

Planning and Environment Act 1987

Panel Report

Hume Planning Scheme Amendments C207 and C208
Sunbury South and Lancefield Road Precinct Structure Plans
Permit Application Nos P18858, P18854, P18855

15 December 2017

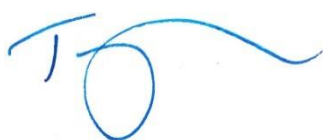
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Panel Report pursuant to section 25 and section 96E of the Act

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15 December 2017



Trevor McCullough, Chair



Annabel Paul, Member



John Hartigan, Member



Sue Porter, Member

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List of Abbreviations

APA	APA VTS Australia (Operations) Pty Ltd
BAL	Bushfire Attack Level
BCS	Biodiversity Conservation Strategy for Melbourne's Growth Corridors
BPA	Bushfire Prone Area
C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
CA	Conservation Area
CEM	Catholic Education Melbourne
DEDJTR	Department of Economic Development Jobs Transport and Resources
DELWP	Department of Environment, Land, Water and Planning
DET	Department of Education and Training
DSS	Drainage Services Scheme
EPA	Environment Protection Authority
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Cth)
ESO	Environmental Significance Overlay
FUS	Future Urban Structure
FZ	Farming Zone
GAIC	Growth Areas Infrastructure Plan
GCP	Growth Corridor Plan
GGF	Growling Grass Frog
GGFMP	Growling Grass Frog Masterplan
GRZ	General Residential Zone
GWZ	Green Wedge Zone
HIGAP	(Sunbury) Hume Integrated Growth Area Plan
HO	Heritage Overlay
ICP	Infrastructure Contributions Plan
ICPO	Infrastructure Contributions Plan Overlay
IPO	Incorporated Plan Overlay
LCC	Local Community Centre
LDPWG	Land Development around Pipelines Working Group
LTC	Local Town Centre
MSA	Melbourne Strategic Assessment
MSS	Municipal Strategic Statement
MTC	Major Town Centre
MUZ	Mixed Use Zone
MWRRG	Metropolitan Waste and Resource Recovery Group

NASF	National Airport Safeguarding Framework
PAO	Public Acquisition Overlay
PCRZ	Public Conservation and Resource Zone
PIP	Precinct Infrastructure Plan
PPTN	Principal Public Transport Network
PSP	Precinct Structure Plan
RCZ	Rural Conservation Zone
RGZ	Residential Growth Zone
SICADS	<i>Sunbury Infrastructure Co-ordination and Delivery Strategy</i>
SLO	Significant Landscape Overlay
SMS	Safety Management Study
SPPF	State Planning Policy Framework
SUZ	Special Use Zone
SV	Sustainability Victoria
the Act	the <i>Planning and Environment Act 1987</i>
UFZ	Urban Floodway Zone
UGB	Urban Growth Boundary
UGZ	Urban Growth Zone
VPA	Victorian Planning Authority (formerly Metropolitan Planning Authority)
VPP	Victoria Planning Provisions

Overview

Amendments Summary

The Amendments	Hume Planning Scheme Amendments C207 and C208
Permit applications	Permit Application Nos P18858, P18854, P18855
Brief description	The Amendments seek to amend the Hume Planning Scheme to implement the Sunbury South and Lancefield Road Precinct Structure Plans by incorporating both documents and inserting the relevant statutory provisions into the Planning Scheme.
Subject site	Amendment C207 applies to 1,798 hectares of land and Amendment C208 applies to 1,095 hectares of land in the Sunbury / Diggers Rest Growth Corridor.
The Proponent	Victorian Planning Authority
Planning Authority	Victorian Planning Authority
Exhibition	17 November 2016 to 6 February 2017
Submissions	Number of Submissions: C207 – 95; C208 - 93 Submitters are listed in Appendix A

Panel Process

The Panel	Trevor McCullough (Chair), John Hartigan, Annabel Paul and Sue Porter
Directions Hearing	6 July 2017, Planning Panels Victoria
Panel Hearing	21 August to 19 October 2017, Planning Panels Victoria
Further information	Final responses to permit conditions, the proposed UGZ schedules and a number of other matters were provided immediately following the Hearings.
Site Inspections	Unaccompanied: 16 June, 17 August 2017 Accompanied to Hi Quality and Veolia sites: 11 September 2017
Appearances	Refer to Appendix B
Date of this Report	15 December 2017

Executive Summary

(i) Summary

Hume Planning Scheme Amendments C207 and C208 (the Amendments) implement the *Sunbury South and Lancefield Road Precinct Structure Plans* (the PSPs) and propose a rezoning of the adjacent Craiglee Winery site to the Special Use Zone.

The Amendments provide a framework for the development of the land within the Precincts in accordance with the PSPs by introducing Schedules 9 (Sunbury South) and 10 (Lancefield Road) to the Urban Growth Zone (UGZ) and rezoning the majority of land within the Precinct areas to the UGZ. The Schedules to the UGZ will enable residential, industrial, and commercial use and development, along with open space and conservation areas, in areas identified in the future urban structure and in accordance with the vision of urban growth outlined in the PSPs.

The Sunbury South Precinct covers an area of approximately 1,798 hectares and Lancefield Road Precinct covers an area of approximately 1,095 hectares. The Precincts are contiguous, sharing a common boundary of Gellies Road.

The two Precincts form an extension of the Sunbury Township, with the Sunbury South precinct located generally south and south-east of the township, and the Lancefield Road Precinct east and north-east. The two Precincts wrap around the residential areas of the Sunbury Township, including the communities of Jacksons Hill (Sunbury South), Goonawarra, Rolling Meadows and Sherwood Estate (Lancefield Road).

The Sunbury South Precinct is bounded by Gellies Road and Emu Creek to the north and north-east, the high voltage transmission line easement and Vineyard Road to the east and Watsons Road and the Jacksons Creek to the south.

The Lancefield Road Precinct is bounded by Racecourse Road and the Jacksons Creek to the west, the Goonawarra and Rolling Meadows communities to the south-west, Gellies Road to the south, Emu Creek to the east, and a future conservation reserve to the north.

A key feature of both Precincts is the environmentally and culturally significant valleys of Jacksons and Emu Creeks.

Submissions raised a wide range of issues, including:

- Environmental and cultural heritage issues relating to the Jacksons Creek valley
- Infrastructure issues
- Issues relating to the proposed applied residential zones
- Issues relating to the proposed landfill and composting facility buffers
- Regionally significant landscape values, Biodiversity Conservation Strategy and Conservation Areas
- Drainage and waterway issues
- Issues relating to the Creek corridor interfaces and the break of slope to the escarpments
- Concerns about the location of schools and the designation of non-government schools in the PSPs
- Proposed land use controls for the Craiglee and Ben Eadie properties

- A wide range of other general and site specific issues.

(ii) Findings

The Panel supports Amendments C207 and C208, and is satisfied that the PSPs and UGZ Schedules 9 and 10 (with changes) provide a sound framework and mechanism to manage land use and development within the precincts.

In relation to the key issues raised in submissions, the Panel has reached the following conclusions:

- The VPA should undertake further consultation with the National Trust, Wurundjeri Tribe Land and Compensation Cultural Heritage Council, Hume City Council and the community with a view to introducing either a Significant Landscape Overlay or precinct based Heritage Overlay which recognises the broader cultural landscape values of this area.
- The status of *Sunbury Infrastructure Co-ordination and Delivery Strategy* (SICADS) should be limited to that of a background report, with all references removed from the PSPs.
- The proposed alignment of the northern crossing of Jacksons Creek should be retained in the PSP to provide for its construction in the longer term. The strategic justification of the northern crossing should be confirmed and a visual impact assessment conducted on a detailed bridge design closer to the time of its construction.
- The early delivery of the southern creek crossing of Jacksons Creek should be given a high priority in the Sunbury South PSP, although circumstances may change which could affect this priority.
- The walkable catchments should be reviewed by the VPA to ensure that they follow lot boundaries wherever possible; have regard to topography and other site constraints identified by submitters; and avoid being applied in areas where higher densities would be unworkable or undesirable.
- A specific section on buffers should be added to the Sunbury South PSP setting out the Vision for the area, along with appropriate objectives, requirements and guidelines for the buffer areas. This should include the long term land use vision, the intent of the buffers, the requirements for approving sensitive uses within buffers and any guidelines for future development.
- The UGZ9 should include a new clause which outlines how land within the buffers will be treated and appropriate land uses within the buffers.
- Quarry and landfill buffers should be shown on the PSP Future Urban Structure Plan as 500 metres and the composting facility buffer should be shown as 1,300 metres.
- All planning permit applications within the 500 metre quarry buffer should be referred to DEDJTR as a 'Determining Referral' authority.
- The EPA should be a 'Determining Referral' authority for planning permit applications within the landfill buffer and a 'Recommending Referral' authority within the composting buffer.
- The appropriateness of the Residential Growth Zone within the pipeline measurement length should be further reviewed having regard to the SPPF and the findings of the Safety Management Study report.

- There should be consideration of drafting the UGZ9 to include a separate clause relating to applications within the gas pipeline measurement length, to provide for a clearer and more transparent control.
- Applications within the gas pipeline measurement length should be referred to the pipeline operator, rather than giving notice.
- The approaches adopted by the VPA in relation to resolving the final designation of regionally significant landscape values, biodiversity conservation areas, drainage and waterway assets, and the break of slope are supported, and will necessarily require further refinement.
- The Panel supports the proposed locations of schools as modified by the VPA.
- The Panel supports the VPA's policy position to replace reference to 'Catholic' school with 'non-government' school and remove the reference to Catholic Education Melbourne as lead agency in the Precinct Infrastructure Plan.
- The Panel concludes that the SUZ10, as exhibited, is generally appropriate to apply to the Craiglee and Ben Eadie properties, subject to a number of minor changes.

In addition, the Panel has responded to a range of site specific issues raised in submissions, and has recommended further changes where appropriate. In all cases the Panel believes that a fair outcome has been arrived at that will allow development to proceed in an orderly and well planned manner.

The Panel would like to congratulate the VPA, Council, developers, landowners and local residents for the collaborative manner in which they worked together to achieve compromise. Not all issues could be completely agreed on, but the Panel is confident that the planning controls applied as part of this process will provide an appropriate level of protection for what is important to the local community.

The three section 96A planning permit applications for the Redstone Hill, Sherwood Heights and Kingfisher estates are supported, subject to number of changes to conditions generally agreed through the PSP process.

(iii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Hume Planning Scheme Amendments C207 and C208 be adopted as exhibited, subject to the following:

Overarching recommendations:

- 1. Include the changes described in the Precinct Structure Plan Document Changes tables prepared by the Victorian Planning Authority (Appendices 3 and 4 of Document 15), unless otherwise recommended.**
- 2. Adopt the Victorian Planning Authority versions of the following ordinances as per the Part A submission (Appendices 5 and 6 of Document 15), unless otherwise recommended:**
 - **Schedule 9 to the Special Use Zone**
 - **Schedule 10 to the Special Use Zone**
 - **Schedule 3 to the Incorporated Plan Overlay**
 - **Schedule 4 to the Incorporated Plan Overlay**

- Schedule to Clause 52.17
 - Schedule to Clause 66.04.
3. Adopt the Victorian Planning Authority post-Hearing versions of the following documents, unless otherwise recommended:
- Schedule 9 to the Urban Growth Zone
 - Schedule 10 to the Urban Growth Zone
 - Planning permit P18858
 - Planning permit P18854
 - Planning permit P18855.

Recommendations on broader issues:

4. Amend the Sunbury South PSP and the Lancefield Road PSP to remove all references to the *Sunbury Infrastructure Co-ordination and Delivery Strategy* (SICADS).
5. Revise SICADS to reflect its status as a background report and introduce flexibility as to the timing and priority for the delivery of infrastructure.
6. Revise SICADS to introduce flexibility on the timing of development within the proposed Sunbury North and Sunbury West PSPs.
7. Amend the Sunbury South PSP to give high priority to the early delivery of the southern crossing of Jacksons Creek, while recognising that circumstances may change which could affect the priority.
8. The VPA should consult the Hume City Council and affected landowner stakeholders on an appropriate package of additions to the PSP to reflect a high priority for the early delivery of the southern crossing. These additions should incorporate a degree of flexibility as to the timing of delivery of the southern crossing in recognition that circumstances may change which could affect the priority for the crossing.
9. The VPA should review the walkable catchment boundaries and revise the notation on the Future Urban Structure and in Table 1 to Schedules 9 and 10 of the Urban Growth Zone to better reflect site conditions including topography and lot boundaries.
10. Change the graphic depiction of the walkable catchments to improve legibility and avoid shading that covers graphics on the plan.
11. Identify the Bulla Waste Hub (including the quarry, landfill and composting facility) on the Sunbury South Precinct Features Plan and the Future Urban Structure Plan.
12. Identify the quarry, landfill and composting buffers as 'Buffers/Potential Future Residential' on the Future Urban Structure Plan.
13. Amend the PSP Introduction and Vision to include:
 - Reference to the importance of protecting the quarry, landfill and composting buffers from the encroachment of incompatible uses which

may compromise the continued operations of the Bulla Hub during its operational lifespan in the short to medium term

- The opportunity to transition this land to residential once the waste management activities have been completed and the sites rehabilitated, following appropriate investigations which confirm its suitability for these land uses.
14. Include a section within the PSP which specifically deals with the buffers and clearly outlines objectives relating to the protection of buffers and how the land should transition from buffer to residential in the long term. The PSP should set out the Vision for the buffer areas, along with appropriate objectives, requirements and guidelines for the buffer areas.
 15. Include a Clause within the UGZ9 which outlines the role of the buffers and the uses permitted within them.
 16. Show quarry and landfill buffers in the PSP Future Urban Structure Plan as 500 metres and composting facility buffer as 1,300 metres.
 17. Amend the UGZ9 and Clause 66 to include DEDJTR as a Determining referral authority for all planning permit applications within the quarry buffer.
 18. Amend the UGZ9 and Clause 66 to include the EPA as a Determining referral authority for all planning permit applications within the landfill buffer and as a Recommending referral authority within the composting buffer.
 19. Implement the following recommendations in relation to the gas transmission pipeline:
 - a) The VPA should consider the SMS report for the Derrimut to Sunbury (T62-150mm) gas transmission pipeline when it is available in consultation with the APA and make any associated changes to the PSP and UGZ9.
 - b) The VPA should further consider the appropriateness of the RGZ being the applied zone within the gas pipeline measurement length having regard to SPPF and the SMS and make changes to the PSP and UGZ9 if required.
 - c) Give consideration to drafting a separate clause within schedule 9 to the UGZ to include all application triggers for use, development and subdivision within the gas pipeline measurement length to provide for a clearer and more transparent control.
 - d) Amend Clause 2.4, Schedule 9 to the UGZ to add 'Dependent persons unit' to the list of uses that a permit is required to use the land for within the gas transmission pipeline measurement length.
 - e) Amend Clause 4.13 Condition – Construction Management Plan required in gas transmission pipeline easement as follows:
 - Prior to the construction of a building or the carrying out of works, including demolition, on land within 50 metres of the gas transmission pipeline easement shown on Plan 3 – Future Urban Structure in the incorporated Sunbury South Precinct Structure

Plan, a construction Management Plan must be submitted to and approved by the responsible authority. The plan must:

- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
- Be endorsed by the operator of the gas transmission pipeline where the works are within, crossing or in close proximity to the relevant gas transmission easement.
- Include any other relevant matter to the satisfaction of the responsible authority.

- f) Amend Clause 6.1 Schedule 9 to the UGZ – Notice of applications as follows:

Specific provision – Referral to gas transmission pipeline operator. An application to use land for any of the following uses within the ‘gas pipeline measurement length’ shown on Plan 12 Utilities in the incorporated *Sunbury South Precinct Structure Plan* must be referred to the gas transmission pipeline operator:

- Accommodation (other than a dwelling)
- Child care centre
- Cinema based entertainment facility
- Corrective institution
- Education centre
- Hospital
- Place of assembly
- Retail premises
- Service station.

- g) Give further consideration to the density and subdivision provisions within the UGZ9.
- h) Amend the Schedule to Clause 66.04 to include the owner of the high pressure gas pipeline as a recommending referral authority for applications specified under Clause 6.0 in Schedule 9 to the Urban Growth Zone.
- i) Remove the proposed Schedule to Clause 66.06.

20. Add the note agreed by the VPA and Melbourne Water to Plan 11 – Integrated Water Management as follows:

Note: Stormwater quality treatment and use of the regional stormwater harvesting scheme as an alternative water source is subject to detailed design to the satisfaction of Melbourne Water, Western Water and Hume City Council. The stormwater quality treatment assets are subject to refinement through detailed design, to the satisfaction of Melbourne Water and Hume City Council.

Land shown for stormwater quality treatment assets that Melbourne Water confirm are not required for drainage can be considered for development as part of a planning permit application provided they are

subject to the Urban Growth Zone, to the satisfaction of Melbourne Water and the Responsible Authority.

This plan is subject to change to align with the Integrated Water Management Requirements as stipulated by Western Water and Melbourne Water.

21. Update Plan 11 (Integrated Water Management) in each PSP to show the indicative stormwater harvesting network.
22. Update Requirements R82 in the Sunbury South PSP and R78 in the Lancefield Road PSP to include the following additional point:
 - A Sunbury Integrated Water Management Plan is being developed by Western Water and Melbourne Water (the Approving Authorities). The developer is responsible for completing an Integrated Water Management Plan that meets the objectives of the overall Sunbury Integrated Water Management Plan.
23. Replace all references in the PSPs to 'recycled water' with 'alternative water'.
24. Adopt the revised PSP requirements proposed by the VPA to include mandatory 40 metre and discretionary 27.3 metre setbacks from the 'break-of-slope' for sensitive and non-sensitive interfaces.
25. Amend Plan 5 – Image, Character, Housing and Heritage in both PSPs to incorporate the revised application of sensitive interfaces (as shown on tabled Document 20).
26. The VPA should consult with the Hume City Council and relevant landowners to confirm the 'break of slope' at relevant locations within the two PSP areas.
27. Replace reference to 'Catholic' school with 'non-government' school and remove the reference to the Catholic Education Office as a lead agency in the Precinct Infrastructure Plan in both Precinct Structure Plans.
28. Amend the Sunbury South PSP to provide further guidance on how the employment areas should be developed and what types of uses are considered appropriate.
29. Amend the UGZ9 to require Melbourne Airport receive notice of all planning permit applications within the N Contours.
30. The Special Use Zone Schedule 10 should be applied to the Craiglee and Ben Eadie properties as exhibited, subject to the following changes:
 - Acknowledge agriculture (including extensive animal husbandry) and primary produce sales as 'as of right' uses in the zone
 - Include host farm and market as permissible uses under the zone
 - Delete the condition requiring certain uses (such as restaurant or conference centre) are only permissible if they are in conjunction with a winery use of the site
 - Delete various superfluous decision guidelines

- Update the concept plan to exclude existing buildings from the area designated as '*creek environs (to be kept free of buildings)*'
- Correct mapping to accurately reflect the location of the creek and break of slope.

Recommendations on site specific issues for the Sunbury South PSP:

31. Amend the Sunbury South Precinct Structure Plan to show three additional Local Convenience Centres and apply floor space caps as shown in Table 2 of the Schedule 9 to the Urban Growth Zone.
32. The VPA and Council should further investigate options for the reconfiguration of employment land in the Old Vineyard Road area.
33. Amend Sunbury South Precinct Structure Plan Plan 9 – Street Network to move the north-south connector street the depth of one development lot to the west from its location shown on the exhibited PSP Plan.
34. Update Figure 6 - Harpers Creek Local Town Centre Concept plan to reflect the plan circulated within the VPA Part B submission, and further amend the plan to:
 - a) Retain the retail sleeving along the northern side of the supermarket, however to label the additional speciality retailing along the Connector Road as 'potential speciality retailing - longer term.'
 - b) Chamfer the mixed use along the northern side of the plaza to allow for improved solar access and connection.
 - c) Include a principle stating that "the plaza should receive a minimum of 2 hours of sunlight to at least 50% of the space between 9.00am and 3.00pm on 21 June".
35. Delete the shared path (dotted line) along the eastern boundary of the 'land subject to capability assessment' on the exhibited PSP Plan 10 – Public Transport and Path Network.
36. Add a shared path along the edge of the conservation area which follows Jacksons Creek through the Capitol properties.
37. Add a new cross section for the local access road reserve along the escarpment to include a shared path within the west side of the road reserve on the Capitol property.
38. Amend the walkable catchment boundary on the exhibited Sunbury South PSP Plan 3 – Future Urban Structure to remove properties 56 and 57.
39. Amend PSP Plan 9 – Street Network and PSP Plan 10 – Public Transport and Path Network to show a signalised intersection at the Sunbury/Francis Boulevard intersection which includes a fourth leg to provide access to the land south of Sunbury Road.
40. Amend PSP Plans as necessary to reflect minor changes to the alignments of intersections IN-03 and IN-04 and Connector Boulevard RD-04.

41. Amend PSP Plan 3 – Future Urban Structure to show the Harker Street area as an ‘investigation area’.
42. Amend the Sunbury South PSP Figure 2 – Harker Street Residential Concept Plan (Document 18) to show the northern section as an ‘investigation area’.
43. Delete the second roundabout from the revised Redstone Hill Major Town Centre concept plan.
44. Re-instate vehicle access from the Sunbury Road service roads into the MTC on the revised Redstone Hill Major Town Centre concept plan.
45. Identify amendments to the vision/objectives within the PSP to appropriately reflect the future strategic role of the Redstone Hill District Park.
46. Prepare a concept plan for inclusion within the PSP that reflects the agreed strategic role.
47. Identify the appropriate scope of preliminary improvement works consistent with the agreed strategic role to form the basis of a new requirement in the PSP.
48. Amend the Sports and Open Space Delivery Guide (Table 6) to include the Redstone Hill District Park.
49. Amend the Precinct Infrastructure Plan to include reference to the Redstone Hill District Park and foreshadow the inclusion of the funding of a portion of the land within the ICP.
50. Retain the HO385 on the land at 675 Sunbury Road, unless the building has been demolished and the heritage recording undertaken prior to gazettal.
51. Show the two gullies and the area to the north (as shown on the Hi-Quality’s Master Plan as E4 and a portion of E3) as an ‘*Investigation area*’ with the following text included within the PSP:
INVESTIGATION AREA
 - The investigation area comprises two gullies in the east of the precinct adjacent to the Hi Quality landfill and quarry. The land is zoned Rural Conservation Zone and Special Use Zone 1.
 - The alignment of the stormwater treatment assets shown on Plan 3 has been agreed to by Melbourne Water to service the land within the PSP. A different stormwater treatment asset may be agreed between Melbourne Water and the relevant landowners within the Development Services Scheme in order to service the land and surrounding precinct.
 - The land shown as ‘Investigation Area’ may be developed for urban purposes, including a range of employment uses. It is intended that, once the development potential of this area is established via a separate planning permit process and subject to an appropriate drainage solution being agreed to the satisfaction of Melbourne Water, the Investigation Area may be rezoned to urban development in the future. This planning scheme amendment process will need to define the location of land uses

across the investigation area, and may result in the need to modify this PSP including the Future Urban Structure.

52. Amend the 'industrial – light' designation on property 95E to bulky goods/light industrial with an applied Industrial 3 and Commercial 2 Zone and relocated to the Sunbury Road frontage as part of the industrial area to the east. The former 'industrial-light' area on this site should be amended to residential with an applied Residential Growth Zone.
53. Change the land north-west of the WI-14 currently shown as Industrial to Light Industrial and change the applied zone from Industrial 1 to Industrial 3.
54. Identify all land on 60 Buckland Way within the Urban Floodway Zone as 'undevelopable'.
55. Undertake further detailed investigations to determine the appropriate size and location of the retarding basin at 60 Buckland Way in consultation with Melbourne Water, Hume Council and affected land owners; and to reflect any amendments made by Melbourne Water to the Development Services Scheme prior to the adoption of the Sunbury South PSP.
56. Include additional guidance within the PSP as to the level of discretion associated with all residential concept plans.
57. Amend the 'Local Access Street Interface with Jacksons Hill' cross section to include the 3 metre shared pathway within the 10 metre tree reserve.
58. Amend the Harpers Creek Residential Concept Plan and the Future Urban Structure Plan in the Sunbury South PSP to reflect agreed changes to the road alignment on the Asia Pacific Property land.
59. The connector road through Property number 75 should be realigned to align with the roads to the east and west and include signalisation if justified.

Recommendations on site specific issues for the Lancefield Road PSP:

60. Reduce the development area of the Racecourse Road development as provided for in the plan presented by the VPA (Figure 10 in this report).
61. The VPA should draft further provisions for inclusion within the Lancefield Road PSP relating to the extent of development and protection of the conservation corridor; further guidance on requirements for visual and physical linkages; and further guidance in relation to visual sensitivity of development.
62. Prepare a further cross section for inclusion within the PSP to guide development at the interface with a conservation area.
63. The VPA should further refine the Racecourse Road Residential Design Controls in consultation with Council and Villawood, and test them against the Section 96A application, before incorporating them into the Lancefield Road PSP.
64. Amend Schedule 10 to the UGZ to include a specific provision as follows:

Specific provision – Residential design controls for residential subdivision

The residential design controls in the incorporated Lancefield Road Precinct Structure Plan must be met by a residential subdivision or a development of a dwelling on a residential lot, as relevant, to the satisfaction of the responsible authority.

A permit may be granted to vary a residential design control.

Where a residential design control relating to subdivision conflicts with an objective or standard of Clause 56 of this scheme, the residential design controls prevail.

Where a residential design control relating to the development of a dwelling conflicts with an objective or standard of Clause 54 or 55 of this scheme, the residential design controls prevail.

65. Amend the second dot point of Clause 3.1 Subdivision – Residential Development of Schedule 10 to the UGZ as follows:

Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, which demonstrate how the proposal responds to and achieves the objectives and planning and design requirements and guidelines in the incorporated Lancefield Road Precinct Structure Plan, including specific requirements relating to sloping land and any applicable residential design controls;....

66. The VPA should continue to work with Wincity to resolve the alignment of the RCZ and UGZ on the Wincity land, and amend the PSP as required.
67. Remove the notation relating to heritage site on Gellies Road from PSP Plan 3 Future Urban Structure and Plan 5 Image, Character, Housing and Heritage.
68. Remove the left in, left out slip lanes from the interim concept design for the Lancefield Road/Main Street/ Rolling Meadows intersection (IN-02).
69. Retain the 3.0 metre wide traffic lane on the PSP LTC Main Street cross section.
70. Amend the ‘visually sensitive interfaces’ on properties 8 and 13 (280 Lancefield Road) as proposed by the VPA in its closing submission.
71. Consider alternative configurations for the government secondary school at 280 Lancefield Road to improve the overall efficiency of the urban structure plan.
72. Amend PSP Plan 3 – Future Urban Structure and Plan 4 – Land Use Budget to remove the triangular parcel of land on property number 7 from having ‘regionally significant landscape values’ and show it as developable land.
73. Revise PSP Table 1 – Summary Land Use Budget as necessary.
74. Replace Figure 1 in the Lancefield Road PSP with the revised Balbethan Residential Concept Plan prepared post-exhibition by the VPA.
75. Further revise the Balbethan Residential Concept Plan to incorporate a shared path along the rail reserve from The Skyline to Raes Road, and change the ‘Tree

Reserve' designation to 'Plantation Reserve' and 'Plantation and Drainage Reserve'.

76. Include the revised Objectives, Requirements and Guidelines relating to the Balbethan area included in the VPA Part B submission in the Lancefield Road PSP.

Recommendations on, or directly relating to, the s96A planning permits:

77. Planning permit No P18858 should be issued, subject to conditions generally in accordance with the final VPA version of the permit circulated on 30 October 2017 (Document 181) modified to include the changes requested by Council as follows:
- Changes requested to the land remediation conditions to accurately reflect the Environmental Site Assessments as undertaken by the permit applicant and submitted as part of the application, as required under the UGZ schedule.
 - The addition of two conditions relating to the recording and salvage of material associated with HO358 within the Redstone Hill permit.
 - Inclusion of the VicRoads permit conditions on the final permit.
78. The VPA should undertake a detailed review of the UGZ and RCZ to reflect detailed slope analysis and design changes before gazettal.
79. The VPA should consider scope for greater flexibility in the application of the cross sections relating to slope, where detailed site conditions warrant variation.
80. Amend the wording above Table 8 in the Sunbury South PSP to clarify that the table is a guide only.
81. Planning permit No P18854 should be issued, subject to conditions generally in accordance with final VPA version of the permit circulated on 30 October 2017 (Document 183).
82. Amend Requirement 70 of the Lancefield Road PSP to remove the dot points.
83. Planning permit P18855 should be issued, with conditions generally in accordance with the final VPA version of the permit circulated on 30 October 2017 (Document 185).
84. Update the Residential Design Guidelines for the Kingfisher Estate to include additional provisions to ensure high quality, site responsive design.

(iv) Further recommendations

The Panel makes the following recommendations for further work:

The VPA or Council should consider the future introduction of further planning scheme protection for the Sunbury Rings Cultural Landscape as identified by the National Trust in consultation with the National Trust, Wurundjeri Tribe Land and Compensation Cultural Heritage Council and the community.

The VPA should review the PSP Plans and Figures to ensure that all existing HO properties are correctly reflected, and all potential heritage sites are correctly identified, in the PSP mapping.

Review the extent of the buffers as part of the ongoing reviews of the PSP.

The VPA should consider applying an EAO to sites identified as being potentially contaminated. If this is not supported, then the UGZ schedules should identify the level of risk associated with each property and include a requirement that the recommendations of a Phase 2 Assessment be implemented.

The VPA, in consultation with Hume City Council, Melbourne Water and affected landowners, should review the specific location of local parks in the Harpers Creek/Fox Hollow area following finalisation of the Fox Hollow DSS. Subject to the outcomes of that review, Sunbury South PSP Plan 7 – Open Space should be amended accordingly.

The VPA should consider including a quantum of restricted retail that will be allowable without a planning permit for use within the Industrial 1 Zone where close to Sunbury Road.

The VPA should review whether the overall area of the industrial land in the Precinct remains sufficient if part of the Hi-Quality land is designated for bulky goods/light industrial.

The VPA should review the location of SR-01 in the Sunbury South Precinct Structure Plan in consultation with Council and affected land owners and the APA.

The VPA should consider the amendment proposed by Spiire to the wording of the new Requirement with respect to the preparation of the Urban Design Framework for the Yellow Box Town Centre land to the north of the Boulevard Connector.

Further development of the concept for that part of the land in the Yellow Gum Town Centre to the north of the Boulevard Connector be zoned mixed use should be done by the VPA in consultation with the affected land owner, the land owner to the south and the Hume City Council.

1 Introduction

1.1 The Amendments

(i) Purpose of the Amendments

Amendments C207 and C208 to the Hume Planning Scheme (the Amendments) facilitate use and development of land in accordance with the *Sunbury South and Lancefield Road Precinct Structure Plans, 2016* (the PSPs), and propose a rezoning of the adjacent Craiglee and Ben Eadie properties.

(ii) Amendments descriptions

C207 Sunbury South PSP

Amendment C207, as exhibited, proposes the following changes to the Hume Planning Scheme:

- Introduces and applies Schedule 9 to 37.07 Urban Growth Zone (UGZ9) into the Hume Planning Scheme. This zone sets out the land use and development controls for the precinct and requires land use and development to be generally in accordance with the incorporated *Sunbury South Precinct Structure Plan*.
- Inserts Schedule 9 to 37.01 Special Use Zone (SUZ9) into the Hume Planning Scheme and applies the SUZ9 to the transmission line easements.
- Inserts Schedule 10 to 37.01 Special Use Zone (SUZ10) into the Hume Planning Scheme and applies the SUZ10 to the land currently occupied by the Craiglee Vineyard.
- Introduces Clause 32.07 Residential Growth Zone (RGZ) and associated Schedule into the Hume Planning Scheme.
- Rezones a portion of Special Use Zone Schedule 1 (SUZ1) to Urban Growth Zone Schedule 9 (UGZ9).
- Applies the Rural Conservation Zone (RCZ) to land within the amendment area which falls within the *Biodiversity Conservation Strategy* conservation area and areas of significant regional landscape value.
- Rezones land from Rural Conservation Zone Schedule 1 (RCZ1) to Urban Growth Zone Schedule 9 (UGZ9) to part of the land within the amendment area.
- Rezones land from Rural Conservation Zone Schedule 1 (RCZ1) to Rural Conservation Zone (no schedule) within the amendment area.
- Rezones land from Urban Growth Zone (UGZ) to Rural Conservation Zone to a portion of land within the amendment area.
- Rezones a portion of Green Wedge Zone A (GWZA) to Urban Growth Zone Schedule 9 (UGZ9).
- Rezones a portion of Special Use Zone 1 (SUZ1) to Special Use Zone 9 (SUZ9).
- Deletes Environmental Significance Overlay Schedule 1 (ESO1) from land within the amendment area and Schedule 10 (ESO10) from parts of land within the amendment area.
- Deletes Heritage Overlay HO358 (Former Constitution Hotel).

- Applies Environmental Significance Overlay Schedule 10 (ESO10) to land within the amendment area which falls within the *Biodiversity Conservation Strategy* conservation area.
- Inserts Incorporated Plan Overlay Schedule 3 (IPO3) into the Hume Planning Scheme and applies the IPO3 to land within the amendment area which falls within conservation areas under the *Biodiversity Conservation Strategy*.
- Inserts Incorporated Plan Overlay Schedule 4 (IPO4) into the Hume Planning Scheme and applies the IPO4 to land within the amendment area which will be zoned Rural Conservation Zone (RCZ) outside of the *Biodiversity Conservation Areas*, land to be zoned Special Use Zone 9 (SUZ9) and land to remain zoned as Urban Floodway Zone (UFZ) and Public Conservation and Resource Zone (PCRZ).
- Amends the Schedule to Clause 52.17 to exempt permit requirements for native vegetation removal within the precinct.
- Amends the Schedule to Clause 61.03 to update planning scheme maps.
- Amends the Schedule to Clause 66.04 to require referrals for planning permit applications in the Redstone Hill Major Town Centre and the Harpers Creek Local Town Centre to the Growth Areas Authority; the 'quarry buffer' area to the Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990*; and the *Biodiversity Conservation Strategy* conservation areas on land within the SUZ10 to the Department of Environment, Land, Water and Planning.
- Amends the Schedule to Clause 66.06 to require notice to be given to the licensee of the Derrimut to Sunbury Gas Transmission Pipeline for certain uses within the gas pipeline measurement length.
- Amends the Schedule to Clause 81.01 to include the new incorporated document titled "Sunbury South Precinct Structure Plan".

C208 Lancefield Road PSP

Amendment C208, as exhibited, proposes the following changes to the Hume Planning Scheme:

- Inserts Schedule 10 to 37.07 Urban Growth Zone (UGZ10) into the Hume Planning Scheme and rezones land from Urban Growth Zone (UGZ) to Urban Growth Zone Schedule 10 (UGZ10) to part of the land within the amendment area.
- Rezones land from Rural Conservation Zone Schedule 1 (RCZ1) to Rural Conservation Zone (no schedule) (RCZ) to part of the land within the amendment area.
- Rezones land from Rural Conservation Zone Schedule 1 (RCZ1) to Urban Growth Zone Schedule 10 (UGZ10) to part of the land within the amendment area.
- Rezones land from Urban Growth Zone (UGZ) to Rural Conservation Zone (RCZ) to a portion of land within the amendment area.
- Applies the Rural Conservation Zone (RCZ) to land within the amendment area which falls within conservation areas under the *Biodiversity Conservation Strategy* and areas of regionally significant landscape values.
- Introduces Clause 32.07 Residential Growth Zone (RGZ) and associated Schedule into the Hume Planning Scheme.

- Deletes Environmental Significance Overlay Schedule 1 (ESO1) from land within the amendment area and Schedule 10 (ESO10) from parts of land within the amendment area.
- Applies Environmental Significance Overlay Schedule 10 (ESO10) to land within the amendment area which falls within the *Biodiversity Conservation Strategy* conservation area.
- Inserts Incorporated Plan Overlay Schedule 3 (IPO3) into the Hume Planning Scheme and applies the IPO3 to land within the amendment area which falls within conservation areas under the *Biodiversity Conservation Strategy*.
- Inserts Incorporated Plan Overlay Schedule 4 (IPO4) into the Hume Planning Scheme and applies the IPO4 to land within the amendment area which will be zoned Rural Conservation Zone (RCZ) outside of the *Biodiversity Conservation Areas* and land to remain zoned as Urban Floodway Zone (UFZ).
- Deletes part of the existing Public Acquisition Overlay Schedule 2 (PAO2).
- Amends the Schedule to Clause 52.02 to remove restrictive covenants contained in Instrument of Transfer No. V178361Y from 5 Stockwell Drive, Sunbury (Lot 2 on PS403051); and instrument of Transfer No. V161817C from 11 Stockwell Drive, Sunbury (Lot 1 on PS403051).
- Amends the Schedule to Clause 52.17 to identify native vegetation exempt from requiring a planning permit for removal.
- Amends the Schedule to Clause 61.03 to update planning scheme maps.
- Amends the Schedule to Clause 66.04 to require referrals for planning permit applications in the Yellow Gum and Emu Creek Local Town Centres to the Growth Areas Authority (Victorian Planning Authority).
- Amends the Schedule to Clause 81.01 to include the new incorporated document titled "Lancefield Road Precinct Structure Plan".

1.2 Location and site context

The two precincts form an extension of Sunbury Township, with Sunbury South located generally south and south-east of the township, and Lancefield Road east and north-east (see Figure 1).

In total, the precincts cover approximately 2,893 hectares, with 1,798 hectares in Sunbury South, and 1,095 hectares in Lancefield Road. The precincts are contiguous, sharing a common boundary at Gellies Road.

There are two landfill operations at 600 Sunbury Road, Bulla (now known as 570 Sunbury Road, Bulla). This includes an active Type 2 landfill and a prescribed industrial waste premises.

Veolia Environmental Services operates a garden and food organics facility at 600 Sunbury Road, Bulla.

The land surrounding the precinct is predominantly rural or rural-residential. Whilst some of this land sits within future growth area precincts the majority of this land is currently outside the Urban Growth Boundary, and therefore anticipated to remain rural for the foreseeable future.

The land is principally zoned Urban Growth Zone, with key areas of biodiversity value zoned Rural Conservation Zone (including creek corridors and hilltops).

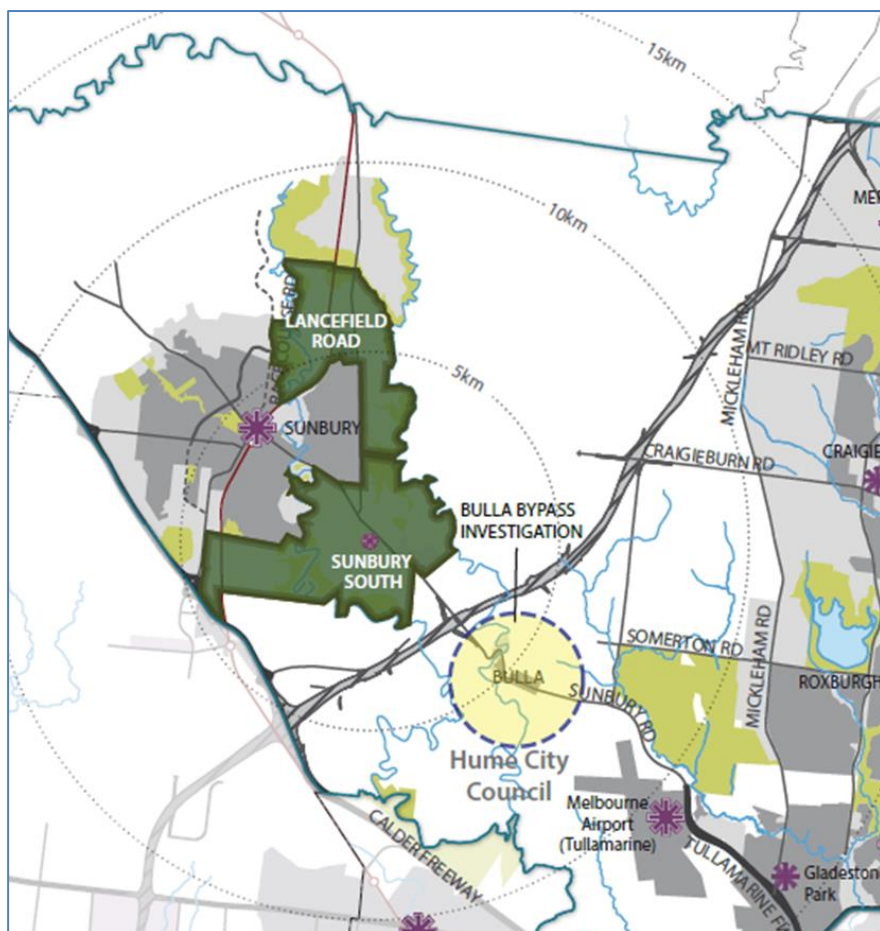


Figure 1 Location of the PSPs

1.3 Planning Permit Applications

Division 5 of Part 4 of the *Planning and Environment Act 1987* (the Act) provides for a combined permit and amendment process. There are three permit applications to be considered as part of the combined process pursuant to section 96A of the Act. The Panel has been provided with officer reports prepared by the VPA for each permit application.

