the Hearing, Dr O'Malley stated that there was a need to undertake a targeted survey on the site. The MPA opposed that because the experts in their conclave had agreed that there is unlikely to be a resident population on the Brompton Lodge Precinct and the proponent did not consent to a survey.

### **(iii) Discussion**

With respect to the process followed by the MPA in determining that there should be no land set aside for the provision of wildlife corridors, the Panel is satisfied that appropriate processes have been followed to date. The Panel notes that if a population of SBB is found to exist on the Brompton Lodge Precinct at a later date, this could trigger a further referral under the EPBC Act.

The Panel can find no clear support in existing state strategies or policies for the provision of SBB corridors in the Brompton Lodge Precinct. Further, the SBB Strategy ranks the provision of such corridors low on the ranking of management measures that could be taken to protect the SBB.

The Panel does not believe that a case has been made to provide connectivity between RBGC and the Pines to facilitate the movement between these two habitat areas, as there was no evidence provided that a population exists at the Pines. It is clear to the Panel that even if there was a corridor provided to facilitate the movement of SBB through the Brompton Lodge Precinct, in all likelihood there would not be full connectivity through to the west to the Pines because there are a number of private properties through which the corridor would need to pass and no legal basis to ensure that connectivity could be provided. The issue of providing for dispersal west from the RBGC is addressed below. The Panel acknowledges that there are areas within the Brompton Lodge PSP that could provide habitat to support the SBB and possible movement through those areas by the SBB.

With respect to the width of any corridor that is provided in or through the Brompton Lodge Precinct, it is clear to the Panel that while there are a range of views among the experts as to both the desirable width of that corridor and the minimum width, not surprisingly there is no definitive evidence of the minimum width required. In fact the evidence of Ms Maclagan suggests that the SBB will use quite narrow corridors in some instances. This aspect of behaviour by the species is clearly not well understood. The Panel notes that the waterway and drainage corridor which runs from the north-west corner of the Precinct to a point on

the Cranbourne-Frankston Road some 700 metres south-west of the Cranbourne-Frankston Road, Pearcedale Road intersection is of the order of 50 metres wide over a considerable part of its length. If there was sufficient connectivity along the Cranbourne-Frankston Road frontage then at least some connectivity for the SBB could be provided through the Brompton Lodge Precinct.

The Panel accepts that evidence suggests it is likely that there may occasionally be SBB present on the Brompton Lodge Precinct and moving through it, but not likely to be resident there. The Panel further accepts that there has been significant dispersal of SBB from the RBGC, particularly to the south but also to the west including through the area around Brompton Lodge. The Panel believes that this is reason not to hinder and where possible to facilitate that dispersal.

The Panel does not support a targeted survey for SBB on the Brompton Lodge Precinct at this stage. The reason for this is that the experts agree that SBB may be presently passing through the site but that there is no resident population there. In light of this, a survey would seem to be of little point. It is accepted that the situation could be dynamic and if there is a later change that justifies a survey it could be undertaken at that stage. There would however need to be a clear purpose and a survey methodology which was able to test for a resident population rather than a transient group.

#### **(iv) Conclusions**

With respect to the issues outlined by the Panel at the start of this chapter it concludes:

- The processes that have been followed to date with respect to the need to provide for the SBB are considered to have been appropriate.
- There is no convincing case either in policy or in the submissions and evidence presented to the Panel to support the provision of formal corridors through the Brompton Lodge Precinct to provide connectivity for existing populations of SBB at different nodes or to link appropriate habitat. However, based on submissions and evidence there are likely to be SBB in the vicinity and passing through the Precinct. The routes include the waterway which runs broadly from the north-west corner to the point where it meets the Cranbourne-Frankston Road and in the proposed tree reserve which abuts the Cranbourne-Frankston Road. Where roads internal to the PSP area cross this waterway and drainage reserve or the tree reserve on Cranbourne-Frankston Road, north of the point where it meets Cranbourne-Frankston Road, appropriate culvert crossings should be provided by the developer. Similar culvert crossings should be provided across Ballarto Road at a point north of the waterway and drainage area between Woodland Road extension and Western Port Highway. It is recognised that this area impinges on the Western Port Highway PAO for the provision of north bound ramps, and how this is dealt with at the time these ramps are constructed is an issue many years into the future and should be addressed at that time in the light of the circumstances at that time.
- No clear evidence or consensus exists on the minimum width of corridors to accommodate movement of the SBB.
- There was no clear evidence presented that a targeted survey of the SBB at this stage would serve any purpose other than to confirm the agreed position that the species most likely passes through the site. For this reason a targeted survey is not supported.

- Vegetation appropriate to support the presence of the SBB should be provided where possible along the waterways and drainage reserves and in the proposed tree reserve abutting the Cranbourne-Frankston Road. This latter reserve and its width are addressed in section 6.2.

## **5.2 Dwarf Galaxias**

### **(i) The issue**

The unresolved issue with respect to the federally listed Dwarf Galaxias, is whether the existing habitat be retained and enhanced or whether it the species be translocated within the Precinct.

### **(ii) Evidence and submissions**

Mr Tobin submitted that:

*The MPA supports the creation of a new and appropriate habitat for the Dwarf Galaxias and adopts the evidence of Mr McGuckin, Mr Brennan and Mr Harvey as to the ability to create an appropriate aquatic environment.*

It is noted that Mr John McGuckin did not present evidence to the Panel but prepared a background report titled *Conservation management Plan for the dwarf galaxias (Galaxiella pusilla) for the development of Brompton Lodge, Cranbourne South*, for the proponent. In his evidence, Mr Harvey relies on the work of Mr McGuckin and states that the proposed new wetland has the potential to provide a better quality habitat for the Dwarf Galaxias than exists in its current habitat in the sand pits.

In presenting his evidence, Mr Alan Brennan (called by Ms Schutz for UDIA) acknowledged in response to a question from Mr Tobin that there was no guarantee that the translocation of the Dwarf Galaxias would work, but that he considered it vulnerable anyway. In his evidence, Mr Harvey concurred and stated that the translocation was more likely to result in the long term conservation of the species than leaving them in the existing sand pits.