P18858 Redstone Hill land (Villawood Properties)

The Redstone Hill application, as exhibited, seeks approval for:

- 689 individually serviced residential lots, a sales office lot and one residential lot subject to further subdivision or development
- 1 lot for a primary school
- 5 large lots subject to future detailed development applications for a town centre
- Reserves for local roads, local parks and drainage
- Construction of works associated with servicing and accessing the subdivision.

The officer report concluded that:

Assessment of remediation requirements for the land and detailed design guidelines are to be provided. Further work and resolution of drainage matters is required in consultation with Melbourne Water. However, there appear to be goodwill between the applicant and Melbourne Water to achieve a sustainable outcome on these matters.

Further work is also required with regard to residential densities around the major town centre and with regard to subdivision and built form on sloping land.

Many matters of detail in the precinct structure plan can be suitably addressed through ordinary secondary consents and plans under permit.

Subject to resolution of submissions and authority requirements the application appears likely to achieve an acceptable outcome with regard to the proposed planning scheme.

P18854 Racecourse Road land (Villawood Properties)

The Racecourse Road application, as exhibited, seeks approval for:

- 407 individually serviced residential lots
- Reserves for local roads, local parks and drainage.

The officer report concluded that:

On the whole, the application is generally in accordance with the PSP. A number of PSP matters are to be addressed by permit condition, while some matters remain outstanding. The application may have some challenges to overcome with regard to aspects of the PSP changing in response to submissions; these challenges are to be addressed through the panel process with regard to the content of the PSP. It is possible to allow for the application to evolve with the changes currently occurring to the PSP and re-assess as necessary.

A critical element in this subdivision that is not reliant on the PSP is the housing and design guidelines. While the application goes some way to describing the high level arrangement of cut and fill works and landscaping some additional detail would assist in resolving some of the outcomes around visual presentation of the development.

P18855 170 Lancefield Road (Wincity)

The Lancefield Road application, as exhibited, seeks approval for:

- 419 individually serviced residential lots
- Four multi-unit sites
- Two large lots for a town centre
- Land for a municipal community facility
- Land for a government primary school
- Reserves for local roads, local parks and drainage.

The officer report concluded that:

Subject to resolution of submissions and authority requirements [Melbourne Water requirements] the application appears likely to achieve an acceptable outcome with regard to the proposed planning scheme.

1.4 Special Use Zone Schedule 10 – Craiglee Winery and Ben Eadie

The Craiglee and Ben Eadie properties are external to the PSP (abutting properties 52 and 56) but form part of Amendment C207. The Amendment proposes to rezone these properties to a Special Use Zone Schedule 10 (SUZ10).

Until shortly prior to exhibition, the parcels formed part of the PSP area, but the properties were removed from the exhibited version. The rationale for removal related to the tourism purpose of the parcels and the fact that this required site specific controls instead of the broad suite of UGZ controls, and that the properties are not intended to be developed for urban purposes.

The properties are situated on the southern side of Sunbury Road, at a north western tip of the C207 PSP area.

The VPA submitted that the Amendment as it affects these properties has been included in C207 so that the extensive discussions and background works for the sites are not wasted. While not part of the PSP area, the land continues to interface with the PSP and is an important context for the facilitation of a future integrated urban community.

The SUZ10 is proposed to be introduced to these properties to facilitate the tourism development of the land. The purposes of the special use schedule 10 include:

- *to provide the continued use and development of the land for vineyard and winery and to allow for complementary and compatible activities to be undertaken in conjunction with these uses*
- *to provide for the use of the land for development for tourism purposes.*

(Along with a range of other purposes related to the environmental and heritage characteristics of the site.)

The SUZ10 permits the continued use of the land for agricultural purposes as of right and requires a range of permit triggers for tourism uses. There are various conditions at section 5.0 of the SUZ10 which impose requirements for permits associated with a section 2 use.

1.5 Panel process

The Amendments were prepared by the VPA as Planning Authority in conjunction with Hume City Council and other government agencies.

The Amendments were placed on public exhibition between 17 November 2016 and 6 February 2017, with 95 submissions received on the Sunbury South C207 Amendment and 93 received for Lancefield Road C208 Amendment (including a number of late submissions). A list of all submitters is attached as Appendix A.

The VPA referred submissions to the Panel on 3 April 2017. A Panel to consider the Amendments and permits was appointed under delegation from the Minister for Planning on 10 April 2017 and comprised Trevor McCullough (Chair), John Hartigan and Michael

Ballock. The Panel was re-constituted on 17 July 2017 to comprise Trevor McCullough (Chair), John Hartigan, Annabel Paul and Sue Porter.

A Directions Hearing was held in relation to the Amendments on 6 July 2017 at Planning Panels Victoria.

The Panel then conducted Hearings in the offices of Planning Panels Victoria from 21 August to 19 October 2017 to hear submissions about the Amendments. Those in attendance at the Panel Hearing are listed in Appendix B.

1.6 Procedural issues

Final responses to permit conditions, the proposed UGZ schedules and a number of other matters were provided immediately following the Hearings. This concluded on 1 November 2017. All further documents received after the Hearing are listed in the Document List at Attachment C.

1.7 Summary of issues raised in submissions

The VPA advised the Panel that its submission where possible represents a whole of government submission. The VPA received submissions from several State government agencies and departments, and its submission incorporates the agreed position (unless otherwise stated) of the Department of Environment, Land, Water and Planning (DELWP), Melbourne Water, Public Transport Victoria and VicRoads.

The key issues raised in the submissions of the various parties are briefly summarised as follows:

(i) Broader issues relating to more than one property

- Jacksons Creek valley
- Infrastructure Issues
- Applied residential zones
- Heritage issues
- Buffer issues
- Gas pipeline measurement length
- Regionally significant landscape values, Biodiversity Conservation Strategy and Conservation Areas
- Drainage and waterway assets
- Creek corridor interface and break of slope
- Bushfire risk
- Removal of restrictive covenants
- Schools
- Employment land
- Melbourne airport noise issues
- Craiglee and Ben Eadie properties
- Hume City Council other issues
- Other general issues raised by submitters.

These issues, and a number of other general issues raised by submitters are discussed in chapter 4.

(ii) Issues relating to specific sites

Submitters raised a number of detailed site specific issues, in most cases requesting changes to the form and content of the PSPs. These issues are dealt with on a submitter by submitter basis in Chapters 5 and 6.

(iii) Final form of the UGZ schedules and permit conditions

The final preferred versions of these planning controls were circulated before and after the Hearings. Issues relating to the final preferred form of the s96A permits are discussed in Chapter 7.

1.8 Issues dealt with in this report

The Panel considered all written submissions made in response to the exhibition of the Amendment; as well as further submissions, evidence and other material presented to it during the Hearing, and observations from site visits.

In determining its response to submissions, the Panel has been mindful of the VPA's¹ advice that:

The Amendments have been prepared by the VPA in collaboration with the Hume City Council, with the support of the relevant stakeholders, landowners and government agencies.

The VPA has worked diligently with Council, developers, landowners and other stakeholders including State agencies to resolve as many of the submissions as practicable.

The position presented by the VPA in this submission where possible represents a whole of government submission. The VPA received submissions from several State government agencies and departments, and the following submission represents the agreed position (unless otherwise stated within this submission) of the following:

- *Department of Environment, Land, Water and Planning (Environment)*
- *Melbourne Water*
- *Public Transport Victoria*
- *VicRoads.*

In light of this advice, the Panel has not examined all aspects of the PSPs in detail, but rather has concentrated on unresolved matters. The VPA tabled a list of all unresolved matters with its Part A submission prior to the Hearing. During the course of the Hearing, discussions continued between the VPA, Council, submitters and landowners in an effort to further resolve issues. The Panel was impressed by the collaborative manner in which this was

¹ VPA Part A submission

carried out, and all parties are to be congratulated on the extent to which the vast array of issues was resolved.

The documents tabled at the Hearing are listed in Appendix C. The Panel was also provided with a number of background and technical reports, including:

- Sunbury South and Lancefield Road Background Report, VPA, November 2016 (This report summarises the background to the preparation of the PSPs and describes how the PSPs respond to key issues)
- Community Infrastructure, Social Services and Open Space Needs Assessment, K2 Planning, May 2015
- Utility Servicing Assessment, Jacobs, 27 November 2014
- Arboricultural Report, Tree Tec, December 2014
- Aboriginal Heritage Impact Assessment, Heritage Insight, August 2015
- Jacksons Creek Road Crossing (Southern Link) Options Assessment and Development, GTA, 16 October 2014
- Post-Contact Heritage Assessment, Context, December 2014
- Scattered Tree Assessment, Ecology and Heritage Partners, August 2014
- Land Capability Assessment, Environmental Earth Sciences, July 2015
- Community Infrastructure, Social Services and Open Space Needs Assessment, K2 Planning, May 2015
- Post-Contact Heritage Assessment, Context, December 2014
- Aboriginal Heritage Impact Assessment, Heritage Insight, August 2015
- Jacksons Creek Road Crossing (Northern) Options Assessment and Development, GTA Consultants, 13 October 2014
- High Level Utility Services Assessment, Jacobs, 27 November 2014
- Land Capability Assessment, Environmental Earth Sciences, July 2015
- Infrastructure Design Study, Parsons Brinckerhoff, 15 December 2016
- Targeted Cultural Values Inspection, Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. - Delta Lucille Freedman and Alex Parmington, March 2015
- Retail and Economic Assessment, Hill PDA, October 2014
- Higher Order Community Infrastructure Needs Assessment, K2 Planning, May 2015
- Stormwater Management Strategy, Alluvium, November 2014
- Traffic Modelling Report, GTA Consultants, 5 October 2015.

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- The Precinct Structure Plans
- Planning policy context
- Broader issues
- Sunbury South PSP site specific issues
- Lancefield Road PSP site specific issues
- Section 96A permit applications.

1.9 Revisions to the Amendments

The VPA proposed various changes to the Amendments in response to submissions before, during and after the Hearing. The VPA documented these changes to the exhibited PSP in change matrix tables (Appendices 3 and 4 to the VPA part A submission, Document 15) and in its track changes versions of the relevant planning ordinances (Appendices 5 and 6 to the VPA part A submission, Document 15), tabled prior to the Hearing.

The Panel, in considering the Amendments, has accepted these changes as a starting point and has addressed them where expressly raised in submissions throughout the report.

The starting point for the Panel's recommendations relate to the VPA post-Hearing versions of the PSPs and UGZ schedules.

1.10 Recommendation

The Panel makes the following over-arching recommendations in relation to changes to the final form of the Amendments since exhibition:

- 1. Include the changes described in the Precinct Structure Plan Document Changes tables prepared by the Victorian Planning Authority (Appendices 3 and 4 of Document 15), unless otherwise recommended.**
- 2. Adopt the Victorian Planning Authority versions of the following ordinances as per the Part A submission (Appendices 5 and 6 of Document 15), unless otherwise recommended:**
 - **Schedule 9 to the Special Use Zone**
 - **Schedule 10 to the Special Use Zone**
 - **Schedule 3 to the Incorporated Plan Overlay**
 - **Schedule 4 to the Incorporated Plan Overlay**
 - **Schedule to Clause 52.17**
 - **Schedule to Clause 66.04.**
- 3. Adopt the Victorian Planning Authority post-Hearing versions of the following documents, unless otherwise recommended:**
 - **Schedule 9 to the Urban Growth Zone**
 - **Schedule 10 to the Urban Growth Zone**
 - **Planning permit P18858**
 - **Planning permit P18854**
 - **Planning permit P18855.**

2 The Precinct Structure Plans

2.1 Role and function of the PSPs

The Introduction to each PSP sets out a useful summary of the role and function of PSPs:

The Precinct Structure Plan ("the PSP") has been prepared by the Victorian Planning Authority (VPA) in consultation with Hume City Council and with the assistance of Government agencies, service authorities and major stakeholders.

A PSP is a long-term plan for urban development. It describes how the land is expected to be developed, and how and where services are planned to support development.

The PSP guides proposed development within the precinct.

Generally, the PSP:

- *Sets out plans to guide the delivery of quality urban environments in accordance with relevant Victorian Government guidelines, including the VPA Precinct Structure Planning Guidelines, The Victorian Planning and Environment Act, 1987 and the State Planning Policy Framework.*
- *Enables the transition of non-urban to urban land.*
- *Sets the vision for how land should be developed and the outcomes achieved.*
- *Outlines the projects required to ensure that future residents, visitors and workers within the area can be provided with timely access to services and transport necessary to support a quality, affordable lifestyle.*
- *Sets out objectives, guidelines and requirements for land use and development.*
- *Provides Government agencies, the Council, developers, investors and local communities with certainty about future development.*
- *Addresses the requirements of the 2013 Commonwealth Approval for Urban Development in the western, north-western and northern growth corridors under the Environment Protection and Biodiversity Conservation Act 1999.*
- *Acknowledges that development must also comply with other Acts and approvals where relevant e.g. in the case of Aboriginal cultural heritage, compliance with the Aboriginal Heritage Act 2006 is required.*

2.2 PSP background reports

The *Sunbury South and Lancefield Road Background Report (November 2016)* summarises the background to the preparation of the PSPs and describes how the PSPs respond to the following issues and/or themes:

- Cultural heritage
- Post-contact heritage
- Land contamination

- Biodiversity
- Town centres, industrial precinct and retail
- Community facilities
- Emergency services
- Open space
- Whole of water cycle assessment, water and drainage
- Transport and movement
- Utility and service infrastructure.

The general approach taken by the VPA has not been challenged, and the Panel commends the VPA on the rigour of the process it has undertaken to develop the PSPs. The Panel has not examined the background reports in detail, except as required to address issues raised in submissions.

2.3 The PSP structure

The structure of the PSPs has built on the experience of previous PSPs which has evolved over many years, and is now well accepted and understood by most developers and landowners. Submitters have generally challenged only relatively minor details of the PSPs. The VPA should be congratulated for the overall quality and clarity of the PSP documents.

2.4 Vision and objectives

The PSPs set out, at section 2.1 of each PSP, a vision for the Sunbury South and Lancefield Road precincts and how they relate to surrounding land use and site constraints.

2.5 Urban structure

Figures 2 and 3 (Plan 3 from each PSP) show the exhibited urban structure proposed for Sunbury South and Lancefield Road respectively.

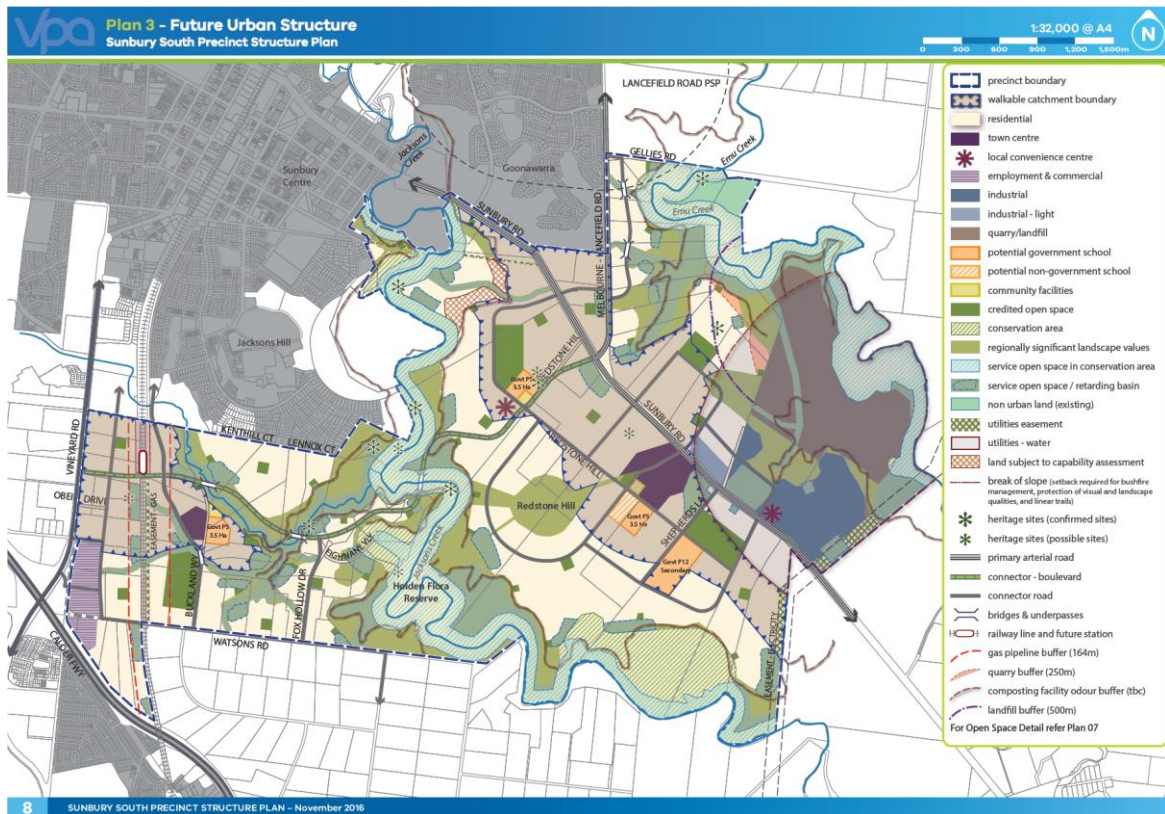


Figure 2 Sunbury South Future Urban Structure

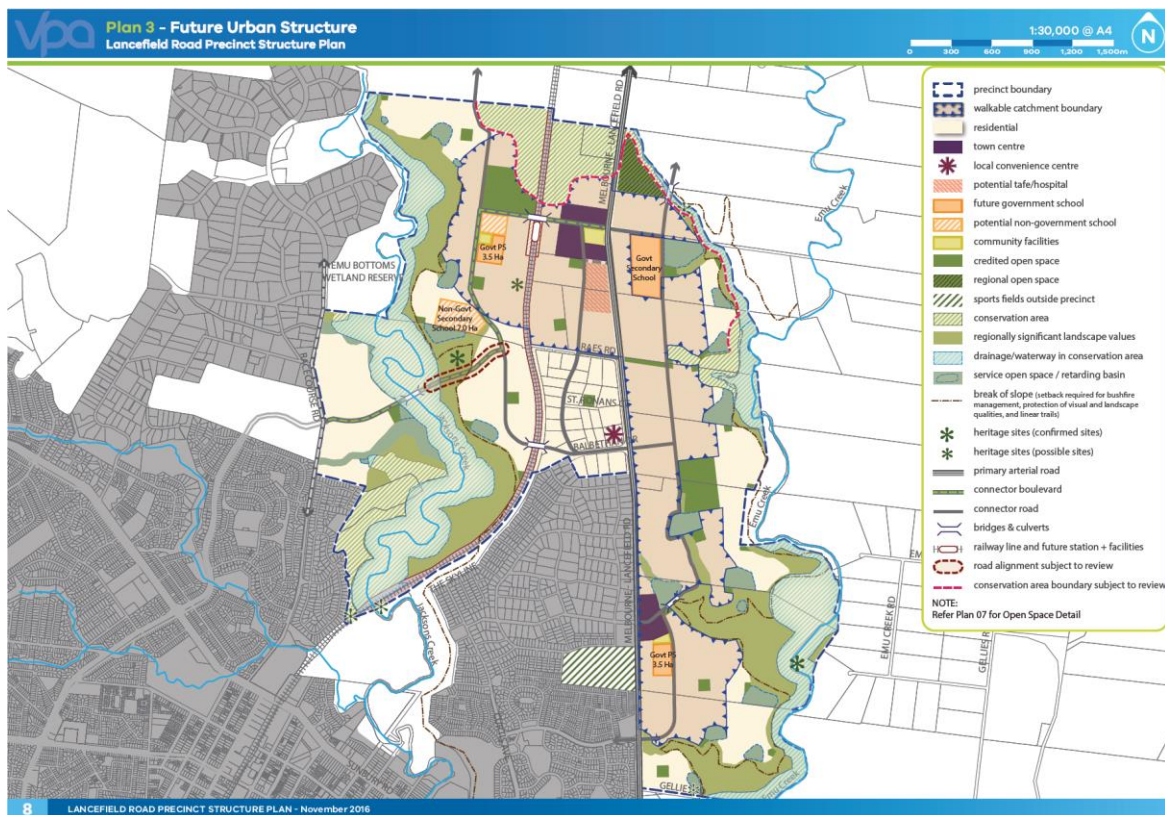


Figure 3 Lancefield Road Future Urban Structure

3 Planning policy context

The VPA provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report. That content is not repeated, however this Chapter provides a summary of the background material and policy context that has informed the Panel's consideration of the key issues raised in submissions.

3.1 Growth area planning

Growth area planning is guided by a hierarchy of plans prepared by State and local governments at a municipal or precinct level. The hierarchy of plans provide the framework for growth area planning and development and to achieve the objectives of the State Planning Policy Framework.

Designation of the land for urban growth

The Urban Growth Boundary (UGB) designates the long-term limits of urban development.

The UGB first came into effect in 2002 in conjunction with the release of *Melbourne 2030*. This plan established the long-term plan for land within the UGB, including the intention to review the boundary at an appropriate time in the future.

The initiative of *Melbourne at 5 Million* in 2008 and the subsequent *Delivering Melbourne's Newest Sustainable Communities Program Report 2009* facilitated the expansion of the UGB in 2010, including a comprehensive review of the UGB at Sunbury/Diggers Rest. The land which forms the Sunbury South and Lancefield Road precincts was brought into the UGB, through the approval of Amendment VC68.

Growth Corridor Plans: Managing Melbourne's Growth

The *Growth Corridor Plans: Managing Melbourne's Growth* (GCP) are high level integrated land use and transport plans that provide a strategy for the development of Melbourne's growth corridors over the next thirty to forty years.

These plans will guide the delivery of key housing, employment and transport infrastructure and open space in Melbourne's newest metropolitan suburbs.

The GCPs identify:

- the long-term pattern of land use and development
- committed transport networks as well as network options for investigation
- committed regional open space networks as well as investigation sites
- opportunities for creating green corridors.

The GCP informs the development and review of local planning schemes and the preparation of future strategies, structure plans and other planning tools. They also provide a strategic basis for infrastructure and service planning as well as sequencing of land release.

The preparation of PSPs is the primary vehicle for the implementation of the GCP.

West Growth Corridor Plan

The *Sunbury/Diggers Rest Growth Corridor Plan*, June 2012 covers land within the UGB in and around Sunbury town centre that is located within Hume City Council. Both Sunbury South and Lancefield Road precincts are within the Sunbury/Diggers Rest GCP.

The GCP outlines key existing and future infrastructure required to service the precincts and surrounds that will provide direct or flow-on benefits to future residents in the area, including:

- Arterial roads for private and public transport (buses)
- Future Principal Public Transport Network including future rail stations
- Future business and residential areas
- Community, health and education facilities
- Principle town centres at Sunbury and Sunbury South
- Open space (including potential regional active open space) and nature conservation areas
- Growling Grass Frog Conservation Areas along the Jacksons and Emu creeks
- Existing quarry/landfill site.

The Panel is satisfied that the PSP is generally consistent with the strategic intent of the *Sunbury/Diggers Rest Growth Corridor Plan*.

3.2 Melbourne Strategic Assessment and Biodiversity Conservation Strategy

Melbourne Strategic Assessment

In June 2009, the Victorian and Commonwealth governments agreed to undertake a strategic assessment of the Victorian Government's urban development program *Delivering Melbourne's Newest Sustainable Communities*. The Melbourne Strategic Assessment (MSA) evaluated the impacts of the program on matters of national environmental significance protected under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). It also established conservation measures to mitigate these impacts which are outlined in *Delivering Melbourne's Newest Sustainable Communities Program Report 1* (the Program Report).

Biodiversity Conservation Strategy

The MSA led to the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (BCS). The BCS was approved by the Commonwealth Minister for the Environment in 2013 and finalises the planning for biodiversity under the MSA. The BCS sets out the conservation measures required to satisfy the commitments under the MSA and to meet State requirements for biodiversity under Victorian planning schemes.

The purpose of the BCS is to:

- Inform and guide the preparation of the Growth Corridor Plans
- Outline how the conservation outcomes for matters of national environmental significance in the Program Report will be achieved spatially within the growth corridors and how impact on the matters of national significance will be mitigated

- Identify land within the growth corridors that is required to be protected due to the sub-regional species strategies and the prescriptions for matters of national environmental significance
- Identify how areas set aside for conservation purposes will be managed
- Identify how mitigation measures will be implemented.

The BCS identifies those matters of national environmental significance that must be protected and conserved and those areas that can be removed to enable the urban expansion of Melbourne.

Time stamping native vegetation

The time-stamping project captured and “time-stamped” native vegetation information to establish a native vegetation dataset and maps showing the type, extent and condition of all native vegetation in the growth corridors. This information has been used, along with information on threatened species habitat from the conservation strategies, to calculate habitat compensation obligations and native vegetation offsets for urban development.

Habitat compensation

The habitat compensation scheme enables collection of offsets for the removal of native vegetation and loss of habitat for threatened species protected under the EPBC Act on land developed for urban uses within Melbourne’s growth corridors.

Commonwealth Approval for Urban Development under the Melbourne Strategic Assessment

The BCS identifies four conservation areas within the Sunbury South and Lancefield Road precincts being Conservation Areas 18, 19 and 20 (Lancefield Road) and Conservation Area 21 (Sunbury South and Lancefield Road).

On 5 September 2013 the Commonwealth Minister for the Environment approved all actions associated with urban development in the north-west growth corridor as described in the BCS. Importantly, this approval was issued subject to conditions.

Condition 3 of this approval is relevant to Conservation Areas 18, 20 and 21 as it states that *“Persons must not take any actions that would cause, or otherwise facilitate, a net loss of area of the conservation areas numbered ... 18, 20, 21, ..., unless agreed by the Minister.”* (i.e. the Commonwealth Minister for the Environment).

Condition 4 of the approval is pertinent to Conservation Area 19, and states that, *“Persons must not take any actions that would cause, or otherwise facilitate, a change in the boundaries of the conservation areas numbered 19, ... unless agreed by the Minister.”* (i.e. the Commonwealth Minister for the Environment).

The Commonwealth approved a reduction in the boundary of Conservation Area 20 in 2015. There is currently an application before the Commonwealth for a reduction in the size of Conservation Area 18. In addition, the VPA has held a number of discussions with DELWP in relation to potential ‘no net loss’ modifications to Conservation Area 21 (Growling Grass Frog habitat). The VPA advised that it intends to formalise an application for adjustments to Conservation Area 21 ahead of adoption of either PSP, to ensure that potential changes can have regard to the PSPs and support positive urban form outcomes.

3.3 Ministerial directions

The VPA submitted that the Amendments comply with the applicable Ministerial Directions, including: Ministerial Direction 9 Metropolitan Strategy; Ministerial Direction 11 Strategic Assessment of Amendments; and Ministerial Direction 12 Urban Growth Areas.

3.4 Plan Melbourne

The VPA submitted that the Amendments are consistent with the updated *Plan Melbourne 2017-2050* released in March 2017, which “*continues to outline key initiatives for facilitating future growth in population and employment opportunities*”.

3.5 Precinct Structure Planning Guidelines and the Urban Growth Zone

On 7 October 2009 the Minister for Planning launched the Precinct Structure Planning Guidelines. The Guidelines replace the draft 2006 version and provide a tool for designing and delivering better quality communities in growth areas. They set out the key objectives of growth area planning and include a step by step guide on how to achieve the identified objectives. The explanatory report details how the Amendments meet each objective of the Precinct Structure Planning Guidelines.

The UGZ applies to land that has been identified for future urban development within the UGB. It has been specifically designed to implement an incorporated PSP and ensure that future development accords with the approved PSP. A schedule to the Urban Growth Zone is drafted for each PSP area and can include requirements for land use, buildings and works, application/advertising requirements, decision guidelines and any other conditions/requirements.

The Amendments will introduce the Urban Growth Zone Schedule 9 (Sunbury South PSP) and Schedule 10 (Lancefield Road PSP) to the Hume Planning Scheme and apply it to the relevant amendment areas.

3.6 State Planning Policy Framework

The relevant clauses and provisions of the SPPF are:

- Clause 11 – Settlement;
- Clause 12 – Environment and Landscape Values;
- Clause 15 – Built Environment and Heritage;
- Clause 16 – Housing;
- Clause 17 – Commercial;
- Clause 18 – Transport;
- Clause 19 – Infrastructure.

The VPA submitted that the Amendments achieve the objectives of the above clauses by:

- Providing a plan for land that has been identified as being suitable for housing, commercial, recreation, open space and infrastructure opportunities.
- Planning for accessibility via a range of transport nodes to key destinations in the surrounding neighbourhoods.
- Facilitating development of a range of housing densities that will cater to a range of household types and income levels.

- Responding to the environmental qualities of the area through the retention and protection of areas identified as having biodiversity values.
- Including Planning Scheme mechanisms and PSP requirements to protect and enhance areas identified as having heritage significance.

3.7 Local Planning Policy Framework

Council advised the Panel that the Hume Municipal Strategic Statement (MSS) review (Amendment C176) was gazetted on 19 October 2017 and the revised MSS is now part of the Hume Planning Scheme.

Of relevance to the Amendments, the revised MSS articulates the vision of Sunbury HIGAP, and includes strong land use and planning objectives and strategies to achieve these visions.

Council urged the Panel to keep the MSS in its mind when considering some of the matters which require balancing between the preservation of existing landforms and significant landscapes and the extent of urban development which can be achieved in the PSPs.

The following clauses of the MSS are most relevant to the Amendments:

- Clause 21.01-2 Key issues and influences - which refers to protecting Melbourne Airport, connectivity across Jacksons Creek, protecting natural and cultural heritage and protecting Sunbury's character.
- Clause 21.02-1 Managing growth and increasing choice – which refers to Sunbury HIGAP, and sets out objectives and strategies for managing the needs of the growing population and facilitating employment.
- Clause 21.02-3 Sunbury – which sets out key issues, objectives and strategies for facilitating growth, providing jobs, improving the transport network and protecting environmental and rural landscapes. This clause provides a number of specific strategies that directly relate to the detail of the PSPs.

The PSPs were prepared with the revised MSS available to all parties, and to a very large extent the PSP is consistent with the revised form of the MSS. There are a number of matters where Council submitted that landowners or developers (or expert witnesses to the Panel) should have given more weight to the further detail provided in the revised MSS in relation to Sunbury. These issues are discussed as relevant in the following Chapters.

3.8 Panel findings

The Panel finds that the Amendments are consistent with the broad planning policy context, subject to addressing the more specific issues raised in submissions and discussed in the following Chapters.

The Panel is satisfied that the Amendments are well founded and strategically justified, and that they should be adopted subject to the Panel's detailed recommendations.

4 Broader issues

4.1 The issues

This Chapter deals with issues raised by more than one property or issues that span across both PSPs.

The issues include:

- Jacksons Creek valley
- Infrastructure Issues
- Applied residential zones
- Heritage issues
- Buffer issues
- Gas pipeline measurement length
- Regionally significant landscape values, Biodiversity Conservation Strategy and Conservation Areas
- Drainage and waterway assets
- Creek corridor interface and break of slope
- Bushfire risk
- Removal of restrictive covenants
- Schools
- Employment land
- Melbourne Airport noise issues
- Craiglee and Ben Eadie properties
- Hume City Council other issues
- Other general issues raised by submitters.

4.2 Jacksons Creek valley issues

(i) The issues

The issue is whether the PSPs and Amendments appropriately address and respond to the cultural, environmental and landscape significance of the Jackson Creek valley?

(ii) Evidence and Submissions

A number of submitters including the National Trust of Australia (Victoria) (Submission C208-61), Mr and Mrs Isles (Submissions C207-23 and C208-19), Mr Dance (Submissions C207-20 and C208-84), Mr Manning (Submission C208-20), Mr Menhennit (Submission C208-27), Ms Brogan OAM (Submissions C207-24 and C208-17) and Ms Cheers on behalf of the Jacksons Creek EcoNetwork, Friends of Holden Flora Reserve and Friends of Emu Bottom Wetlands (Submissions C207-36 and C208-37) all emphasised the significant cultural heritage, environmental and landscape significance of the Jacksons Creek valley and the need to protect not only individual sites, but also the broader Jacksons Creek valley in which they both lie and directly relate to.

The National Trust submitted that in 2015 it ratified the classification of the Sunbury Rings Cultural Landscape, which is located in the Jacksons Creek valley north of the railway line, stating that:

It is difficult to overstate the significance of this cultural landscape to the state of Victoria. The Jacksons Creek landscape includes a number of highly significant Aboriginal and post-contact heritage places, which along with the natural environment, work together to form a cultural landscape that has significant historical, aesthetic, and scientific values. This cultural landscape is able to express the history and development of the region, including viewlines that are important in preserving and understanding of topography and land use.

It was highlighted that the Sunbury Rings Cultural Landscape contains a number of heritage elements that have discrete designations or registrations including Cannon Gully (HO366), Sunbury Volunteer Military Exercise Site (VHR Inventory H7822-2291), Emu Bottom (HO53 and VHR H0274), Rupertswood (HO45 and VHR H0275), Jacksons Creek Railway Bridge (VHR1692), Earth Rings (Ring AA HO200, AAV 7822-0092, Ring G HO201, AAV 7822-0098 and Ring N HO202, AAV 7822-099) as well as Environmental Significance Overlay 10. It was stated that all of these sites are protected independently under the *Aboriginal Heritage Act 2006*, *Heritage Act 2017* and the *Planning and Environment Act 1987*.

The National Trust submitted that:

The Sunbury Rings Cultural Landscape is a cultural landscape associated with, and providing strong evidence of, Aboriginal settlement and land use, and the first settlement of Port Phillip by Europeans in the 1830s. It is a place of living cultural heritage and ongoing significance for the Traditional Owners, the Wurundjeri Tribe Land and Compensation Cultural Heritage Council. This landscape is not just a collection of several independently significant sites. The sites and the environment work together to form an entire landscape that has significant historical, aesthetic and scientific values. The view lines of the landscape are important in preserving an understanding of the topography and use of land in Sunbury. ... While the landscape has changed around the valley since 1866, the qualities that led to such a description are still evident today. The history of the area as a place for recreation and enjoying natural beauty has become even more important as modern developments encroach upon open space.

Despite this, the National Trust submitted there is currently no heritage protection for the overall landscape. It advised that the Wurundjeri Tribe will soon seek to nominate the cultural landscape under the *Aboriginal Heritage Act 2006*, which would ensure the significant Aboriginal cultural heritage of the creek valley is recognised and managed as a broad and interconnected landscape, rather than a series of individual sites; and that the Trust intends to support this nomination. In response to a question from the Panel, the National Trust submitted it may be appropriate to consider the introduction of other statutory measures, including overlays, to protect the significance of this area through the Hume Planning Scheme.

Submissions from Mr Menhennit, Mr Isles, Mr Dance, Ms Brogan and Ms Cheers all similarly emphasised the importance of these cultural heritage sites and the broader landscape within which they sit, emphasising the need to ensure this area is protected and preserved.

Whilst there was strong support for the designation of most of the Jacksons Creek corridor as a Conservation Zone, there was concern about two proposed developments within this northern creek area. This included the proposed subdivision of the Sherwood Heights site and the future development of a bridge over this creek crossing and the impacts each may have on the cultural heritage, environmental and visual values of this creek corridor. Both of these proposals are discussed separately in this report at sections 5.10 and 4.3 respectively.

Council submitted it places great emphasis on the cultural heritage, environmental and amenity value of the Jackson Creek corridor and that it is appropriate for these values to be recognised through the application of planning controls, such as a Significant Landscape Overlay. This would not only address the significant ecological and hydrological values of the area but also the Aboriginal and post-contact heritage values. It was submitted this approach is supported by the National Trust, the Wurundjeri Land Council and was a recommendation in the *Targeted Cultural Values Assessment* (March 2015) and the *Post-Contact Heritage Assessment* (Context, December 2014). The recommendations of these assessments have not been implemented.

Council also questioned the proposal to remove the ESO1 from the waterways and environs as it has a very clear recognition of landscape significance. Council considered that the overlay should be retained for Jacksons and Emu Creeks, particularly because it contains earthworks controls.

The VPA submitted that it specifically seeks to protect and recognise the importance and highly valued cultural significance of the area, in particular the Jacksons Creek corridor and adjacent culturally significant sites.

The VPA advised that a Post-Contact Heritage Assessment was undertaken to identify any post-contact (non-indigenous) cultural heritage sites. This informed the land use planning within the PSPs. It noted that a number of identified heritage sites within the precincts are located on land identified as conservation areas or land with regionally significant landscape values, which the VPA submitted would protect these sites from future development.

In response to Council's submission and the National Trust support for a SLO over the broader Jacksons Creek area, the VPA responded that a SLO is not necessary as it would not achieve any stronger protection for this area over and above that contained within the Schedules to the UGZ and the PSP.

In response to Council's concern about the removal of the ESO1, the VPA highlighted that the overlay relates to 'rural and waterways and environs' and would not be appropriate for an area to be developed as part of an urban context. It was submitted the PSPs and the BCS would provide adequate protection for Jacksons and Emu Creeks and that the PSP was specifically prepared in the context of the ESO1 being removed.

(iii) Discussion

The Panel accepts the submissions of the National Trust, Council and the individual submitters that the cultural heritage and associated landscape in this location should not be seen simply as a number of individually significant sites. Rather, it should be seen as an area that largely due to its topography and natural features has played a significant role in Victoria's both pre and post-contact history, as well as having significant environment and aesthetic values, which need to be considered when undertaking any developments either within or adjacent to this valley.

The Panel notes the area identified and ratified by the National Trust as the Sunbury Rings Cultural Landscape (within the area affected by the PSP) has largely been identified as a 'conservation area', 'regionally significant landscape values', 'drainage and waterway in conservation area'. It is largely defined within the 'break of slope' along the eastern escarpment in the FUS (with the exception of the Sherwood Heights) which also contains a number of these individual heritage overlays and therefore will not be developed for residential or other urban purposes. The Panel supports this. However, it agrees with the National Trust that there is a need for greater recognition of the broader heritage and associated landscape values of the Jacksons Creek valley, rather than just the individual elements.

The Panel notes the National Trust Classification Report prepared in 2015 contains a detailed Statement of Significance which specifically states *"this landscape is of Aboriginal heritage significance, historical, aesthetic and archaeological importance to Victoria."*

The Panel considers it appropriate to recognise and protect this culturally significant landscape through the Hume Planning Scheme, the question being the most appropriate way to do it.

The Panel concurs with the VPA that retention of the ESO1 is not the most appropriate overlay to apply, as it primarily relates to the environmental and general landscape significance of the waterway and its environs, with no reference to heritage significance.

The Panel does not agree with the VPA that the PSP will provide adequate long-term protection for these broader cultural heritage values. Whilst the 'Vision' recognises the need to protect and recognise important cultural heritage significance, the 'Requirements' relate only to the individually identified heritage sites. Similarly, the UGZ10 only makes reference to identified heritage or potential heritage sites. The Panel considers these controls do not fundamentally address the significance of the broader Jacksons Creek valley.

The Panel considers there is a need to review this approach and consider widening the application of the controls to protect the cultural and landscape values of the Jackson Creek valley as recognised in the Statement of Significance. This may be achieved through the future application of a SLO or a precinct based Heritage Overlay. The Panel considers the introduction of such a control is appropriate and consistent with the approach of identifying significant landscapes and heritage values.

The Panel understands that the Wurundjeri Tribe Land and Compensation Cultural Heritage Council, with the support of the National Trust, will soon seek to nominate the cultural landscape under the *Aboriginal Heritage Act 2006*.

The Panel does not consider the introduction of further controls should prevent appropriate development within this area, but would rather ensure that significant cultural landscape values of the area are another one of the factors that need to be taken into consideration when assessing development applications. Similarly, as the vast majority of this land is included within conservation areas, the Panel does not consider that it would be onerous and affect many permit applications.

(iv) Conclusions

The Panel concludes that the VPA and Council should undertake further consultation with the National Trust, Wurundjeri Tribe Land and Compensation Cultural Heritage Council and the community with a view to introducing either a future SLO or precinct based HO which recognises the broader cultural landscape values of this area. This work could be done after the adoption of the PSP, and therefore may be more appropriately undertaken by Council.

(v) Recommendation for further work

The VPA or Council should consider the future introduction of further planning scheme protection for the Sunbury Rings Cultural Landscape as identified by the National Trust in consultation with the National Trust, Wurundjeri Tribe Land and Compensation Cultural Heritage Council and the community.

4.3 Infrastructure issues

4.3.1 The issues

The issues are:

- Infrastructure Contributions Plan (ICP):
 - the process for its preparation
 - whether projects listed in the Precinct Infrastructure Plan (PIP) can be accommodated within an ICP based on standard costings or whether a supplementary levy is required for specified items
 - whether all connector road intersections along Sunbury Road should be included in the ICP, and
 - the basis for apportioning the costs of infrastructure associated with the Sunbury Ring Road (two Jacksons Creek crossings and two road under rail crossings) between the Sunbury South, Lancefield Road, Sunbury North and Sunbury West PSPs
- the status of the Sunbury Infrastructure Co-ordination and Delivery Strategy (SICADS) in the two PSPs
- the potential impacts of traffic generated by development in the PSPs on the regional transport network
- the alignment and strategic importance of the proposed northern crossing of Jacksons Creek
- the priority to be given to the delivery of the southern crossing of Jacksons Creek.

4.3.2 Infrastructure Contributions Plan

(i) Evidence and submissions

In its Part B submission, the VPA noted that in accordance with Section 1.3 in each PSP, development proponents within each precinct will be bound by the Sunbury South ICP or Lancefield Road ICP as relevant. This section explains that the ICP will set out requirements for infrastructure funding across the precincts and will be a separate document incorporated in the Scheme.

The VPA added that:

- each PSP also includes Table 10 (Precinct Infrastructure Plan) which identifies which infrastructure projects are to be included in the ICP
- it is satisfied that the items identified in Table 10 (Precinct Infrastructure Plan) of each PSP for inclusion in the ICP are allowable items under the ICP Guidelines
- it has estimated project costs based on commissioned technical work
- it expects a standard levy ICP only to be incorporated for these PSPs.

The VPA noted that it had agreed to the requests from Council that:

- Council be provided with a copy of the ICP for review and comment when it is available
- the PSPs not be approved until such time that the ICP has been prepared, reviewed and agreed to by Council as the responsible authority, collection agency and development agency under the Act.

In closing submissions, the VPA confirmed that the ICP projects will be as outlined in the PIP and that the VPA would continue to liaise with Council as the ICP is finalised.

In its submissions, Council acknowledged that it had been provided informally with the VPA's estimated construction costs and land valuation reports for the PIP items, but stated that:

Based on Council's calculations, there will be a shortfall in funding for community and recreation construction projects and transport construction projects for both PSPs ... At this stage, Council has not seen all the infrastructure costings, and, as such, are unable to determine at this stage whether a supplementary levy is required.

Council submitted that the VPA in consultation with Council should cost each PIP project to determine whether they can be accommodated within the ICP levy or a supplementary levy will be needed; that information should be provided to the Panel and parties as part of the current PSP process; and that the Panel make a finding in its report as to whether a supplementary ICP is required.

The Capitol Property Group expressed concern about the suggestion that the PSP will not be approved until the ICP is finalised and that the VPA had agreed to not finalise the ICP unless Council is satisfied. Capitol submitted that while some further information may be required, it was reasonable to limit the scope of this additional detail to that of industry standard so that the approval of the PSP is not delayed without good cause.

Capitol added that it was concerned that the ICP could be prepared and approved as a Ministerial amendment without adequate consideration of timing and costings. While it

would prefer that the PSP be approved and a section 173 agreement used to secure funding based on the final approved ICP rates, Capitol requested that:

the Panel recommend that if the ICP is to be prepared and approved without a formal process, that as a minimum there be an informal consultation process possibly including a couple of workshops to finalise the content and costing base of the ICP.

Villawood submitted that all connector road intersections with Sunbury Road should be included in the ICP. The VPA responded that all signalised intersections with Sunbury Road will be included in the ICP but left-in/left-out intersections will not be included as these have a relatively limited cost and are largely associated with providing local access to new subdivisions. In submissions, Ms Quigley noted that this issue was resolved on the understanding by Villawood that the VPA has agreed to a revised cross-section for Sunbury Road that will result in reduced intersection costs.

Apportionment of infrastructure costs between the currently exhibited two PSPs and future PSPs for Sunbury North and Sunbury West was raised in submissions by Council and the Capitol Property Group.

The VPA advised that it is anticipating apportioning a percentage of costs associated with the Sunbury Ring Road into the Sunbury North and West PSPs, in particular, the two crossings of Jacksons Creek and two road underpasses beneath the railway line. The VPA intended to base the apportionment on the percentage of growth that each of the four PSPs contribute towards the total population increase with the apportionment for the two future PSPs towards the specific projects above being determined at 26 per cent.

Council expressed concerns with the proposed apportionment methodology because it does not consider appropriately the equity of apportioning the items having regard to the nexus between the future PSPs and the need for the items. Council submitted that apportionment should be based on traffic modelling rather than the PSPs' percentage share of the total PSP population increase.

Capitol supported the VPA's ... *more simplistic, definite and less subjective rational towards apportionment and requested that:*

the panel expressly address the apportionment issue between the Lancefield Road PSP, Sunbury South PSP, Sunbury North PSP and Sunbury West PSP, as this is clearly a very important issue that should not be allowed to 'slip through the cracks' during the s20(4) amendment process for the ICP.

(ii) Discussion

The VPA has outlined a process for finalising the ICP which includes consultation with Council to confirm cost estimates for the PIP items. The Panel notes that there was general agreement on the need for the items within the PIP. The VPA has stated that, in its view, the ICP would be based on standard levies without the need for a supplementary levy. Council is not convinced on the cost information provided so far by the VPA that a supplementary levy would not be needed and requested that the Panel make a determination on this matter.

The Panel was not presented with an ICP nor cost estimates for all infrastructure items and is therefore not in a position to determine whether a supplementary levy will be required. In any event, the Panel does not consider such a determination to be part of its role in assessing the Amendments before it. An ICP is not part of the two amendments.

The ICP process being followed by the VPA should provide ample opportunity for the VPA and Council to determine whether a supplementary levy is, needed.

Capitol asked that all parties be involved in the informal process to confirm PIP project costings and the ICPs for the two PSPs. The Panel considers that some limited consultation is not an unreasonable request and should not unduly delay finalisation of the ICPs and approval of the PSPs.

The Panel concurs with the VPA's view that unsignalised left-in/left-out intersections along Sunbury Road should not be included in the PIP and the ICP. Only signalised intersections are normally funded in an ICP and the Panel considers that this normal practice should prevail. The Panel notes that this particular issue has been resolved to the satisfaction of Villawood.

There is agreement that the cost of the significant PIP items for the delivery of the Sunbury Ring Road, notably the two crossings of Jacksons Creek and the two road under rail crossings, should be apportioned between the two current and two future PSPs. The issue is what methodology should be used to determine that apportionment. The Panel is inclined to agree with Capitol's submission that the VPA's approach of basing the apportionment on the proportion of the population growth within each PSP is appropriate. The VPA approach is straightforward and based on population growth proportions which are not in dispute. The alternative proposed by Council, which is based on traffic generation modelling, is by its nature open to debate.

(iii) Conclusions

The Panel draws the following conclusions in relation to ICP issues:

- Prior to approval of the PSPs, the VPA should finalise the ICPs in consultation with the Hume City Council to confirm that a Supplementary Levy is not required.
- It is appropriate for other parties who will be contributing funds to the ICPs to be given the opportunity to comment informally before the ICPs are finalised.
- As per usual practice, unsignalised left-in/left-out intersections with Sunbury Road should not be included in the ICP.
- Apportioning infrastructure costs associated with the Sunbury Ring Road between the Sunbury South PSP, the Lancefield Road PSP, the Sunbury North PSP and the Sunbury West PSP should be on the basis of each PSP's proportion of population growth.

The Panel notes that the ICP is not part of the current Amendments, so the Panel makes no direct recommendations on ICP issues.

4.3.3 Sunbury Infrastructure Co-ordination and Delivery Strategy

(i) Evidence and submissions

The PSPs, as exhibited, state that the ICP is supported by the *Sunbury Infrastructure Co-ordination and Delivery Strategy* (SICADS) and that SICADS will be a reference document.

In the VPA's Part B submission, Mr Tobin advised that:

The references to SICADS are now proposed to be deleted, as shown in the change matrices at Appendices 3 and 4 to the VPA's Part A submission. SICADS is currently being reviewed and is now intended to form a background report to the PSPs only. This resolves a submission by Hume City Council (Council).

The draft SICADS was prepared by the VPA to coordinate the orderly delivery of infrastructure required to facilitate the growth of Sunbury. SICADS proposed four infrastructure stages from the short term (Sunbury to 50,000) to ultimate build-out (Sunbury at 125,000).

Mr Tobin noted that:

The draft SICADS is also currently undergoing review and the VPA expects the final version to incorporate a range of changes. These will include acknowledgement that infrastructure priority will be reviewed as development progresses and that distribution and rate of growth will be the key driver for the provision of infrastructure, as opposed to any specified timing.

Council requested that all references to SICADS be removed from the PSPs and that it also be removed as a background document to the PSPs. Alternatively, Council requested that transport modelling be undertaken for the 50 per cent and 75 per cent development scenarios to verify SICADS recommendations and SICADS be updated to reflect the outcome of that modelling.

The VPA disagreed that further traffic modelling should be done. In responding to Council's request, the VPA argued that, given the uncertain nature of the development fronts, there would be too many assumptions to undertake accurate modelling. The VPA submitted that it would amend the wording of SICADS to reflect the speculative nature of the report and provide an appropriate degree of flexibility for the delivery of infrastructure. The VPA also agreed to remove all references to SICADS in the PSPs with SICADS forming only a background report to the PSP.

Under cross-examination, Mr Richardson agreed that no further modelling was needed provided that SICADS was to be used as a background document and had flexibility. He also agreed that what happens in terms of SICADS infrastructure in the intervening years between the 25 per cent development build and final development would depend on the rate of PSP development.

In closing submissions, Ms Kaczmarek, for Council, submitted that the traffic modelling by GTA with respect to ICP transport infrastructure showed "... where we will start and where we will end. We don't know what will occur in between".

She submitted that:

The difficulty with SICADS is that it seeks to direct the provision of infrastructure for the intervening period without being supported by appropriate traffic modelling. The fact that it has been referred to by almost every traffic consultant and many planners is illustrative of its problematic existence and the tendency for parties to use it to justify certain outcomes.

She noted that Council does not support SICADS being updated or retained on the VPA website and that irrespective of whether it is updated and retained as a background document, Council does not intend to refer to it or use it to inform its decisions.

The conclave of traffic experts agreed, inter alia, that:

- the 50 per cent and 75 per cent infrastructure options contemplated in SICADS have not specifically been modelled by GTA, and
- SICADS is an appropriate document provided it is used as a flexible guide for the ultimate transport infrastructure required to serve the Sunbury growth corridor.

Ms Quigley for Villawood Properties submitted that SICADS provides a sensible identification of infrastructure and timing but in accordance with the evidence of Mr Woodland, it was not necessary for SICADS to be incorporated in the planning scheme.

Oliver Hume Property Funds, AHB Australia Pty Ltd and Sunbury West Owners Group sought the removal from SICADS of specific references to the timing of development within the future Sunbury North and Sunbury West PSPs. Mr Crack, for Oliver Hume, welcomed the indication by the VPA that SICADS would be updated to introduce flexibility regarding infrastructure priority and that the distribution and rate of growth would be the driver for the provision of infrastructure. He noted also that the VPA had agreed to modify the specific references to Sunbury West and Sunbury North to acknowledge that following the preparation of PSPs for those areas, development could reasonably be assumed to commence in parallel with development in the Sunbury South and Lancefield Road PSPs.

Mr Crack submitted, however, that it is probable that the VPA and Council will rely on SICADS as part of formal decision making process and while SICADS may be intended as background document only, the likely reality is that various stakeholders will choose to use it to further their particular objectives. He stated that:

The submitters therefore invite the Panel to make clear finding on this and conclude that the content of the strategy should in no way be drafted as to be prejudicial to the future delivery of the Sunbury West and Sunbury North PSPs.

(ii) Discussion

As far as the Panel is concerned, the issues with respect to the status and content of SICADS are largely resolved.

The VPA has agreed to remove all references to SICADS in the PSPs with SICADS forming only a background report to the PSP. The VPA will also amend the wording within SICADS to provide an appropriate degree of flexibility for the delivery of infrastructure and to modify the specific references to Sunbury West and Sunbury North to acknowledge the likely development of these precincts in parallel with development in the Sunbury South and

Lancefield Road PSPs. This should allay the concerns expressed by Mr Crack on behalf of Oliver Hume Property Funds, AHB Australia Pty Ltd and Sunbury West Owners Group that SICADS should not be prejudicial to the delivery of Sunbury North and Sunbury West PSPs.

With the proposed changes to the status and content of SICADS, and despite Council's response that it would simply ignore SICADS in determining infrastructure priorities, the Panel agrees with the VPA and others that SICADS does provide a useful guide to infrastructure priorities and timing of delivery at least for the 25 per cent development phase of the two PSPs.

The Panel notes the advice of the conclave of traffic experts that SICADS is an appropriate document provided it is used as a flexible guide for the ultimate transport infrastructure. What happens in terms of infrastructure in the intervening years between the 25 per cent development build and final development will clearly depend on the rate of PSP development.

(iii) Conclusions

The Panel concludes:

- The status of SICADS should be limited to that of a background report, with all references removed from the PSPs
- SICADS should be revised to reflect that background status, include flexibility as to the timing and priority for the delivery of infrastructure and the development of the precincts within the proposed Sunbury North and Sunbury West PSPs.

(iv) Recommendations

The Panel recommends:

- 4. Amend the Sunbury South PSP and the Lancefield Road PSP to remove all references to the *Sunbury Infrastructure Co-ordination and Delivery Strategy* (SICADS).**
- 5. Revise SICADS to reflect its status as a background report and introduce flexibility as to the timing and priority for the delivery of infrastructure.**
- 6. Revise SICADS to introduce flexibility on the timing of development within the proposed Sunbury North and Sunbury West PSPs.**

4.3.4 Regional transport issues

(i) Evidence and submissions

Regional transport impacts were raised in multiple submissions in response to the exhibited PSPs. A number of submissions from Sunbury residents expressed concern in relation to both existing traffic conditions within Sunbury and predicted traffic impacts resulting from development of the PSP areas. Several submitters referred to the need for the Bulla Bypass and duplication of Sunbury Road.

The Bulla Bypass is a proposed arterial road intended to improve connectivity between the Sunbury/Diggers Rest corridor and the Tullamarine Freeway. Its alignment is subject to further review and VicRoads has advised the VPA that this review is likely to be completed in

six to 12 months and the bypass constructed in 10 to 15 years. The VPA noted that the traffic modelling for the PSPs at the year 2046 assumes the construction of the Bulla Bypass.

The conclave of traffic experts concluded that:

The traffic analysis, inputs and assumptions relating to the transport modelling completed by GTA are robust and are considered appropriate for the purpose of testing transport infrastructure options in and around Sunbury.

By way of background, the VPA noted that the traffic infrastructure identified within the PSPs includes duplications of existing arterial roads, upgrades to key intersections, and the construction of two crossings of Jacksons Creek in addition to the existing crossing on Sunbury Road: one to the north and one to the south of the township.

Mr Tobin noted that the summary of the traffic modelling provided by Mr Humphreys shows that the introduction of one or two crossings of Jacksons Creek will reduce traffic volumes on the Sunbury Road network with, in isolation, the southern crossing reducing congestion within the Sunbury town centre to a greater degree than the northern crossing.

Mr Tobin submitted that:

The modelling shows this reduction in congestion, both with and without the construction of the Bulla Bypass. If the Bulla Bypass is delayed, the expert opinion of Mr Humphreys is that increased growth in Sunbury is likely to lead to changes in behaviour including:

- *diversion of traffic from Sunbury Road to other parts of the network;*
- *increased use of alternative modes of transport; and*
- *increased travel outside of identified peak hours.*

Mr Humphreys considers that introduction of a Jacksons Creek crossing will not in itself resolve capacity issues on Sunbury Road, but will reduce congestion within the Sunbury town centre and provide greater flexibility within the traffic network. Mr Humphreys accordingly concludes that 'development of the two PSPs should not be delayed in the absence of the Bulla Bypass'.

Mr Humphreys noted that modelling of the existing conditions in the Sunbury road network shows some localised congestion in parts of the town centre during peak periods, particularly at Sunbury Road in the vicinity of the existing Jacksons Creek crossing. Mr Humphreys modelled congestion within the Sunbury Town centre in 2046 during peak periods without the construction of the two proposed Jacksons Creek crossings. The modelling results showed that the existing network within the Sunbury town centre would maintain good levels of service compared to 2014.

Mr Tobin submitted that:

Mr Humphreys summarises his opinion in relation to the impact of the PSPs on the transport network as follows:

Overall, whilst there is anticipated to be some growth on the local road network in Sunbury, I do not consider that the increases are of a substantial nature and people's ability to travel through Sunbury will not be compromised

by the development of the two PSPs. From a regional perspective, the increased traffic on Lancefield Road, whilst substantial when compared to the existing volumes, will be complimented with the appropriate capacity upgrades and will not inhibit motorists to travel both locally and regionally.

The level of infrastructure that is attributable to the two PSPs will not only service the growth afforded with the PSPs but will also benefit existing Sunbury residents and the future development of Sunbury North and West.

In submissions for Council, Ms Kaczmarek submitted that:

The issue of traffic capacity on Sunbury Road is a known community issue. It was one of the most raised issues at community information sessions held by the VPA in December 2016.

When the Panel noted its observations regarding congestion on Sunbury Road, Mr Humphreys explained that the traffic modelling undertaken by GTA does not show congestion at intersections because it is a link based system. Consequently, while the modelling is an indication of traffic behaviour, it does not necessarily reflect the current driver experience in Sunbury.

She noted that the PSPs seek to address the issue of traffic constraints on the Sunbury-Bulla Road by prioritising the delivery of the southern creek crossing as a means to take traffic off Sunbury-Bulla Road and over to the Calder Freeway.

Ms Kaczmarek stated that Council understands the desire of the VPA and the developer submitters to demonstrate that the two PSPs can proceed without the delivery of the Bulla Bypass and the Sunbury Road duplication that are state projects which cannot be delivered through the PSP process.

She stated that while Council was not opposed to the southern creek crossing, it was an expensive project which will come at the expense of other projects and placing emphasis on its priority for early delivery was having the effect of downplaying the need for the Bulla Bypass and the Sunbury Road duplication which, in Council's submission, is factually untrue and unhelpful to future delivery of these two projects.

Ms Quigley for Villawood Properties submitted that:

Urban development of the PSP areas provides the clear opportunity to address existing constraints and accessibility issues by facilitating and funding a more permeable transport network which will accommodate both the traffic generated by the proposed development and will provide a net overall improvement to regional traffic conditions.

...

The evidence of Mr Hunt provides that existing transport issues in the Sunbury Growth Corridor are capable of being addressed in conjunction with the urban development of land within the Sunbury South and Lancefield Road PSP, through the establishment of new routes to resolve existing connectivity issues.

She submitted further that Mr Hunt provided evidence that:

- Sunbury Road has limited capacity to absorb additional traffic at peak times but traffic generated by initial development of Sunbury South would be absorbed by spreading peaks and the redistribution of trips, and the progressive provisions of intersections along Sunbury Road
- generated traffic can be absorbed until such time as the southern crossing can be developed
- peak hour capacity issues to the south east can be addressed over time by the construction of the Bulla Bypass and duplication of Sunbury Road
- while the Bulla Bypass and duplication of Sunbury Road are critical and required infrastructure, the imperative for improvements to the network is the early development of the southern crossing of Jacksons Creek and the subsequent connections to Bulla-Diggers Rest Road and the Calder Freeway interchange
- the southern link will provide significant traffic improvements to the Sunbury area by reducing traffic intensity on Sunbury Road and reducing traffic through Sunbury town centre
- traffic generated by the development of Sherwood Heights in the Lancefield Road PSP could be absorbed by the existing road network with the subsequent extension of Elizabeth Drive and the northern crossing of Jacksons Creek providing a benefit to both the proposed community and the wider Sunbury area.

(ii) Discussion

There is strong support for the early delivery of the Bulla Bypass and the duplication of Sunbury Road. Both are important additions to the regional road network and will relieve traffic conditions in Sunbury (and Bulla). These projects are, however, State government projects and their funding and timing for delivery are a matter for the State to determine. Their priority is outside the scope of this Panel.

Although some submitters expressed concerns over the potential delay in the two regional projects, the Panel was not presented with any evidence to suggest that the development of the two PSPs could not proceed without these two projects being completed. The traffic evidence indicates that with the early delivery of, in particular, the southern Jacksons Creek crossing and the interim connection via an upgraded Watsons Road/Crinnion Road link to divert traffic to the Calder Freeway, the development of the PSPs can proceed with or without the Bulla Bypass. As presented to the Panel, the traffic modelling shows that the introduction of the southern link, and to a lesser extent the northern crossing, will reduce traffic travelling through the Sunbury town centre and potentially on Sunbury Road.

It should be noted, however, that the traffic modelling assumes that the Bulla Bypass and the duplication of Sunbury Road will be in place by the time the PSPs are fully developed by 2046. Indeed, it could be argued that the approval of the two PSPs and the subsequent development in the Sunbury area will add impetus to the delivery of the two State projects.

(iii) Conclusions

The Panel concludes:

- Development of the two PSPs areas could proceed without the Bulla Bypass and duplication of Sunbury Road notwithstanding that these two projects were of regional significance
- Development of the two PSPs may add impetus to the priority given by the State government to the two regional road projects.

4.3.5 Northern Crossing of Jacksons Creek

(i) Evidence and submissions

The exhibited Lancefield Road PSP showed the alignment of the northern crossing of Jacksons Creek as 'road alignment subject to review'. The VPA has since confirmed an alignment (see tabled Document 2), provided to the Panel supplementary information (Document 110) and a preliminary engineering concept plan for the bridge (Document 23).

A copy of the conditional Wurundjeri endorsement of the alignment is at Appendix 10 to the VPA's Part A submission.

The VPA submitted that the northern creek crossing is strategically justified on the basis that it is a key component of the proposed Sunbury ring road that is intended to connect future communities with the existing township and provide an alternative route for cross-Sunbury traffic to bypass the Sunbury town centre. The VPA further submitted that:

The general location of the northern crossing as defined in the Lancefield Road PSP is considered to be the only opportunity to cross Jacksons Creek north of Sunbury Road within the Sunbury-Diggers Rest Growth Area, given the alignment and capacity of other roads within this part of Sunbury, and the strategic objective of delivering a 'Sunbury Ring Road' via connection to Elizabeth Drive.

Mr Dance (Submission C208-84) submitted that the northern crossing may not be strategically necessary as part of the growth area transport network on the basis that there is already a creek crossing at Settlement Road to the north of the PSP area.

Mr Tobin in closing submissions noted that the Settlement Road creek crossing is a single lane bridge and the road itself is a crushed rock rural road that would require expensive upgrades to accommodate any increase in traffic. He submitted that:

The VPA has considered the alternative northern crossing proposed by Mr Dance. Settlement Road is in the far north of the area and traverses an area within the Green edge Zone ... It is noted there is no direct extension between Racecourse Road and Settlement Road and that therefore it is necessary to travel some way north west to reach Settlement Road.

The Settlement Road crossing is located approximately 4km from the northern boundary of the Sunbury North PSP (and hence from the UGB) ... A journey from the northern boundary of the Sunbury North PSP to the Sunbury Town Centre via Settlement Road would be approximately 21 km.

The VPA do not consider that the Settlement Road crossing can provide any reasonable transport utility for future residents within the Sunbury growth area.

Mr Isles (Submission C208-19 and Document 144) submitted that the VPA Supplementary Submission (Document 110) misrepresented the existing road network. He argued that an alternative shorter connection between north-eastern Sunbury and the Sunbury Town Centre already exists via Sunningdale Avenue and Francis Boulevard.

The VPA agreed that the Sunningdale Avenue/Francis Boulevard route would be a logical short cut being some 1.5 kilometres shorter than the equivalent journey via the Lancefield Road/Sunbury Road intersection. Mr Tobin submitted that Sunningdale Avenue and Francis Boulevard are 'connector roads' not designed to accommodate the traffic volumes expected with the development of the Lancefield Road and future Sunbury North PSPs. He added that transport modelling by GTA indicated that Francis Boulevard is already carrying daily volumes of around 8,000 vehicles immediately north of Sunbury Road which is approaching the theoretical capacity of a connector road. The VPA considered that as connector roads, there is limited capacity via Sunningdale Avenue and Francis Boulevard to accommodate the planned growth to the northeast of Sunbury.

Many submitters, including the National Trust and Mr Isles, raised concerns over the visual impact of the proposed northern crossing on the Jacksons Creek corridor. The Aboriginal and post-contact cultural heritage, environmental and visual importance of the Jacksons Creek valley is discussed in section 4.2 above.

The VPA submitted that a visual impact assessment should be undertaken as part of detailed design to ensure that the bridge responds sensitively to the landscape. Mr Tobin noted that the detailed design of the bridge should be treated no differently to other infrastructure items and that therefore "... (I)t was not necessary that the PSP depart from the usual position and seek to comment on or control the design process of this ICP item."

In closing, Mr Tobin submitted that:

The Panel has the benefit of evidence from Mr Czarny and Mr Murphy concerning assessment of the visual impact of the bridge on the Jacksons Creek environments. The Panel now also has the benefit of the work undertaken by GTA (Document 111) to identify the proposed crossing location which indicated that in selecting a crossing point visual impact has been considered.

Both Mr Czarny and Mr Murphy agree that the time for undertaking a visual impact assessment is the time when there in fact exists a proposed bridge structure that can be assessed and its environs. Both also agree that the appropriate environs is the environs at that time which the VPA submits will include the Sherwood Heights estate.

The VPA maintains its position that it is necessary for the PSP to include requirements or guidelines concerning the need for a visual impact assessment of the bridge when designed as the PSP does not include design parameters

for other funded ICP items and in the context the need for a sensitive design and visual assessment thereof is fundamentally self-evident.

Council submitted that the visual assessment should be undertaken as part of this PSP process and to inform the costings in the ICP. Ms Kaczmarek submitted that:

The bridge alignment and ultimate design should be subject to a balanced review which takes into account desirable maximum grades, visual impact and cultural heritage. This review should also consider how the revised design impacts the future urban structure having regard to the Balbethan Drive extension and the need to revise alignment of this road and its alignment with the northern link. Input should be sought from the Wurundjeri so that the 'provisional' approval of the alignment can be confirmed. This is consistent with the submissions of the National Trust and Mr Isles.

Mr McKerrow (Submission C208-6) presented the Panel with the history relating to previous work at the Shire of Bulla on a northern bridge crossing. He noted that land had been reserved on both sides of the creek for such an option. He submitted that the previously designated alignment is still viable, although he did acknowledge that it may have some issues with a steep grade on the eastern side.

Council also raised concerns regarding the maximum gradient of 10 per cent shown on the engineering concept bridge design (Document 110), noting that in the Lancefield Road PSP, the desirable maximum slope for a bus capable connector street is 6 per cent and the absolute maximum slope is 9 per cent. Ms Kaczmarek submitted that ... *(I)t is entirely open to the VPA to design a bridge at a lesser grade which would be more encouraging to cyclists but it has elected not to do so.*

Under cross-examination, Mr Hunt agreed that casualty crashes increase as the grade of a road increases but a bridge could be safely designed to a grade of 10 per cent provided wider bicycle lanes were provided. He added that the bridge design should be subject to a road safety audit. He acknowledged that a bridge with a lesser maximum grade could be designed.

In closing, Mr Tobin noted that it was the evidence of Mr Hunt that the gradient of the bridge is acceptable from both the perspective of cyclists and of the public transport needs. Mr Tobin submitted that:

The question before this Panel is not one of whether the detailed design is acceptable for there is none. This Panel must determine whether or not there are matters that would entirely stop or render inappropriate the northern crossing. It was Mr Hunt's clear evidence that none exist on the material available and that safety implications associated with the gradient is a matter for detailed design in the future when this long-term infrastructure item is in fact delivered.

Ms Quigley stated that Villawood supports the revised northern crossing preliminary design as proposed by the VPA. She submitted that:

It is understood that the bridge design has been amended to ensure that there aren't unsuitable batters and ramping that would prevent connectivity of local

roads to Elizabeth Drive within the Racecourse Road site. Future subdivision works in the proposed Sherwood Heights estate will create the connection point for the bridge at the appropriate grade.

(ii) Discussion

There are two significant matters to be considered with respect to the proposed northern crossing of Jacksons Creek:

- is the new crossing strategically justified and, if so,
- is the proposed alignment acceptable in terms of its potential visual impact on the sensitive Jacksons Creek valley environs?

The evidence presented to the Panel suggests that a northern crossing would be beneficial in terms of improving the connectivity of the road network to the north of Sunbury, enhancing access for the new communities of the planned Sherwood Estate and other parts of the Lancefield Road PSP area to the east of Jacksons Creek and providing a key link in the Sunbury ring road to enable through traffic to divert around the Sunbury township. The traffic experts agreed, however, that this northern crossing was not a priority in comparison with the proposed southern creek crossing and would only be justified in the longer term. The indicative timing for delivery of the northern bridge is shown as U (Ultimate) in the PSP Table 10 (PIP).

The proposed extension of Elizabeth Drive through the Sherwood Estate and connection via a new bridge to the Balbethan Road area to the east of Jacksons Creek would not doubt enhance accessibility for residents on both sides of the Creek. Both these areas in the PSP would have good access via the existing road network and can be developed in the short to medium term before the proposed northern crossing is constructed. Indeed, Villawood has indicated that while they support the northern crossing on the proposed alignment, the development of the Sherwood Estate is not dependent on the delivery of this crossing and the Estate will be developed well in advance of any crossing.

The early delivery of the southern crossing and improved link to the Calder Freeway (see discussion below) will provide a by-pass route for communities in the Lancefield Road PSP to the east of the Creek. It may well be that construction of this southern by-pass route will lessen the strategic need for the northern crossing. The Panel suggests that the strategic justification could be re-assessed closer to the time that its construction is contemplated.

Mr Dance questioned whether a new Jackson Creek crossing was justified at all as in his view an alternative northern crossing already existed via Settlement Road. The Panel agrees with the VPA, however, that the route using Settlement Road is not a viable alternative to meet the objectives of the proposed new crossing and link to the extension of Elizabeth Drive. The Settlement Road route is well to the north of the UGB, is circuitous and would need substantial upgrading. The Panel also accepts the assessment by the VPA that the Sunningdale Avenue/Francis Boulevard route, as suggested by Mr Isles, is not a viable alternative route although it may be used by some local residents to travel to the Sunbury town centre.

The Panel is satisfied that the road alignment is feasible from an engineering aspect. The indicative engineering concept provides a feasible option notwithstanding the alignment

would have grades of up to 10 per cent. Such steep grades are not ideal for pedestrians, cyclists and public transport buses but as noted by Mr Hunt, a bridge could be designed on the proposed alignment to meet safety standards and would be subject to a safety audit.

The Panel notes that a visual impact assessment of a bridge on the proposed alignment has not been done. The Panel accepts, however, that such an assessment could not be done without a detailed bridge design being available. Council argued that because of its likely significant cost, a detailed bridge design should be prepared, costed and its visual impact assessed as part of the process to develop the ICP. While the Panel has some sympathy for the Council's position, the preparation and assessment of a detailed design now would in the Panel's view be premature. A detailed visual impact assessment of a detailed design will be critical given the sensitivity of the Jacksons Creek valley. However, the delivery of any bridge will not occur for some considerable time into the future when much of the PSP area will have been developed. The Panel agrees with Mr Czarny and Mr Murphy that the visual impacts of the bridge design should be assessed against the environs and landscape that exists when its construction is imminent.

The Panel has some lingering reservations about the strength of the strategic justification for the northern crossing, particularly given the heritage, environmental and landscape value sensitivities associated with the proposed alignment. A crossing on the proposed alignment is no doubt feasible in terms of its engineering, and a sensitive bridge design could be developed to lessen its visual impact. Whether a sensitive design can be prepared that is acceptable to the communities in the area, and can be built at a reasonable cost, remains to be seen.

On balance, the Panel considers that the proposed crossing alignment should be retained in the PSP to provide for its construction, including provision of funding in the ICP. The strategic justification for the northern crossing should, however, be confirmed and a visual impact assessment conducted on a detailed bridge design much closer to the time of its construction. It may be that the development of the road network for the two future PSPs will present other design options for a northern creek crossing. The construction of the southern creek crossing, the Bulla Bypass and the duplication of Sunbury Road will also affect the timing of the northern crossing.

(iii) Conclusions

The Panel concludes:

- The proposed alignment of the northern crossing of Jacksons Creek should be retained in the PSP to provide for its construction in the longer term.
- The strategic justification of the northern crossing should be confirmed and visual, environmental and heritage impact assessments conducted on a detailed bridge design closer to the time of its construction.

No changes to the PSPs are required as a result of these conclusions.

4.3.6 Southern Crossing of Jacksons Creek

(i) Evidence and submissions

The VPA confirmed that the alignment of the southern crossing of Jacksons Creek has not changed from that shown in the exhibited Sunbury South PSP. Submissions predominantly focussed on the strategic importance of a new southern crossing of Jacksons Creek and the priority that should be given to the delivery of this infrastructure.

In its Part B submissions, the VPA noted that:

Mr Humphreys has reviewed and summarised the modelling in relation to additional crossings of Jacksons Creek. The modelling shows that the introduction of one and two crossings of Jacksons Creek will reduce traffic volumes on the Sunbury Road network. When viewed in isolation, the southern crossing reduces congestion within the Sunbury town centre to a greater degree than the northern crossing.

....

Mr Humphreys considers that the introduction of a Jacksons Creek crossing will not in itself resolve capacity issues on Sunbury Road, but will reduce congestion within the Sunbury town centre and provide greater flexibility within the traffic network.

In closing, Mr Tobin advised that the VPA agrees with much of the submissions and evidence before the Panel that:

the early delivery of the southern crossing (as part of a package of works providing a connection between Sunbury Road and the Calder Freeway) provides critical network capacity to support the earliest stages of development. This is particularly true if the Bulla Bypass and associated upgrades to Sunbury Road are not delivered over the short term.

The VPA is also satisfied that having regard for the likely development staging and associated rollout of ICP-funded projects, there should be sufficient capacity to deliver that part of the Southern Link connecting Sunbury Road to the Calder Freeway within the 25 per cent build-out of the two precincts. It is appropriate that the PSPs appropriately reflect this strategic objective.

The conclave of traffic experts agreed that the introduction of the Southern Bridge crossing benefits the transport network at 25 per cent of development with the extent of that benefit dependent on the construction of the Bulla Bypass and the duplication of Sunbury Road.

Council's stated position was that the PSPs prioritise the early delivery of the Southern Creek crossing without recognising that upgrades to Sunbury Road and the Bulla Bypass may deliver benefits which reduce the urgency for delivery of the crossing. Council submitted that:

Where the southern creek crossing is being prioritised in the short term at the expense of other infrastructure needs, Council considers that further work should be undertaken to justify the early delivery of the creek crossing, or in

the absence of that work, the PIP and the future ICP should provide for flexibility for its delivery depending on the delivery of the Bulla Bypass and the Sunbury Road duplications.

The VPA noted in closing submissions that it agreed with Council that the relative strategic priority of the southern crossing will shift if an early commitment is made to the delivery of the Bulla Bypass and Sunbury Road upgrades and that the PSPs should reflect the potential for circumstances to change regarding the delivery of the creek crossing to change. The VPA also agreed with Council's request that the indicative timing of the southern crossing (BR-01 in the PSP Table 10 (PIP)) be amended from 'S' to 'S-M' and that a note in the form proposed by Council be included in the PIPs.

In further written submissions, Villawood (Document 168) and Capitol Property (Document 167) reiterated their view that the delivery of the southern link should be made a priority in the PSP and associated ICP. Villawood provided an analysis which it submitted demonstrated that at 25 per cent of development, there would be sufficient ICP funds to deliver the southern link stage 1 based on a project cost of \$40 million which Villawood stated had been estimated by consultants to the VPA. Council, in its submissions in reply, disputed the Villawood costing which it described as 'back of the envelope' and suggested that based on its estimate, the cost of the project was in the order of \$81.5 million.

Stage 1 of the southern link includes the Jacksons Creek crossing, intersection upgrades and upgrades to Fox Hollow Drive, Watsons Road and Crinnion Road to provide a link the Calder Freeway via the Bulla-Diggers Rest Road. It is an interim solution that does not include the ultimate, more direct connection to the Calder Freeway via road under rail crossing to Vineyard Road. The VPA confirmed that while outside the PSP area, the upgrade to Watsons Road and Crinnion Road could be included in the ICP in accordance with the ICP guidelines. Council submitted that in addition to the upgrading of Watsons Road/Crinnion Road, the section of the Bulla-Diggers Rest between Crinnion Road and the Calder Freeway interchange should also be an ICP item as part of the interim southern link. The VPA responded, in closing submissions, that the Bulla-Diggers Rest Road is not listed in the PIP as it is already constructed to a standard that will be capable of carrying the predicted traffic volumes.

In its submission on the exhibited PSP, Capitol suggested that a Public Acquisition Overlay (PAO) be included for the length of the southern link to ensure its timely delivery. The conclave of traffic experts noted that Mr Butler had recommended that due to the strategic importance of the southern link, a PAO should be placed over the route. In submissions, Mr Barkley noted that Capitol understood the reasons why both the VPA and Council opposed the PAO but remained concerned to ensure timely delivery of the southern link particularly in the face of competing priorities for the use of ICP funds. Mr Butler also acknowledged in cross examination that the reasons for not having a PAO were valid.

In closing submissions, Council noted that there would be higher costs involved for authorities in acquiring land subject to a PAO and that a PAO would fix the location of the road whereas the PSP allows for some flexibility with Council able to determine the road as 'generally in accordance with.'

Capitol submitted that the overwhelming thrust of submissions and evidence is that the early delivery of the southern link is imperative and that there is ample scope for it to be funded through a combination of works-in-kind and ICP contributions as the area develops without the need for borrowings to be incurred.