In their submission the City of Frankston argued that:

*While it is known that Dwarf Galaxias can be translocated successfully, removing the existing habitat and translocating the population to a newly created wetland carries the risk that the population may not re-establish. It is recommended that the existing habitat be retained and enhanced with connections to the waterway.*

This position was supported at the Hearing by the evidence of Mr Fairbridge. Mr Tobin questioned Mr Fairbridge on his expertise with respect to the Dwarf Galaxias and he responded indicating that he had experience in management plans associated with the species.

The Panel notes the submission by DELWP which informs that the Department has no objection to the Amendment and supports the measures designed to conserve and enhance biodiversity habitat especially for the Dwarf Galaxias. The department supports the designation of open space /waterway corridors and endorses the requirement for a

Conservation Management Plan to cover the creation of the new habitat and the translocation of the Dwarf Galaxias from existing pits and scrapes.

**(iii) Discussion and conclusion**

No convincing evidence has been presented to the Panel to suggest that the planned translocation to a new created wetland should not proceed. All experts agreed that there was some risk associated with this process, their only point of difference was on whether the risk is worth taking. The Panel acknowledges the specific expertise of Mr McGuckin in this specialised area as well as the views of DELWP.

The Panel concludes that the proposed translocation can proceed subject to the satisfaction of conditions imposed under proposed Schedule 11 to the UGZ when approved. Those conditions will include submission of a Conservation Management Plan and its approval by the Secretary of DELWP. The Panel is satisfied that there are sufficient checks to provide the best chance of success of translocation of the Dwarf Galaxias.

### **5.3 Native vegetation**

**(i) The issue**

The issue is the amount of existing native vegetation that should be retained in the Brompton Lodge Precinct.

**(ii) Evidence and submissions**

The initial work of Brett Lane and Associates, in the *Flora and Fauna Assessment 2014*, records the native vegetation in the Precinct as constituting 144 scattered trees and 3.984 hectares of grassy woodland. In his evidence to the Panel, Mr Brennan stated that updated work in 2016 has identified that only 99 of the scattered trees remain. Subsequent to the initial work the MPA engaged an arborist to assess all 221 trees on the site and that has resulted in seven trees adjacent to the proposed waterway and wetlands being proposed for retention.

The City of Frankston submitted that:

*It is of concern to note that only five indigenous trees out of 144 will be retained. Further, most remnant vegetation within the precinct is linear, providing ample opportunity to retain much of this vegetation as buffers to the development ...*

*We would encourage retention and incorporation of the existing linear patches of vegetation into the design of the PSP wherever possible*

Mr Tobin submitted that the NVPP represents the appropriate outcome and that the preferred approach is not to retain elements of native vegetation but to have consolidated offsets, appropriately managed. Mr Tobin further acknowledged that as a result of the experts' conclave which considered the SBB, additional native vegetation could be retained.

To support its position UDIA called expert evidence from Mr Brennan and Mr Harvey. In his evidence, Mr Harvey broadly agreed with the mapping of native vegetation under taken by Brett Lane and Associates, but noted that some patches of native vegetation were not the

same size or in the same location as mapped. Mr Harvey stated that the initial assessment had incorrectly classified the type of native vegetation in 22 of the 32 habitat zones. He indicated that incorrect assignment Ecological Vegetation Classes to native vegetation, likely resulted in an underestimation of some of the quality assessments. Mr Harvey said that these differences do not materially affect the calculation of offset requirements.

Ms Schutz submitted that the proponent supports the MPA's position with respect to the NVPP. It is noted that the NVPP permits the removal of native vegetation within the Precinct but does not mandate it. Mr Tobin submitted that this provides the flexibility to retain more vegetation appropriate to supporting the SBB and that there is no need to amend the NVPP at this stage. In evidence, Mr Harvey stated in answer to a question from Mr Tobin that it is better to leave the NVPP as it is now and *"let the Council balance up the other factors at a later time."*

In presenting his evidence, Mr Harvey indicated that it would be feasible to retain more native vegetation but that he did not regard that as an important factor. He acknowledged that there were few if any areas of native vegetation with a high biodiversity value.

In his evidence before the Panel, Mr Fairbridge did not place great emphasis on the retention of native vegetation other than vegetation in the Cranbourne-Frankston Road reserve, nor was the issue pursued with him in cross examination. The Cranbourne-Frankston Road reserve is addressed in section 6.2.

Other than the Cranbourne-Frankston Road tree reserve, Casey Council did not address the issue of the retention of native vegetation in the Brompton Lodge Precinct.

### **(iii) Discussion and conclusions**

The Panel has some concern about the small number of trees to be retained, particularly given the emphasis on the position of this development as the entry way into Casey's urban areas. The Panel was lead to believe that significant earthworks are required in order for drainage works to be undertaken and that this impacts on tree retention. Based on this and the assessment of the experts, the Panel accepts that the tree removal proposed is appropriate. This said, if as the works are undertaken other significant trees can be retained this is regarded by the Panel as a desirable outcome.

In considering the issue of the retention of remnant patches of native vegetation, the Panel is cognisant of the conclusions it has drawn with respect to the SBB, particularly in the areas abutting waterways, conservations areas and roadside reserves. The Panel is swayed by the evidence of Mr Harvey who stated that the retention of more remnant native vegetation in these locations is feasible and the acceptance by the MPA that this is appropriate. The question in the Panel's mind is how this conclusion and acceptance by the MPA can be given some weight. The Panel accepts that the NVPP need not be changed at this time but is of the view that a new Guidelines should be added to section 3.4.1 of the PSP which makes reference to the need to retain existing native vegetation and where appropriate, enhance vegetation which would help support wildlife, particularly the SBB.

## **5.4 Recommendation**

The Panel recommends:

**Amend the exhibited documentation as follows:**

**Add a new Guideline to section 3.4.1 of the Precinct Structure Plan which makes reference to the need to retain existing native vegetation and where appropriate, enhance vegetation which would help support wildlife, including the Southern Brown Bandicoot, particularly in the waterway and drainage reserve.**



## 6 Other unresolved issues

This Chapter addresses other key unresolved issues. In the table of responses to submissions provided to the Panel as part of the MPA's Part A submission and subsequently updated as part of its closing submission, (Tabled Document 29) the MPA has indicated a number of issues as resolved. In a number of cases these are relatively minor issues which submitters, most notably the City of Casey, did not pursue through the Hearing process. At the Hearing Mr Mizzi confirmed this position.

This chapter addresses the remaining unresolved issues.

### 6.1 Applied residential zone

#### (i) The issue

The issue is which residential zone should be the applied zone in UGZ11.