Capitol submitted that the indicative timing for the link (RD-04) in Table 10 of the PSP should be changed from 'S-M' to 'S' and there should be express priority in the PSP for the early delivery of the southern link to ensure that the capacity to fund the link is not frustrated through spending on other infrastructure. Capitol added that if Council determined to allocate ICP contributions to other infrastructure, there would be the capacity to use borrowings to fund the southern link. Capitol submitted that the ICP Ministerial Guidelines state that a Standard Levy may fund items that could be funded by a Supplementary Levy and that a Supplementary Levy may be used to fund financing costs. Therefore, it was allowable to use Standard Levy funds to cover borrowing costs.

Capitol proposed several amendments to the PSP to give effect to its view that the PSP provide express priority for the early delivery of the southern link.

In closing, Mr Tobin stated that:

The VPA has not been able to fully review these proposed additions to the PSP. Based upon a preliminary assessment, however, they seem to be a relatively measured and clear way of illustrating the strategic importance of the early delivery of this project, having regard for the potential for priorities to shift through the early delivery of the Bulla Bypass/Sunbury Road upgrade.

Mr Tobin submitted that the Panel should recommend as follows:

The principle of greater priority for the early delivery of the Southern Crossing should be expanded within the PSP. The VPA should engage with Hume City Council and relevant landowner stakeholders to define an appropriate package of PSP additions.

In responding to the supplementary submissions made by Villawood and Capitol, Ms Kaczmarek stated that Council was not concerned that funding 'big ticket' items early in the development of the PSP could reduce its ability to allocate ICP contributions to other items. Rather, Council sought flexibility because two significant transport projects (the Bulla Bypass and Sunbury Road duplication) could alter the benefit and urgency of other transport projects in the PIPs. Early delivery of state projects could mean that the urgency of particular transport infrastructure could alter, and Council should therefore have discretion at that time to consider whether the timing set out in the PSP was still appropriate. Ms Kaczmarek noted that "... *This approach is entirely consistent with evidence of all the traffic witnesses.*"

Council stated that it did not agree with the additional wording proposed by Capitol, nor did it think it necessary for the Panel to make any direction regarding funding of infrastructure finance costs. Council submitted that as agreed by all the traffic experts under cross-examination, it would be appropriate to include a note in the PSP as follows:

The indicative timing for delivery of the transport infrastructure may vary depending on the timing for the delivery of the full Sunbury Road duplication and the Bulla Bypass projects by the State Government.

(ii) Discussion

There is unanimous support for the southern crossing and the upgrading of the route via Watsons Road/Crinnion Road to the Calder Freeway interchange. The issue comes down to the priority given to this project in the PSP and how the PSP should be worded to reflect that priority.

High priority for delivery in the short-term is generally supported by all parties and confirmed by the expert evidence particularly in the absence of construction of the Bulla Bypass and to a lesser degree the Sunbury Road duplication. Should those two state projects be delivered in the short-term, the urgency for the southern creek crossing may be diminished, although the evidence supports the view that there are still substantial benefits in the early delivery of the southern crossing as it would provide an additional creek crossing and Sunbury bypass route thereby reducing congestion levels in the Sunbury township.

The VPA and Council did agree that the priority for early delivery of the crossing could shift if the two State projects are completed in the short-term. Council sought flexibility in the PSP to reflect this possible change in priority and suggested that a relatively short note in the PSP with respect to priority was all that was required.

The Panel suggests that given the acknowledged strategic importance of the southern crossing, its delivery in the short-term will still be highly desirable. The minimalist wording suggested by Council would, in the Panel's view, be insufficient to convey the strategic importance of the crossing, although the Panel is mindful of the need to provide some flexibility in any additional words added to the PSP. Capitol provided some extensive additions to the PSP. The VPA acknowledged that the wording provided by Capitol had merit but needed further detailed consideration. The VPA suggested that the Panel should recommend that the VPA, Council and other relevant parties should consult further to agree on a form of words to be added to the PSP before it is finalised. The Panel concurs with that approach.

Council expressed some concern that over-emphasis of the importance and priority of the southern crossing and link to the Calder Freeway may relieve the pressure on the State government to deliver the Bulla Bypass and the Sunbury Road duplication and urged caution in the words to be added to the PSP. The Panel notes the concerns of Council but considers them to be over-stated.

The Panel concurs with the VPA and Council that a PAO is not warranted in this case.

The Panel is not concerned that the ICP could not fund the southern creek crossing and associated works in the short-term. It notes that Council did not raise this issue and did not consider that the Panel needed to make a recommendation with respect to ICP meeting finance costs. Council's primary concern was that the PSP provide sufficient flexibility should circumstances change and the delivery of the southern crossing become a lower priority.

(iii) Conclusions

The Panel concludes:

- The early delivery of the southern creek crossing should be given a high priority in the Sunbury South PSP although circumstances may change which could affect this priority
- The VPA should consult with the Hume City Council and other affected stakeholders to agree a form words for inclusion in the PSP to reflect the high priority given to the delivery of the southern crossing and associated interim works but with a degree of flexibility as to the timing of delivery.

(iv) Recommendations

The Panel recommends:

- 7. Amend the Sunbury South PSP to give high priority to the early delivery of the southern crossing of Jacksons Creek, while recognising that circumstances may change which could affect the priority.**
- 8. The VPA should consult the Hume City Council and affected landowner stakeholders on an appropriate package of additions to the PSP to reflect a high priority for the early delivery of the southern crossing. These additions should incorporate a degree of flexibility as to the timing of delivery of the southern crossing in recognition that circumstances may change which could affect the priority for the crossing.**

4.4 Applied residential zones

(i) The issue

The issues are:

- Whether the term ‘walkable catchment’ is appropriate in delineating the application of the General Residential Zone (GRZ) and the Residential Growth Zone (RGZ), and whether the ‘walkable catchment’ should be shown on the Future Urban Structure (FUS) and associated plans
- Whether the extent of walkable catchments as shown is appropriate, or should they be reduced in area
- Whether the proposed mandatory minimum development density of 17 lots per net developable hectare (lots/ha) is appropriate within the ‘walkable catchments’.

(ii) Evidence and submissions

Walkable Catchment and Applied Zones

The VPA, in its Part A submission, outlined that it proposes to include the applied RGZ within ‘walkable catchments’, the boundaries of which are depicted on Plan 3 (Future Urban Structure) in the PSPs and Map 1 to Schedule 9 and 10 of Clause 37.07. All other residential land would be contained within the applied General Residential Zone (GRZ).

The application of walkable catchments is described in Requirement R9 in the Sunbury South PSP and Requirement R10 in the Lancefield Road PSP as residential land within:

- 800 metres of major town centres

- 400 metres of local town centres
- 200 metres of community hubs
- 100 metres of local convenience centres
- 800 metres of train stations
- 600 metres of the Principal Public Transport Network (PPTN).

The application of these applied zones is VPA policy, as set out in the document, *PSP Planning Response to Applied Residential Zones, Background Paper, September 2016*. The VPA have recently reviewed its previous position of applying the RGZ as the default applied residential zone to all formally identified growth areas, in response to recent Panel recommendations, and now support a more nuanced and strategic approach.

The VPA's position was that the application of the applied RGZ will encourage increased housing diversity, choice and employment opportunities; will assist in facilitating ultimate housing densities that can make the 20 minute neighbourhoods a reality in greenfield areas; will strengthen the concept of a permanent urban growth boundary; and is consistent with Plan Melbourne 2017-2050 (*Plan Melbourne 2017*). The VPA also considered that the RGZ is appropriate to allow for a range of desirable, small floor area, non-residential uses to establish on land close to town centres and encourage flexibility in urban communities.

The VPA acknowledged that several recent Panels have adopted walkable catchments that are more contained than they propose, for example recommending a reduced catchment of 400 metres from the Major Town Centres and 200 metres from the PPTN in the Mt Atkinson, Plumpton and Kororoit PSP's. However, the VPA considered that the RGZ should be maximised where possible in the Sunbury South and Lancefield Road PSP areas given that a greater proportion of the overall PSP areas will not be developable land, and due to topography and environmental features such as Jacksons and Emu Creeks. As a consequence, the overall housing yield is likely to be lower in the Sunbury South and Lancefield Road PSP areas.

Hume City Council (Submission C207-57 and C208-54) raised a concern with the term 'walkable catchment', submitting that the whole PSP areas should be designed to be walkable. Council submitted that it is unclear as to the extent to which the identified walkable catchment has taken into consideration major barriers to movement, including the rail line, arterial roads, escarpments and creeks. Council requested that the walkable catchments are removed from the PSP and that areas are identified for medium density housing instead, consistent with earlier PSPs.

Mr Mark Woodland gave evidence on behalf of View Grange Pastoral Estate (Villawood) in relation the Redstone Hill Estate. He recommended that the RGZ be applied to residential areas generally within:

- 400 metres of a Major Town Centre
- 200 metres from the PPTN
- 200 metres from the Local Town Centre and
- 100 metres from co-located community hubs, sports reserves and local convenience centres.

These reduced areas are consistent with the extent of walkable catchments as recommended by some other recent Panels.

The VPA, in its closing submission, advised the Panel that, having considered the question about the appropriateness of the term walkable catchment, it is of the view that both this phrase and its identification in the FUS should remain. It submitted that the term is the appropriate descriptor in practice and policy, and has been adopted by previous Panels and endorsed by DELWP.

The VPA also noted that the walkable catchment must be included on the relevant plans as it shows the delineation between the applied GRZ and RGZ. The VPA noted, however, that it will change the graphical representation on the FUS to improve its legibility.

Densities

In relation to dwelling densities, the VPA have drafted the PSPs to:

1. Seek an overall residential development yield average of 15 dwelling per net developable hectare. This is not a Requirement or a Guideline, but rather used in the land budget.
2. Include a Requirement (mandatory provision) that a minimum average density of 17 dwellings per net developable hectare is achieved within the walkable catchments, where the RGZ is applied. The Requirement notes that applications for subdivision can demonstrate how target densities can be achieved over time, to the satisfaction of the Responsible Authority.

The VPA noted that these average densities allow for higher and lower density outcomes across various parts of the precincts, and that the Sunbury South and Lancefield Road PSPs seek lower densities than what is typically sought in Melbourne growth areas, having been tailored to respond to the unique landscape features and township character of Sunbury.

Accounting for proposed changes resulting from review of:

- Land identified as having 'regionally significant landscape values' in the exhibited PSPs; and
- The drainage infrastructure requirements in the draft Development Services Schemes (DSS),

the PSP areas combined have a total 1,538 hectares of net developable area in residential zones.

Of this total:

- the RGZ is proposed to be applied to 568 hectares, being 37 percent; and
- the GRZ is proposed to be applied to 970 hectares, being 63 percent.

An average of 15 dwellings per hectare across the two precincts would result in 23,055 new dwellings. The delivery of 17 dwellings per hectare in the 568 hectares of RGZ land (totalling 9,656 dwellings) would result in the remainder of the land requiring a density of 13.8 dwellings per hectare.

Council had concerns with the requirement for the minimum development density of 17 lots/net developable hectare for areas that are impacted by slope, and in particular, the catchment of Harpers Creek. Council considered that this contradicts the requirements of the PSPs relating to the development of larger lots on sloping land.

Spiire on behalf of potential purchasers of 280 Lancefield Road (Submission C208-60) submitted that the extent of the walkable catchment will result in an excessive number of small lots to achieve the minimum density target of 17 dwellings/hectare. The submission considered the target to be a very high minimum target and recommended a target of 16.5 dwellings/hectare to be more appropriate.

Mesh on behalf of Villawood Properties (Submission C208-71) considered that site conditions, including slope, as well as Sunbury's peri-urban location present challenges in achieving a blanket density target. Accordingly, Villawood submitted that Requirement R9 in the Sunbury South PSP should be a guideline rather than a requirement.

Mr Woodland gave evidence on behalf of Villawood that the density requirement should be amended to allow for densities to be reduced at the discretion of the Responsible Authority having regard to topographic or landscape characteristics, or if the density and housing objectives could be met elsewhere within the precinct. While recognising that the target densities are below those referenced in *Plan Melbourne 2017* and other PSPs at 20 dwellings/hectare, Mr Woodland considered that the targets will be difficult to achieve due to terrain; treatment of interfaces to respond to the rural character; consumer preferences; and the rural township character of Sunbury. Mr Woodland recommended that the walkable catchments be reviewed and modified where necessary to take account of site features.

Mr Dance (Submission C208-84) expressed concern regarding the visual impact associated with the proposed housing density not being in keeping with the landscape and cultural values of the area.

The Kolceg Family (Submission C207-84) supported the applied RGZ for land within the walkable catchment and also supported the mandated average density of 17 dwellings per hectare. This submission recommended that their site at 35 Buckland Way, Sunbury be all shown within the RGZ, being within 400 metres of the Town Centre, if the waterway is piped and the constraint of the waterway is removed.

(iii) Discussion

Walkable Catchment and Applied Zones

While there appears to be general consensus between parties that the PSPs should provide for a range of housing densities, and that generally it was appropriate that the highest densities be provided within and adjacent to the town centres and along the routes of the PPTN, the extent of these 'walkable catchments' and whether or not this should be shown within the FUS was more contentious.

Historically, PSPs have marked medium density or higher density residential areas on the FUS with the underlying zoning remaining the same. However, with the changes to the residential zones in 2017, and with the different provisions of the RGZ as compared to the GRZ, more recently a 'walkable catchment' has been shown on the FUS.

Several submitters highlighted problems with the walkable catchment as exhibited, and therefore the applied RGZ that would apply to the land. There were some areas where the

walkable catchment appeared to split property boundaries or where it related to land that had a significant slope and would be unlikely or undesirable to achieve higher densities.

The Panel accepts that there are some difficulties in providing a 'line on a plan' that in turn dictates mandatory density requirements, particularly within these PSP areas that cover large areas and have significantly varied topography. PSPs are master plan documents, and land use planning decisions and design detail will occur over decades to come, with more detailed and careful consideration of site opportunities and constraints at the planning permit stage.

The Panel sees merit in the various propositions put forward, including removing the walkable catchment from the plan, however, on balance agrees with the VPA that there should be a clear distinction between the underlying applied zones. While these PSP areas do present greater challenges in terms of topography and environmental conditions than many of the other growth areas, the planning regime throughout Victoria includes the suite of residential zones, which have quite different objectives and planning permit requirements, and it is appropriate that both the RGZ and GRZ are applied throughout these areas.

Plan Melbourne 2017 seeks to provide a range of housing types in growth areas (Policy 2.5.2) including larger lots with a sizeable backyard for families that desire it, as well as options for townhouses, low rise apartments and aged care housing close to shopping centres and community facilities. Without this spatial representation of the applied zones by the walkable catchments, it is unclear how the applied zones would operate.

The Panel does, however, agree with the recommendation of Mr Woodland that further work should be undertaken to carefully define the walkable catchment on the FUS, and resolve issues including:

- Where the walkable catchment boundary splits property boundaries
- Around Redstone Hill and having regard to topography
- Around the Redstone Hill Major Town Centre
- Around the co-located community facility and local convenience centre fronting Redstone Hill Road
- In other areas where topography might provide a significant constraint to medium or higher density development
- Where submitters have highlighted site-specific characteristics that may warrant a more nuanced approach
- Providing a more legible marking on the FUS to improve legibility, including avoiding shading that covers other provisions on the plan, and changing the graphic to differentiate it from the urban growth boundary.

The Panel accepts that the term 'walkable catchment' is appropriate. The concept of using walking distances around activity centres and public transport to encourage higher densities and to apply different zones is readily used in Victorian planning schemes (e.g. Clause 56 subdivision and in policy).

The relative distances proposed for the walkable catchments were not heavily contested in this hearing, unlike some others. Some previous Panels have recommended reducing the 'walkable catchment' distances proposed by the VPA, usually based on opposition from

Council and given the differences between the service provided by train and tram routes compared to buses.

The Panel accepts that in the context of Sunbury South and Lancefield Road PSPs that there is significantly less developable area than many other PSPs, and on this basis, the extent of walkable catchments should not be further reduced. However as noted above, with further more detailed work to define the walkable catchments, the distances from nominated activity nodes or transport may not always be strictly applied.

As with all planning decisions, a range of planning objectives need to be integrated, and where conflicting, balanced to achieve a net community benefit. The key objectives here are to ensure that growth areas provide for greater densities over time to provide for a diversity of housing and affordable housing options, but also to ensure that development is site responsive to the topography and character of Sunbury. The Panel is satisfied that the approach to showing walkable catchments as proposed (with some refinements) achieves this.

Density

The Panel understands the concerns about the mandatory nature of the density provision and sometimes the difficulty in delivering this but is also conscious of the role that growth areas have in providing for our growing population, delivering affordable housing, and protecting the urban growth boundary.

Plan Melbourne 2017 (Policy 2.2.5) states that in the future, planning and development of growth areas should, over time, seek an overall increase in residential densities to more than 20 dwellings per hectare.

The Panel agree with the VPA that there have already been measures to account for the topographical and other environmental and character conditions of Sunbury, including lowering of the density provision from the target of 20 dwellings per hectare to 17 dwellings per hectare, and therefore that the density provision should not be further reduced.

The Panel also accepts that it should remain a Requirement rather than as a Guideline, as is typically applied in PSP areas, as otherwise there is considerable risk that the opportunity for achieving these densities will be lost, contrary to policy. Several submitters and experts agreed that providing a flexible or discretionary 'Requirement' is a contradiction in terms.

The Panel, however, notes that the Requirement does provide for an average density, and therefore, there are opportunities for greater and lower yields depending on site conditions, and that densities can be achieved over time.

Finally, both the objectives and provisions of the UGZ require that use and development must be generally in accordance with the PSP applying to the land. This is a commonly accepted principle in planning to provide some flexibility in delivering high level master plans. Some minor variations can occur where there would not be a material departure from the intent of the PSP, or to provide for a common sense outcome where strict appliance may otherwise result in a poor outcome.

(iv) Conclusions

The Panel concludes:

- The walkable catchments should be reviewed by the VPA to ensure that they follow lot boundaries wherever possible; have regard to topography and other site constraints identified by submitters; and avoid being applied in areas where higher densities would be unworkable or undesirable
- The walkable catchment should remain on the FUS and Table 1 to Schedule 9 and 10 of the Urban Growth Zone, but that the graphic depiction should be changed to improve legibility
- The extent of walkable catchments is generally appropriate, subject to a further detailed review as recommended above
- The density requirements of the PSP are appropriate and should remain a Requirement, but recognising that these can be applied over time and relate to average density, allowing for higher and lower densities across the precinct.

(v) Recommendations

- 9. The VPA should review the walkable catchment boundaries and revise the notation on the Future Urban Structure and in Table 1 to Schedules 9 and 10 of the Urban Growth Zone to better reflect site conditions including topography and lot boundaries.**
- 10. Change the graphic depiction of the walkable catchments to improve legibility and avoid shading that covers graphics on the plan.**

4.5 Heritage issues

(i) The issues

Whether the Amendment's PSPs accurately identifies all heritage properties and whether some Heritage Overlays should be deleted?

(ii) Evidence and submissions

Submissions received from Ms Brogan (C207 - Submission 24 and C208 – Submission 17), Mr Manning (C208 – Submission 20), Mr Menhennit (C208 – 67), Mr Dance (C208 - 84) and Hume City Council highlighted a number of sites of Aboriginal and post-contact cultural heritage significance, particularly located within and surrounding the Jacksons Creek valley and issues associated with the overlays.

Heritage Victoria (C207 – Submission 5) raised concern that a number of heritage overlays were incorrectly located in Plan Two - Precinct Features, in particular, HO210 – 'Leydon'. Concern was also raised that the sites are mapped *'in a generalised manner as a circle rather than accurately'* which could lead to confusion. Heritage Victoria noted its preference to have the location of the HO sites mapped for inclusion in the gazettal of C207. It was recommended that a detailed archaeological survey be conducted across both PSP areas to provide greater assurance on potential or historical archaeological sites.

Capitol Property Group (C207 - 75) submitted that the designation of a 'possible' heritage site on Property 59 in the Sunbury South PSP be removed on the basis that it has no heritage value.

The VPA submitted that the heritage matters contained within the Amendments and the PSPs were informed by two heritage assessments undertaken on behalf of the VPA, including *Post-Contact Heritage Assessment (Context, December 2014)* and *Aboriginal Heritage Impact Assessment (Heritage Insight, August 2015)*.

In relation to Property 59, the VPA submitted the PSP was informed by the above studies which identify the site as a potential 'dry stone wall enclosure'.

The VPA accepted that a number of heritage sites are incorrectly shown on plans in the exhibited PSPs noting that this will be corrected. It recognised that Council is currently undertaking an assessment of heritage sites subject to the Heritage Overlay in its municipality, and understood that work would seek to more accurately map and apply the curtilage to heritage sites in recognition that many of the sites are currently protected by relatively large circles, which do not accurately reflect the heritage features or values. The VPA acknowledged that this work may result in changes to the extent of the Heritage Overlays within the precincts, but that this will not be reflected in these Amendments.

The VPA accepted that assessments have identified three sites within the Sunbury South PSP and two sites within the Lancefield Road PSP that have potential heritage value but are not subject to a Heritage Overlay. It was recognised that these will require further investigation, but still be afforded protection through both the PSP² and the UGZ Schedule³.

(iii) Discussion

The Panel notes the submissions largely related to the heritage significance of the Jacksons Creek valley, nature of mapping, as well as to a number of individual properties.

The Panel concludes that the PSP has appropriately included the majority of heritage sites within the Jacksons Creek valley within either land identified for conservation purposes or with regional landscape significance, which will afford these sites a greater level of protection. The broader cultural heritage values within the valley are discussed within section 4.2.

In terms of mapping, the Panel agrees with submitters and the VPA that there should be a review of the mapping of heritage sites and overlays to ensure the PSPs accurately reflect the location of all existing heritage overlays before gazettal.

The Panel notes that in addition to 'confirmed heritage' sites, the PSPs also identify a number of 'possible heritage' sites. Whilst the Panel accepts these possible sites may warrant greater heritage protection, it recognises that further work will be required to justify the application of an additional heritage overlay or change to the nomination within the exhibited PSP. The Panel considers this is additional work that will need to be undertaken outside these Amendments, and if justified, implemented through a new amendment.

² Guidelines G8 and G9 in both PSPs and G10 in the Sunbury South PSP

³ Application requirements in Schedules 9 and 10 to the UGZ

The Panel agrees with the VPA, that in the meantime, the guidelines within the PSPs and the application requirements of the UGZ Schedules will ensure the heritage values of these 'possible heritage' sites are considered as part of any future planning permit application.

With regard to submissions from Capitol and Villawood that some HOs should be deleted, the Panel has not been presented with any evidence which supports the deletion of any existing heritage overlays and therefore does not support any such changes to the exhibited Amendments.

(iv) Conclusions

The Panel concludes that the VPA should review the PSP Plans and Figures to ensure that all existing HO properties are correctly reflected and that all potential heritage sites are also identified. The Panel does not recommend any changes to the exhibited Amendments.

(v) Recommendation for further work

The VPA should review the PSP Plans and Figures to ensure that all existing HO properties are correctly reflected, and all potential heritage sites are correctly identified, in the PSP mapping.

4.6 Buffer issues

4.6.1 The issues

The PSP FUS plan shows quarry and landfill buffers around the Hi-Quality regional landfill facility at the eastern end of the Sunbury South PSP. The FUS also shows a composting buffer around the Veolia facility on land leased from Hi-Quality (refer to Figure 2 of this report).

The key issues are:

- whether the Bulla Waste Hub is appropriately recognised in the PSP
- balancing the tensions between the protection of waste infrastructure with urban growth
- the role of buffers
- buffer distances
- whether sensitive uses should be allowed within buffers
- assessment requirements
- applied zone
- referral authorities.

4.6.2 Recognition of the Bulla Waste Hub in the PSP and Amendments

(i) Evidence and submissions

There was acceptance by all submitters that the 'Bulla Waste Hub' (which includes the combined Hi-Quality quarry/landfill and the Veolia composting facility) is a recognised waste facility of Statewide Significance.

Sustainability Victoria (SV) (C207-33 and C208-35), the Metropolitan Waste and Resource Recovery Group (MWRRG) (C207-69) and EPA (C207-82 and (C208-83) all submitted that the

PSP needs to recognise the significance of the hub and the important role the buffers play in protecting it, suggesting an ESO be applied.

Whilst supportive of the principle, both Council and the VPA did not support an ESO or EAO, submitting that the UGZ can be used to restrict use and development within a buffer.

(ii) Discussion

Having examined the PSP and the Amendment documentation, the Panel can find no references to the State significant combined waste facility referred to as the Bulla Hub. The PSP identifies the quarry and landfill, but the reader would not get the significance of this site from the PSP either graphically or within the text.

The Panel notes the PSP does identify other significant features, including significant views, heritage areas and conservation areas that need to be taken into consideration when implementing the PSP.

As State significant infrastructure that is expected to continue operating (in parts) for another 80+ years, the Panel considers the Bulla Hub should be specifically identified on the Precinct Feature – Plan 2 and the Future Urban Structure Plan – Plan 3.

4.6.3 Balancing waste management and urban growth

(i) Evidence and submissions

Sustainability Victoria and MWRRG submitted that State policy recognises the need to protect waste recovery facilities so they remain fully operational and productive over the life of the investment. It was submitted that identification of potential future residential use or allowance for sensitive uses within the buffers could compromise the future of this important resource.

Whilst Mr Canavan, appearing for Hi-Quality, recognised the significance of the Bulla Hub, he submitted that society has many competing land uses and the SPPF calls for an integrated planning approach which balances competing policy objectives in favour of net community benefit for present and future generations. He submitted that the Bulla Hub and associated buffers are within the UGB and that designating land for residential uses within the buffers now means that when the time comes for the land to be developed, and having undergone the appropriate assessment process, a further planning scheme amendment should not be required. His submission was supported in part by the evidence of Mr Barlow. Mr Barlow recognised there will be substantial population growth within the UGB and that the PSP should identify land within the buffers as ‘future urban’ with the applied GRZ providing certainty. He based this on the recognition that the Bulla Hub was of State significance and that these uses and the buffers will continue to operate to their full capacity for the full life of the resource and that residential development would not occur until after that.

Mr Fiedler, appearing for Veolia, emphasised the significance of the composting facility and the need to ensure it is protected through appropriate buffers and associated restrictions on sensitive land uses. He submitted that this is supported by the SPPF, *Plan Melbourne 2017* and metropolitan waste policy.

Council highlighted that this is an unusual situation where a landfill operator is actively seeking the reduction, rather than preservation of buffers, because it owns the buffer land and is undertaking forward planning on potential future uses post closure. It raised concern that identification of land as residential and application of residential zones in buffers is inviting the early sale and fragmentation of land; and that once buffers are reduced and development permitted, it will be difficult to undo, which may compromise the waste facilities and their ability to meet their environmental obligations.

The VPA considered the PSP and Amendments achieve the appropriate balance, subject to some amendments.

(ii) Discussion

In balancing competing waste management and urban growth policy objectives, the Panel agrees with Mr Canavan that the key relevant test is net community benefit and balancing the needs of present and future generations.

The Panel accepts that the waste facility is of State significance, it has an important long-term role to play in managing Melbourne's waste and that there is a need to ensure it is not compromised by the encroachment of inappropriate uses during its full operational life. It also recognises there are a range of environmental issues that will need to be investigated and managed before the land can be used for sensitive purposes.

At the same time the Panel accepts that the land is within the UGB. The Panel also accepts that once the waste facilities (or part thereof) are no longer operational and the environmental conditions have been managed, that the buffers may no longer be required and that residential development would likely be the highest and best use of this land.

The Panel therefore considers the issue is not a question of either/or, but rather what are the priorities for this land over the short (2017-25)⁴, medium (2025-2060) and long term (2060+), how will the transition occur and how should that be recognised in the PSP and the Amendments.

The waste facilities are established, certain environmental conditions exist and there is no immediate need for this land to be released for residential purposes. The Panel considers that the net community benefit for present and future generations is best served in the short and medium-term by ensuring the protection of the Bulla Hub and its buffers to enable its continued operation to full capacity. The Panel recognises that over the longer term, as the landfilling is completed and the land rehabilitated, the priority will change, transitioning towards to residential use.

The Panel considers there is a need to recognise this in the Vision within the PSP. The Panel considers that the Future Urban Structure Plan should also clearly identify land within the buffers as 'Buffers/Potential Future Residential.' The Panel considers it would be appropriate to include a number of objectives, guidelines and requirements within the PSP which clearly spell this out. This should be supported by clarification in the UGZ9. The Panel

⁴ Timeframes based on staging advice provided by Hi-Quality.

considers this approach not only clearly identifies and protects the buffers, but gives the owners of land within the buffers a degree of certainty about the future use of the land.

4.6.4 The role of buffers

(i) Evidence and submissions

Sustainability Victoria, MWRRG, the EPA and Mr Fiedler all emphasised that buffers have a dual purpose; protecting the major waste and resource recovery facilities from encroachment of incompatible uses, as well as protecting surrounding communities from potential adverse impacts associated with these uses. All emphasised the need to protect and reinforce these buffers as a means of ensuring the future of the Bulla Hub is not compromised.

Mr Canavan submitted that landfill, quarrying and composting uses within urban areas cannot reasonably expect to rely on vast buffer distances to 'assist' their operations. He said the purpose of a buffer is to protect sensitive land uses from any impacts resulting from a failure of landfill design, management or abnormal weather conditions.

The VPA recognised the dual role of buffers.

Mr Peter Ramsay who gave evidence on behalf of the VPA, said that even with buffers and state-of-the-art facilities there will on occasion be upset conditions beyond the control of the facility. For this reason, he emphasised the importance of adequate buffers and the need to ensure incompatible uses are separated. He also emphasised that where a cluster of industries of the same type exist, there is a need to consider the cumulative impacts of air emissions.

(ii) Discussion

The Panel agrees that buffers have two purposes.

The Panel recognises the role of these buffers will and should change over time, as quarrying and landfilling cease and the sites are rehabilitated; as well as any changes to Veolia's tenure. It may be appropriate to alter the extent of the buffers over time as a result of technological improvements and any future audit or assessment work that may be undertaken. In the longer term, the Panel considers there will come a time when the buffers are no longer required. For this reason, the Panel considers the buffers should be reviewed as part of future PSP reviews.

The Panel considers that the UGZ9 should include a new clause which outlines how land within the buffers will be treated and what the appropriate land uses within the buffers are.

4.6.5 Buffer distances

(i) Evidence and submissions

Landfill buffer

The EPA, Council and Mr Canavan all accepted the landfill is a Type 2 landfill because it accepts Category C prescribed industrial waste.

Council submitted that the 500 metre landfill buffer is already set under the current licence and that if it is to be altered, it must be based on the findings of a 53V⁵ audit. It was submitted that this work has not been done and therefore there is no justification to reduce the landfill buffer.

Mr Ware (C207–39) submitted that the landfill creates amenity impacts which are clearly perceptible and audible from his property approximately 700 metres away and that buffers are required to address this.

Whilst accepting the landfill is Type 2 which attracts a 500 metre buffer, the VPA relied upon the evidence of Mr Clarke who said that the landfill does not accept putrescible waste. Based on the nature of waste received, he believed that a 200 metre buffer (as required for Type 3 landfills) was the appropriate starting point. However, accepting the geology of the area to the north was not well known, he recommended the buffer be extended an additional 50 metre beyond the break of slope at the margins of the plateaus to 250 metres. He acknowledged he had not conducted an audit of landfill gas risk and that no current monitoring or landfill gas data was available to him in forming his opinion and that he did not have a full understanding of the geology of the area. He emphasised that his evidence represented his opinion based on his experience in assessing landfill gas risk around landfill sites.

The VPA also relied on evidence from Mr Peter Ramsay in relation to odour impacts. Mr Ramsay said that as a Type 2 landfill which had received Category C prescribed industrial waste, the appropriate buffer distance is 500 metres. He did not support a reduction in the buffer to 250 metres as he considers there has been insufficient justification.

Whilst recognising the conflict between Mr Clarke's and Mr Ramsay's evidence, the VPA adopted Mr Clarke's evidence and proposed a 250 metre setback. The VPA said there is no other evidence before the Panel to the contrary. Mr Canavan supported this position, recognising there is scope to vary the buffer distances.

There was general acceptance that while the landfill is still in operation, a buffer of 500 metres is appropriate to manage noise, dust and other amenity issues. It was also generally agreed that the landfill buffer can be reduced once the landfilling ceases, the site is rehabilitated and a section 53V audit has been completed. This could be done as part of a future PSP review.

Quarry buffer

It was originally thought that the quarry was non-blasting and therefore a 250 metre buffer was appropriate. Upon finding out blasting does occur, all parties agreed that the quarry buffer should be increased to 500 metres.

Composting facility buffer

All parties, with the exception of the EPA, supported a 1,300 metre buffer for the composting facility. This was also supported by all experts at an Odour Conclave attended by Mr Ramsay, Mr Assal, Mr Pollock, as well as Mr Choi of the EPA.

⁵ Section 53V of the Environment Protection Act 1970

Despite agreeing to the 1,300 metre buffer at the conclave, the EPA later submitted that between 1,200 and 1,400 metres would be an appropriate buffer for a facility of this size, waste type and composting method. However, as the EPA had received no odour assessment work it considered there is insufficient justification for the proposed 1,300 metre buffer. On the basis that complaints had been received from up to 1,500 metres from the facility, the EPA changed its position, and submitted that a 1,400 metre buffer is an appropriate starting point and recommended further assessment be undertaken.

Mr Canavan originally relied on the evidence of Mr Pollock in support of a reduced buffer to 600 metres but he accepted that 1,300 metres is the appropriate buffer distance.

(ii) Discussion

There is no dispute amongst the parties that as blasting occurs at the quarry the required buffer distance is 500 metres. The Panel agrees and considers the buffer should be increased to 500 metres accordingly.

In relation to the landfill buffer, the Panel does not accept the evidence of Mr Clarke that it is appropriate to reduce the setback from 500 metres to 250 metres at this time. Mr Clarke's evidence was based on his experience in similar cases, rather than evidence gathered from audits and assessments. He recognised there are still many unknowns in relation to the potential for landfill migration from the site, and particularly in the north. Through cross-examination he accepted that there is not enough evidence before the Panel to justify a reduction in the buffer from 500 metres.

The Panel agrees that the landfill buffer should be shown in the PSP as 500 metres, but with the ability to reduce the buffer, subject to a s53V audit, once the landfill has ceased operation and undergone rehabilitation.

In relation to the composting buffer, there was general consensus amongst the parties and all experts that 1,300 metres is the appropriate buffer. The Panel supports this.

Whilst the EPA sought to increase this distance to at least 1,400 metres and called for further work to be undertaken, the Panel notes it was a signatory to the Odour Conclave which agreed to the 1,300 metre buffer. The Panel did not find the EPA submissions at the Hearing helpful and found that no additional evidence was submitted which justified an increase above the previously agreed 1,300 metres. The Panel does not support the EPA submission that the buffer distance should be increased.

Similarly, the Panel did not accept the evidence of Mr Pollock as a justification to reduce the buffer distance and notes that through cross examination he agreed there is insufficient evidence before the Panel to support a reduction from 1,300 metres.

The Panel therefore accepts that the composting buffer should continue to be shown in the PSP as 1,300 metres.

The Panel accepts that the composting buffer should be able to be reduced or deleted in the future if the composting operation changes or is removed altogether.

4.6.6 Sensitive uses in buffers

(i) Evidence and submissions

Submissions from Sustainability Victoria, MWRRG, EPA, Council and Veolia all raised concern about the potential for sensitive uses to be allowed within the buffers as these are considered incompatible with the waste facility and could ultimately compromise their future operations as well as cause potential health, safety and amenity impacts for the occupants.

The MWRRG highlighted that, whilst completion of land filling would be staged, the waste management operations have the capacity to continue operating for 80 years or more, and that it would be inappropriate to allow sensitive uses or apply residential zones that might compromise this. The MWRRG submitted that if these uses or developments could not get approval, that this would create uncertainty and sterilise the land in the foreseeable future. It submitted that industrial uses would better facilitate orderly and timely development of the PSP and better align the objective of planning which provide for the fair, orderly, economic and sustainable use and development of land.

Mr Ware (C207 – Submitter 39) submitted that there should be no residential zoned land within the buffer until the landfill operations cease or relocate.

Hi-Quality supported the designation of land within the buffers with an applied residential zone and other sensitive uses on the basis that the PSP is intended to be a long-term plan for urban development and it facilitates this without the need for further amendments. Mr Canavan submitted that a blanket prohibition on sensitive uses within buffers would be unreasonable and a blunt tool, and that there is a need for flexibility so that at the appropriate time, the land can be transitioned to an urban use. This position was supported in part by Mr Barlow's evidence, who, whilst acknowledging that State policy seeks to ensure the encroachment of 'sensitive uses' towards quarries and important waste and resource recovery facilities is avoided, considered the exhibited 'special provisions' relating to sensitive uses in buffers adequately addresses the use of land to be identified as future urban.

The VPA recognised the long-term nature of the PSP and did not foresee the need for urban development within the buffers in the short to medium term, emphasising that any residential development within the buffers is a long-term proposition.

Landfill buffer

The VPA agreed that sensitive uses should be excluded until such time as it is proven safe for these uses, recognising this could take 30 years or more.

It was common ground that future applications for sensitive uses within the buffer (after the landfill operation ceases and rehabilitation has been carried out) should be subject to a s53V audit.

Quarry Buffer

The VPA submitted that it is not intended that residential development would occur within the buffer whilst blasting continues, however, it submitted that blasting will not go on

indefinitely. It was submitted the proposed UGZ9, with the applied GRZ, includes appropriate controls to ensure both the ongoing quarry operation and the protection of future users and that no further changes are required.

The VPA also submitted that it will include an additional Guideline within the PSP requiring the referral of applications within the buffer to the Earth Resource Regulation Section of the Department of Economic Development Jobs, Transport and Resources (DEDJTR) (The Panel notes that this would be more appropriately done via a requirement in the UGZ9).

Composting facility buffer

Mr Fiedler submitted that the UGZ9 should prohibit incompatible developments including dwellings, residential premises, childcare centres, pre-schools, primary schools, education centres, informal outdoor recreation, bed and breakfast, dependant person's unit, home occupation, food and drink premises, restaurant and residential aged care facility.

The VPA did not support this, submitting sensitive uses may be appropriate providing it can reasonably be demonstrated that there will no adverse health, safety or amenity impacts.

(ii) Discussion

As the Panel considers the short to medium term focus of the buffers should be on ensuring that uses or developments do not occur which might compromise the existing and future operations of the waste facility, the Panel agrees that sensitive uses should be prohibited within the buffer while the facility is in operation.

The Panel recognises the UGZ9 proposes to include the requirements for s53V audits (for sensitive uses in the landfill buffer) and amenity assessments (for sensitive uses in the composting buffer) to be undertaken as part of permit applications before sensitive uses can establish.

The Panel considers the most appropriate way of dealing with this is to prohibit all sensitive land uses in the respective buffers whilst the landfill and composting facility are still operating, until such time as there are no unacceptable risks. The Panel agrees that it would be appropriate for the buffers to be reassessed each time the PSP is reviewed (every five years) to determine whether they are still appropriate, but considers that they should not be altered unless appropriate audits and assessments have been undertaken.

The Panel accepts that applied zones allowing sensitive uses (including GRZ and RGZ) can be shown in the PSP within the buffers, but that it needs to be made much clearer that there are 'hurdles' to development and the PSP represents the long term intention, subject to further investigation.

The Panel believes that, given the importance of this issue in this PSP, it warrants a specific section in the PSP on land uses within buffers. This section should spell out the long-term vision, the intent of the buffers, the requirements for approving sensitive uses within buffers and any guidelines for future development. This broader intent can then be carried through to the UGZ9 with more confidence.

4.6.7 Assessment requirements for use and development in buffers?

(i) Evidence and submissions

Landfill Buffer

The EPA supported the proposed requirement for a s53V audit within this buffer, provided it prohibited sensitive land uses and any buildings and works associated with sensitive uses whilst the landfill is still active.