#### (ii) Submissions

In the exhibited UGZ11, the applied residential zone was the General Residential Zone (GRZ). In opening, Mr Tobin submitted that in response to the submission from Watsons on behalf of the proponent the MPA now proposed that the applied residential zone in the Schedule now become the Residential Growth Zone (RGZ). He gave the following two reasons for this:

- *First, MPA considers that the proper interpretation of the UGZ and PSP renders consideration of the purposes of applied zones unnecessary and that, when read in this light, the RGZ forms the most appropriate zone control to be applied.*
- *Second, this PSP area, which is the product of a logical inclusions process, bears the appropriate characteristics to support the application of the RGZ and that the uncontested elements of the PSP concerning housing support the application of this zoning.*

Mr Tobin further submitted that the *Plan Melbourne* calls for the use of the RGZ in appropriate locations. He pointed out that one of those appropriate locations was within a walkable catchment of an activity centre and that because of the relatively small size of the Brompton Lodge Precinct, a significant proportion of the Precinct is within a 400 metre radius of the proposed activity centre. Mr Tobin placed considerable emphasis on the purpose of the UGZ and therefore of the PSP in determining appropriate residential densities. He submitted that the purpose of any applied zone is not immediately relevant.

The purpose of the UGZ states in part:

*To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.*

*To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.*

Ms Schutz submitted that her client no longer supported the applied zone being RGZ "because a significant proportion of the proposed housing will be detached dwellings at

*conventional densities.*" She submitted that the GRZ was more appropriate for this purpose. Ms Schutz submitted that the RGZ should only be applied to an area broadly bounded by the Chevron Avenue and Woodland Road extensions and the waterway in the north. The area proposed is set out in Figure 3.



Figure 3 Higher density residential area proposed by UDIA Pty Ltd

Mr Mizzi submitted that Council supported the use of the RGZ only within 400 metres of the town centre and the UGZ for the remainder of the Precinct. He submitted that this was a better alignment with the Vision established in the PSP and the intended residential outcomes. He submitted that this was also consistent with Council's housing strategy which supported the use of the RGZ within 400 metres of a town centre. He indicated that this would result in outcomes consistent with other residential areas in Casey.

Mr Mizzi questioned whether the MPA proposed change from the applied zone being GRZ to RGZ may need a re-exhibition of the Amendment as the neighbouring residents to the east of the Precinct had not had an opportunity to comment on this. In closing, Mr Tobin submitted that the MPA's proposal does not constitute a transformation of the Amendment. He cited the Panel Report on Amendments C73 and C198 to the Greater Geelong Planning Scheme in support of this position.

In closing, Mr Tobin rejected the Council position in that it was based on the use of the purpose and intent of the zones themselves rather than on the purpose of the UGZ and the intent of the PSP. He also pointed out that Council's housing strategy whilst an adopted policy had no weight in the planning scheme. He said that the Council proposal was nonsensical in that it would result in only a couple of small slivers of the relatively small Precinct having the GRZ applied.

Mr Tobin submitted that the use of the RGZ as the applied zone was consistent with the approach the MPA *"will be adopting for all future growth areas."*

### (iii) Discussion

While the Panel accepts the MPA position that it is the purpose of the UGZ, and therefore the intent of the PSP, which is relevant here, rather than the purpose and intent of the applied zones. It does not understand the MPA's wish to use the RGZ. The rationale given by Mr Tobin is not clear to the Panel. It appears to the Panel that the market reality in a Precinct such as Brompton Lodge that the GRZ will accommodate much of the higher density housing that is likely to be developed in the foreseeable future. Indeed, in proposing a variety of housing types and an average residential density of 19 dwellings per hectare appears to the Panel to be consistent with the use of the GRZ as an applied zone in much of the Precinct. Unlike some other PSPs, the future urban structure at Plan 2 of the Brompton Lodge PSP gives no clear guidance to the desired locations for higher residential densities.

The Panel is also cognisant of *Planning Practice Note 47, Urban Growth Zone (PPN47)*. The practice note provides three options for the land use controls. The first of these:

*Option 1 – Apply zones* involves designating zones to specific parts of the PSP and explains:

*Land must be used and developed in accordance with the provisions of the zone applying to it. This approach is preferred because:*

- *planning scheme users are familiar with the requirements of the zone*
- *it promotes consistency in the way that planning authorities deal with particular land use issues*
- *the zones include provisions that implement State planning policy. For example, the General Residential Zone ensures that maximum use is made of Clause 56 to plan residential subdivisions*
- *the zones include provisions necessary to manage potentially conflicting land uses. For example, the Industrial 1 Zone contains specific provisions to control industrial development close to housing, schools, hospitals and other sensitive uses*
- *once development is underway, it is a straightforward task to translate the UGZ.*

PPN47 indicates that this is the preferred approach. It appears to the Panel to support the use of the GRZ in at least part of the Precinct.

While the Panel notes that the Council housing strategy appears to have no statutory weight in the planning scheme, it accepts the MPA position that GRZ only applied to areas outside a 400 metre walkable catchment of the proposed activity centre would not result in a sensible outcome.

The Panel is of the view that the PSP should give clearer guidance to desired location of higher residential densities. For this reason it believes that the outcome suggested by Ms Schutz is an appropriate one. Therefore Plan 2 of the PSP should be amended in line with Appendix E to Ms Schutz's submission and that UGZ11 be amended to show the RGZ as the applied zone for the area as proposed by Ms Schutz. The remainder of the residential part of the Precinct should have GRZ as the applied residential zone.

#### **(iv) Conclusions**

The Panel concludes that:

- Plan 2 of the PSP should be Amended in line with Appendix E of Ms Schutz's submission (tabled document 7) to indicate the area proposed for higher density residential opportunities
- all other land in Table 1 of Schedule 11 to the Urban Growth Zone remain as Clause 32.08 – General Residential Zone 1 in the Applied zone provisions
- higher density residential opportunities be added to the Land use/development of Table 1 of Schedule 7 to the Urban Growth Zone and the applied zone provisions be Clause 32.07 – Residential Growth Zone 1.

### **6.2 Vegetation corridor along Cranbourne-Frankston Road**

#### **(i) The issue**

The issue is the provision of a tree reserve in the Brompton Lodge Precinct along the Cranbourne-Frankston Road, the width of such a reserve and the nature of the vegetation to be provided in that reserve. It is noted that one factor in considering the width of the reserve is the width that would be required if it was to facilitate the movement of the SBB through this part of the Precinct. That matter was addressed in section 5.1 and is not repeated here.

#### **(ii) Submissions**

Mr Mizzi submitted that the PSP should provide for a corridor of at least 15 metres wide, with a desired width of 20 metres for the full length of the Cranbourne-Frankston Road frontage. He explained that travelling from the south along Cranbourne-Frankston Road, the Brompton Lodge Precinct will be the first encounter with urban form and that the reserve is needed as a transition between the rural uses to the south and the denser urban form to the north.

The exhibited PSP includes a note on Plan 2 which requires a tree reservation where residential lots have an interface with Cranbourne-Frankston Road. No further guidance is provided and the MPA sought comment from the proponent on how such a reserve might work.

Ms Schutz submitted that for three reasons the proponent proposes a 10 metre tree reserve:

- a 10 metre reserve is sufficient to protect existing trees
- there is already 6-8 metres in the road reserve which will effectively be part of a wider reserve
- there is a need to reduce fuel load in this area to reduce bushfire risk.

With respect to the second point, Mr Mizzi submitted that the 6-8 metres in the road reserve would be lost when the road is upgraded and that the proponent's proposal was effectively for a 10 metre reserve.

In his closing submission, Mr Tobin reinforced that the MPA considers a 10 metre treed landscape reservation along the Cranbourne-Frankston Road is *“more than adequate to meet the purposes of a visual transition from green wedge land to urban development.”*

Mr Tobin further submitted that in the absence of a predator control process and fencing, the MPA does not see the benefits of this proposed reserve as a wildlife corridor.

**(iii) Discussion and conclusion**

The Panel has not been convinced that a reserve any wider than 10 metres is justified for the purposes of the transition from green wedge to urban land can be justified. Such a reserve should be wide enough to provide for the planting of canopy trees two deep if appropriately located. The Panel fails to see what extra benefits a corridor five or ten metres wider than this would bring when compared with the loss of residential land. The Panel agrees with the MPA that no convincing case can be made to designate this as a wildlife corridor to provide some continuity with the proposed waterway reserve through the Brompton Lodge Precinct. However the Panel considers that it would be inconsistent to be providing SBB appropriate habitat within the waterway reserve and not providing similar habitat along at least the section of the Cranbourne-Frankston Road from where the waterway reserve meets Cranbourne-Frankston Road, north to the Pearcedale Road / Ballarto Road roundabout. The Panel therefore concludes that when the vegetation for this section is being planned, every effort should be made to ensure that the vegetation species used are appropriate as SBB habitat.

## **6.3 Amstel Golf Club**

**(i) The issue**

A number of the issues raised by the Amstel Golf Club (owner of the Ranfurly Golf Course) relate to the future construction of Ballarto Road and are addressed in section 4.1. Remaining unresolved issues are:

- the responsibility for the mitigation of issues resulting from development of the Brompton Lodge Precinct, including the cost of fencing of the golf course
- inclusion of the Ranfurly Golf Course land in the UGB.

**(ii) Submissions**

With respect to the boundary issues, Mr Neil Taylor who appeared for the Amstel Golf Club submitted that:

*The Brompton Lodge PSP should recognise and address all boundary issues that arise with the club’s Ranfurly Course, recognising its well established use as a golf course.*

Mr Taylor submitted that Brompton Lodge was rural land when the course was developed and that it was reasonable to assume then it would always be rural. Mr Taylor submitted correspondence detailing the club’s history of trying to have the Ranfurly Course included in the UGB. It was recommended for inclusion by the Logical Inclusions advisory committee but that recommendation was not accepted by government because of lack of support for

the proposal by Casey Council at that time. Casey Council have now provided that support. Mr Taylor submitted that the Ranfurly course should be included in the UGB.

The club has acknowledged that ball flight issues are its responsibility.

Whatever the outcome, the Amstel Golf Club believes that with urban development of the Precinct additional fencing will be required to mitigate risks associated with theft and vandalism and that the proposed 1.5 metre wide strip as set out in the relevant road cross section in the PSP will not provide an adequate tree protection zone, particularly where the topography is such that road construction may impact on trees.

Mr Taylor submitted that the tree reserve on the northern side of Ballarto Road should be 10 to 15 metres wide. He further proposed that the Brompton Lodge DCP should include the cost of boundary fencing where it is required in addition to fencing that which would be provided if Ballarto Road was constructed and the Brompton Lodge Precinct remained as a rural land use.

In response, Mr Tobin submitted that the Ballarto Road reserve has been a known constraint for the golf club for a number of years. He emphasised the issue of protection from golf balls leaving the golf course, a matter Mr Taylor subsequently acknowledged was the club's responsibility. Mr Tobin did not address the issue of other boundary fencing in either the opening or closing submissions.

With respect to the tree reserve, Mr Tobin submitted that the verge on the northern side of Ballarto Road is in fact 7.5 metres before the road pavement, but containing a shared path.

Mr Tobin submitted that the MPA does not consider that including the Ranfurly Course in the UGB as coming within the scope of the Amendment.

### **(iii) Discussion and conclusion**

With respect to fencing, the Panel is not aware of any situation where the cost of fencing of a neighbouring property has been included in a DCP. If the golf club considers that fencing is needed to protect their property, it is considered by the Panel to be its decision and therefore at its cost as it would be on the other boundaries to the golf course. The Panel cannot see that a change in the land use to the south brings any particular responsibility to that land owner or the DCP providing infrastructure for the Ranfurly golf course.

With respect to the tree reserve, without detailed design the Panel finds it difficult to identify and comment on any where any particular issues might arise. The Panel notes that there is 7.5 metres proposed between the Golf Club boundary and the road pavement. The Panel agrees with Mr Tobin that should provide adequate protection for the trees located on the golf course. The existence of a shared path in this location should not be a hindrance to tree protection.

Whereas Mr Taylor sought deletion of the shared path to provide separation of pedestrians and cyclists from the golf course land, and while he was supported by traffic witnesses that a shared path was not essential on both sides of Ballarto Road, the Panel does not recommend a variation to the road profile as proposed in the PSP. Instead, if at the design stage, the responsible authority believes that a shared path on the north side of Ballarto Road is not

required for community use, the shared path could be deleted and the land suitably landscaped.