Mr Ramsay supported all proposals for sensitive uses within the landfill buffer be accompanied by a s53V audit, and said it should also consider odour amenity risk. He also said that this should apply to any new buildings and works as well as alterations to existing buildings.

The VPA supported the requirement for a s53V audit, recognising one can be completed at any time after the closure of the cells most proximate to the proposed sensitive uses.

Composting buffer

Council agreed with the proposed requirement for planning permit applications for sensitive uses to be accompanied by a s53V audit.

Mr Canavan submitted the requirement for a s53V audit would require the participation of Veolia, however, if Veolia was unwilling, an audit could not be realistically undertaken and an odour environmental risk assessment could be a suitable alternative and recommended inclusion of this in the UGZ9.

Ms Lardner for RCL Sunbury Pty Ltd indicated they do not support the s53V audit, for without Veolia's co-operation such an audit could not be realistically undertaken, and such a requirement would be tantamount to preventing any residential development or sensitive uses until this facility ceases.

Whilst Mr Ramsay recommended sensitive uses be prohibited in this buffer, if allowed he recommended a s53V audit.

The EPA acknowledged a s53V audit could be utilised but that one would not be required by the EPA.

The VPA submitted the evidence confirms it is not possible to reliably undertake a s53V environmental audit without Veolia's participation and that the planning scheme ordinance should address this reality. For this reason, it supported a requirement for an amenity (odour, dust, noise and vibration) assessment rather than a full s53V audit.

(ii) Discussion

The Panel supports the need for a s53V audit for use and development within the landfill buffer.

The Panel does not agree that a s53V audit is required for use and development in the composting buffer, and accepts that a requirement for an odour, dust, noise and vibration assessment will suffice as proposed by the VPA and supported by the EPA.

4.6.8 Applied zone

(i) Evidence and submissions

The UGZ9 shows substantial areas of the composting buffer area and parts of the landfill buffer area as having an applied zone of GRZ.

As they considered residential and sensitive uses should be prohibited within the buffers, Sustainability Victoria, the MWRRG, the EPA, Council and Veolia all questioned the appropriateness of the applied GRZ in the buffers. The concern was that the purposes of the zone are inconsistent with the purpose of the buffer and could create unreasonable expectations about what the land can be used and developed for, potentially leading to the early fragmentation and sale of this land and ultimately compromising the purpose of the buffers. It was submitted a non-residential zone is more in keeping with compatible land uses, such as Industrial, Light Industrial or Rural Conservation.

Council submitted that land within the buffers should not have an applied residential zone until such time as a 53V audit has been undertaken proving its suitability and that this has not been undertaken. Council considered this would require a new planning scheme amendment, emphasising the transition of land to residential does not mean that critical statutory steps can be avoided. Council submitted *“the landfill operator can have it all, just not all at once.”*

Mr Canavan supported the applied residential zone as it provides certainty and flexibility within the buffers and enables the long-term transition of this land to residential as waste facilities ultimately cease operations, upgrade or relocate. He said this should be done without the need for another amendment.

The VPA submitted the land within the buffers can have an applied residential zone, notwithstanding it is necessary to place constraints on the uses allowed in the zone in the short to medium term.

The VPA considers the controls should reflect the opportunities that exist to realise broader urban objectives in the future by inviting applicants to satisfy the relevant authorities about buffer reductions and appropriateness of uses/developments, without the need for a further amendment to the Scheme.

(ii) Discussion

The Panel notes the submissions from the VPA and Mr Canavan that the applied GRZ provides for flexibility and enables the long-term transition of the land from buffers to residential.

The Panel also notes Council and other submitters concerns that the applied zone may create unrealistic expectations about what can be done with the land in the short to medium term, and potentially could compromise the State significant waste operations. The Panel agrees that these arguments have merit.

The dilemma is that the PSP needs to be at the same time visionary, flexible and provide certainty.

On balance, the Panel accepts that the applied residential zone can be shown on the PSP in the landfill and composting buffers, but only if the PSP and UGZ9 are much more prescriptive about defining the difference in appropriate land use and development before and after waste operations cease.

As stated above, the Panel believes that a separate section should be included in the PSP that sets out the vision, requirements and guidelines for land use and development in the buffer areas. The Panel believes that the UGZ schedule should also be made clearer with respect to the conditions on the applied zones within the buffers.

It might be argued that this is overly cautious and a duplication of other controls, but the Panel believes that it is necessary for transparency and to more accurately reflect the long-term vision for the area whilst protecting the existing State significant waste operations.

4.6.9 Referral authorities

(i) Evidence and submissions

The Earth Resources Regulation section of the DEDJTR submitted that it should be a determining referral authority for planning permit applications within 250 metres of the Work Plan Licence boundary within the UGZ9 and the PSP must clearly identify 'quarry within 250m of Residential'.

The EPA indicated it would support being made a Determining Referral Authority for planning permit applications within the landfill buffer and a Recommending Referral Authority for the compost buffer. Council supported this.

(ii) Discussion

The Panel supports all planning permit applications within the 500 metre quarry buffer being referred to DEDJTR as a 'Determining Referral authority'. It also supports the EPA being a 'Determining Referral authority' for planning permit applications within the landfill buffer and a 'Recommending Referral authority' within the composting buffer.

4.6.10 Conclusions

The Panel draws the following conclusions in relation to the quarry, landfill and composting buffer areas:

- The PSP should recognise the State significant 'Bulla Hub' and the important role the buffers play in protecting it from incompatible land uses, whilst also recognising they will potentially transition to residential in the longer term, subject to appropriate environmental conditions.
- The Future Urban Structure Plan should clearly identify land within the buffers as 'Buffers/Potential Future Residential.'
- A specific section on buffers should be added to the PSP setting out the Vision for the area, along with appropriate objectives, requirements and guidelines for the buffer areas. This should include the long term land use vision, the intent of the buffers, the requirements for approving sensitive uses within buffers and any guidelines for future development.

- The UGZ9 should include a new clause which outlines how land within the buffers will be treated and sets out appropriate land uses within the buffers.
- Quarry and landfill buffers should be shown on the PSP Future Urban Structure Plan as 500 metres and that composting facility buffer should be shown as 1,300 metres.
- The landfill buffer can be reduced once the landfilling ceases, the site is rehabilitated and a section 53V audit has been completed.
- The composting buffer can be reduced or deleted if the facility ceases operation or changes its operations and an amenity assessment report is prepared to the satisfaction of the responsible authority.
- Future applications for sensitive uses within the landfill buffer (after the landfill operation ceases and rehabilitation has been carried out) should be subject to a s53V audit.
- An additional reference should be included in the UGZ9 requiring the referral of planning permit applications within the quarry buffer to the Earth Resource Regulation Section of the DEDJTR.
- All sensitive uses should be prohibited within the buffers while the landfill and composting facility are in operation.
- Applied zones allowing sensitive uses (including GRZ and RGZ) can be shown in the PSP within the buffers, but the PSP needs to be made much clearer to show that there are 'hurdles' to development and the PSP represents the long term intention, subject to further assessment.
- The UGZ schedule should be made clearer with respect to the conditions on the applied zones within the buffers.
- All planning permit applications within the 500 metre quarry buffer should be referred to DEDJTR as a Determining Referral authority.
- The EPA should be a Determining Referral authority for planning permit applications within the landfill buffer and a Recommending Referral authority within the composting buffer.

4.6.11 Recommendations

The Panel makes the following recommendations:

11. Identify the Bulla Waste Hub (including the quarry, landfill and composting facility) on the Sunbury South Precinct Feature Plan and the Future Urban Structure Plan.

12. Identify the quarry, landfill and composting buffers as "Buffers/Potential Future Residential" on the Future Urban Structure Plan.

13. Amend the PSP Introduction and Vision to include reference to:

- **The importance of protecting the quarry, landfill and composting buffers from the encroachment of incompatible uses which may compromise the continued operations of the Bulla Hub during its operational lifespan in the short to medium term**
- **The opportunity to transition this land to residential once the waste management activities have been completed and the sites rehabilitated, following appropriate investigations which confirm its suitability for these land uses.**

- 14. Include a section within the PSP which specifically deals with the buffers and clearly outlines objectives relating to the protection of buffers and how the land should transition from buffer to residential in the long term. The PSP should set out the Vision for the buffer areas, along with appropriate objectives, requirements and guidelines for the buffer areas.**
- 15. Include a Clause within the UGZ9 which outlines the role of the buffers and the uses permitted within them.**
- 16. Show quarry and landfill buffers in the PSP Future Urban Structure Plan as 500 metres and composting facility buffer as 1,300 metres.**
- 17. Amend the UGZ9 and Clause 66 to include DEDJTR as a Determining referral authority for all planning permit applications within the quarry buffer.**
- 18. Amend the UGZ9 and Clause 66 to include the EPA as a Determining referral authority for all planning permit applications within the landfill buffer and as a Recommending referral authority within the composting buffer.**

4.6.12 Recommendation for further work

Review the extent of the buffers as part of the ongoing reviews of the PSP.

4.6.13 Wastewater treatment plant

(i) Issues

Whether sensitive uses should be located within the buffer to the waste water treatment plant.

(ii) Submissions

Mr McKerrow (C208 –6) submitted that the Western Water Treatment Plan creates odour issues and that residential development and sensitive uses should not occur within the buffer to this facility.

The EPA submitted consideration must be given to whether the treatment plant will meet or exceed the approved capacity and therefore whether the existing buffer is adequate. It was also submitted that residential and other sensitive use and buildings and works should be prohibited within the buffer in order to both protect the facility and provide an adequate level of amenity to surrounding sensitive uses.

The VPA advised that the treatment plant is outside the PSP and that only a small portion of the buffer is within the PSP area, only affecting land which is non-developable. The VPA considers this matter has been resolved.

(iii) Discussion

As the buffer affects only a small portion of the PSP and only land identified as 'non-developable' the Panel considers the matter has been resolved and there is no need for further Panel consideration.

(iv) Conclusions

No change is required to the PSP or the Amendments.

4.7 Gas pipeline measurement length

(i) The issue

The issue is whether the controls for managing land use, development and subdivision within the gas pipeline management length are appropriate, including any notice or referral of applications?

(ii) Evidence and submissions

The Derrimut to Sunbury (T62-150mm) gas transmission pipeline easement runs immediately to the east of the railway line at the western edge of the Sunbury South PSP area.

The Utilities Plan (Plan 12, Sunbury South PSP) shows the gas pipeline measurement length of 164 metres around this easement (see the far left of Figure 4). This affects a relatively small part of the overall PSP area, and includes land identified on the exhibited FUS as:

- Being within the walkable catchment of the potential Sunbury South train station, with an underlying applied RGZ,
- Other residential land with an applied GRZ, and
- Land nominated for open space and retarding basin.

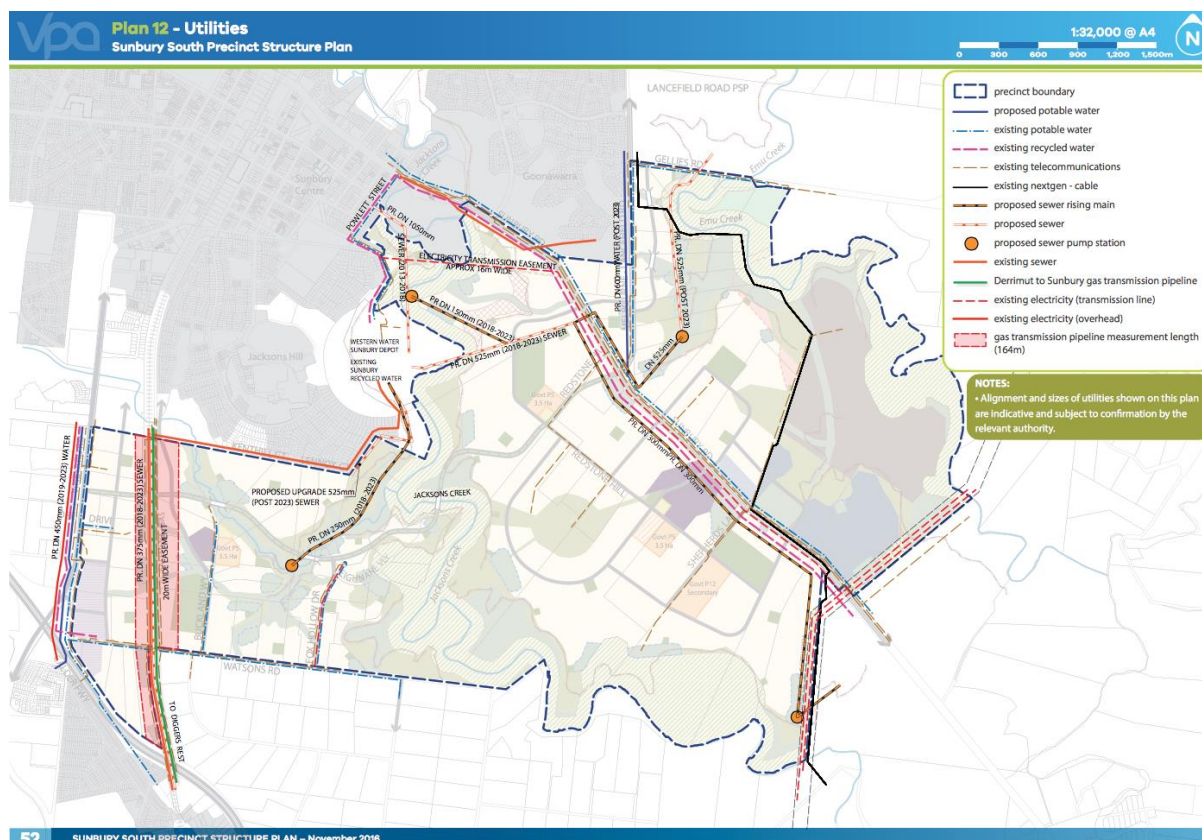


Figure 4 - Plan 12, Utilities, Sunbury South Precinct Structure Plan

The PSP notes that, given the challenging topography of the area and the high-pressure gas pipeline, the Harpers Creek town centre is offset from the future Sunbury South railway line, but is planned to have strong connections to it. The government primary school is also located outside the pipeline measurement length.

As exhibited, the UGZ9 contains the following provisions relating to the gas pipeline:

- Clause 2.4 Specific Provisions – Use of Land, includes a provision that a permit is required to use the land for a ‘Residential Aged Care Facility’ within the gas pipeline measurement length. No other land uses are listed in this clause.
- Clause 2.6 Buildings and works abutting the railway corridor, a permit is required to construct a building or carry out works for accommodation, a child care centre, a display home, a hospital, a hotel or a tavern if proposed on land within 100 metres of the railway corridor where land is marked as ‘interface with railway’ or ‘interface with transmission gas pipeline’ on Plan 5 of the PSP.
- Clause 4.13 lists the condition associated with a Construction Management Plan required within the gas transmission pipeline easement (20 metres wide), which includes being endorsed by the operator of the gas transmission pipeline where the works are within, crossing or in close proximity to the gas transmission easement.
- Clause 6.0 Notice of applications - Gas Pipeline Measurement Length, requires notice to the licensee under the *Pipelines Act 2005* of the Derrimut to Sunbury pipeline, for the following uses:
 - Residential aged care facility
 - Child care centre

- Cinema based entertainment facility
- Education centre
- Hospital
- Place of assembly
- Retail premises.

The APA Group, the gas pipeline operator, made a submission to the Amendments outlining a number of issues. They did not however present to the Panel.

Many of the issues raised in APA's submission were accepted by the VPA, with changes to the PSP and/or UGZ9 agreed to where required.

These include:

- That no roads are to be allowed within the gas pipeline easement. The Harpers Creek Residential Concept Plan has been amended to ensure that this does not occur and Plan 9, Street Network of the PSP amended to show the design of Buckland Way to Yirrangam Way extension to be clearly east of the easement.
- Reference in the UGZ9 to be to the gas pipeline measure length, and not to the gas pipeline buffer, to ensure consistency.
- Rewording Guideline 11, directing housing forms such as retirement living or aged care living to be located within walkable catchments, other than within the gas pipeline measurement length.
- Amending references or graphic depiction on plans of crossings of the easement, including roads, to be at 90 degrees and not obliquely.
- Noting that APA will require that the road underpass proposed (BR04), relocate the gas transmission pipeline under the future underpass, and that the costs to do so need to be reflected in the ICP.
- That the portion of the easement abutting the railway station to clearly indicate that no buildings or structures will be constructed on the easement. A commuter car park could be located, subject to easement rights being maintained and subject to detailed engineering assessment, to the APA's satisfaction. The Harpers Creek Concept Plan has been amended to reflect this.
- That following the recommendations of the Panel for Mt Atkinson PSP (Melton C162), that R71, R80, and R90 'Requirements' be made 'Guidelines' for consistency between PSPs. These relate to roads, stormwater infrastructure and utility infrastructure crossing the pipeline assets at 90 degrees and to be engineered to protect the integrity of the pipeline.
- That the UGZ9 at Clause 4.13 Gas Pipeline Construction Management Plan be amended to include a requirement that the clause relates to land on, or within 50 metres (not 20 metres), of the boundary of the high pressure gas pipeline easements.

The APA made a number of other submissions that remain unresolved, including:

- That APA is comfortable with the minimum average density requirement of 17 dwellings per hectare within the area nominated as applied RGZ, but notes that, given the location of the railway station and surrounding amenities, consider that there may be pressure for higher densities. Depending on the increased density, there may need to be further consideration of the risk profile of the gas pipeline.

- That the UGZ9 be amended to include a clause relating to land use considerations for the gas pipeline, to ensure consistency with other UGZ schedules. The suggested wording is as follows:

“A permit is required to use land or for buildings and works associated with the following uses that are located within the gas pipeline line measurement length:

 - *Child care centre*
 - *Cinema based entertainment facility*
 - *Corrective institution*
 - *Dependent persons unit*
 - *Education centre*
 - *Hospital*
 - *Place of assembly*
 - *Residential aged care facility*
 - *Retail premises.*
 - *Retirement village*
 - *Service station”.*
- That the UGZ9 at Clause 6.0 Notice of Applications, include additional uses not listed, including Corrective institution, Dependent person unit, Retirement village and Service station.

As the APA, nor any other party, sought to present to the Panel on gas pipeline issues, the Panel asked the VPA to respond to a number of questions, and in particular, about why the proposed controls were different to recent PSPs involving gas pipelines (e.g. Mt Atkinson, Plumpton and Kororoit PSPs).

The Panel’s questions related to:

- The density of housing permissible under the applied RGZ, particularly given other PSP’s had avoided this applied zone within the gas pipeline measure length.
- Why some uses had been omitted from notice or referral requirements as compared to other PSP’s, in particular ‘Accommodation’.
- Whether there was intended to be additional permit triggers for the use of land within the pipeline measurement length, and
- Whether the APA agreed with the notice regime proposed, as opposed to the referral requirements as previously advocated for at recent Panel hearings.

In relation to density controls, the APA advised, via an email from the VPA, that it would be comfortable with a requirement of five or more dwellings and/or lots as the trigger point for notice/referral. This would relate to buildings and works applications, rather than applications for the use, enabling the APA to comment on design, egress points etc. The VPA also proposed that applications to subdivide land for a lot less than 300 square metres would require notice, unless it was the subdivision of existing buildings.

The VPA advised that ‘Accommodation’ was not included in the list of uses requiring notice to the pipeline operator as exhibited, as at the time of preparing the documentation for exhibition, the latest PSP Panel report (Donnybrook/Woodstock) did not support its inclusion. Further APA did not request the inclusion of Accommodation as a notice provision in their submission to Hume C207.

Other uses such as corrective institution and service station were not included based on the Donnybrook/Woodstock PSP, however the VPA advised that they would not be opposed to a recommendation that these uses be included.

APA's original submission did not object to the proposed notice regime, as opposed to referral, however in response to a Panel request, the APA advised that their submission was submitted prior to the recommendations of the Plumpton/Kororoit PSPs being released that did recommend referral. APA responded that it was their preference that recommending referral status be provided to ensure that APA had a reasonable timeframe to respond; it received all relevant information rather than just a notification letter; and that Council receives technical advice from the APA to help it make decisions regarding applications triggered by pipeline related provisions.

The VPA maintained its consistently held position that notice to the pipeline operator is adequate.

Council's submission noted that there was no provision or guidance within the PSP or the UGZ schedule that relates to land uses within the gas pipeline buffer. Council requested that provisions be provided within the PSP or the UGZ schedule as they relate to the Gas Pipeline Safety Management Study (SMS).

(iii) Discussion

Overview

The Panel agrees with the VPA's closing submission, that the planning controls proposed to address gas pipelines has been a vexed issue in growth area planning over the last few years. As outlined in the Lara West and the Donnybrook/Woodstock PSP, and reiterated in the Plumpton/Kororoit PSP Panel report, the Panel considers that there is a need for a more definitive, metropolitan wide planning policy approach to bring certainty and clarity to the issue.

The *Major Hazards Facilities Advisory Committee Report, July 2016* found that the existing provisions within the Planning Scheme do not provide the necessary safeguards and mechanisms to ensure people are protected from potential harm from a pipeline rupture or that pipelines are protected from inappropriate development. This report made a number of recommendations including the establishment of a 'Land Development around Pipelines Working Group (LDPWG)' as a Section 151 Advisory Committee, to advise on improving planning around high pressure gas and liquid hydrocarbon pipelines. The Advisory Committee recommended that the LDPWG consider issues including potential referral of planning applications to the pipeline licensee to contribute particular expertise to the planning process; and the potential use of the Environmental Significance Overlay (or other overlay) to pipeline easements or measurement lengths.

The outcomes of this process will hopefully provide the clear and consistent planning approach needed, however is not available at the time of writing this report.

The Panel also highlights that the SMS had not been undertaken at the time of the Panel hearings and so the Panel has not had the benefit of these findings. The Panel was surprised that the preparation of the SMS was occurring at this late stage in the process, rather than

upfront and informing the FUS, and agree with Council, that the outcome of this SMS may require further amendments to both the PSP and the UGZ9.

In the absence of a State wide approach and detailed findings from the SMS, the Panel must consider the issue in the context of the existing State Planning Policy Framework at Clause 19.03-6 Pipeline Infrastructure of the Planning Scheme. The objective of this clause is:

To plan for the development of pipeline infrastructure subject to the Pipelines Act 2005 to ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.

The strategies are:

Recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided.

Plan new pipelines along routes with adequate buffers to residences, zoned residential land and other sensitive land uses and with minimal impacts on waterways, wetlands, flora and fauna, erosion prone areas and other environmentally sensitive sites.

Provide for environmental management during construction and on-going operation of pipeline easements.

In this context, the Panel was somewhat surprised to see that the FUS included the underlying RGZ, with the objective ‘to provide housing at increased densities in buildings up to and including four storey buildings’, within much of the gas pipeline measurement length.

While there is clear policy support for increased housing densities around train stations and the PPTN (with the future Sunbury South train station nominated in this area), this needs to be balanced with the risks to people and to the pipeline infrastructure associated with use and development, and particularly associated with sensitive uses and developments that accommodate large congregations of people.

The Panel acknowledges that the APA did not object to the applied RGZ zoning being applied within the measurement length but did raise concerns about potential densities that could be achieved (and are in fact encouraged) in this zone. Despite this, the application of the RGZ within the pipeline measurement length is of concern to the Panel having regard to State policy on pipelines, and an area in which it considers further consideration is required. This is also linked to the issue of housing densities and notice/referral to the pipeline operator, as discussed below.

Finally, while accepting that new planning controls should avoid unnecessary permit triggers and notice/referrals, the Panel considers that a cautious approach should be taken in managing land use, buildings and works, and subdivision within the gas pipeline measurement length given the significant implications to human life and property if, in the unlikely event, a pipeline rupture did occur.

Uses

Unlike many other UGZ schedules (e.g. Schedule 9 UGZ Melton Planning Scheme for Mt Atkinson), the exhibited UGZ9 did not include a specific clause relating to 'Use of land within the High Pressure Gas Transmission Pipeline Measurement Length.'

The only 'use' trigger specifically for land within the gas pipeline measurement length, is for 'Residential Aged Care Facility' within the table at Clause 2.4 Specific Provisions - Use of Land.

The VPA advised that the other uses listed by the APA require a permit in the applied zones, with the exception of 'Dependent persons unit', and therefore do not require an additional provision.

The Panel accepts that the uses as listed by the APA generally do require a permit in the RGZ or the GRZ, and that it is not necessary to duplicate these controls. However, the Panel agrees with the APA that a separate clause relating to gas pipeline matters, that addresses the range of permit controls for use, subdivision and buildings and works, as well as triggers for notice or referral, would provide for a clearer and transparent control. This is an approach taken in other UGZ schedules around gas pipelines. The Panel considers that with the further work recommended in relation to this issue, that consideration be given to providing a separate clause within the UGZ9 relating to applications within the gas pipeline measurement length.

The APA have recommended that 'Dependent persons unit' should also require a permit within the gas pipeline length, and the Panel agrees that this should be added to the uses that require a permit.

Densities

No consistent density provision has been applied within pipeline measurement lengths, and draft controls put forward in previous Panels have generally been rejected on the basis of being unworkable in practice.

While the proposal presented by the VPA and the APA has merit, the trigger for 'five or more dwellings on a lot', as opposed to two, three, four or any other number does not appear to have any rationale, and the Panel questions the basis for this. Clearly the construction of five dwellings on a lot of 1000 square metres is a different proposition than five dwellings on a lot of 301 square metres.

The Panel recommends that further thought is given to this trigger, and considers it may be instead appropriate to link it with the requirements for a buildings and works permit of more than one dwelling on a lot and for residential buildings (Clause 32.07-5 RGZ and Clause 32.08-6), as is required under the provisions of the GRZ and RGZ.

Construction Management Plans

The VPA has accepted the APA's suggested changes relating to Construction Management Plans, namely increasing the trigger to within 50 metres of the easement rather than 20 metres. The Panel supports this change.

While the drafted wording in the UGZ9 is slightly different than suggested by the APA, the Panel considers that the intent is the same and is satisfied with the VPA wording.

Referral and notice requirements

The Panel agrees with the APA that the gas pipeline owner or operator should have the status of a recommending referral authority for nominated applications, rather than simply be given notice of applications.

The pipeline owner or operator has the specialist and technical advice necessary for the responsible authority to assess and decide an application within the gas pipeline measure length, and therefore the Panel considers that the threshold for referral under Planning Practice Note 54: Referral and Notice Provisions is met.

Referral would ensure that a copy of the application was provided (rather than just a letter notifying of the application) and a statutory timeframe for a response is given. The Panel considers that it is more likely that the pipeline operator will provide appropriate technical advice than if only notice is provided.

The Panel recognises that this recommendation is contrary to the VPA's position, and some other Panel reports where the notice regime was preferred, however it is consistent with the recommendations of the Plumpton and Kororoit PSPs. Furthermore, the Panel notes that the Major Hazard Facilities Advisory Committee recommended further consideration of the inclusion of referral to the pipeline licensee for buildings and works within the pipeline measurement length.

The Panel accepts that additional uses suggested by the APA should be included in referral to the pipeline operator, namely corrective institution, dependent persons unit, retirement village and service station. There was no reason provided to the Panel why these should be excluded, and the VPA was content for these to be added to the list of uses in which notice should be required.

The Panel also considers that Accommodation (other than a dwelling) should be included in the list of uses referred to the pipeline operator. The broad land use definition of 'Accommodation' includes Group Accommodation, Residential building, Residential village, Retirement village, Residential hotel, Nursing home, Residential college, Motel etc, all being sensitive uses that would accommodate groups of people, including in some cases large groups of people, residing on one site.

The Panel considers that the appropriateness of these uses, and/or the siting and design of these uses within the pipeline measurement length is a valid planning consideration that requires the specialist advice of the pipeline operator.

While the Donnybrook/Woodstock Panel recommended excluding Accommodation (other than dependent persons unit) from the notice requirements, this was on the basis of the SMS report for that pipeline. In that case it also noted that most areas for high density residential development would be located outside the measurement length of both pipelines.

For the Sunbury South PSP, the SMS is not available, and high densities are expected to be within the RGZ and therefore within the gas pipeline measurement length. On this basis, the

Panel does not consider that the Donnybrook/Woodstock recommendations are comparable.

The VPA have suggested an additional notice provision for applications to subdivide land for a lot less than 300 square metres, unless it is the subdivision of existing buildings. There was no further information provided to the Panel on this matter, however again the Panel considers that this should be referral rather than notice for the reasons stated above.

Other Matters

The APA made some other detailed recommendations in relation to the wording of the PSP and the UGZ schedule, and the Panel is comfortable with the VPA resolving these details through further consultation with the APA.

(iv) Conclusions

The Panel concludes that further work is required to resolve the planning outcomes within the gas pipeline measurement length, and the outcomes of the SMS should be included in any review of these planning controls. In particular, the Panel concludes that:

- The appropriateness of the RGZ within the pipeline measurement length should be further reviewed having regard to the SPPF and the findings of the SMS report.
- There should be consideration of drafting the UGZ Schedule 9 to include a separate clause relating to applications within the gas pipeline measurement length, to provide for a clearer and more transparent control.
- 'Dependent Persons Unit' should be added to the list of uses that require a permit within the gas pipeline measurement length.
- Applications should be referred to the pipeline operator, rather than giving notice.
- Accommodation (other than a dwelling), Corrective institution, Retirement Village and Service station should be added to the list of uses that require referral to the pipeline operator within the gas pipeline measurement length.
- The density and subdivision provisions should be further reviewed.

(v) Recommendations

19. Implement the following recommendations in relation to the gas transmission pipeline:

- a) The VPA should consider the SMS report for the Derrimut to Sunbury (T62-150mm) gas transmission pipeline when it is available in consultation with the APA and make any associated changes to the PSP and UGZ9.
- b) The VPA should further consider the appropriateness of the RGZ being the applied zone within the gas pipeline measurement length having regard to SPPF and the SMS and make changes to the PSP and UGZ9 if required.
- c) Give consideration to drafting a separate clause within schedule 9 to the UGZ to include all application triggers for use, development and subdivision within the gas pipeline measurement length to provide for a clearer and more transparent control.

- d) Amend Clause 2.4, Schedule 9 to the UGZ to add 'Dependent persons unit' to the list of uses that a permit is required to use the land for within the gas transmission pipeline measurement length.
- e) Amend Clause 4.13 Condition – Construction Management Plan required in gas transmission pipeline easement as follows:
 - Prior to the construction of a building or the carrying out of works, including demolition, on land within 50 metres of the gas transmission pipeline easement shown on Plan 3 – Future Urban Structure in the incorporated Sunbury South Precinct Structure Plan, a construction Management Plan must be submitted to and approved by the responsible authority. The plan must:
 - Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
 - Be endorsed by the operator of the gas transmission pipeline where the works are within, crossing or in close proximity to the relevant gas transmission easement.
 - Include any other relevant matter to the satisfaction of the responsible authority.
- f) Amend Clause 6.1 Schedule 9 to the UGZ – Notice of applications as follows:
 Specific provision – Referral to gas transmission pipeline operator.
 An application to use land for any of the following uses within the 'gas pipeline measurement length' shown on Plan 12 Utilities in the incorporated *Sunbury South Precinct Structure Plan* must be referred to the gas transmission pipeline operator:
 - Accommodation (other than a dwelling)
 - Child care centre
 - Cinema based entertainment facility
 - Corrective institution
 - Education centre
 - Hospital
 - Place of assembly
 - Retail premises
 - Service station.
- g) Give further consideration to the density and subdivision provisions within the UGZ9.
- h) Amend the Schedule to Clause 66.04 to include the owner of the high pressure gas pipeline as a recommending referral authority for applications specified under Clause 6.0 in Schedule 9 to the Urban Growth Zone.
- i) Remove the proposed Schedule to Clause 66.06.

4.8 Regionally significant landscape values, Biodiversity Conservation Strategy and Conservation Areas

4.8.1 The issues

The PSPs identify areas as having ‘regionally significant landscape values’ on the Future Urban Structure Plan (Plan 3 of both PSPs).

The Biodiversity Conservation Strategy (BCS) Conservation Areas (CA) are shown in the PSPs at Plan 7 – Open Space and the CA boundaries play a significant role in shaping the limits of urban development in the PSPs.

The issues for the Panel are whether the regionally significant landscape values and the BCS CAs are appropriately identified in the PSPs.

4.8.2 Regionally significant landscape values

(i) Submissions

The exhibited PSPs include large areas identified as ‘regionally significant landscape values’ on Plan 3 (Future Urban Structure). These broadly follow the key waterway corridors and sit outside the developable area of the precincts.

The VPA submitted that these areas were made up of:

- *land considered to have particular regional landscape significance, including valleys, escarpments and hilltops (as the name suggests); and*
- *land that would be challenging to develop having regard to appropriate drainage of the land, and for which drainage works have not been included in the draft PSPs.*

The VPA submitted that, in respect of the first category of land, to identify these areas the VPA:

- *commenced with the land designated as ‘landscape values’ in the Growth Corridor Plan;*
- *used contour plans to obtain ‘break of slope’ information; and*
- *undertook a refinement process with Melbourne Water on a reach-by-reach basis to finalise the plans, through observations of 3D modelling.*

It submitted that this process identified the most important elements of the landscape.

A number of submitters suggested that the second category (relating to drainage capability) was not as well described as ‘regionally significant landscape values’. The VPA and Melbourne Water have subsequently reviewed these areas and redefined them as ‘land not serviced by DSS – potentially developable land’.

The VPA and Melbourne Water have also developed a suite of controls to provide for the potential development of this land, which involves applicants developing a locally responsive drainage solution consistent with both the new controls and existing relevant objectives, requirements and guidelines in the PSPs, and fully funding any drainage works.

The VPA advised affected submitters of this proposed approach and circulated further information⁶ to assist landowners and developers wanting to do further work.

The VPA submitted that *“the circulated material will result in resolution, or at least clarification, of a number of submissions relating to regionally significant landscape values. Where parties have reviewed the new material and concluded that their submissions remain unresolved, the VPA can work further with these parties and address any final matters in closing submissions.”*

Hi-Quality submitted that the area marked as having ‘regionally significant landscape values’ on its land was wrongly designated, and should be removed. This issue is discussed in section 5.11 of this report.

(ii) Discussion

With the exception of the Hi-Quality submission, all other issues raised by submitters fall into the second (drainage related) category. The Panel agrees that the revised approach proposed by the VPA and Melbourne Water is a sensible approach to *“land that would be challenging to develop having regard to appropriate drainage of the land, and for which drainage works have not been included in the draft PSPs”*. In effect, it gives landowners or developers the opportunity to demonstrate that land is capable of being developed and places the onus on the developer to come up with a workable drainage scheme for that land that is otherwise in the ‘questionable’ category. The Panel agrees that this is appropriate.

In relation to land in the first category, the Panel is not convinced that all of the land designated is appropriately described as ‘regionally significant landscape values’. Further commentary is made on this issue in section 5.11 in relation to the Hi-Quality land.

(iii) Conclusion

The Panel concludes that the proposed approach to ‘land not serviced by DSS – potentially developable land’ is appropriate.

4.8.3 Biodiversity Conservation Strategy and Conservation Areas

(i) Submissions

The strategic framework for biodiversity policy and conservation areas is summarised in section 3.2 of this report. A number of submissions, including those from Ms Brogan (Submissions C207-24 and C208 -17), Mr Dance (C207-83, C-208-84), Parks Victoria (C207-87), Mr Manning (C208-20), Mr Menhennit (C208-27) and Jacksons Creek EcoNetwork, Friends of Holden Flora Reserve and Friends of Emu Bottom Wetlands (C207-36 and C208-37), submitted that the biodiversity of the area, particularly the creek valley and escarpment, is of extreme importance and must be protected. They submitted that there should be no alteration to the identified conservation areas.

The VPA responded that *“the Panel is in receipt of detailed evidence about the care and diligence with which Melbourne Water has prepared the underlying DSSs in a manner that*

⁶ Appendix 11 to the VPA Part A submission

will protect the natural characteristics of waterways to the extent that is reasonable. This maintains or improves the ability of these waterways to accommodate biodiversity”.

The Jacksons Creek EcoNetwork raised specific concerns regarding Holden Flora Reserve. The group holds specific concerns that the controls within the Sunbury South PSP do not sufficiently protect these areas. The VPA responded that the PSP contains:

- *plans for the conservation area at pages 40 to 43;*
- *Requirements R53 to 56 which concern compliance with the strategic assessment, cross-sections, and the siting and design of infrastructure to avoid or minimise impacts on fauna; and*
- *measures such as baffling on lighting.*

The VPA added that it is important to identify ultimate control for these areas and that it is continuing to engage with relevant parties about future land management responsibilities for the two creek corridors.

Parks Victoria made a number of comments on the management of conservation assets, including the Holden Flora Reserve, and these comments have been adopted by the VPA.

Several landowner or developer submissions, including those from 295 Lancefield Road JV Pty Ltd (C208-52), the owners and developers of 280 Lancefield Road (C208-53,60), Jinding United Sunbury Pty Ltd (C208-55) and the Foschia Family (C208-91), proposed various changes to the Conservation Area (CA) boundaries.

The VPA Submitted that the *“application currently before the Commonwealth to reduce the area of the of CA18 in the northern part of the Lancefield Road PSP would have potential future urban structure implications if it were to be approved in the form recommended by DELWP. This will be particularly true for the community hub to the west of the rail line, which might best be reconfigured if the conservation area were to be reduced.”*⁷

The VPA submitted that it would continue to work with landowners affected by changes to the CA boundaries and the PSP would need to be amended accordingly if the changes to the CA are approved prior to the adoption of the PSP.

(ii) Discussion

The Panel accepts that the level of protection afforded to the biodiversity conservation areas in the PSPs is appropriate. The Panel agrees that it is important to determine land management responsibilities for the future care of sensitive areas, but notes that the VPA and Council are continuing to work with landowners and government agencies to resolve these issues.

As has been commented on by other panels⁸, it is not the role of the Panel to seek to resolve changes to the CA boundaries. That process is determined by DELWP in conjunction with the Commonwealth.

The Panel notes the application currently before the Commonwealth to reduce the area of Conservation Area 18 in the northern part of the Lancefield Road PSP. The Panel notes that

⁷ VPA Part B submission

⁸ Melton C146, C147

this would have potential future urban structure implications if approved in the form recommended by DELWP.

If the changes are approved before the adoption of the PSP then they should be reflected in the PSP. If not, the PSP should be adopted using the existing CA boundaries and any future changes dealt with at the subdivision approval stage. It is clear in the PSP that urban development should follow the lines of the approved CA boundaries, and in that context changes to the CA boundary that prompt changes to the urban structure plan would be generally in accordance with the adopted PSP. Future reviews of the PSP can more formally pick up any approved changes to the CA boundaries on the relevant figures.

The VPA noted that *“the changes to the conservation area boundary will have implications for other submitters in the form of land which is currently shown as conservation area reverting to residential land. This is considered to be a positive change for these landowners and in line with their preferences”*.

(iii) Conclusions

The Panel concludes that:

- The approach to designating land in the CAs in the PSPs is appropriate.
- If changes to the CA boundaries are approved before the adoption of the PSP, they should be reflected in the PSP.
- No changes to the PSP are required as a result of any submissions relating to the CA boundaries that are before the Panel.

4.9 Drainage and waterway assets

(i) The issue

The issue is whether the location and size of drainage, and water treatment infrastructure issues are being appropriately resolved through the process being followed by the VPA and Melbourne Water.

(ii) Background

The VPA set out in its Part B submissions the approach adopted in dealing with drainage and waterways issues in the preparation of the two PSPs. The VPA explained the role of Melbourne Water, which is the Waterway, Floodplain and Regional Drainage Management Authority for the Port Phillip and Western Port Bay catchments.

The VPA noted that there are two major waterways located within the PSP areas – Jacksons Creek and Emu Creek – both of which are major waterways with catchments upstream of the Lancefield Road PSP. Jacksons Creek has a catchment of greater than 25,700 hectares. Emu Creek has a catchment greater than 15,700 hectares. Each of these major waterways has an extensive tributary system within the two PSP areas.