The Panel agrees with the MPA on the matter of the inclusion of the Ranfurly Golf Course in the UGB and it would be inappropriate for it to comment on this matter.

## **6.4 Acoustic report**

### **(i) The issue**

On the final day of the Hearing Mr Tobin tabled a tracked change version of the UGZ11 which made reference to the need to obtain an acoustic report to ensure that the proposed subdivision complies with relevant noise regulations, particularly with respect to noise from the Western Port Highway. The issue is whether this is an appropriate condition on a subdivision permit.

### **(ii) Submissions**

The version of the UGZ11 tabled on the last day of the Hearing contained the following condition on a permit for subdivision:

*An acoustic report, prepared by a qualified acoustic engineer, demonstrating how the proposed subdivision would comply with the relevant noise regulations, particularly in relation to noise from Western Port Highway, and what measures are recommended to be implemented to ensure compliance with noise regulations.*

Ms Schutz submitted that this is a new requirement that had not been notified to the proponent before this time, that the proponent had not had time to consider it and it was therefore not appropriate to include it.

Mr Tobin responded saying that the proponent's consultants, Watsons had been advised of the requirement. To resolve this issue the Panel issued a Direction after the close of the Hearing requesting that the MPA provide evidence that Watsons had been informed of the proposed condition. The MPA subsequently responded to this Direction as follows (in part):

*The requirement for a report was raised by VicRoads and represents an agreed position with the MPA. As indicated to the Panel, the requirement was unintentionally omitted from the materials circulated with the Part A submission.*

*Officers of the MPA have not identified any written correspondence in respect of the acoustic report to the proponent. However, we are instructed that the best recollection of the relevant officers is that this matter was communicated to the proponent's representative, Watsons.*

*The Panel is already in receipt of substantive oral submissions from the MPA concerning the purpose of an acoustic report, being to provide an assessment of whether treatments of any kind are appropriate to achieve acceptable amenity levels in future dwellings.*

**(iii) Discussion**

The Panel considers that it is very unfortunate that the oversight that resulted in this condition not being included in the UGZ11 until the last day of the Hearing. The Panel is also very concerned that the MPA can provide no conclusive evidence that this condition was in fact raised with the proponent's consultants. Despite these oversights the Panel accepts that given the Western Port Highway is proposed to be upgraded to Freeway status at some stage in the future and that the condition is not an unreasonable one to ensure that the amenity of future residents located near this road is protected.

**(iv) Conclusion**

For the reasons outlined above the Panel concludes that the proposed condition should be included as a condition on a subdivision permit.

**6.5 Amendments to Schedule 11 to the Urban Growth Zone****(i) Issues and submissions**

A without prejudice discussion of the content of UGZ11 was timetabled for the final day of the Hearing and took place in the context of the closing submissions.

Subsequent to the close of the Hearing the Green Wedges Coalition write to the Panel indicating that they had not been able to participate in the discussion because of the illness of Ms West. The Panel subsequently afforded the Green Wedges Coalition the opportunity to make written comments on the proposed UGZ11. No comment was received.

A number of the changes to the UGZ11 proposed by the MPA were accepted by the proponent. Proposed changes that were in contention related mainly to the acoustic report which is addressed in section 6.5, and whether some of the conditions relating to conservation management plan for the Dwarf Galaxias should occur at the relevant stage of subdivision.

**(ii) Discussion and conclusions**

The Panel understands that the sandpits where the Dwarf Galaxias are currently located are in the area which is proposed to be stage 7 of the development. The Panel understands that they will be relocated to a new purpose built wetland to the north of the current sandpit in the vicinity of Stages 2 and 3 of the proponent's staging plan, as recommended by Mr McGuckin in his background report for the proponent.

The Panel accepts in principle the proponent's position that the conservation management plan should not be required unnecessarily ahead of the development that will impact on the species. However the Panel considers that the plan should be prepared ahead of the development in the area to which the species is to be translocated and as that is a very early stage of development it accepts the MPA's position that the conservation management plan for the species should be prepared at the time of the first subdivision permit application.

The Panel recommended version of UGZ11 is at Appendix C. It is understood by the Panel that all changes to the UGZ11 agreed as a result of resolution of issues prior to the Hearing are included in this version of the UGZ11. If not, further changes are recommended to be



made in line with changes proposed in its *Submission Response Table* presented by the MPA in its Part A submission.

## **6.6 Recommendations**

The Panel recommends to:

**Amend the exhibited documentation as follows:**

- a) **Amend Plan 2 of the Precinct Structure Plan to indicate the area proposed for higher residential densities as set out in Figure 3 of this report and designated as 'higher density residential opportunities'.**
- b) **Add 'higher density residential opportunities' to the Land use/development of Table 1 of Schedule 11 to the Urban Growth Zone and the applied zone provisions be Clause 32.07 – Residential Growth Zone Schedule 1.**
- c) **Amend the note to Plan 2 in the Precinct Structure Plan to indicate that the tree reservation should be a minimum of 10 metres wide and that consideration should be given to providing habitat that is appropriate for the Southern Brown Bandicoot within this reserve.**
- d) **Add a new Clause 3.6 to the Urban Growth Zone Schedule 11 as follows:**  
    **"An acoustic report, prepared by a qualified acoustic engineer, demonstrating how the proposed subdivision would comply with the relevant noise regulations, particularly in relation to noise from Western Port Highway, and what measures are recommended to be implemented to ensure compliance with noise regulations."**
- e) **Amend Schedule 11 to the Urban Growth Zone to include the wording changes recommended by the Panel, as set out in Appendix C.**

## Appendix A Submitters to the Amendment

No.	Submitter
1	Amstel Golf Club
2	Mary and Robb Quinn
3	EPA Victoria
4	Kylie Davenport
5	John Lappin
6	Pat Martin
7	Stavros Kipirzidus
8	Bruce Schwarze
9	APA Group
10	Robert Dean
11	Watsons for UDIA Consolidated Pty Ltd
12	Mark Jones
13	Southern Brown Bandicoot Recovery Group
14	Greg and Lisa Strong
15	Melbourne Water
16	City of Casey
17	Natural Resources Conservation League of Victoria
18	Athena Jones
19	Department of Environment, Land, Water and Planning
20	Public Transport Victoria
21	City of Frankston
22	Green Wedges Coalition

## Appendix B Document list

No.	Date	Description	Presented by
1	19 April 2016	VicRoads 18 April 2016 letter to MPA: comments on traffic proposals	G Tobin for MPA
2	19 April 2016	Updated draft Future Urban Structure Plan	G Tobin for MPA
3	19 April 2016	Hearing folder for the Panel	G Tobin for MPA
4	19 April 2016	Written submission	G Tobin for MPA
4a	19 April 2016	Evidence statement on Traffic by Cardno (Chris Butler)	G Tobin for MPA
5	19 April 2016	Subregional Species Strategy for the Southern Brown Bandicoot, DEPI	G Tobin for MPA
6	20 April 2016	Proponent's written submission: UDIA Consolidated Pty Ltd	Ms M Schutz
7	20 April 2016	Attachments to the written submission by UDIA	Ms M Schutz
8	20 April 2016	DELWP email to Brett Lane and Associates re EVC determination	Ms M Schutz
9	20 April 2016	Biosis letter to Woldene PL re Southern Brown Bandicoot survey	Ms M Schutz
10	20 April 2016	Written submission City of Casey	J Mizzi, Casey CC
11	20 April 2016	Witness PowerPoint presentation, M O'Brien, O'Brien Traffic for City of Casey	J Mizzi, Casey CC
12	20 April 2016	MPA schedule of Open Space allocations as revised in the PSP	G Tobin for MPA
13	21 April 2016	Written submission City of Frankston	C Lyons Frankston CC
13a	21 April 2016	Expert evidence summary statement D Fairbridge	C Lyons Frankston CC
13b	21 April 2016	Expert evidence summary statement G Read	C Lyons Frankston CC
14	21 April 2016	Amstel Golf Club additional submission	N Taylor
15	21 April 2016	Submission Robert Dean	R Dean

No.	Date	Description	Presented by
16	21 April 2016	Letters of authorisation to represent submitters	R Dean
17	21 April 2016	D G Nicholls PowerPoint presentation	D Nicholls
18	21 April 2016	Written submission Gillian Collins	Ms G Collins
19	21 April 2016	Athena Jones PowerPoint presentation	Ms A Jones
20	22 April 2016	Submission Green Wedge Coalition	Ms R West
24	22 April 2016	City of Casey closing submission	J Mizzi, Casey CC
25	22 April 2016	MPA closing submission	G Tobin for MPA
26	22 April 2016	Project costs sheets for DCP projects	G Tobin for MPA
27	22 April 2016	Amendments to documentation proposed by MPA	G Tobin for MPA
28	22 April 2016	Revised Schedule 11 to the Urban Growth Zone	G Tobin for MPA

## **Appendix C   Panel recommended version of Schedule 11 to the Urban Growth Zone**

## SCHEDULE 11 TO THE URBAN GROWTH ZONE

DD/MM/YYYY  
Proposed C190

Shown on the planning scheme map as **UGZ11**.

### Brompton Lodge Precinct Structure Plan

#### 1.0 The Plan

DD/MM/YYYY  
Proposed  
C190

Map 1 shows the future urban structure proposed in the *Brompton Lodge Precinct Structure Plan*. It is a reproduction of Plan 2 in the *Brompton Lodge Precinct Structure Plan*.

#### Map 1 to Schedule 11 to Clause 37.07



#### 2.0 Use and development

DD/MM/YYYY  
Proposed  
C190

##### 2.1 The land

The use and development provisions specified in this schedule apply to the land within the 'precinct boundary' on Map 1 and shown as UGZ11 on the planning scheme maps.

*Note: If land shown on Map 1 is not zoned UGZ, the provisions of this zone do not apply.*

##### 2.2 Applied zone provisions

DD/MM/YYYY  
Proposed C190

The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building, and the construction or carrying out of works as set out in Table 1.

**Table 1: Applied zone provisions**

Land use or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land	Applied zone provisions
Local Town Centre	Clause 34.01 – Commercial 1 Zone
<a href="#">Higher density residential opportunities</a>	<a href="#">Clause 32.07 – Residential Growth Zone 1</a>
All other land	Clause 32.08 -- General Residential Zone 1

## 2.3 Specific Provision - Reference to a planning scheme zone is a reference to an applied zone

DD/MM/YYYY

Proposed C190

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

*Note: e.g. The General Residential Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Road Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land'.*

## 2.4 Specific provision – Use and development of future public land

DD/MM/YYYY

Proposed C190

A permit is not required to use or develop land shown in the *Brompton Lodge Precinct Structure Plan* as local park or community facilities provided the use or development is carried out generally in accordance with the *Brompton Lodge Precinct Structure Plan* and with the prior written consent of City of Casey.

## 2.5 Specific provision – Use of land

DD/MM/YYYY

Proposed C190

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 6,280 square metres.

## 2.6 Specific provision – Construction of single dwellings on small lots

DD/MM/YYYY

Proposed

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated pursuant to Clause 81 of the Casey Planning Scheme.

Or;

A permit is not required to construct one dwelling on a lot of between 250 and 300 square metres where an approved building envelope (as defined in Part 4 of the Building Regulations 2006) applies to the lot.

A permit is required to construct a front fence within 3 metres of a street unless the Front Fence Height Standard in Table A2 to Clause 54.06-2 is met.

## 2.7 Specific provisions –Referral of applications – Sand extraction area - Department of Economic Development, Jobs, Transport and Resources (DEDJTR)

DD/MM/YYYY  
Proposed C190

An application to develop land for a sensitive use within the land containing the former sand extraction area, at 655 Cranbourne-Frankston Road, Cranbourne South (Lot 1 TP~~52944~~, ~~Lots 1 and 2 TP 133266~~ [958208K](#), and 980-1020 Dandenong-Hastings Road, Cranbourne (Lot 1 TP371251 and Lot 2 PS331597), subject to Work Authority ~~122121~~ (WA~~122121~~) under the *Mineral Resources (Sustainable Development) Act 1990*), must be referred to the Department of Economic Development, Jobs, Transport and Resources (DEDJTR).