The VPA explained that:

- the location of water management assets in the PSPs is based on Development Services Schemes (DSSs) designed by Melbourne Water

- a DSS is a catchment-based, conceptual masterplan of drainage infrastructure and a pricing arrangement (contribution rates) to fund the construction of the assets
- there are ten DSSs across the two PSP areas
- a common set of objectives and hydraulic and environmental performance criteria are incorporated into the design of DSSs
- these schemes are a conceptual design and provide for flexibility at functional design, subject to achievement of the DSS design objectives
- contributions for each DSS are calculated so that the income derived from contributions equals the planned expenditure over the expected life of a scheme
- DSS works are constructed by developers, usually at the time of subdivision, and developers are reimbursed according to the DSS from the contributions received in the scheme.

The VPA noted that the topography of the Sunbury area within the precincts is generally characterised by steep terraced escarpments and well-incised waterway tributaries, and the unique and sensitive environment of the greater Sunbury region resulted in numerous background investigations for the region being conducted by Melbourne Water and the VPA. The PSP areas involve challenging landforms for drainage and, more particularly, for the equitable preparation of DSSs.

The VPA advised that work commenced on integrated water management requirements and DSSs for the Sunbury area in 2014 with the preparation of numerous background reports and studies on behalf of Melbourne Water and other authorities, including Western Water. These studies considered opportunities and constraints for alternative water, stormwater treatment assets, waterway values and future risks in the catchment.

The VPA advised further that it and Melbourne Water have engaged in consultation with landowners and stakeholders during the development of the DSSs. Melbourne Water reviewed the DSSs following exhibition of the PSPs and the differences between the draft DSSs and the exhibited PSPs were highlighted in correspondence to landowners dated 27 June 2017. The consultation with landowners has included updates to plans in response to alternative water designs, feedback and drainage designs submitted by landowners.

(iii) Evidence and submissions

A number of submitters raised issues with the VPA's approach to drainage and waterways and integrated water management. Several submitters raised site-specific issues predominantly related to the size and location of drainage and waterways infrastructure as shown in the exhibited PSPs. These submitters included:

- J and L Ware (670 Sunbury Road)
- Hi-Quality (570-600 Sunbury Road)
- RCL Group (605 Sunbury Road)
- Sunbury Realty Pty Ltd (615 Sunbury Road)
- S Galdes (65 Watsons Road)
- SB Capital (20, 26, 30 and 40 Buckland Way)
- I, D, N and L Kolceg (60 Buckland Way)
- Asia-Pacific Property Pty Ltd (35-60 Fox Hollow Drive)

- M, R and R Mezzatesta (720 Sunbury Road)
- Villawood Properties (40 and 80 Redstone Hill Road, 675 Sunbury Road and 3-5 Macedon Road).

On the basis that the exhibited PSP reflected a conceptual location of drainage infrastructure subject to further review, Jinding United Sunbury Pty Ltd (330 Lancefield Road) expressed concern that a retarding basin on a neighbouring property could be moved to its land.

The VPA submitted that:

It is also particularly relevant when considering the site-specific submissions that the DSSs represent a conceptual design and provide for flexibility at functional design, subject to demonstration that the DSS design objectives will be achieved.

It is not for the VPA to amend the drainage and waterway infrastructure depicted within the PSPs outside of the Melbourne Water DSS process.

If submitters to the PSP are not satisfied with the drainage infrastructure proposed to be provided on their land, it is open to those submitters to provide an alternative functional design of the relevant assets to Melbourne Water for review.

In closing submissions, Mr Tobin stated that the DSSs are prepared under separate legislation by Melbourne Water and are subject to a separate consultation process and the VPA does not exercise discretion over what is shown in a PSP arising from a DSS. He noted, however, that:

It is common practice that, notwithstanding the content of a DSS, Melbourne Water will accept at permit application stage, or before, proposed variations to the drainage services scheme where the alternate scheme still satisfies its functional and cost requirements. A limited number of parties in the context of this matter have prepared functional design standard plans which Melbourne Water has considered and either adopted or adopted subject to condition (as in the case of Villawood). Ultimately the schemes will be approved/amended to ensure consistency between the PSP at gazettal and the final scheme design.

...

This approach is not unique to these PSPs having been adopted in a series of previous matters. Accordingly, the VPA does not support any requests for reconfiguration of drainage assets which have not been approved by Melbourne Water at this time. However, the operation of the PSP and the permit process would not preclude the approval of the same when and if they are progressed to an appropriate level of design and if they satisfy the functional and cost requirements of the DSS. The future urban structure in the gazetted PSPs will reflect the final DSS approved by Melbourne Water, which final DSS will include those functional design changes already accepted by the Authority.

With the agreement of Melbourne Water, the VPA proposed that a new note be added to PSP Plan 11 – Integrated Water Management to ensure that the notion of general accordance would not inhibit this practice. The proposed note is:

Note: Stormwater quality treatment and use of the regional stormwater harvesting scheme as an alternative water source is subject to detailed design to the satisfaction of Melbourne Water, Western Water and Hume City Council. The stormwater quality treatment assets are subject to refinement through detailed design, to the satisfaction of Melbourne Water and Hume City Council.

Land shown for stormwater quality treatment assets that Melbourne Water confirm are not required for drainage can be considered for development as part of a planning permit application provided they are subject to the Urban Growth Zone, to the satisfaction of Melbourne Water and the Responsible Authority.

This plan is subject to change to align with the Integrated Water Management Requirements as stipulated by Western Water and Melbourne Water.

The VPA noted that an exception to this common approach would be the Hi-Quality proposal to fill and drain a gully area on its site to increase the net developable area. This would create a significant area of developable land in a location that Melbourne Water had deemed not suitable for development. The Hi-Quality proposal is therefore not accounted for in the draft Daameeli DSS prepared by Melbourne Water. The VPA submitted that:

This is not to say the proposal is unfeasible or inappropriate.

...

However, in this instance Melbourne Water would not assess the proposal against the Daameeli DSS because no comparison would be possible. Melbourne Water would likely consider this area to be excised from the Daameeli DSS, with the drainage infrastructure to be full funded by the developer. It would assess the proposal against best practice, Melbourne Water policies and guidelines.

Melbourne Water, Western Water and DELWP made submissions on the exhibited PSPs with respect to the integrated water network. They sought further refinement and additions to the PSPs to strengthen support for the implementation of the integrated water management strategy.

In its Part B submissions, the VPA advised that there are no unresolved matters between the VPA, Melbourne Water, Western Water and DELWP. The VPA agreed with the changes requested by the water authorities. These include:

- *updating Plan 11 (Integrated Water Management) in each PSP to reflect the indicative stormwater harvesting network*
- *updating Requirements R82 in the Sunbury South PSP and R78 in the Lancefield Road PSP to include the following additional point:*

A Sunbury Integrated Water Management Plan is being developed by Western Water and Melbourne Water (the Approving Authorities). The developer is responsible for completing an Integrated Water Management Plan that meets the objectives of the overall Sunbury Integrated Water Management Plan.

- *replacing all references in the PSPs to ‘recycled water’ with ‘alternative water’; and*
- *various updates to the PSPs to emphasise the sensitivity of key waterways and tributaries and the need to protect these as part of development.*

Council submitted that it was unclear who would be responsible for the ownership and maintenance of the drainage assets for the non DSS areas in the PSPs. It sought clarification from the VPA and Melbourne Water. The VPA responded that draft DSSs now exist for all areas within the PSPs.

Council also requested that:

- the third dot point of G80 (Sunbury South) and G70 (Lancefield Road) be amended to *“stabilise and rehabilitate all disturbances caused by development works”*
- the second sentence of G84 (Sunbury South) and G74 (Lancefield Road) be deleted because lots with direct frontage to waterways are not supported by Council.

The VPA advised that it agreed with the first change but disagreed with the second. It noted that while the PSPs provide a clear expectation that in nearly all instances direct waterway frontage will not be accepted, there needed to be some flexibility for complex sites.

(iv) Discussion

The VPA set out in some detail the process for the development of Development Services Schemes (DSSs) by Melbourne Water and how these DSSs are subsequently reflected in PSPs. It is clear that this process provides an opportunity for landowners to request changes to the DSS covering their land. A further opportunity to refine the design of drainage and water infrastructure is also available to developers at the detailed design/subdivision stage.

The Panel heard from several drainage experts on site-specific changes to the PSPs with respect to water and drainage assets sought by submitters. There was little cross-examination of these witnesses and the VPA and Melbourne Water generally accepted their evidence. However, as noted by the VPA, there is an accepted process for amending PSPs with respect to water and drainage infrastructure, which involves firstly that proposed infrastructure changes are submitted to Melbourne Water for assessment and, if accepted, incorporated in the relevant DSS. Only then is the VPA in a position to amend the PSP to reflect the final DSS approved by Melbourne Water.

The Panel notes the relationship between DSSs and the PSPs and endorses the approach outlined by the VPA. This approach is reasonable and provides ample opportunity for landowners and developers to request changes to the DSS and through that process, any necessary amendments to the relevant PSP. The note proposed by the VPA to be added to the PSP Plan 11 provides guidance on the approach including the practice of allowing variations to the DDS at the subdivision application stage where developer-proposed alternative schemes satisfy a DSS’s functional and cost requirements. The Panel supports the addition of the note to Plan 11. It also supports the changes to the PSPs with respect to integrated water management as agreed between the VPA and the water authorities.

The appropriate process for assessing site-specific changes to a DSS and subsequently a PSP has been well articulated by the VPA. This process does not in the Panel's view involve the Panel assessing site-specific changes to drainage and water management assets and the Panel makes no comments as to the merits of the changes requested by submitters. Assessment of those changes is a matter for Melbourne Water.

As noted by the VPA, the exception to the normal process is the change sought by Hi-Quality which involves potential changes to the Sunbury South PSP that go well beyond a change to the DSS and Plan 11 – Integrated Water Management in the PSP. The Hi-Quality proposal is discussed in section 5.11 below.

Council sought clarification on the ownership and responsibility for maintenance of drainage and water assets outside of the DSS areas. The VPA responded that all areas of the PSPs are covered by DSSs. As outlined in section 4.8 above, in response to submissions, the VPA and Melbourne Water have reviewed some locations described as having 'regionally significant landscape values' and redefined them as 'land not serviced by DSS – potentially developable land'. There are also other potential changes to the PSPs (e.g. the Hi-Quality proposal) that may result in developable land falling outside DSS areas. The VPA needs to confirm that ownership and maintenance responsibilities for these non-DSS assets also rest with Council.

(v) Conclusions

The Panel concludes that:

- the two-step approach utilised by the VPA and Melbourne Water to assess changes first to a DSS with any accepted changes reflected in the relevant PSP is well set out and is a sound process
- site-specific changes to the PSPs with respect to drainage and water management infrastructure requested by submitters should be assessed through this process
- the note proposed by the VPA and Melbourne Water to be added to Plan 11 – Integrated Water Management to the two PSPs provides guidance on the process
- the amendments to the PSPs proposed by the water authorities and accepted by the VPA will improve and clarify the approach to integrated water management
- further clarification is required on the ownership and responsibility for maintenance of drainage and water management assets on developable land that falls outside the DSS areas.

(vi) Recommendations

The Panel recommends that the relevant sections of the PSPs be amended as follows:

20. Add the note agreed by the VPA and Melbourne Water to Plan 11 – Integrated Water Management as follows:

Note: Stormwater quality treatment and use of the regional stormwater harvesting scheme as an alternative water source is subject to detailed design to the satisfaction of Melbourne Water, Western Water and Hume City Council. The stormwater quality treatment assets are subject to refinement through detailed design, to the satisfaction of Melbourne Water and Hume City Council.

Land shown for stormwater quality treatment assets that Melbourne Water confirm are not required for drainage can be considered for development as part of a planning permit application provided they are subject to the Urban Growth Zone, to the satisfaction of Melbourne Water and the Responsible Authority.

This plan is subject to change to align with the Integrated Water Management Requirements as stipulated by Western Water and Melbourne Water.

21. Update Plan 11 (Integrated Water Management) in each PSP to show the indicative stormwater harvesting network

22. Update Requirements R82 in the Sunbury South PSP and R78 in the Lancefield Road PSP to include the following additional point:

- *A Sunbury Integrated Water Management Plan is being developed by Western Water and Melbourne Water (the Approving Authorities). The developer is responsible for completing an Integrated Water Management Plan that meets the objectives of the overall Sunbury Integrated Water Management Plan.*

23. Replace all references in the PSPs to ‘recycled water’ with ‘alternative water’.

4.10 Creek corridor interface and break of slope

(i) The issue

There are two issues concerning the two creek corridor interfaces and the break of slope:

- the definition of break of slope and whether it has been identified correctly
- whether the controls proposed in the PSPs are appropriate and reasonable to protect sensitive views to escarpments and to manage the interface between development and the two creek corridor interfaces.

(ii) Evidence and submissions

In its Part B submissions, the VPA noted that the PSPs have been prepared with regard to the landscape significance of the twin creek corridors of Jacksons Creek and Emu Creek with a range of controls included in the PSPs to provide direction on an appropriate design response for land in close proximity to the creeks. These controls included a series of mandatory setbacks/interface treatments for development within creek corridors, based upon a defined break of slope.

Plan 5 (Image, Character, Heritage and Housing) in each PSP identified a series of interface edges with the creek escarpments, and the PSPs mandated the particular setback response. (A revised Plan 5 (Document 20) was tabled by the VPA during the hearing.) For ‘Interface with escarpment – visual’ interfaces, this included a mandatory 40 metre setback from the defined break of slope to future lot boundaries. For ‘interface with escarpment – non-visual’ interfaces, the PSPs required a 27.5 metre setback. The setbacks were based on an assessment of visual impact of housing from within the valley of the creek corridor.

The VPA advised that, in response to submissions, it has reviewed the locations for the application of these setbacks and now proposed to apply the following cross-sections to the creek corridors and waterways:

Regionally Significant Landscape: Escarpment top – Visually sensitive

- *Total setback of 40m to the lot boundary, comprising a 5.0m vegetation buffer to the escarpment, 20.2m linear open space (including 3m shared path and 1m berth either side), and a 14.8m road reserve.*
- *Applies to the Jackson Creek corridor and Emu Creek corridor wherever development is proposed directly adjacent to the primary creek corridor, and where there is an escarpment.*
- *The setbacks defined in this control are mandatory.*

Regionally Significant Landscape: Escarpment top – non visually sensitive

- *Total setback of 27.3m to the lot boundary, comprising a 5.0m vegetation buffer to the escarpment, 7.5m linear open space (including 3m shared path and 1m berm either side), and a 14.8m road reserve.*
- *Applies to the Jackson and Emu Creek corridors and tributaries where the escarpment does not directly interface with the primary creek corridors.*
- *The setbacks defined in this control are discretionary, and may be altered to the satisfaction of the responsible authority.*

Interface with Waterway

- *Comprises a 3.0m shared path within a vegetation buffer (distance unspecified), adjacent to the Local Access Street Level 1 cross-section (16m).*
- *Applies to all remaining areas of tributaries and constructed waterways.*

The VPA considered that the setbacks appropriately deal with the matter of visual intrusion (and therefore, by implication, building height controls were not needed) although some discretion with respect to setbacks in non-visually sensitive interfaces was appropriate to enable more effective subdivision outcomes in difficult locations. It also considered that sensitive and non-sensitive interfaces were relevant features to define on Plan 2 – Precinct Features but to provide more visual clarity, they should be removed from Plan 3 – Future Urban Structure.

In closing submissions, Mr Tobin submitted that:

As the Panel is aware the VPA has revised the application of the visually sensitive setbacks with the effect of moderating their application to a more limited number of areas. The VPA does not support the visually sensitive setback becoming a discretionary tool. On account of the variation to the application of this tool, the imposition of this mandatory control is reasonable and limited to area of greatest import.

...

The identification of break of slope represents the subjective application of discretion which is informed by objective fact.

Break of slope cannot be routinely defined by a particular gradient.

...

Inevitably as more information becomes available ... there may be minor refinement of the break of slope detail.

Mr Tobin stated that the VPA would undertake further assessment of areas where break of slope has been raised as an issue by submitters. This consultation will include landowners and Council and where appropriate the VPA will amend the final break of slope prior to gazettal.

Mr Tobin further submitted that:

It is observed that the panel is not in receipt of any evidence that would undermine the propositions put by the VPA about the importance of retaining landscape values of the area and limiting views from key waterways to urban development. What the Panel has before it are assertions concerning loss of developable land but those assertions are not supported by empirical evidence.

The VPA rejects the assertion that the break of slope treatments are unduly land hungry ... it is important that the Panel carefully filter the statements about '40 m setbacks' in the context that much of this area is standard road cross-section and vegetation.

The VPA requested that the Panel endorsed the VPA approach to visually and non-visually sensitive setbacks subject to further work to identify break of slope in discreet locations.

Council submitted that central to the development setbacks is defining the escarpment 'break of slope'. It noted that the VPA now proposed that the break of slope was to be removed from all PSP plans except Plan 2 – Precinct Features. Council considered, however, that the break of slope should be retained on Plan 3 – Future Urban Structure because break of slope was critical in defining the urban structure of the PSPs.

Council also stated that it did not support changing the application of non-visual escarpment to a discretionary control as it considered that there was no discretion in relation to the setback with all the setback required for the road reserve, linear open space and revegetation. It submitted that:

The application of this cross section within the PSPs as a guideline would erode Council's ability to ensure an appropriate escarpment interface.

Council noted that the visual setbacks was based on a building height of 8 metres and in its opening submission requested that an 8 metre building height control be included for development along the top of the escarpment. In closing submissions, Ms Kaczmarek stated that Council had revised its position and now considered the application of a mandated height limit to be too prescriptive. Ms Kaczmarek said that Council intended to discuss a performance based control with the VPA.

In closing submissions, Ms Kaczmarek noted that the aspiration for the proposed setbacks stems from community desires as expressed in HIGAP and now contained within the revised

Municipal Strategic Statement which had recently been incorporated in the Hume Planning Scheme. She submitted that:

... the Panel needs to balance the following:

- a) the objectives and strategies in the MSS and HIGAP that seek setbacks to the escarpments;*
- b) the vision and objectives of the PSP in relation to providing for development that is sensitive to the creek environment and the community's support for achieving these outcomes; and*
- c) the desire of a number of developers to increase the extent of developable land, having regard to the unique landscape in which the PSPs are located.*

Council also raised in submissions that its understanding was that the setbacks were designed not only to prevent visual intrusion but also to manage fire risk. It therefore considered the interface work incomplete until the bushfire assessment by Terramatrix was completed and its findings incorporated into the PSPs. Bushfire risk is discussed in section 4.11 below.

Ms Lardner, for RCL Developments Sunbury, stated that the exhibited and revised Plan 5 (Document 20) shows the RCL land as being affected by an area referred to as 'sensitive visual interface'. She noted that in oral opening submissions, Mr Tobin acknowledged that where the slope is more gradual, the 'break' is more subjective. She added that the RCL includes such a gradual and 'subjective' slope and that RCL had sought information from the VPA that would inform RCL as to how the 'break of slope' had been determined. She stated that:

RCL is still none the wiser as to the rationale which apparently underpins the line of visually sensitivity on the RCL land save for Council's submission which relevantly states:

The application of "visual" set backs was intended to ensure that double storey dwellings would not be visible from within the creek corridor, wherever this was possible.

Ms Lardner submitted that there was no need for the building height limit proposed by Council because the effect of the 40 metre setback is, amongst other things, to prevent development on top of the escarpment.

Mr Dawson for a prospective purchaser of 280 Lancefield Road submitted that the cross-sections (which include the 27.3 metre and 40 metre setbacks from the nominated 'break of slope') required under Requirement R4 of the Lancefield Road PSP are:

... a crude and over-simplistic planning tool that don't properly account for the nuanced slope, landscape features and other characteristics of the Creek valley. We also believe that the broad-brush application of these cross sections will result in potentially developable land remaining undeveloped.

He submitted that the PSP should be flexible enough to allow different interface arrangements, the proposed setback distances from the 'break of slope' are excessive and existing visual and landscape qualities of the Jacksons Creek corridor can be appropriately preserved with a less onerous interface treatment.

(iii) Discussion

Several submitters highlighted the importance of protecting the visual amenity, landscape values and social and historic significance of the Jacksons Creek and Emu creek corridors. Submissions from landowners intending to develop their properties raised some concerns with the proposed controls in the exhibited PSPs and sought clarification and more flexibility in those controls to facilitate appropriate development.

The VPA has responded to submissions by revising the proposed controls, in particular to introduce discretion with respect to setbacks from non-sensitive interfaces. The Panel notes that Council is opposed to the introduction of this discretion but agrees with the VPA that along non-sensitive interfaces, there should be some flexibility to enable more effective subdivision outcomes in some locations. Controls remain mandatory along sensitive interfaces and rightly so.

Defining the 'break of slope' is a contentious issue in some locations. The VPA conceded that delineating 'break of slope' was somewhat subjective particularly in areas with less pronounced slopes. RCL also queried how the 'break of slope' was determined on its land.

Nonetheless, it remains an important concept and central to the PSP controls in determining the required setbacks from escarpments. The VPA has acknowledged that more work needs to be done in consultation with Council and affected landowners to articulate the 'break of slope' concept and confirm its location in relevant areas of the PSP. Clearly, this further work should be done and the relevant PSP plans amended as necessary before the PSPs are finalised.

The VPA intends to remove the sensitive and non-sensitive interface lines from Plan 3 – Future Urban Structure to provide more visual clarity. The Panel agrees that unnecessary clutter on PSP plans should be removed to aid in their interpretation. It notes that the sensitive and non-sensitive interface lines will be retained on Plan 2 – Precinct Features.

Council raised the prospect of mandatory height controls along the break of slope. The Panel requested more information from Council to clarify the justification for such controls and how they would be brought into the PSPs. The VPA rejected height controls considering them to be unnecessary. Council reconsidered its position and subsequently suggested that it would discuss a less prescriptive, performance based control with the VPA. The Panel is not convinced that more controls are necessary to protect views from the creek valleys up to the escarpments. As noted by Ms Lardner, the setbacks from sensitive interfaces would preclude houses being developed within 40 metres of the edge of the escarpments.

(iv) Conclusions

The Panel concludes:

- The revised PSP requirements proposed by the VPA with respect to sensitive and non-sensitive interfaces provide a balanced approach to addressing the interface between waterways and development and protecting sensitive views.
- These revised controls (which include the mandatory 40 metre and discretionary 27.3 metre setbacks from 'break of slope' for sensitive and non-sensitive interfaces) provide sufficient guidance for the protection of views from the waterways up the escarpments.
- Mandatory building height controls in addition to the setbacks are not required to protect the sensitive views.
- Defining the 'break of slope' can be somewhat subjective and it would be appropriate, as proposed by the VPA, that confirmation of the 'break of slope' for specific locations should be done in consultation with the Hume City Council and the relevant landowners.

(v) Recommendations

The Panel recommends:

- 24. Adopt the revised PSP requirements proposed by the VPA to include mandatory 40 metre and discretionary 27.3 metre setbacks from the 'break-of-slope' for sensitive and non-sensitive interfaces.**
- 25. Amend Plan 5 – Image, Character, Housing and Heritage in both PSPs to incorporate the revised application of sensitive interfaces (as shown on tabled Document 20).**
- 26. The VPA should consult with the Hume City Council and relevant landowners to confirm the 'break of slope' at relevant locations within the two PSP areas.**

4.11 Bushfire risk

(i) The issue

The issue is whether the proposed PSPs have adequately addressed the risk of bushfires in the PSP areas.

(ii) Evidence and submissions

In its Part B submission, the VPA noted that the Sunbury South and Lancefield Road precincts are both within the designated Bushfire Prone Area, in which specific bushfire construction standards apply. A number of submissions queried how the Amendments address the risk of bushfires.

The early findings from the Terramatrix assessment, commissioned jointly by the VPA and Council, identified areas that posed more significant risks. The VPA stated that on the basis of those findings, a 'fire threat edge' was included on Plan 5 (Image, Character, Housing and Heritage) in the exhibited version of the Sunbury South PSP to indicate that additional controls may affect that land.

In addition, Clause 3.15 in the exhibited Schedule 9 to the UGZ and Clause 3.11 in the exhibited Schedule 10 to the UGZ further required:

An application to subdivide land which abuts the 'Fire Threat Edge' as shown on Plan 5 of the incorporated Lancefield Road Precinct Structure Plan must be accompanied by a Bushfire Assessment prepared by a suitable experienced and qualified consultant, which includes recommendations of measures required to mitigate the risk of bushfire for the proposed land uses. Any permit application must demonstrate compliance with the recommendations of the Bushfire Assessment, to the satisfaction of the Responsible Authority.

After consideration of a revised draft report from Terramatrix, the VPA stated that it is satisfied that the building controls that apply as a result of the land being within a designated Bushfire Prone Area provide adequate protection. The VPA also noted that the Building Code of Australia was updated in May 2010 to apply bushfire residential building standards to the construction of new houses and alterations and additions to houses where they are located in a mapped Bushfire Prone Area or Bushfire Management Overlay.

The VPA accordingly advised that it now proposed to remove the 'fire threat edge' from Plan 5 in the Sunbury South PSP and delete Clauses 3.15 and 11 from Schedules 9 and 10 to the UGZ respectively.

In response to Council submissions, the VPA advised that it was satisfied that there are no PSP implementation issues associated with the completion of the Terramatrix bushfire assessment. The VPA did not interpret the Terramatrix report as identifying additional setbacks to be incorporated into the PSP, noting that the precincts are within a Bushfire Prone Area and will be subject to controls that are identified by DELWP. The VPA did accept, however, that the final Terramatrix report should be received and considered prior to the gazettal of the Amendments.

The VPA noted the expert witness report by Mr LeBel of Ecology & Heritage Partners in relation to bushfire risk and stated that it did not dispute Mr LeBel's findings.

Council noted in its submission that setbacks to date had only been discussed in terms of visual impact. It submitted that the setback is also required for bushfire management and bushfire risk. Council noted that the Terramatrix study was yet to be completed but this work, including a re-run of the bushfire mapping, would have implications for the PSPs as it would determine not only the development setbacks but also the extent of developable land. Council submitted that the draft Terramatrix bushfire study showed a number of areas that are unable to be developed based on a Bushfire Attack Level (BAL) rating of 12.5. It submitted that:

It is necessary that the most conservative line (a combination of the bushfire and visual setbacks) be used to confirm the setback from the escarpments and the extent of developable land.

In closing submissions, Council reiterated its view that there was merit in addressing bushfire risk in the PSP. It noted that where bushfire risk is not addressed at the planning stage, it must be addressed at the building permit stage which may require higher BAL ratings with consequent increases in construction costs.

Council submitted that there are two options open to the Panel:

- (a) *Complete the re-run of the Terramatrix modelling, with a conservative approach, assuming that the potentially developable land is developed, and incorporate the recommendations of this work in the PSPs*
- (b) *Do not complete the Terramatrix modelling, and amend the UGZ schedules to provide for a site specific response to bushfire risk, whereby it is an application requirement for developers to undertake a bushfire assessment specific to their site, taking into account the extent of developable land and subdivision layout and design.*

Ms Kaczmarek concluded in submissions that:

Council continues to submit that a bushfire assessment is required, either at the PSP stage or planning permit stage in order to adequately address Council's concerns in its submissions relating to bushfire risk. The absence of a bushfire assessment will result in the deferral of bushfire assessment to the building permit stage.

Mr Bartley stated that the Capitol Property Group supported the evidence of Mr LeBel but reinforced that the applied vegetation class was extremely conservative as it was based on existing conditions. Mr Bartley submitted that the bushfire risk assessment would change over time in accordance with a bushfire management plan which is a permit condition. He noted that:

The panel should recognise the interface between planning and building in this regard. Once land is being managed for urban development and roads and managed fore breaks (ie mown or slashed grassed area) are established, for example along the top of escarpments, a BAL rating will then be applied by the relevant Building Surveyor based on the assessment of vegetation load. It is now common for BALs higher than 12.5 (the basic level) to be assessed and builders can adapt to higher ratings.

...

Mr LeBel also says that it is appropriate that a detailed bushfire mitigation measures associated with future development are ascertained at the subdivision stage.

Capitol agrees that the bushfire rating may (and indeed likely will) change as development occurs throughout the PSP and accordingly, it is not necessary to place controls that limit development of an area at this early stage.

Mr Bartley submitted that Council's view that development should be limited if a BAL rating higher than 12.5 was required, was "a ludicrous proposition" as it would require a BAL assessment of each lot immediately prior to a building permit application. He also noted that the CFA supports the Amendments in their current form.

The PSP areas are within a designated Bushfire Prone Area (BPA). Mr LeBel stated in his expert evidence statement that in accordance with the Building Code of Australia, applicable buildings in a BPA must be built to a minimum BAL rating of 12.5 and up to a maximum of BAL FZ (flame zone), depending on the radiant heat flux a building may be exposed in a

bushfire event with the BAL determined through a site assessment to ascertain vegetation type and slope.

Mr LeBel assessed the bushfire risk for the Capitol land at 725 Sunbury Road based on the concept masterplan for that land. He assessed the bushfire risk for the area as low due to the absence of vegetation types supporting high fuel load such as woodland and forest. He concluded that:

Future vegetation management within the study are, particularly woody weed removal, will further reduce the fuel load, and likely alter the existing vegetation classification from Scrub to Grassland. It is therefore considered appropriate that detailed bushfire mitigation measures associated with future development are ascertained at the subdivision stage through the preparation of a Bushfire Management Plan as required the UGZ9.

In oral evidence at the hearing, he stated that in his view, the Terramatrix report does not raise any further issues.

(iii) Discussion

The PSP areas are within a declared Bushfire Prone Area and buildings must therefore be constructed to the standards set out in the Building Code of Australia based on the BAL rating assessed for the site. A risk assessment is therefore required at the building stage.

The issue is whether a risk assessment should be required at an earlier stage in the development process. Council submitted that bushfire assessment should be required at either the PSP stage or planning permit stage.

The exhibited PSPs included a 'fire threat edge' on Plan 5 (Image, Character, Housing and Heritage) with a requirement in the UGZ9 that a subdivision application that abuts the 'fire threat edge' must be accompanied by a Bushfire Assessment. Based on a revised draft Terramatrix report, the VPA has now deleted the 'fire threat edge' on Plan 5 and the related clauses in the UGZ9. The general condition on Bushfire risk (condition 4.10) remains in the UGZ9. This requires that a Site Management Plan addressing bushfire risk must be submitted before commencement of any subdivision works and must be carried out to the satisfaction of the responsible authority.

Council argued that the draft Terramatrix report had identified areas within the PSPs that are unable to be developed based on a BAL rating of 12.5. The Panel does not see the relevance of that comment. Development can and does occur on sites with higher BAL ratings in accordance with the Australian building standard albeit at potentially higher building costs.

Mr LeBel raised a very pertinent point as to when in the development process a bushfire assessment should be undertaken. He noted that bushfire load will be reduced over time as land is prepared for and subsequently developed and that therefore the appropriate time for a bushfire risk assessment was at the subdivision stage as required in the UGZ9. The assessment would be based on site conditions current at time. Mr Bartley emphasised this point in his submissions.

The Panel considers the evidence of Mr LeBel to be authoritative and compelling. Council did not challenge his evidence and the VPA did not dispute his findings.

The VPA does not consider that a completed Terramatrix report will have implications for the PSPs but accepted that the final report be considered before the Amendments are gazetted. The Panel concurs with the VPA. The Panel also notes that Mr LeBel does not consider that the Terramatrix report raised further issues with respect to bushfire risk.

The Panel accepts the advice of Mr LeBel that the appropriate time for a bushfire risk assessment is at the subdivision application stage. It notes that the UGZ9 includes a condition requiring a Bushfire Management Plan at the subdivision stage and that BAL ratings will be determined in accordance with Australian building standards. The Panel therefore considers that bushfire risk is addressed in the PSPs and no further controls are required in the PSPs to limit premature development of particular areas.

(iv) Conclusions

The Panel concludes that bush fire risk is addressed adequately in the PSPs.

4.12 Removal of restrictive covenants

(i) The issue

Whether the Amendments should allow for the:

- Removal of the restrictive covenant contained in Instrument of Transfer No. V178361Y relating to land at 5 Stockwell Drive, Sunbury (Lot 2 on PS403051), and
- Removal of the restrictive covenant contained in Instrument of Transfer No. V161817C relating to land at 11 Stockwell Drive, Sunbury (Lot 1 on PS403051).

(ii) Evidence and submissions

Amendment C208 proposes to amend the Schedule to Clause 52.02 (Easements, restrictions and reserves) of the Hume Planning Scheme to remove the restrictive covenants relating to 5 and 11 Stockwell Drive, Sunbury. This is being pursued under Section 6(2)(g) of the *Planning and Environment Act 1987* that allows for the removal or variation of a covenant through a planning scheme amendment.

The covenants date from 1998 and provide that the owner must not:

- Construct any building or structure without the consent of the Urban Land Authority, or
- Erect any sign boarding or advertisement without the consent of the Urban Land Authority.

Both covenants address an obligation under the *Urban Land Authority Act 1979* that within 5 years of the purchase the owner will erect one house only for his own occupation or for rental.

Both covenants state:

- It is intended that the above conditions shall cease to be operative on 31 December 2005.

The Urban Land Authority referred to in the covenants has been renamed to Places Victoria and more recently to Development Victoria.

The VPA submitted that no specific tests are set out in the Act for a planning scheme amendment that authorises the removal of a covenant. The widely accepted criteria for an amendment to authorise variation or removal of a covenant are those set out in the Mornington Peninsula C46 Panel report as follows:

- That the Amendment would further the objectives of planning in Victoria, having regard to the Minister's Directions, the planning provisions, MSS, strategic plans, policy statements, codes or guidelines in the Scheme, and significant effects the Amendment might have on the environment, or which the environment might have on any use or development envisaged in the Amendment.
- The interests of affected parties, including the beneficiaries of the covenant.
- Whether the removal or variation of the covenant would enable a use or development that complies with the planning scheme, and
- The Panel should balance conflicting policy objectives in favour of net community benefit and sustainable development.

The VPA submitted that, notwithstanding that the effect of the covenants has effectively ceased, applying the above tests:

- The removal of the covenants will be consistent with the objectives of planning in Victoria, on the basis that it will remove later obstacles to the urban development of the land as proposed under the PSPs.
- Given the covenants are no longer operative, there is no negative imposition on the rights of other persons.
- The points above result in a net community benefit, however minor, arising from the removal.

On this basis, the VPA is satisfied that the removal of the covenants is appropriate.

(iii) Discussion

The covenants arguably have no effect, given the clause that states that the covenants shall cease to be operative on 31 December 2005. However, they are referenced in the Planning Scheme and therefore the Amendment seeks to remove these references.

In relation to the relevant tests as described above, the Panel notes:

- The removal of the covenants will further the objectives of planning in Victoria, allowing for the fair, orderly, economic and sustainable use and development of land in accordance with the PSP.
- No submissions were made in relation to their removal during the exhibition of the Amendment C208. At the request of the Panel, the VPA sought confirmation from Development Victoria (the successor in law to the Urban Land Authority) as to their position. Development Victoria confirmed that they did not object to the removal of the covenants by way of letter dated 15 September 2017.
- The removal of the covenant will enable the land to be developed in accordance with the PSP that will become an incorporated document to the planning scheme, and

- Given the purpose of the covenant has now ceased, there will be an overall net community benefit with the removal of the covenants.

On this basis, the Panel supports the removal of the covenants through Amendment C208 to the Hume Planning Scheme.

(iv) Conclusions

The Panel concludes that the schedule to Clause 52.02 should be amended to include the removal of restrictive covenants as exhibited.

4.13 Schools

4.13.1 The issues

There was general agreement on the majority of issues in relation to the number of schools and their distribution across the PSPs.

The main outstanding issues are:

- The most appropriate location of the proposed primary and secondary schools in the south east (Redstone Hill) sector of the Sunbury South PSP.
- Whether the location of a secondary school should be retained in the south west (Harpers Creek) segment of the Sunbury South PSP.
- How Catholic and other non government schools should be depicted in the PSP.

4.13.2 Redstone Hill primary and secondary schools

(i) Evidence and submissions

The VPA proposed a revised location for a combined P-12 school in place of separate primary and secondary schools in the Redstone Hill area as shown in Figures 5 and 6 (The secondary school was incorrectly marked as P-12 in the exhibited version). The change was made by the VPA in response to a request from the Department of Education and Training (DET). (Although the Panel is to clear on whether DET has confirmed its final position.) Hongfengshi International Property Investment Pty Ltd (Submission C207-56) objected to the location of the primary school on its land in the exhibited PSP. The proposed change involved removing the primary school from the location depicted on Hongfengshi's land as requested, but instead locating part of the P-12 school on that land. Hongfengshi also objected to the modified configuration. The exhibited secondary school location is on land owned by Sunbury Realty (Submission C207-59). The revised location straddles Sunbury Realty and Hongfengshi land.



Figure 5 Exhibited location of primary and secondary schools Redstone Hill

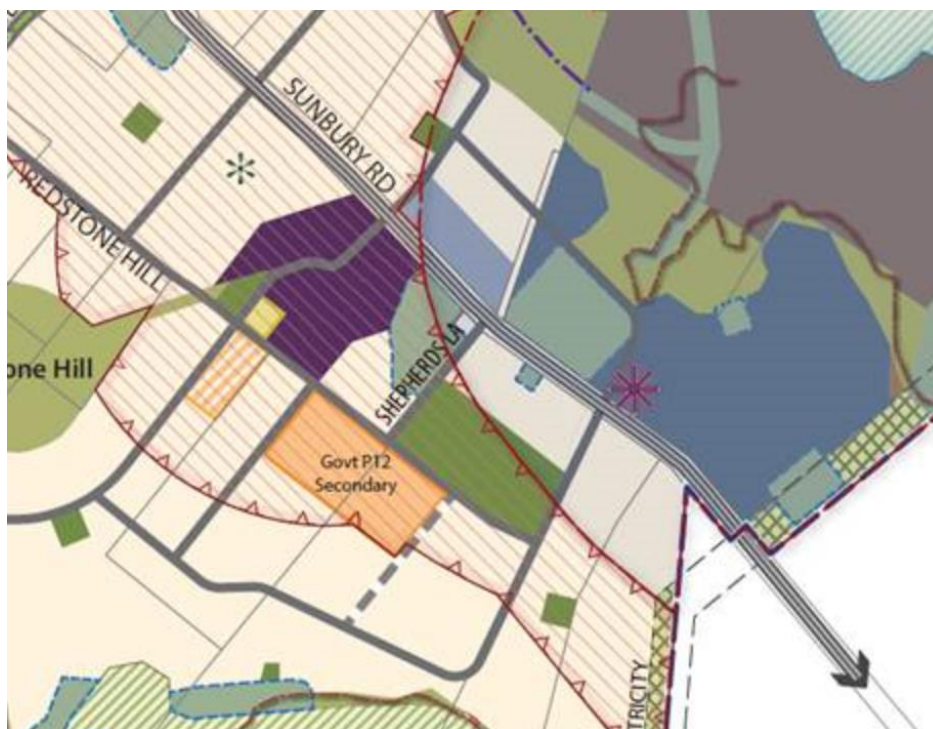


Figure 6 Proposed revised location of primary and secondary (P-12) school Redstone Hill

Sunbury Realty called evidence from Mr Panozzo. He gave evidence that the secondary school should be relocated to the north-west of the precinct, to the location presently identified for the northern-most primary school.

Mr Panozzo's conclusion was based on the following observations:

There are large gaps in the catchment profile of the 4 Government Secondary Schools proposed to meet the current and future needs of Sunbury and

surrounding communities. I have referred to the major gaps areas as: 1) the “southern gap area” which includes the western half of the Sunbury South PSP, and 2) the “eastern gap area” which includes the southern half of the Lancefield Road PSP.

The most practical way of rectifying the problem in the current distribution of existing and planned Government Secondary Schools in Sunbury is to:

- Relocate the proposed Sunbury South PSP Government Secondary College further north-west toward the present location of the proposed Government Primary School site*
- Relocate the proposed Lancefield Road PSP Government Secondary College further south.*

Mr Panozzo’s evidence was that his preferred location “*will significantly improve access to the school by students living in the western half of the Sunbury South PSP who will have only one road connection across Jacksons Creek.*”

In cross examination Mr Tobin made Mr Panozzo aware of the DET assumption that a secondary school would be established at Jacksons Hill to serve the western part of the Sunbury South PSP area. Mr Panozzo acknowledged that this would eliminate the ‘gap’ to the south west, but he maintained that there was still a large gap in the western side of the Redstone Hill area and the southern part of the Lancefield Road PSP.

In cross examination by Mr Bartley, Mr Panozzo acknowledged that there are some advantages of co-location of schools with activity centres, but pointed out that his proposed alternative location was near a local convenience centre.

Mr Peggie, in his submission on behalf of Hongfengshi, submitted that the location proposed by Mr Panozzo is more central to the catchment and more conveniently located to public transport and connector roads. Mr Peggie submitted that the VPA preferred location adjacent to the Major Town Centre (MTC) prevented higher density residential development in that location and was therefore a less efficient use of that land. He submitted that co-location with active open space is more important, and in that regard the exhibited location or the revised location suggested by Mr Panozzo are superior.

Mr Bartley, for Capitol Property, submitted that the exhibited location of the school and the proposed revised location are well situated to serve the catchment. He tabled a map of a three kilometre catchment from each of the existing or proposed schools in the Sunbury area which showed only very minor service gaps. He submitted that it would be appropriate to use up to a four kilometre catchment as bus or cycling access would be within the ‘20 minute neighbourhood’ guideline suggested in Plan Melbourne. If a four kilometre catchment is used, all areas are well covered. Mr Bartley submitted that the VPA and DET preferred location is well located in proximity to active open space, the Redstone Hill MTC and the bus interchange adjacent to the MTC. He concluded that the location should not be changed.

The VPA submitted that the location of the school should not be changed simply to address Sunbury Realty’s concerns about the level of community infrastructure on its property. It submitted:

The ICP system seeks to address the impacts of provision of facilities through the collection and effective redistribution of funds to affected parties. There are other intangible benefits of the provision for facilities including the resulting level of service housing product enjoys from the remaining land.

The VPA endeavours to accommodate reasonable requests for the relocation and sharing of facilities across land where it will not offend well-founded planning principles. The VPA has endeavoured to reduce the burden on this property through the partial relocation of the school facility.

In its closing submission, the VPA advised that it has engaged with DET to seek confirmation of the preferred location, and DET have advised that they remain committed to the concept of a P12 campus model, co-located with active open space.

(ii) Discussion

The Panel accepts Mr Panozzo's evidence that the southern end of the Lancefield Road PSP may be better served if the location of the secondary school was moved further to the northwest. The Panel is not convinced, however, that there is a compelling argument that it should be moved. There are advantages and disadvantages of both the VPA/DET preferred location and Mr Panozzo's preferred location.

The Panel is of the view that the VPA/DET preferred location (as amended post-exhibition) is satisfactory and appropriate. It is conveniently located to active open space, the Redstone Hill MTC and the bus interchange at the MTC.

The Panel also accepts that an alternative location further to the west could be appropriate. No clear proposal has been put before the Panel for an alternate location, however, and if it was, further consultation would need to be undertaken with the affected landowner/s.

(iii) Conclusion

The Panel concludes that:

- The Redstone Hill secondary school (now a P-12 school) is appropriately located in the modified location as proposed by the VPA and as shown in Figure 6.
- In the event that DET changes its' preferred location, further consultation would be required with the affected landowner/s to arrive at a satisfactory configuration.

4.13.3 Provision and designation of Catholic schools

(i) Background

The Future Urban Structures at Plan 3 in each PSP identify a number of 'potential non-government schools'. The PSPs, as exhibited, also contain a series of requirements and guidelines that apply to the provision of schools. The Sunbury South PSP Precinct Infrastructure Plan (PIP) identifies a Catholic Primary School, with the lead delivery agency as the Catholic Education Office. The Lancefield Road PSP PIP identifies both a Catholic Secondary School and a Catholic Primary School, each with the Catholic Education Office as the lead agency.

The VPA has since determined to remove references to the Catholic Education Office (now Catholic Education Melbourne (CEM)) and the denomination of the affected schools from the PIPs. The change pursued by the VPA brings the Amendments into line with recent Panel findings, particularly the Rockbank PSP (Melton C145). The VPA submitted that this *“represents a realistic and accurate representation of the non-government school designation”*.

On 10 August 2017, the VPA wrote to the Catholic Education Office to advise generally of a policy decision to cease including any reference to a provider of schools in PSPs and that this would be the position adopted by the VPA in respect of the Sunbury South PSP and the Lancefield Road PSP.

The VPA advised that its position on this matter is as follows:

- *Non-government schools in PSPs will not be identified by provider.*
- *Background reports will identify situations where a non-government school (including the Catholic Education Office) has provided strategic justification for the provision of schools.*
- *The relevant Growth Area Authority information sheet, dating from September 2013, will be revised with input from providers.*
- *The VPA will continue to actively work with the Catholic Education Office in the preparation of future PSPs.*

The VPA recognised that this position has altered significantly in respect of the interests of the Catholic Education Office late in the process, and invited CEM to make further submissions to the Panel.

(ii) Submissions

The VPA noted the conclusions of the Panel considering the Rockbank PSP (Melton C145) as follows:

To come to a position on this issue, the Panel considers it appropriate to first set out some bases for its position:

- *It is acknowledged that the Catholic Education system is a very significant education provider in Victoria.*
- *The role that CEM plays in planning in growth areas is understood, and is not matched by other non-government providers who understandably appear to operate and plan in a more fragmented manner.*
- *Because CEM is a large provider, Catholic schools have much smaller catchments than other non-government providers whose catchments may extend over many PSPs and indeed over suburbs and municipalities. In this respect, other non-government providers are more ‘footloose’, and as demonstrated by the Bacchus Marsh Grammar School example, can purchase sites effectively planned for the Catholic system.*
- *This Panel is not in a position to comment definitively whether this is a legal or policy question, but there is every indication that it is indeed a policy issue.*

The Panel further comments that the MPA does appear to have made considerable effort to ensure that the planning needs of CEM are met through the PSP process, albeit not as far as the CEM considers necessary to give it the certainty it desires.

The Panel agrees that the current approach does not give the CEM the certainty which it is entitled to given the significance of the role it plays as an education provider in Victoria. Indeed, as the Bacchus Marsh Grammar case demonstrates, no certainty is provided to CEM. The Panel is of the view that this issue will continue to be raised in the context of future PSPs and that there are clear grounds for further work to try and resolve the policy dilemma which exists.

The Panel considers that there is a fundamental tension between the understandable wish of the MPA not to identify particular non-government providers in a PSP, and the need of CEM to gain the benefit of greater certainty from its appropriate participation in the planning process.

The Panel accepts that identifying individual providers is not the role of a PSP. The problem appears to be in part that the Catholic education system is effectively defined as a private sector operator, despite educating almost one quarter of students in the state and being majority funded by government.

The Panel agrees with the Panel for Amendment C66 to the Surf Coast Planning Scheme that it is not the role of the Panel to address this policy dilemma in a one off manner, but rather to urge the MPA to further address this policy issue. The Panel is of the view that more certainty needs to be provided to ensure that where CEM appropriately participates in the PSP planning process, it can be given greater certainty about its ability to purchase the site identified as meeting its needs. Other more 'footloose' private education providers should be discouraged from acquiring sites identified in the planning process when they have not been involved in that process.

While the Panel understands the anxiety of CEM to have this issue resolved, there was no evidence provided that in this particular instance that there is an immediate threat from another provider to acquire the site in the Rockbank PSP effectively identified for CEM.

The VPA submitted that the position in the exhibited materials is not consistent with the position expressed above, and the VPA has determined to remove references to the Catholic Education Office and the denomination of the affected schools from the PIPs.

It further submitted that:

The change pursued by the VPA brings the Amendments into line with recent Panel findings and represents a realistic and accurate representation of the non-government school designation. PSPs, including those before this Panel, do not secure particular providers, nor do they secure land tenure. This is a process of negotiation that occurs during and after the PSP process.

Mr Wren, on behalf of CEM submitted that the policy position adopted by the VPA is inconsistent with sound planning policy and is likely to lead to unsatisfactory outcomes. Mr Wren re-visited the submissions and evidence put to the Rockbank PSP hearings, highlighting the following points:

- Nominating the CEO or CEM as the ‘lead agency’ in the PIP for some non-government school sites is consistent with earlier protocols established with the VPA.
- The evidence report by Mr Love to the Rockbank PSP stated that CEM has encountered difficulties in securing school sites in the past for a number of reasons.
- The evidence of Mr Cannon to the Rockbank PSP states that CEM sometimes has difficulties ‘competing’ with other non-government providers (who in some cases have not participated in the PSP planning phase).
- CEM complies with the PSP Guidelines with respect to planning for and strategic justification of school sites and is an active participant in the PSP planning process.
- The PSP ought not distinguish between government and non-government schools as the process for securing sites from the landowners is the same.
- The designation of some sites as ‘government’ schools goes beyond designating ‘use’ and in fact designates the service provider.
- The advice provided by Mr Montebello of Maddocks dated 8 March 2012 on whether it is appropriate to designate sites for catholic schools was challenged. It was submitted that catholic schools are open to all, and so the conclusion that they are ‘not public’ is invalid.
- It was acknowledged that alternative sites (not designated as schools in the PSP) could be acquired for a school subject to a planning permit, but that such sites would not be as conveniently located as would be the case if the site was planned as part of the PSP.

Mr Wren submitted that the VPA policy is inconsistent in designating the specific provider as ‘government’, and yet citing as a reason for not showing ‘Catholic schools’ as being that the “*specific provider should not be designated*”. He submitted that the VPA could not have it both ways.

CEM’s submission was that the VPA approach does not provide any certainty to the CEM that it will be able to secure a site, despite the high level of planning and justification that is usually provided by CEM.

Mr Wren concluded as follows:

It is submitted this Panel should recommend to the Planning Authority that there be no distinction between the providers of educational centres if the Panel considers that the provider of the same is irrelevant. Given that DET does not compulsorily acquire sites, this would at least put the CEM on an equal footing with all other providers in seeking to acquire sites deemed appropriate for the growth areas being considered.

If on the other hand the Panel considered there needed to be a reference to the providers in terms of being ‘government’ or ‘non-government’, then for the reasons discussed previously by the Rockbank Panel, the level of certainty required to a systemic provider of educational centres in this State should be seriously entertained by the VPA rather than abandoned all together.

In closing submissions, the VPA paraphrased the advice provided by Mr Montebello⁹:

The school sector is essentially divided into the government and non-government providers. Government schools are differentiated not only because they are public in nature but also because public schools are not bound by planning provisions.

Public schools are shown on the Future Urban Structure plan (FUS), because it is good practice to show such facilities and much planning also occurs around such schools including the colocation of facilities. The identification of government school sites in a PSP is important for two reasons; first it identifies the location of the school site in the broader plan and secondly it signals that the school and the land is not subject to the usual regular planning controls.

The VPA concluded:

The VPA is aware of and sympathetic to the issue faced by CEM in regard to other non-government school providers acquiring sites, where CEM has engaged extensively in the PSP planning process, and has provided strategic justification for an individual school site.

To that end the VPA has worked with and consulted CEM post Amendment C145, Rockbank Precinct Structure Plan to revise the wording to the PSP Note: Development of Non-Government School Sites for an Alternative Purpose, to strengthen the justification for land identified for a non-government to be subject to a change of use.

The VPA acknowledges the important role that Catholic schools provide in educating Victorian school children, and the robust strategic work that the CEM has undertaken in identifying future demand for Catholic schools in growth areas, including the Sunbury South and Lancefield Road PSP.

At the heart of the matter are the difficulties associated with acquiring land from private land holders to construct a non-government school. To acquire land for the provision of a school is dependent on the landowner selling the land to the CEM or other non-government education provider.

There is therefore little certainty over the future use of the land for a school, provided either by the State, the CEM, or other non-Government school provider.

The State through, the DET often finds itself in a similar situation, when purchasing future government school sites on the open market.

While the State does have other planning tools at its disposal i.e. placing a Public Acquisition Overlay over land, for a future Government School, in practice this provision is rarely if ever used, and so the State finds itself in similar situation to that of CEM and other non-government school providers.

⁹ Letter dated 8 March 2012 from Maddocks Lawyers to the then GAA

In summary, the VPA's recommendation to the Panel is to continue the planning practice to identify government and non-government schools on the FUS. In-line with the draft revised PSP Note: VPA Standard Approach for Non-Government School Sites in Precinct Structure Plans, identify the specific non-government school provider in the Background Reports where a relevant school provider or education sector (for example, the Catholic education sector, or the independent schools sector) has provided strategic justification for the provision of any relevant non-government school sites that are shown in a PSP. In the event that a school site is purchased by an alternate provider the net result to the community will be broadly equivalent, that is there will be student places provided for within the catchment. It is observed that an alternate education centre can still establish in an alternate location subject to permit under the prevailing residential controls.

(iii) Discussion

The Panel is sympathetic to the position that CEM finds itself in. Based on the material provided to the Panel, which is not contested by the VPA, CEM does significant planning for the provision of schools in growth areas and is an active participant in the PSP process. It is also not contested that CEM is a very significant contributor to providing education facilities across Victoria. CEM reasonably seeks some certainty that it will be able to secure land for its purposes.

The questions for the Panel are how should the PSP show schools:

- Should there be a distinction between government and non-government schools?
- If non-government schools are to be distinguished, should Catholic schools be further distinguished?
- Where in the PSP should any distinction or guidance be provided?

On the first point, the Panel is satisfied that there is a case to continue to separately designate government and non-government school sites. The Panel accepts that government schools are publicly owned and operated facilities that in effect provide for the 'core' educational demand for the area. It is common practice to identify public assets such as community facilities, parks and roads in a PSP; and in the Panel's view land that is earmarked for public ownership should be separately identified. The Panel also notes that land in state ownership is not subject to the usual regular planning controls, and the Panel agrees that it is appropriate to flag such land in the PSP. The Panel agrees with the submission of the VPA that it is appropriate to locate government schools first and then plan other educational facilities around that.

The Panel accepts Mr Wren's point that there is an apparent contradiction in that identifying government schools assigns not only a use but also a provider, but concludes, for the reasons given above, that this is appropriate.

On the matter of whether Catholic schools should be separately identified to other non-government schools, the second and third questions above need to be considered together. The Panel is of the view that the PSP Future Urban Structure plans should not show the

proposed operator for non-government schools. The Future Urban Structure plan is a high level strategic document that shows the general intention in respect to land use.

The Panel accepts that there may be more of an argument for showing CEM, or indeed other operators, in the PIP as 'lead agency' for particular sites, especially if particular providers have been actively involved in the planning or, as is the case for at least one site in this PSP, already owns the land. The Panel, however, questions whether it would give CEM any greater level of certainty. As submitted by Mr Wren, the process of acquisition of sites is the same regardless of the 'lead agency' designation. To suggest that the 'lead agency' would have some sort of first right of acquisition is, in the Panel's view, not certain. Given that it is also not common practice to nominate other non-government entities as the lead agency for other infrastructure items (for example health providers), the Panel supports the VPA submission that the CEM not be shown as a lead agency in the PSP.

The Panel appreciates that adopting the VPA's position does nothing to assist CEM in gaining any certainty in acquiring sites, and can only suggest that the VPA and CEM continue to work on processes after the adoption of the PSP to advance the issue.

(iv) Conclusions

The Panel concludes:

- The PSP is a higher level planning document, and the details of service providers and who should own what land (outside public land) are not matters for the PSP.
- The Panel supports the VPA's policy position to replace reference to 'catholic' school with 'non-government' school and remove the reference to CEM as lead agency in the PIP.
- The VPA should continue to examine ways to improve the mechanism for CEM to acquire sites in growth areas.

(v) Recommendation

The Panel makes the following recommendation in relation to non-government schools:

27. Replace reference to 'Catholic' school with 'non-government' school and remove the reference to the Catholic Education Office as a lead agency in the Precinct Infrastructure Plan in both Precinct Structure Plans.

4.13.4 Harpers Creek Secondary School

(i) Submissions

Council's submission noted that a pre-exhibition version of the PSP provided for a second secondary school near the Harpers Creek Neighbourhood Activity Centre.

Council submitted that this location had been discussed between Council and DET, and was supported by the Community Infrastructure, Social Services and Open Space Needs Assessment prepared as a background study for the PSPs. Council sought the re-insertion of the Harpers Creek secondary school into the PSP.

The VPA removed the second secondary school from the exhibited PSP in response to advice from DET that it was not required.

The VPA tabled a letter from DET to the VPA dated 20 April 2017 confirming that the number of schools proposed “will meet future demand for government school education within that network”; and that DET “generally supports the proposed distribution of school sites across the two Precinct Structure Plan areas”.

Council submitted that the letter went on to say “the above analysis presumes that there will be an opportunity to locate a proposed government secondary school on Jacksons Hill”.

Council submitted that:

There is very little certainty that a secondary school will be delivered in Jacksons Hill (former Victoria University site) and, as a result, Council considers that land within the Sunbury South PSP should be retained for a secondary school until a master plan is produced for Jacksons Hill which confirms the delivery of an alternate school site.

If a secondary school site was secured at Jacksons Hill and the second secondary school site was no longer required in the Sunbury South PSP, the allocated land could be used in accordance with its applied zone (Residential). This is provided for under R50 of the Sunbury South PSP.

The Panel requested the VPA to seek an update from DET on planning for the Jacksons Hill school. The following response was provided in the VPA closing submission:

The draft of the master plan is nearing completion, and it will be subject to a consultation process in coming months.

The VPA has subsequently met with officers of the DET who have advised that they and the Victorian School Building Authority have been actively engaged in discussions with the VPA and Victoria University in relation to the preparation of a master plan for the Jacksons Hill hilltop precinct. On the basis of these discussions, DET advised the VPA that:

- The Department is satisfied that there is an opportunity to accommodate a secondary school at Jacksons Hill, and that this will be reflected in the draft plan.*
- In the event that a secondary school is required to service future growth in the communities to the south-west of Sunbury (including Diggers Rest), Jacksons Hill represents an ideal location for a secondary school and would be preferred over any potential sites within Sunbury South (west of Jacksons Creek).*
- On the basis of the above, DET does not wish for an opportunity for an additional secondary school site to be nominated in the Sunbury South PSP (in the ‘Harpers Creek’ area).*

The VPA submits that Panel should therefore recommend no change to the Future Urban Structure to incorporate an additional government secondary school in the western part of the Sunbury South precinct.

(ii) Discussion and conclusion

The Panel accepts the advice provided by the VPA in closing submissions and agrees that it is not necessary to provide for a secondary school in the Harpers Creek area of the Sunbury South PSP.

The Panel notes that the draft masterplan for the Jacksons Hill hilltop precinct is expected to be available in the coming months. In the seemingly unlikely event that a secondary school is not included in the masterplan, the Panel agrees that a secondary school should be re-instated in the PSP.

4.13.5 Schools in the Lancefield Road PSP**(i) Submissions**

The Lancefield Road PSP as exhibited provides for two government primary schools and one government secondary school.

The government secondary school is located on 280 Lancefield Road. Both the owner (submitter 53) and potential developer (submitter 60) submit that the school should be re-oriented to run east-west along the northern property boundary, abutting Lancefield Road to the west and the connector boulevard to the north.

Lancefield Road is a primary arterial road. DET advises that 'it is a Department objective to minimise the impact of busy roads on future school sites and to improve the amenity and safety of schools, and that the Department does not support locating schools on arterial roads'.

During the course of the Hearing it was agreed between the VPA and the submitters that the school site can be re-configured but that no frontage to Lancefield Road should be provided.

(ii) Discussion and conclusion

The Panel understands that this matter is now resolved.

4.14 Employment land**(i) The issue**

The issue is whether sufficient employment land has been provided in the Sunbury South PSP?

(ii) Evidence and submissions

Council submitted that the PSPs do not achieve the objectives of the Sunbury-Diggers Rest Growth Corridor Plan and Sunbury HIGAPs which is to deliver an additional 100 hectares of industrial land.

Council submitted that Sunbury has a low level of self-containment, with approximately 77 percent of employed residents leaving town every day for work. It noted that with a complete build out of the four Sunbury PSPs, the population could reach approximately 125,000 people and, if this trend continues, the number of people travelling for work outside

Sunbury could treble. Council submitted that it is not prepared to accept that future residents of this growth area will have no choice but to commute to work.

Council emphasised that the *Inquiry into Liveability in Outer Suburban Melbourne (December 2012)* found that less than 15% of metropolitan jobs were within 30 minutes drive, and even less within 45 minutes of public transport. Highlighting that unemployment is significantly higher in growth areas, including Hume.

Council submitted that the provision of local jobs is not keeping pace with population growth. It contended that adequate land should be designated for employment (industrial and commercial) and that the PSPs have sufficient controls to ensure such uses are not undermined.

Specifically, Council recommended the provision of an additional 52 hectares of industrial land on the Hi-Quality site and retention of the industrial and light industrial designations as exhibited, consistent with Sunbury HIGAP and the Sunbury-Diggers Rest Growth Corridor Plan. It recommended that provision for bulky goods remain in the Vineyard Road employment precinct as exhibited and consistent with the MSS; and that the VPA and Council explore opportunities for additional employment land within the Sunbury-Diggers Rest area.

In support, Council provided a copy of *'Economic Assessment for Sunbury – Hume City Council'* dated 2011 prepared by the AEC Group, which identified the need for an additional 95-100 hectares of employment land by 2041.

Hi-Quality, relied upon the evidence of Mr Matt Ainsaar that, based on clarification from the VPA¹⁰, the additional 100 hectares of industrial land referred to in the Hill PDA Report was to be provided in the Diggers Rest and Sunbury Growth Corridors, not Sunbury alone. He stated that 63.5 hectares of that was to be provided in Sunbury South, with 47.85 hectares being provided in the Sunbury Road Precinct and 17.8 hectares in the Vineyard Road precinct.

Under cross-examination, Mr Ainsaar stated he considered the industrial land provision within Sunbury was to meet local employment needs only and the amount of land provided was adequate. He did not support Council's submission that additional industrial land should be provided as he did not consider there would be adequate demand. He concluded that the planned supply of industrial land across the Sunbury Growth Area would exceed forecast demand by nearly six hectares. He noted that State significant industrial land to the north and west of Melbourne held a competitive advantage over industrial land supply in Sunbury; and that these areas are relatively accessible to Sunbury residents as potential places of employment.

Mr Ainsaar emphasised that industrial land uses are the lowest employment generators and that the provision of additional industrial land would not necessarily meet all of Sunbury's future employment needs, highlighting that commercial uses are greater employment generators.

¹⁰ VPA, Sunbury South and Lancefield Roads PSPs Clarification of Industrial Land Supply – Sunbury-Diggers Rest Growth Corridor – Response to Panel Direction – 24 July 2017.

Mr Ainsaar identified that there is no guidance in the Sunbury South PSP regarding how the Sunbury Road Employment Precinct would develop and the type of uses that are being sought, despite a recommendation to this effect being in the Hill PDA Report and the Background Report. He recommended further guidance be provided.

VPA submitted that it considers Council's submission is based on a misinterpretation of the intent of the Growth Corridor Plan, which sought the provision of an additional 100 hectares of employment land across the Sunbury-Diggers Rest Growth Corridor, not these PSPs areas alone. Notwithstanding that, the VPA submitted that the Growth Corridor Plan and HIGAP strategy are high level documents, and neither spatially defined an industrial outcome anywhere near approaching 100 hectares.

The VPA commissioned Hill PDA to undertake an assessment of the industrial land requirements as part of the preparation of these PSP's, which identified the need for a total provision of 118 hectares of industrial land across the Sunbury-Diggers Rest Growth Area. It was also advised this figure was adjusted to 133 hectares based on further work undertaken by Hill PDA¹¹. The VPA emphasised that these Amendments are only required to deliver a portion of the approximately 133 hectares of land that will be available for future industrial use across the growth area, which it does, and that no change should be made to the Sunbury South PSP to provide additional land.

The VPA submitted that some of the employment land proposed was included within a Commercial 2 Zone, which has the capacity to support a range of employment generating uses, including industry and warehousing. For this reason, the VPA considers the Panel should holistically consider the future of industrial land use potential in the growth area and consider employment opportunities within the Commercial 2 Zone, as well as industrial.

The VPA supported and accepted Mr Ainsaar's evidence, and concluded by submitting that the Panel should recommend no change to the Sunbury South PSP to provide additional land at Sunbury Road employment area.

(iii) Discussion

The Panel considers that there are two key issues: the location of employment land; and the amount of employment land that should be provided.

Having examined the Sunbury-Diggers Rest Growth Corridor Plan, whilst the Panel agrees the report places an emphasis on the Sunbury South/Hi Quality Area, the Sunbury Employment Concept Plan also identifies two other key industrial areas, these being Sunbury South and Diggers Rest-Coimadai Road, Diggers Rest. It also identifies '*Business with residential*' along Vineyard Road. The Panel therefore does not consider the Corridor Plan states that all of the employment land will need to be focussed in the Sunbury South Area, and, in particular, the Hi-Quality land.

In terms of the amount of land required, the Panel notes that Council submitted that the Sunbury Diggers-Rest Growth Plan specifies 100 hectares and as only 47.8 hectares is provided in Sunbury South, an additional 52 hectares is required. However, the Panel notes

¹¹ VPA, Sunbury South and Lancefield Roads PSPs Clarification of Industrial Land Supply – Sunbury/Diggers Rest Growth Corridor – Response to Panel Direction – 24 July 2017.

that both the VPA and Mr Ainsaar refer to the Hill PDA work undertaken to assist with the in preparation of the PSPs which ultimately concluded that 133 hectares is required, of which with 119.3 hectares is provided within the Sunbury South PSP, with 49.4 hectares of that provided at the Sunbury Road/Hi-Quality Site.

Whilst the Panel understands the Council's desire to ensure sufficient employment for its future population, the provision of more industrial land does not always equate to more employment opportunities, as Mr Ainsaar pointed out. Industrial land is generally a low employment generator (in terms of employees per hectare) compared with commercial uses and when considering employment opportunities, it is also important to consider commercial employment opportunities.

The Panel notes that the Growth Corridor Plan does not seek to make Sunbury a major employment hub, but rather:

to ensure that provision is made for local population driven employment such as retail, civic and service industries and that transport access is provided to metropolitan employment markets in the north and west of Melbourne, and at Melbourne Airport.

The Panel is satisfied that the Sunbury South PSP provides sufficient employment land within the broader context of the Sunbury – Diggers Rest Growth Area to meet the employment needs of the future population. The Panel does not consider it appropriate to provide an additional 52 hectares employment land within the Sunbury South PSP.

The Panel accepts that there is no demonstrable need to increase the amount of employment land in Sunbury South and therefore does not support any change to the PSP.

The Panel has received a number of submissions about individual properties and whether increased employment opportunities can be provided on site. Each of these will be dealt with under individual sections.

The Panel accepts Mr Ainsaar's evidence that the PSP would benefit from further guidance regarding how the Sunbury Road Employment Precinct would develop and the type of uses that are being sought.

(iv) Conclusions

The Panel concludes there is no justification for providing additional industrial land within the Sunbury South PSP. The Panel considers that the PSPs would benefit from further guidance in relation to how the employment areas should be developed and what types of uses are considered appropriate.

(v) Recommendation

The Panel makes the following recommendation:

- 28. Amend the Sunbury South PSP to provide further guidance on how the employment areas should be developed and what types of uses are considered appropriate.**

4.15 Melbourne airport noise

(i) The issue

The issue is whether the Sunbury South PSP adequately recognises the potential noise impacts associated with the Melbourne Airport?

(ii) Submissions

Melbourne Airport (C207 – Submission 17) submitted that the need to address potential aircraft noise is the most important issue in safeguarding airports and that land use protection needs considerable attention through land use planning around airports.

It was submitted that land affected by the Sunbury South PSP is located partly inside the Melbourne Airport ‘N Contours’¹². The National Airport Safeguarding Framework (NASF) recommends that potential noise impacts be considered as part of greenfield strategic planning proposals to ensure the risk of aircraft noise exposure is appropriately mitigated for future residents. For this reason, Melbourne Airport requested that UGZ9 be amended to:

- Show the N contours on Map 1
- Insert a new ‘Specific provision’ sub-clause which seeks to ensure that notice of an application within the N Contour must be given to the Airport Lessee company of Melbourne Airport in accordance with the *Air Ports Act 1996 (Cth)*
- The ‘Decision Guidelines’ include reference to the need for development to have regard to the views of Melbourne Airport and NASF principles and guidelines, and
- Addition of relevant notice requirements.

It was submitted this would ensure the issue of aircraft noise is assessed and managed via appropriate conditions and notes in any planning permits issued within the Sunbury South Area.

Melbourne Airports submitted that it is appropriate for prospective purchasers and residents to be informed that the area is likely to be affected by day and night aircraft noise. This has been dealt with through Section 173 Agreements¹³ in other similar situations.

Melbourne Airports advised that Melbourne Airport is preparing its 2018 Master Plan and that the N Contours are expected to change, and will continue to change, in future revisions of the Master Plan, which are produced every five years. It was submitted that the development of the new Master Plan is aimed at ensuring the objectives, strategies and guidelines of State policy¹⁴ are met, specifically the need *“To strengthen the role of Melbourne Airport within the State’s economic and transport infrastructure and protect its ongoing operation”*.

Ms Brogan (C207-24, C208-17) raised concern about the encroachment of residential development within the flight paths and circuits submitting that *“new dwellers will belly ache about air traffic movements over head as most of this proposed development is under*

¹² Contours showing potential aircraft noise events above 60db(a), 65db(a) or 70db(a).

¹³ Of the Planning and Environment Act 1987.

¹⁴ At Clause 18.04-1.

the flight path and circuits”, questioning whether it is proposed to move the airport further into the country.

In its closing submission, Council cautioned against the suggested use of s173 Agreements as a means of alerting landowners to aircraft noise, due to the administrative burden it would place on Council being a party to all such agreements.

In its closing submission, the VPA advised that it had reached agreement on the majority of issues raised with Melbourne Airport. Whilst it was agreed that Contour N would not be shown on UGZ9 Map 1 (because they are subject to change every 5 years and PSPs are longer term plans which require inherent flexibility), it was agreed that the UGZ schedule would be amended to require Melbourne Airport to receive notice of all planning permit applications within the N Contours and that Clause 66.04 be updated to reflect this. It was agreed that additional text be added to the UGZ9 which states:

The land within the PSP area is partly affected by Melbourne Airports N-Contours.

The effect of aircraft noise and the boundaries of the Melbourne Airport N-Contours can vary over time with changes to the Melbourne Airport’s operation, traffic volumes and types of aircraft using Melbourne Airport.

The most up-to-date information should be sought concerning aircraft noise and can be obtained from Melbourne Airport and its website, which can be accessed at: <http://www.melbourneairport.com.au/>.

The VPA did, however, advise there is one unresolved outstanding matter which relates to the suggested inclusion of a Decision Guideline. The VPA submitted the intent of the Melbourne Airport proposed guideline was to give stronger emphasis/weight to NASF and enable it to be more proactive when assessing applications. The VPA submitted this is unnecessary given the agreed inclusion of notice provisions will ensure that Melbourne Airport has the opportunity to express its views in relation to permit applications and can emphasise the NASF principles at that time.

(iii) Discussion

The Panel has not considered those issues which have been resolved to the satisfaction of both parties, but rather has focussed its consideration on the unresolved matters.

In relation to the suggested Decision Guideline to be included within the UGZ9, Melbourne Airport will receive notice of all applications within the N Contour and it will have the ability to consider each within the context of the NASF principles and guidelines and make submissions accordingly, with associated review rights. The Panel agrees with the VPA that this is an appropriate response and as such the NASF should not be specifically included as a Decision Guideline.

The Panel does not support Melbourne Airport’s suggestion that section 173 Agreements should be entered into with all landowners within the N Contour as this is considered onerous for all parties concerned. The Panel agrees that this would create an unnecessary administrative burden. The Panel considers the measures proposed by the VPA provide

adequate notification to owners and potential purchasers of the existence of potential noise associated with the Melbourne Airport.

(iv) Conclusions

The Panel concludes:

- The UGZ9 should be amended to require Melbourne Airport receive notice of all planning permit applications within the N Contours.
- The inclusion of an additional decision guideline or the requirement for Section 173 Agreements is not supported.

(v) Recommendation

The Panel makes the following recommendation:

29. Amend the UGZ9 to require Melbourne Airport receive notice of all planning permit applications within the N Contours.

4.16 Craiglee and Ben Eadie properties

(i) The issue

Whether the SUZ10 unreasonably constrains the future use and development of this land?

(ii) Background

The Craiglee and Ben Eadie properties are external to the PSP, but form part of Amendment C207. Whilst not part of the PSP, the land has an interface with it.

The site has been used as a vineyard and winery since early last century and since that time it has become surrounded by urban development. The Amendment seeks to include the site within a Special Use Zone 10 to facilitate the continued use and development of the land for a vineyard and to allow for complementary and compatible tourism activities to be undertaken in conjunction with these uses.

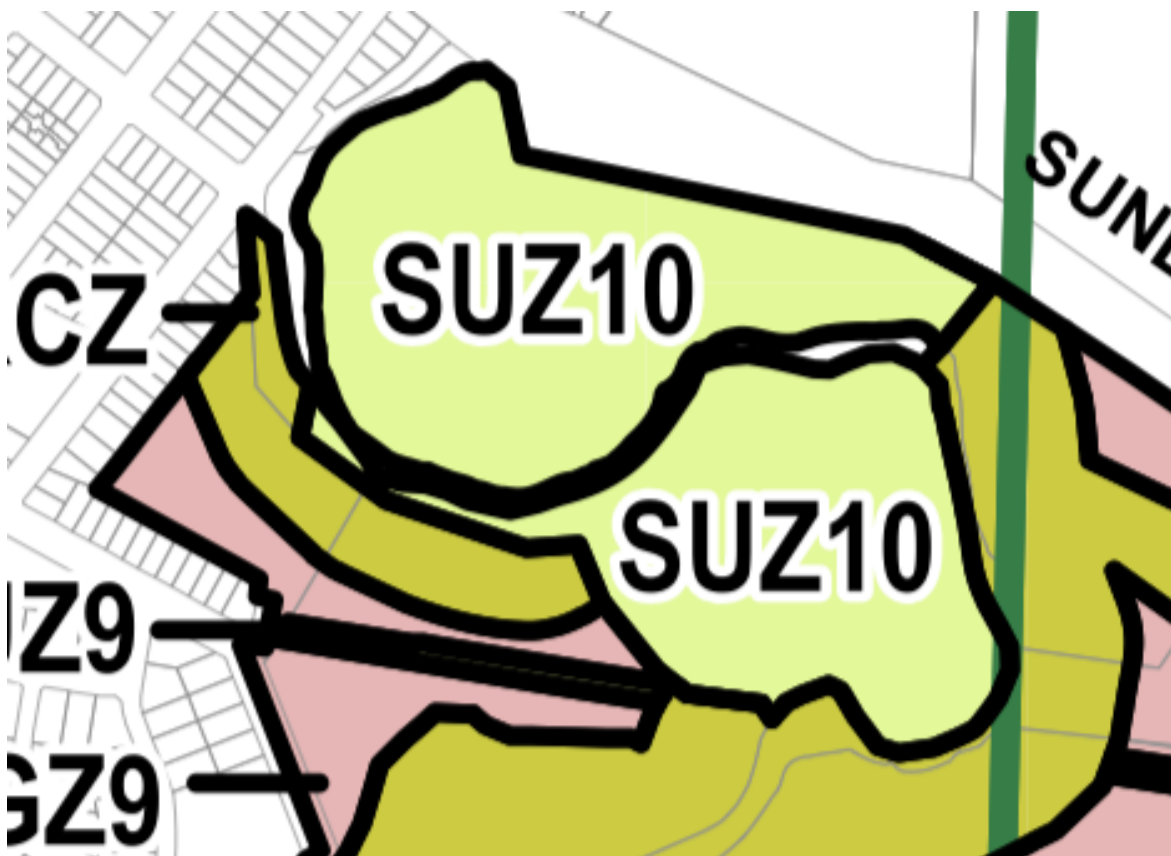


Figure 7 Proposed application of the SUZ10 to the Craiglee and Ben Eadie properties

(iii) Submissions

Mr Woodland of Echelon Planning, on behalf of Mr and Mrs Carmody, owners of Craiglee and Ben Eadie submitted that, given the site's special heritage values, its landscape setting and the presence of an internationally renowned winery, that a bespoke approach to planning controls is required, rather than the generic approach that has occurred up to this point.

Whilst supportive of a SUZ, it was submitted that the draft zoning provisions need to recognise the impending challenges facing the site and should seek to facilitate new commercial opportunities, rather than impose more constraints on how the land can be used and managed.

Mr Woodland submitted that agreement had been reached with the VPA on a number of matters, in particular:

- Acknowledgement of agriculture (including extensive animal husbandry) and primary produce sales as 'as of right' uses, in the zone
- Inclusion of host farm and market as permissible uses under the zone
- Deletion of the condition requiring certain uses (such as restaurant or conference centre) are only permissible if they are in conjunction with a winery use of the site
- Deletion of various superfluous decision guidelines, and
- Updating the concept plan to exclude existing buildings from the area designated as 'creek environs (to be kept free of buildings)'.

He submitted there are a number of unresolved issues as outlined below.

Zone purpose

Mr Woodland submitted that, given the land has been used for agriculture for over 150 years, the SUZ10 zone purposes should recognise the ongoing right to use and develop the land for agriculture.

The VPA submitted that the purpose of SUZ10 is to enable a range of tourism uses, preferably in association with the winery operation. It noted the land can continue to be used for agricultural pursuits under existing use rights and for a range of agricultural uses which are Section 1 – permit not required uses. However, as the land will be surrounded by an urban environment, the VPA submitted that it is not appropriate for the zone to aspire to a land use outcome which is more suited to rural environs. For this reason, the VPA recommended no change to the exhibited PSP and zone purpose.

Permit triggers

Mr Woodland submitted that the winery will need to expand its activities and infrastructure to accommodate increased visitation and remain viable in the future, and therefore the SUZ10 should facilitate such investment rather than create an impediment. Specifically, he submitted that:

- host farm should be a Section 1 use in the SUZ10 as it is consistent with the historic and ongoing agricultural activities on the land
- tourism and commercial activities such as a restaurant, conference centre, museum and reception centre ought be Section 1 uses with a condition that they: *"Must be located within the 'Potential Development Area' in the Craiglee and Ben Eadie Concept Plan, November 2016"*, with the only permit consideration relating to the siting and design of such uses
- the requirement for a planning permit for buildings and works (with the exception of alterations or extensions to existing buildings up to 100 square metres in area) is considered excessive
- the extensive number of application requirements, including the need for landscape plans, traffic impact assessments, stormwater plans and conservation interface are considered excessive and onerous for applications to undertake works associated with Section 1 uses and should only apply to Section 2 uses and associate works.

Council did not support the requested changes. It submitted that, while the uses proposed are complementary to the existing land uses on the site, there is a need to ensure the appropriateness of any proposed 'as of right' land uses, and to require assessment of proposals as part of any permit application. It submitted that this is magnified given the range of uses the owner seeks to include as Section 1 as of right uses.

Similarly, the VPA did not support these requested changes. In relation to the expansion of the range of Section 1 uses to include host farm, restaurant, conference centre, museum or Reception Centre as proposed, the VPA submitted that these could have significant off-site impacts which should be assessed as part of a permit application. It was noted these are not Section 1 uses under the VPPs and there is no strategic justification for such a change.