## 3.0 Application requirements

DD/MM/YYYY  
Proposed C190

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

## 3.1 Subdivision - residential development

DD/MM/YYYY  
Proposed C190

In addition to any requirement in 56.01-2, a subdivision design response must include:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields;
- A demonstration of how the property will contribute to the achievement of the residential density outcomes in the Precinct Structure Plan applying to the land;
- A demonstration of lot size diversity by including a colour-coded lot size plan, reflecting the lot size categories and colours outlined in Table 2 – Lot Size and Housing Type Guide in the *Brompton Lodge Precinct Structure Plan*; and
- A demonstration of how the subdivision will contribute to the delivery of a diversity of housing.
- A risk assessment prepared by a suitably experienced and qualified consultant that acknowledges the existing and future land use at the sand extraction area and provides sufficient confidence that a sensitive use can be safely developed within 250 metres of the extraction area. The application and risk assessment must be referred to DEDJTR.
- A Conservation Management Plan (CMP) detailing the implementation of the Mitigation Measures for the Dwarf Galaxias habitat, by the Department of Environment, Land, Water and Planning [for approval by the Responsible Authority](#). In addition to addressing [the technical and environmental](#) requirements of the CMP, the plan must include details of the timing of works for the construction of new habitat and the monitoring program and parameters for the translocation of existing fish from the existing habitat to the new habitat, confirm [the](#):
  - [Responsibility for the costs of construction and relocation](#).
  - [Responsibility for the](#) ongoing maintenance responsibilities.
  - [The funding mechanism \(including finding\) for ongoing maintenance by the owners in the estate](#).
  - ~~and d~~ [Detailed construction details relative to the civil design requirements of the land surrounding the existing and proposed habitat areas.](#)

## 3.2 Public Infrastructure Plan

DD/MM/YYYY  
Proposed C190

An application for subdivision and or use and development of land must be accompanied by a Public Infrastructure Plan which addresses the following:

- a stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water [and the Responsible Authority. The stormwater management strategy must](#)



include details of the proposed funding mechanism for waterway management by the future owners above and beyond any responsibilities of the authorities;

- what land may be affected or required for the provision of infrastructure works;
- the provision, staging and timing of stormwater drainage works;
- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- the landscaping of any land;
- what if any infrastructure set out in the *Brompton Lodge Development Contributions Plan* is sought to be provided as "works in lieu" subject to the written consent of City of Casey;
- the provision of public open space and land for any community facilities; and
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

### 3.3 Traffic Impact Assessment

DD/MM/YYYY  
Proposed C190

An application that proposes to create or change access to a primary or secondary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of VicRoads or City of Casey, as required.

### 3.4 Use or develop land for a sensitive purpose – Environmental Site Assessment – 765 & 785 Cranbourne-Frankston Road, Cranbourne South

An application for subdivision and or use and development of land at 765 and 785 Cranbourne-Frankston Road, Cranbourne South (Lot 1 LP86054 and Lot 5 PS613876) and 785 Cranbourne-Frankston Road, Cranbourne South (Lot 5 PS613876) and 980 to 1020 Dandenong-Hastings Road, Cranbourne (Lot 1 TP371251 and Lot 2 PS331597), must be accompanied by a site specific geotechnical investigation that assesses the existing groundwater conditions and makes recommendations to protect the proposed development from the impacts of ground water on site. by a Phase 2 Environmental Site Assessment, including:

- Indicative sampling to be carried out at 765 Cranbourne-Frankston Road, Cranbourne (Lot 1 LP86054) South for potential contamination ranked as 'medium' and 'high' in the Phase 1 Environmental Site Assessment and Geotechnical Desktop Investigation, Brompton Lodge Precinct Structure Plan (Coffey, April 2015);
- Soil assessment to be carried out at 785 Cranbourne-Frankston Road, Cranbourne South (Lot 5 PS613876) for potential contamination ranked as 'medium' and 'high' in the Phase 1 Environmental Site Assessment and Geotechnical Desktop Investigation, Brompton Lodge Precinct Structure Plan (Coffey, April 2015); and
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE*.

### 3.5 Groundwater Assessment – 765 & 785 Cranbourne-Frankston Road, Cranbourne South and 980-1020 Dandenong-Hastings Road, Cranbourne

DD/MM/YYYY  
Proposed C190

An application for subdivision and or use and development of land at 765 & 785 Cranbourne-Frankston Road, Cranbourne South (Lot 1 LP86054 and Lot 5 PS613876) and 980-1020 Dandenong-Hastings Road, Cranbourne (Lot 1 TP371251 and Lot 2 PS331597), must be accompanied by a site specific geotechnical investigation that assesses the existing groundwater conditions and makes recommendations to protect the proposed development from the impacts of ground water on site.

### 3.6 [Acoustic report](#)

DD/MM/YYYY  
Proposed C190

[An acoustic report, prepared by a qualified acoustic engineer, demonstrating how the proposed subdivision would comply with the relevant noise regulations, particularly in relation to noise from Western Port Highway, and what measures are recommended to be implemented to ensure compliance with noise regulations.](#)

### 4.0 Conditions and requirements for permits

DD/MM/YYYY  
Proposed C190

#### **Conditions for subdivision permits that allow for the creation of a lot of less than 300 square metres**

DD/MM/YYYY  
Proposed  
C190

If construction of a single dwelling on a lot is to be assessed against the Small Lot Housing Code under section 2.6 of this schedule, any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:

- Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provisions of the Small Lot Housing Code incorporated pursuant to Clause 81 of the Casey Planning Scheme; and
- The plan of subdivision submitted for certification must identify whether type A or type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

Or;

If construction of a single dwelling on a lot between 250 and 300 square metres in area is to be provided via a building envelope that is not the Small Lot Housing Code, any permit for subdivision that allows the creation of a lot between 250 and 300 square metres must contain the following conditions:

- Before a plan is certified for a subdivision (or a relevant stage of a subdivision) where building envelopes are proposed, each lot between 250 square metres and 300 square metres in area must contain a building envelope (in accordance with Part 4 of the Building regulations) to the satisfaction of the responsible authority.
- The approved building envelopes must be applied as a restriction on the plan of subdivision or be applied through an agreement with the responsible authority under Section 173 of the *Planning and Environment Act, 1987* that is registered on the title to the land. The restriction or the agreement must provide for:
  - The building envelope to apply to each relevant lot
  - All buildings to conform to the building envelope on the relevant lot
  - The construction of a building outside of a building envelope only with the consent of the responsible authority
  - A building envelope to cease to apply to any building on the lot affected by the envelope after the issue of a certificate of occupancy for the whole of a dwelling on the land.

Where the building envelope is to be applied to the land through an agreement with the responsible authority under Section 173 of the *Planning and Environment Act, 1987* the building envelope plan may be approved after the plan of subdivision is certified.

#### **4.2 Conditions for subdivision or buildings and works permits where land is required for public open space**

DD/MM/YYYY  
Proposed  
C190

Land required for public open space as a local park as set out in the *Brompton Lodge Precinct Structure Plan* or the *Brompton Lodge Development Contributions Plan*, must be transferred to or vested in Council at no cost to Council unless the land is funded by the *Brompton Lodge Development Contributions Plan*.

### 4.3 Conditions for Public Transport

DD/MM/YYYY  
Proposed  
C190

Unless otherwise agreed to by Public Transport Victoria, prior to the issue of a statement of compliance for any subdivision stage, bus stops must be constructed, at full cost to the permit holder as follows:

- Generally in the location identified by Public Transport Victoria
- In accordance with the Public Transport Victoria *Guidelines for Land Use and Development* with a concrete hard stand area, and in activity centres a shelter must also be constructed
- Be compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*; and
- Be provided with direct and safe pedestrian access to a pedestrian path.

All to the satisfaction of Public Transport Victoria and the Responsible Authority.

### 4.4 Conditions for subdivision or buildings and works permits

DD/MM/YYYY  
Proposed  
C190

#### Where land is required for road widening

Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed local road must be transferred to or vested in Council at no cost to the acquiring agency unless funded by the *Brompton Lodge Development Contributions Plan*.

#### Where land is required for public open space

Land required for public open space as a local park as set out in *Brompton Lodge Precinct Structure Plan* or the *Brompton Lodge Development Contributions Plan*, must be transferred to or vested in Council at no cost to Council unless the land is funded by the *Brompton Lodge Development Contributions Plan*.

### Section 173 agreement

#### Conservation Management Plan

A planning permit for subdivision, buildings or works ~~on land within the PSP area must include conditions necessary to implement the approved conservation management plan for the Dwarf Galaxias shown as a~~ conservation area in the incorporated *Brompton Lodge Precinct Structure Plan*. A permit must include the following conditions ~~must include the following condition:~~

- The certification of the plan of subdivision must not be issued and buildings or works must not commence until a Conservation Management Plan for the relevant works has been approved to the satisfaction of the Department of Environment, Land, Water and Planning and Responsible Authority, unless otherwise agreed by the Department of Environment, Land, Water and Planning and Responsible Authority.
- All works must be in accordance with ~~an~~ the approved Conservation Management Plan, to the satisfaction of ~~the Responsible Authority and the Department of Environment, Land, Water and Planning and Responsible Authority.~~
- All works and translocation activities must be completed prior to the issue of a statement of compliance unless otherwise approved in writing by the Responsible Authority.
- Conditions securing the delivery and maintenance of the conservation area by section 173 agreement or an alternate mechanism to the satisfaction of the Responsible Authority.

#### Salvage and translocation

- The Salvage and Translocation Protocol for Melbourne's Growth Corridors (Department of Environment and Primary Industries, 2014) must be implemented in the carrying out of

development to the satisfaction of the Secretary to the Department of Environment, Land Water and Planning.

#### Site Management Plan

- Before the commencement of works for any stage of subdivision a Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be submitted to and approved by the responsible authority. The plan must specify, amongst other things:
  - The staging of development and the likely bushfire risks at each stage;
  - An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed;
  - The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire;
  - How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

The plan must be carried out to the satisfaction of the responsible authority.

#### 4.5 Condition to use or develop land for a sensitive purpose – Environmental Site Assessment – 765 & 785 Cranbourne–Frankston Road, Cranbourne South and 980-1020 Dandenong–Hastings Road, Cranbourne

DD/MM/YYYY

Proposed  
C190

Before a plan subdivision is certified under the *Subdivision Act 1988*, the recommendations of the Phase 2 Environmental Site Assessment submitted with an application for 765 & 785 Cranbourne–Frankston Road, Cranbourne South (Lot 1 LP86054 and Lot 5 PS613876) and 980-1020 Dandenong–Hastings Road, Cranbourne (Lot 1 TP371251 and Lot 2 PS331597) must be carried out to the satisfaction of the responsible authority.

Upon receipt of the further testing report the owner must comply with any further requirements made the responsible authority after having regard to the guidance set out in the General Practice Note on Potentially Contaminated Land June 2005 (DSE). The plan of subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.

#### 4.6 Condition to use or develop land for a sensitive purpose – 655 Cranbourne–Frankston Road, Cranbourne South and 980-1020 Dandenong–Hastings Road, Cranbourne

DD/MM/YYYY

Proposed  
C190

A planning permit for subdivision or buildings or works at 655 Cranbourne–Frankston Road, Cranbourne South (Lot 1 TP 529244, Lots 1 and 2 TP 133266) and 980-1020 Dandenong–Hastings Road, Cranbourne (Lot 1 TP371251 and Lot 2 PS331597) must include the following conditions:

- The salvage and translocation of Dwarf Galaxias species must be undertaken prior to the remediation of any works associated with the Works Approval (WA122), except where works are required for maintenance of the pits for the purposes of public safety prior to the translocation of the Dwarf Galaxias and this must be undertaken to the satisfaction of the Department of Environment, Land, Water and Planning and the Responsible Authority.
- Before a plan subdivision is certified under the *Subdivision Act 1988* and before the commencement of any works, the land at 655 Cranbourne–Frankston Road, Cranbourne South (Lot 1 TP 529244, Lots 1 and 2 TP 133266) and 980-1020 Dandenong–Hastings Road, Cranbourne (Lot 1 TP371251 and Lot 2 PS331597) which is subject a Work Authority, must be rehabilitated to the satisfaction of the Responsible Authority and the Department of Economic Development, Jobs, Transport and Resources.

## 5.0 Land and home sales signs

DD/MM/YYYY  
Proposed C190

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- the advertisement area for each sign does not exceed 10 square metres;
- only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- the sign is not animated, scrolling, electronic or internally illuminated sign;
- the sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- the sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

## 6.0 Decision Guidelines

DD/MM/YYYY  
Proposed  
C190

Before deciding on an application to use land for a shop in a town centre, in addition to the decision guidelines at Clause 37.07-14, the Responsible Authority must consider, as appropriate:

- The local catchment and PSP catchment demand for the additional floor area; and
- The effect on existing and future major town centres within Casey.