In relation to the concerns raised about the application requirements, the VPA advised that the level of control proposed is comparable with the Farming Zone that applies to most wineries in Victoria. The permit and application requirements proposed are considered by the VPA as appropriate, having regard to the sites context being immediately between the Sunbury town centre/Sunbury South PSP area and abuttal to Jacksons Creek and its associated conservation area. The VPA agreed that it would be appropriate to amend Clause 4.0 of the SUZ10 to read:

An application to use land or construct or carry out works must demonstrate consistency with the purposes of this zone and the Craiglee and Ben Eadie Concept Plan. An application for use of land or to construct or carry out works associated with a Section 2 Use, must provide the following information, as appropriate: ...

Urban Development and references to the Biodiversity Conservation Strategy

Mr Woodland submitted that the types of activities permitted under SUZ10 cannot be defined as 'urban development' and as such the provisions of the Victorian Biodiversity Conservation Strategy (BCS) do not apply; and as such, the zone should not reference or seek to give effect to it.

Mr Woodland submitted the agreement entered into between the State and Commonwealth governments under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) does not provide a head of power for the obligations of the BCS to be applied to the type of land use and development permitted by the SUZ10, which relate to the impacts of urban development. He noted that urban development is neither contemplated nor permitted on the land, and as such all references to the BCS should be removed from the SUZ10.

The VPA advised that the BCS applies to the Craiglee and Ben Eadie properties and that it is appropriate to include provisions within SUZ10 to implement the BCS and ensure the protection of the conservation area. It was submitted that some of the potential uses contemplated for the site will likely constitute 'urban development' and accordingly trigger the requirements of the BCS. As the site is located at the edge of urban development and will be surrounded by conventional residential development and form part of the urbanised area, the VPA considered it is appropriate to classify these as urban uses.

In support, the VPA provided a letter from DELWP¹⁵ which stated that many of the proposed Section 2 uses are considered 'urban development' for the purposes of the Melbourne Strategic Assessment Program (MSA), and there is a need to ensure that any urban development that occurs on this site meets the requirements of the Commonwealth approval conditions described within the BCS. The letter emphasised that urban development must be excluded from the Conservation Area and it should be protected in perpetuity. The Department agreed that the SUZ is consistent with the Commonwealth conditions that apply to the site. For these reasons, the VPA submitted that all references to the BCS in the SUZ10 should be retained.

¹⁵ Included as Appendix 5 to the VPA closing submission (Document 176).

Conservation Area 21 boundary

Mr Woodland submitted that the Carmody's strongly object to the application of the Growling Grass Frog (GGF) – Conservation Area 21 on their property on the basis that they do not accept there is scientific evidence to support the designation. Whilst recognising the BCS is not before the Panel, he submitted that it is the basis for many of the controls in the SUZ10.

VPA submitted the BCS is not before the Panel and therefore this is not an issue for its consideration, but did highlight that DELWP has provided in-principle support for a number of changes to the Conservation Area which will be reflected in the Concept Plan. Having said that, DELWP advised it is not likely to support the excision of the additional building and ruins as requested as these are located a distance from the conservation boundary and could result in undesirable isolated holes in the conservation area not consistent with GGF conservation practices.

Craiglee and Ben Eadie Concept Plan modifications

Mr Woodland submitted that the Craiglee and Ben Eadie concept plan has been amended to identify the 'creek environs' boundary under the 'extent of grape vines' area, reduction in the area of land identified as 'potential development area' and alteration to the shape of the southern part of the concept plan boundary. He submitted that these amendments were made to accord within the creek environs, in line with the revised GGF boundary that DELWP intend to submit to the Commonwealth Government for approval. He advised that, because the SUZ10 does not enable urban development, there is no need for the zone boundary to accord with the current or amended GGF boundary approved under the BCS and as such should remain as exhibited. He submitted that additional changes should be made, and highlighted a mapping issue about the creek alignment as shown on the government cadastre and the concept plan and sought for this to be corrected.

The VPA responded by stating the 'creek environs' in the exhibited concept plan accurately reflect the extent of the Conservation Area 21. In so far as DELWP has provided in-principle support for changes, if further changes are agreed to by DELWP then the concept plan will be updated to reflect this.

Subdivision

Mr Woodland submitted that additional changes should be made to the SUZ10 including the subdivision provisions to facilitate estate planning and future business requirements, other than excising an existing dwelling or realigning boundaries. He requested that provision be made for the creation of one additional lot where it is associated with a use consistent with zone purpose, such as agriculture, tourism or a winery landscape or conservation purpose.

In terms of subdivision, the VPA acknowledged that the Zone purpose allows for the development of the land for tourism. It submitted that it would support a recommendation that Clause 2 of the SUZ10 be amended to allow for the creation of one additional lot where it is associated with a Section 1 use, but would not support a reduction in the minimum lot size.

Conservation Interface Plan requirement

Mr Woodland submitted that the requirement for a conservation interface plan within 20 metres of the Jacksons Creek, should be deleted from the SUZ10, or if it was to remain, to be reworded to read:

For buildings and works associated with a Section 2 use, a Conservation Interface Plan that demonstrates how any development within 20 metres any area identified in the concept plan as 'creek environs' will be designed so as to avoid development being orientated with back fences along the conservation reserve, minimise light spill into the conservation area, and control the manner in which vehicles access and cross the conservation area.

Mr Woodland did not support the requirement for all future proposals to subdivide or use land or construct a building or carry out works, to be referred to DELWP. He considered that this will unreasonably allow DELWP to revisit or re-litigate arguments about the role and status of the land under the BCS or land management conditions.

Mr Woodland submitted that the Council proposal of a continuous pedestrian link be provided along the creek line was not supported as this would affect private land on an operating farm/winery with commercial tourism operations and would create a range of property and biosecurity issues. He highlighted that there is no proposal to compulsorily acquire any of the land. He submitted that this could only be achieved if managed as part of an ongoing commercial use of the property facilitated by planning controls that enable a range of commercial tourism activities; otherwise the use of the land will most likely default to private dwellings and private wine making business where community access will not be possible.

Council clarified that it is not requesting the landowner to provide for extension of the Jackson Creek shared path through this property, but rather to ensure that future provision of this shared path is not planned out through development of the site. Council expressed concern that removing the site from the PSP will remove any opportunity for government agencies to provide for land acquisition and continuation of the Jacksons Creek Shared Pathway, which is considered an important pedestrian and cycling pathway for the area. Council wants to keep this opportunity open.

The VPA submitted it acknowledges the merit in extending the shared path along Jacksons Creek, however, as a matter of equity, and having regard to the limited type and scale of allowable development on the Craiglee and Ben Eadie properties under SUZ10, the VPA does not consider it appropriate to trigger the requirement for the construction of a public path on this land.

The VPA supported Mr Woodlands request that the requirement for a conservation interface plan be deleted from Clause 4 of the SUZ10.

Environmental Significance Overlay

Mr Woodland submitted that whilst he accepts the VPA has agreed to reduce the area of the ESO, it still applies to a substantial part of the property covered by vines and farmland and the permit requirements for a substantial range of buildings and works are onerous. He submitted that the SUZ10 and the existing Heritage Overlays should be sufficient to regulate

buildings and works on the site and that the ESO10 is redundant and should be removed entirely.

VPA responded that it agrees the ESO may be scaled back to apply only to the land shown as 'creek environs' on the concept plan in SUZ10, however, it does not agree that ESO10 should be removed entirely.

Uses within the Heritage Overlay

Mr Woodland submitted that three Heritage Overlays apply to the site, two of which allow for prohibited uses (HO58 and HO300), whereas HO396 (which applies to the bluestone winery building) does not, submitting this should be amended.

The VPA submitted that insufficient justification has been put forward to justify such as change having regard to heritage matters.

In summary, Council submitted it supports the changes proposed by the VPA subject to all deleted references to Jacksons Creek Environs being reinstated and reference being made to ensuring development of the site does not prohibit the ability to deliver (by others) the future Jacksons Creek Regional Park and shared path.

(iv) Discussion

The Panel agrees with Mr Woodland that, given the historical and continued use of this land, its location within a growth area and the historical and environmental values associated with it, that there is a need for a bespoke planning approach to this site. The Panel agrees the application of a SUZ achieves this. The areas of dispute relate to the type and extent of the controls that should be applied.

Whilst the Panel can understand the owner's desire to continue operating and diversify its operations to include more tourism related opportunities, the Panel does not consider it appropriate for the SUZ should be seen as a means of circumventing what, in many cases, is standard planning practice. There will still be a need to ensure that the future use and development of this site is appropriate.

Zone purpose

The Panel does not agree with the submission of Mr Woodland that zone purposes should include specific reference to the ongoing right to use and develop the land for agriculture. The submissions presented to the Panel related to the use of the land for a vineyard and a winery with some grazing, not broader agricultural uses. The Panel agrees with the VPA that the primary purpose of the SUZ10 is not to facilitate agricultural use in general, but as recognised in the zone purposes it is *"To provide for the continued use and development of the land for vineyard and a winery and to allow for complementary activities to be undertaken in conjunction with these uses."* The Panel also notes that agriculture is a Section 1 Use, and therefore provided the agriculture is complementary and undertaken in conjunction with the vineyard, then these activities can occur.

The Panel therefore does not support a change to the SUZ10 purposes.

Permit triggers

The Panel accepts that the Craiglee Winery may need to expand its activities and infrastructure to remain viable in the future, many wineries do, and considers that the SUZ10 recognises this by including a zone purpose which seeks *“To provide for the use and development of the land for tourism purposes.”* The Panel does not, however, consider that this should extend to making uses such as host farm, restaurant, conference centre, museum or reception centre Section 1 uses. As submitted by the VPA, these are not as-of-right uses in the Farming Zone, and the Panel sees no reason why they should be for this site. The Panel agrees with the VPA that these are uses which could have very real impacts on surrounding land uses in terms of traffic and amenity. The Panel considers it is not only reasonable, but also essential to ensure that Council has the ability to consider proposals for such uses and their potential impacts. The Panel considers the need to assess proposals is critical given the location of this site within the future urban context.

For these reasons, the Panel does not support suggested changes to the permit triggers or application requirements.

Urban development and references to the Biodiversity Conservation Strategy

The Panel does not agree with the position of Mr Woodland that the nature of the uses carried out and proposed on the site are more rural than urban, therefore the BCS does not apply and all references to it should be removed.

The Panel accepts the advice from DELWP that the range of Section 2 uses proposed, particularly group accommodation, hotel and residential hotel are all forms of urban development; and that there is a need to ensure any urban development that occurs on the site meets the requirements of the Commonwealth approval conditions described in the Biodiversity Conservation Strategy. The Panel considers that all references to the BCS should be retained as exhibited.

The Panel recognises that this places additional compliance requirements on the owners, however, the Panel considers this appropriate to ensure the protection of this significant environmental area.

Conservation Area 21 boundary

The Panel recognises the Carmody’s dispute of the scientific basis for the Conservation Area Boundary, however affirms that this is not a matter before this Panel.

The Panel recognises that changes may occur to the boundary, which it is understood have DELWP in-principle support. Should such changes be approved before the gazettal of this Amendment, they should be reflected in the final Amendment.

Craiglee and Ben Eadie Concept Plan modifications

Given the above, the Panel considers the zone boundary should accord with the current Conservation Area boundary, recognising that should it change before the gazettal of this Amendment, it would be appropriate to change the zone boundary. Similarly, the Panel considers that the area of ‘potentially developable land’ should not be altered at this time.

Based on information provided by Mr Woodland at the Hearing, the Panel accepts that the Concept Plan does not accurately reflect the creek alignment. The Panel considers the concept plan mapping should be corrected.

Subdivision

The Panel recognises the owners desire to have the ability to subdivide the land for estate planning, however the Panel shares the VPA's concerns about potential for inappropriate subdivision of this site.

The Panel supports the 40 hectare minimum lot size for the site as exhibited.

Whilst the VPA has indicated a willingness to allow the creation of one additional lot where it is associated with a Section 1 use, the Panel questions the appropriateness of this. The Section 1 uses include agriculture, bed and breakfast, dwelling, minor utility installation and winery. Such a provision would allow the subdivision of one of the two 'grape vine management areas' from the remainder of the property and its subsequent sale, potentially removing a significant area of vines from the property. The Panel considers this would potentially be contrary to the purpose of the zone which is to *"provide for the continued use and development of the land for vineyard and winery"* and contrary to the intent of applying the SUZ10, which has been to facilitate the continued operation of the vineyard and winery.

The Panel recognises that the SUZ10 already makes provision for one single lot excision and the realignment of title boundaries and considers that this is appropriate and should be limit of further subdivision.

The Panel is of the opinion that further subdivision of the property below the minimum lot size should only be undertaken, if and when this property is no longer used as a vineyard and winery. To facilitate further subdivision may compromise future alternative land use option in years to come, if the land is no longer used for vineyard/winery purposes.

Conservation Interface Plan requirement

The Panel notes that the Carmody's concern relates to the need to prepare a Conservation Interface Plan for normal agricultural developments/activities for extensive areas actively use as vineyards. The Carmodys emphasised at the Hearing that this could affect a wide range of day to day tasks, which they considered would be onerous.

The Panel agrees with the Carmodys that this would be an onerous requirement, particularly given extensive areas of vineyard are already located within the identified as 'creek environs' which will already require careful management being within the Conservation Area 21 boundary. For this reason, the Panel supports the VPA proposal to delete the requirement which reads:

A Conservation Interface Plan that addresses how any development within 20 metres of any area identified on the concept plan (Attachment 1) as 'creek environs' will be managed.

As stated previously, the Panel has concluded that all references to the BCS should be retained within the SUZ10 and for that reason, it considers that referral to DELWP is appropriate.

In relation to the pathway, the Panel can find nothing within the SUZ10 which specifically identifies the location for a pathway along the creek. It is understood that this issue relates more the removal of this site from the PSP and whether this is an opportunity lost, rather than the details of the SUZ10 itself.

The Panel agrees with both Council and the VPA that in the bigger picture there is merit in extending a shared path along the creek in the longer term, however, the Panel does not consider that it is either appropriate or necessary to include this as a requirement in the SUZ10 at this time.

The Panel is satisfied that with the limitations to be imposed on the construction of buildings within the 'creek environs' through both the SUZ10 combined with the Conservation Area 21, that development would not be permitted along the creek line that would prevent this from occurring at some time in the future.

The Panel is satisfied that there is nothing within the SUZ10 that either dictates that this should occur or prevents it from occurring in the future and on that basis, the Panel considers there is no need for any change.

Environmental Significance Overlay

The Panel considers that the ESO should be retained on that part of the property included within the Conservation Area 21 boundary, and only modified to reflect any changes which are ultimately approved to the CA boundary.

The Panel considers that the SUZ10 and the HOs are not intended to achieve the same purposes as the ESO, and therefore the Panel does not agree that they provide sufficient controls to justify the total removal of the ESO.

Uses within the Heritage Overlay

The Panel has not been presented with evidence that adequately justifies changes to the requirements of the Heritage Overlay and on that basis, the Panel does not support the requested change.

(v) Conclusions

The Panel does not support the provision for an additional lot associated with a Section 1 Use.

The Panel concludes that the SUZ10, as exhibited, is generally appropriate subject to the other changes agreed between the parties, as follows:

- Acknowledgement of agriculture (including extensive animal husbandry) and primary produce sales as 'as of right' uses in the zone
- Inclusion of host farm and market as permissible uses under the zone
- Deletion of the condition requiring certain uses (such as restaurant or conference centre) are only permissible if they are in conjunction with a winery use of the site
- Deletion of various superfluous decision guidelines, and
- Updating the concept plan to exclude existing buildings from the area designated as '*creek environs (to be kept free of buildings)*'.

The Panel also concludes that the mapping should be corrected to accurately reflect the location of Jacksons Creek alignment and the break of slope.

(vi) Recommendation

30. The Special Use Zone Schedule 10 should be applied to the Craiglee and Ben Eadie properties as exhibited, subject to the following changes:

- **Acknowledge agriculture (including extensive animal husbandry) and primary produce sales as ‘as of right’ uses in the zone;**
- **Include host farm and market as permissible uses under the zone;**
- **Delete the condition requiring certain uses (such as restaurant or conference centre) are only permissible if they are in conjunction with a winery use of the site;**
- **Delete various superfluous decision guidelines;**
- **Update the concept plan to exclude existing buildings from the area designated as ‘creek environs (to be kept free of buildings)’; and**
- **Correct mapping to accurately reflect the location of the creek and break of slope.**

4.17 Hume City Council other issues

Hume City Council raised numerous issues in submissions. Most of these are covered in various chapters throughout the Panel’s report.

There are a few outstanding issues not covered elsewhere. These include:

- Jacksons Hill Road link
- Redstone Hill Major Town Centre
- LTC and LCC design guidelines
- general employment changes
- ownership of conservation land
- consistency with Conservation Area Concept Plans
- general biodiversity changes
- road cross sections
- general road network requirements R62 (Sunbury South) and R52 (Lancefield Road)
- shared path network guidelines G76 (Sunbury South) and G53 (Lancefield Road)
- High voltage electricity easements
- sloping land – UGZ Schedule Clause 4.1
- passive open space
- active open space
- service placement guidelines.

The VPA responses on these outstanding issues are set out in Appendix 2 (Table A) to its closing submissions (Document 176). The Panel agrees with the responses of the VPA on all these matters.

4.18 Other general issues raised by submitters

(i) The issues

The key issues are:

- Whether the PSP boundaries should be extended to include additional properties?
- Whether the community consultation process was adequate?
- Whether the PSP should make provision for specific land uses and services?
- Whether the PSP will result in increased vandalism?
- Whether known and potential contamination sites have been adequately identified?

(ii) Submissions

PSP boundaries

A Khairajani (C207 - 9) sought to amend the Sunbury South PSP precinct boundary to include land currently outside the Urban Growth Boundary (UGB) south of Jacksons Hill adjoining Watsons Road. The VPA responded that this is not within the scope of this Amendment and would require a Victorian government decision and ratification by Victorian Parliament to amend the UGB.

Community consultation

Ms Brogan (C207 –24 and C208 –17) and Mr Dance (C207 –83 and C208 –84) raised concerns regarding the nature and extent of community consultation that has occurred through the PSP development.

The VPA submitted that the consultation process was extended from one month to 10 weeks to meet the anticipated level of interest and to offset the Christmas period.

The VPA commented that the high level of community interest in the PSP process is evidence that that community engagement process through the exhibition process has been successful.

Proposed uses and sites in Sunbury

Ms Brogan (C207 –24 and C208 –17) and Mr Dance (C207 –83 and C208 –84) identified particular uses and developments that the submitters considered should be included in the PSP areas, such as emergency service facilities, medical services, cemeteries, courts, police stations, child care, aged care, a cultural centre, an Ashes centre, the Jacksons Hill centre, and a Landcare fauna and flora centre.

The VPA advised that it is not the role of PSPs to mandate the delivery of such uses and developments and that these may be delivered by government providers or private developers, but importantly, the PSPs will not preclude this.

Vandalism

Ms Brogan (C207 –24 and C208 –17) raised concern about the future suburbs to be created and propensity for vandalism.

The VPA submitted that anti-social behaviours in the community exist whether or not new urban development occurs, though it is accepted that in some instances the nature of

problems can change. It was submitted that preparation of the PSPs has sought to create communities with good connectivity, sound underlying urban design principles and town centres which aid the creation and maintenance of safe and integrated communities.

The VPA concluded the PSPs seek to minimise vandalism and related issues, though submitted that it is not possible to avoid all vandalism.

Potential contamination

Ms Brogan (C207 –24 and C208 –17) raised concern about contamination and its management.

The EPA accepted that the UGZ9 identifies moderate and high risk contaminated sites, but submitted that it does not differentiate between them and recommended it should.

In addition, the EPA indicated its support for management of these sites through a Phase 2 Environmental Site Assessment, triggered through a permit application, however noted there is no policy within the UGZ9 to require the recommendations of the assessment to be implemented. It was submitted that a requirement for any recommendations in the Phase 2 Assessment be included in the Schedule. The EPA submitted that the planning authority should consider the relevant planning tool for the enforcement of recommendations made in the Phase 2 Environmental Site Assessment.

The VPA submitted that where a known contamination risk exists, the UGZ Schedules impose specific controls which will ensure a purchaser or developer is aware of the issues and can make informed decisions about contamination and broader land management.

The VPA submitted that potentially contaminated land is the subject of policy within the VPPs. It was submitted that the proposed controls in UGZ schedules, in addition to the general discretion available to Council, will ensure these sites can be appropriately managed.

The VPA submitted that development of contaminated land is a positive outcome for the community that arises through the remediation and management process, which must be undertaken before the commencement of a sensitive use.

(iii) Discussion

PSP boundaries

The PSPs are based on land within the UGB, that is land that has been formally dedicated to urban uses to meet the needs of Melbourne's growing population. The Panel cannot recommend changes to the UGB.

Community Consultation

The Panel notes that the exhibition period was extended from one month to ten weeks to account for the Christmas and new year period. The Panel considers that the consultation timeframe and process was appropriate.

Proposed uses and sites in Sunbury

The Panel recognises that the PSPs are the first part of an ongoing planning process for these areas and that there is further work to be undertaken by a number of authorities, agencies as well as private sector over the years to come to provide the range of services needed to

meet the future needs of population. The Panel is satisfied the PSPs provide an appropriate starting base from which to undertake this work.

Vandalism

Vandalism is not an issue which affects new urban growth areas alone, it can be evidenced anywhere people reside and visit.

The Panel agrees with the VPA that the PSPs cannot prevent vandalism occurring, but that through appropriate urban design approaches, communities, town centres, open space areas can be created with higher levels of passive surveillance, providing less opportunities for vandalism.

The Panel is satisfied that the objectives and guidelines contained within the PSPs provide sufficient guidance on the ensuring good urban design principles are adopted throughout the PSP area.

Potential contamination

The Panel notes the UGZ schedules both identify a number of properties which are of moderate and high risk of contamination and specifies the investigations that must be undertaken as part of any planning permit application to either use or develop the land for a sensitive use.

Whilst the Panel considers this approach adopted in the schedules is consistent with Ministerial Direction No. 1 and the Potentially Contaminated Land General Practice Note, it has concerns that references to contamination within the schedules is not as obvious to a prospective purchaser as an Environmental Audit Overlay, which is the standard approach adopted through the Victorian Planning Provisions.

Whilst the Panel recognises that the intent of the UGZ Schedules is to act as a 'one stop shop' for planning provisions, it considers the potential for contamination is sufficient justification to warrant the application of an EAO which clearly identifies this potential risk through the planning scheme. The Panel sees this as similar to the approach adopted for heritage properties, where sites with heritage significance are clearly identified by a Heritage Overlay and the provisions of the overlay apply, and have not been incorporated into the UGZ Schedule.

Should this not be supported, the Panel agrees with the EPA that if the UGZ schedules are to identify both moderate and high risk contamination sites, then it should identify the level of risk associated with each property and the need for the inclusion of any Phase 2 assessment to be implemented.

(iv) Conclusions

The Panel concludes that there should be no change to the PSP or the Amendment to address the issues in relation to requested PSP boundary alterations, concerns of vandalism or service provision. The Panel also considers the consultation process was both appropriate and sufficient to enable people to provide comment on both the PSP and the Amendment.

The Panel concludes that, rather than identify sites with potential medium and high potential contamination risk through the UGZ schedules, consideration be given to the

application of the EAO to these sites. If this is not supported, the UGZ schedules should identify the level of risk associated with each property and include a requirement that the recommendations of a Phase 2 Assessment be implemented.

(v) Recommendation for further work

The VPA should consider applying an EAO to sites identified as being potentially contaminated. If this is not supported, then the UGZ schedules should identify the level of risk associated with each property and include a requirement that the recommendations of a Phase 2 Assessment be implemented.

5 Sunbury South PSP site specific issues

This Chapter addresses unresolved submissions in the Sunbury South PSP. The property numbers relate to the numbers shown on Plan 4 of the PSP – Land use budget.

5.1 Sunbury South local convenience centres

(i) Submissions

The VPA Part A submission identified three additional local convenience centres (LCCs) to be defined across the Sunbury South precinct. These changes responded in each instance to specific submissions seeking the addition of an LCC on each property.

The VPA submitted, in its closing submission, that the exhibited PSP had underprovided for LCC opportunities, and that significant residential areas would be outside the walkable catchments for those centres. The VPA submitted that the number and distribution of these additional centres was also broadly consistent with the *Retail and Economic Assessment for PSP74 and PSP75* (October 2014), prepared by Hill PDA for the VPA. The location of these centres has been changed to respond to the urban structure.

The VPA Part A submission did not nominate an ‘as of right’ shop floor space cap for each centre. The VPA, in its closing submission, submitted that:

The VPA support shop floor space caps for each of the centres as set out in the table below. The VPA note that these represent ‘as of right’ shop floor space only, and that provision for shop floor space above these levels can be considered as part of a planning permit process. These numbers are generally consistent with the scale of LCCs as recommended by Hill PDA (average size of 1,500sqm), and are at a consistent scale with LCCs the VPA typically plans for in growth area PSPs.

After the Hearing, VPA advised of some inconsistencies in the closing submission floor space caps and confirmed that the caps in Table 2 of the UGZ9 were in fact the correct figures. The UGZ9 caps are also shown in Table 1 below.

Table 1 Changes to LCC in the PSPs

Prop. No.	Location	Exhibited?	Closing subm Floor space cap	UGZ9 Floor space cap
59	Jacksons Creek Hub	Exhibited	1,000 sqm	1,500 sqm
97E	Sunbury Road Employment Area	Exhibited	500 sqm	500 sqm
3	Sunbury South Train Station	New	1,500 sqm	1,500 sqm
75	Sunbury Rd (north-west of Lancefield Road)	New	1,500 sqm	1,500 sqm
70	South-east of Redstone Hill MTC	New	1,500 sqm	1,000 sqm

A permit is required for leasable shop floor areas above that shown in Table 2 of UGZ9.

The floor space cap for the proposed new LCC on Sunbury Road north west of Lancefield Road was challenged by the landowner (Mr and Ms Mezzatesta). This is discussed in section 5.16.

The Panel understands that the UGZ9 floor space caps for other LCCs listed in Table 2 of UGZ9 are not disputed.

(ii) Discussion and conclusion

The Panel supports the changes to LCCs in Sunbury South as proposed by VPA and supports the floor space caps as set out in Table 2 of UGZ9.

(iii) Recommendation

The Panel makes the following recommendation in relation to LCCs in the Sunbury South PSP:

- 31. Amend the Sunbury South Precinct Structure Plan to show three additional Local Convenience Centres and apply floor space caps as shown in Table 2 of the Schedule 9 to the Urban Growth Zone.**

5.2 Old Vineyard Road employment area

Property numbers 12, 13, Submitter number 62

(i) Background

The VPA advised in the Part B submission:

Following exhibition of the Sunbury South PSP, VicRoads advised that it did not support the access arrangement to the area of a signalised intersection from the on-ramp to the Calder Freeway (IN-07 in the exhibited PSP). VicRoads indicated that its preference was for a signalised intersection from Moore Road/Old Vineyard Road. The Vineyard Road Employment Area Concept Plan has been updated to reflect this access, as well as minor changes to the local street network.

(ii) The issue

What is the most appropriate land use and urban structure for this area?

(iii) Evidence and submissions

Mesh, on behalf of the landowner of 235 Old Vineyard Road, made submissions seeking a reconfiguration of the Commercial/Employment Land in the Vineyard Road Employment Area. These submissions sought changes to the Sunbury South Future Urban Structure, and to the Vineyard Road Employment Area Concept Plan.

This submission represented a new position, not outlined in the original submission. Mesh submitted that this new position is, at least in part, in response to the changed access arrangements to Vineyard Road.

The proposed arrangement is as shown in Figure 7 and features substantially reconfigured restricted retail and commercial/industrial precincts and the inclusion of mixed use land abutting the north south connector road. Overall, the proposal is a reduction of employment land from 6.75 hectares to 4.22 hectares, and a corresponding increase in residential land.

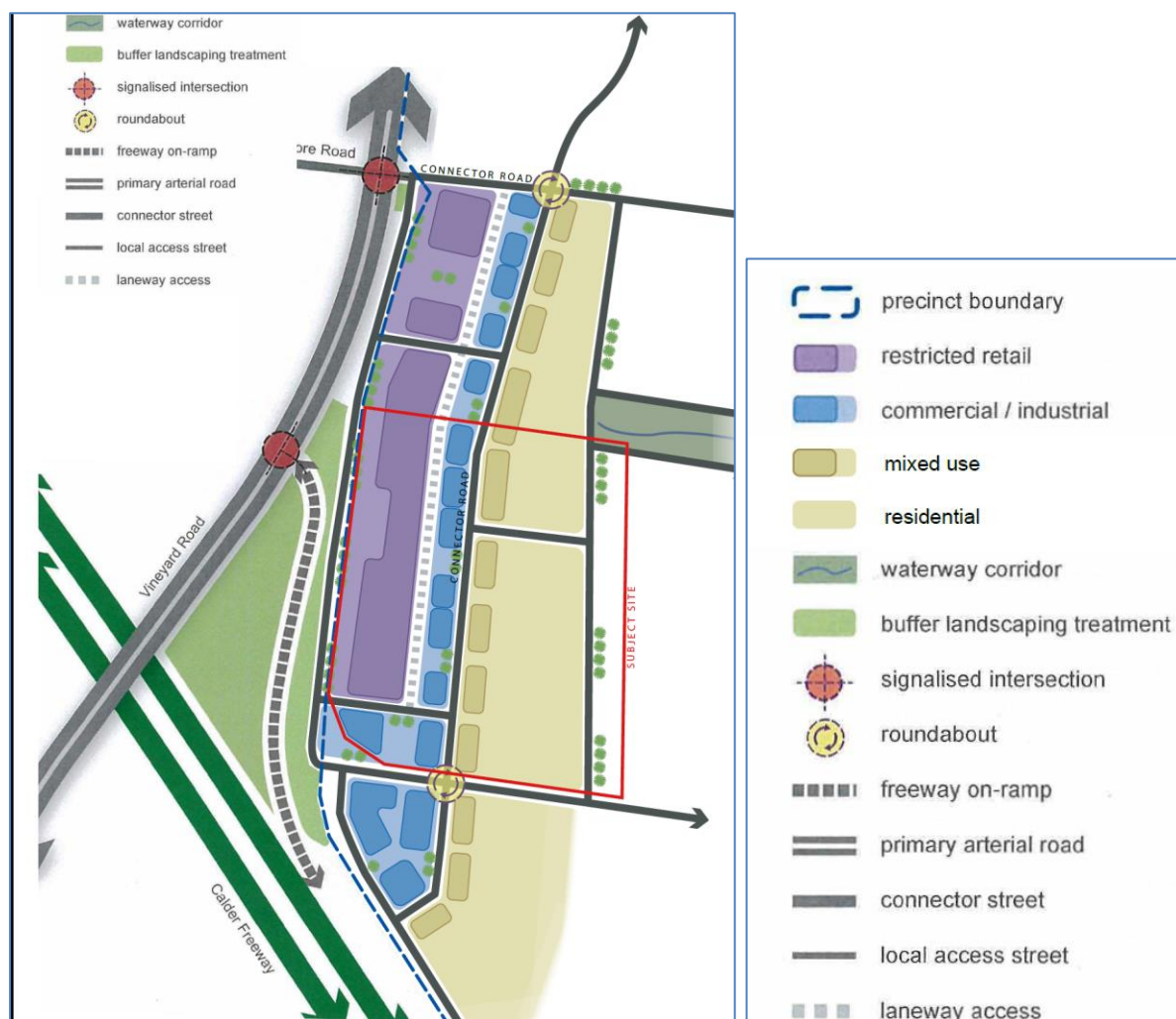


Figure 8 Mesh proposal for Vineyard Road employment area

In support of the proposal, Mesh submitted that the proposal represents *“a more progressive approach which generates employment and which will provide an enhanced, higher density walkable catchment for the future train station would preferably involve adoption of a mixed use approach”*. It further submitted: *“The built form of the employment uses and the housing outcomes including So Ho opportunities, in conjunction with the overall streetscape character are very important considerations.”*

In response, the VPA acknowledged that changes need to be made to respond to the changed road access, but maintained that there is strong policy support for the continued identification of the land for employment uses. The VPA noted that some employment uses had been moved south in the exhibited PSP to maximise residential development

opportunities in the catchment to the future potential rail station, and that the City of Hume's new MSS identifies the land as a key bulky goods retailing node.

The VPA noted that this site is an important part of that overall provision of employment land in the PSP, and did not consider that there is sufficient information before it, or before the Panel, to justify the revised outcome now proposed.

The VPA sought a recommendation from the Panel that:

Additional work is undertaken following the Panel Hearing, but prior to approval of the PSP, to demonstrate that:

- *Any reconfigured employment area can continue to support the employment numbers generated by the employment area as depicted in the exhibited PSP.*
- *Sufficient demand exists (or will exist) in Sunbury for the 'small office' and mixed-use outcomes proposed in the submission.*
- *Appropriate planning controls can be drafted to protect any remaining employment land from residential encroachment (either through ground floor residential uses or amenity impacts for future residents); and*
- *The area can sustain the 'bulky goods' retail outcomes reflected in the exhibited concept plan, and supported by the new Hume MSS.*

Council, in its closing submission, noted the significant reduction in overall employment land, and agreed with the VPA that the submission does not provide sufficient supporting information to justify the proposed changes.

In conclusion, Council submitted:

Council does not support any changes to the PSPs that will result in a decrease in the amount of employment land provided for within the PSPs, particularly industrial land. This is consistent with submissions relating to Employment land above.

(iv) Discussion

The Panel sees merit in the Mesh proposal in terms of how it relates to the revised road network, and potentially how it provides an improved interface with future residential areas. The Panel is concerned that the overall loss of employment land is problematic. As discussed in section 4.14, there is arguably a shortage of employment land in the precincts, and any loss may compromise long-term objectives.

The Panel agrees with the VPA and Council that there is insufficient justification at this stage for the Mesh proposal to be adopted, but believes that the potential merits of the proposal warrant further investigation. It may, for example, be possible to further re-configure the road network to enlarge the area for commercial/industrial land, and lessen Council's concerns about the loss of employment land.

The Panel agrees with VPA's suggested approach to further investigation.

(v) Conclusions

The Panel concludes that, in view of the substantially changed road access arrangements now proposed, the Mesh proposal should be investigated further prior to the approval of the PSP to demonstrate that:

- Sufficient overall employment land is provided in the Old Vineyard Road area to support the employment objectives of the PSP and Council's MSS.
- Any reconfigured employment area can continue to support the employment numbers generated by the employment area as depicted in the exhibited PSP.
- Sufficient demand exists (or will exist) in Sunbury for the 'small office' and mixed-use outcomes proposed in the Mesh submission.
- Appropriate planning controls can be drafted to protect any remaining employment land from residential encroachment (either through ground floor residential uses or amenity impacts for future residents); and
- The area can sustain the 'bulky goods' retail outcomes reflected in the exhibited concept plan, and supported by the new Hume MSS.

(vi) Recommendation

The Panel makes the following recommendation in relation to the Old Vineyard Road employment land:

32. The VPA and Council should further investigate options for the reconfiguration of employment land in the Old Vineyard Road area.

5.3 RCL Group

Property number 72, Submitter number C207-45

(i) The issue

The issues still outstanding relate to:

- left-in, left-out access to the RCL land from Sunbury Road
- the relocation of Local Park LP-31
- the location of a proposed sewer pump station.

RCL raised issues to do with the odour buffer associated with the Veolia composting facility, drainage and 'break-of-slope'. These matters are dealt with in sections 4.6, 4.9 and 4.10 in this report and are not discussed further here.

(ii) Evidence and submissions**Left-in, left-out access**

RCL submitted that left-in, left-out access to their property at 605 Sunbury Road should be identified in the PSP. Ms Lardner cited the expert evidence of Mr Gnanakone who stated that, in his opinion, there are benefits from including the access point in the PSP in the circumstances where RCL is in a position to commence development immediately and is heavily dependent on the development of the land to the north.

She submitted that during cross examination, Mr Humphreys agreed that inclusion of the access point in the PSP was appropriate and would give a level of certainty which is currently absent.

Ms Lardner submitted further that the inclusion of the access point would not in any way compromise the safety or functionality of Sunbury Road. She cited the evidence of Mr Gnanakone that there will be no safety issues because:

- the intersection will be facilitated by a left turn deceleration lane; and
- there will be clear sight distances to the north and south.

Ms Lardner argued that the VPA's "*one size fits all*" position was inappropriate in the circumstances because it did not address the particular logistical challenges faced by RCL.

As an alternative to showing left-in, left-out access on PSP Plan 9 – Street Network, Ms Lardner proposed that a new Guideline 75 be added as follows:

Where a land parcel fronting or adjoining an arterial road has no connector street access, a left in-left out local access street onto the arterial road can be considered and will not be unreasonably refused by the relevant authorities.

In oral submissions, Ms Lardner suggested that the VPA had indicated that it had no difficulties in principle with the suggested guideline but would have to consult with VicRoads on the matter.

During cross-examination, Mr Gnanakone acknowledged that it was not typical to show access via a local road in a PSP and that VicRoads would most likely allow left-in, left-out access whether it was shown in the PSP or not.

Mr Tobin stated that the VPA continued to oppose the depiction of a left-in, left-out access point on PSP Plan 9. He noted that there will be numerous left-in, left-out local access points that are not shown in the PSP.

Mr Tobin submitted that:

At the time of a permit application it is entirely appropriate for RCL to demonstrate its proposed access arrangements whether interim or ultimate and to seek VicRoads approval of the same. ... At its heart the purpose of identifying the left in left out arrangement is to provide a leg up in discussions with VicRoads or to fetter the exercise of its discretion. This is not appropriate in circumstances of a planning scheme amendment in the absence of information describing how that permit application will in fact be formulated. The current amendment will not operate to defeat the existing access that this property takes from Sunbury Road. A right of review exists in the event that VicRoads does not appropriately assess the merits of any future detailed application.

Council agreed that showing left-in, left-out access was a level of detail not typically included in PSPs. Nevertheless, Council stated that it would not object to its inclusion in the PSP if the VPA and VicRoads supported it.

Relocation of Local Park LP-31

In the exhibited PSP, Local Park LP-31 is located on the property adjoining the RCL land abutting the boundary of the two properties. In its submission, RCL noted that the VPA had agreed to move the park slightly off the property boundary. Ms Lardner submitted, however, whilst that was an improvement, the park should be shifted still further west so that all future abutting streets and facing houses are located on the adjoining property (Property 71). This would enable the area surrounding the park including streets and housing to be developed in a coordinated and holistic manner.

Ms Lardner submitted that:

A failure to move the park sufficiently westwards would result in the unpalatable situation where RCL would still need to design dwellings on the RCL land in a manner which specifically addresses a park for which it has no responsibility, and which is under the control of others.

It is submitted that RCL (as is the case for all developers) ought be in a position to design and develop the RCL land unfettered by the physical and timing issues of a park over which it exercises no control.

In responding to a submission from the owners (Marantali Pty Ltd – Submission C207 -18) of the property adjoining the RCL Land, the VPA proposed that the park be relocated slightly west away from the property boundary to “... to provide the landowner with the opportunity to fully address the local park and control the interfaces between the park and development.”

Location of a proposed sewer pump station

The exhibited PSP shows on Plan 12 – Utilities a proposed sewer pump station located towards the southern end of the RCL land and it would appear within land designated as a drainage reserve.

Ms Lardner requested that the Panel recommend that the proposed sewer pump station be located either within the drainage reserve or the electricity transmission line easement.

The VPA tabled a response from Western Water (Document 62) which stated that:

At this stage of the planning process, Western Water has only identified the need and an indicative location for the pump station. It is common for these assets to be located within reserves associated with drainage, and we would expect something similar for this pump station. As the developer refines their development serving plans, a pump station location will be found that meets the needs of both Western Water and RCL.

(iii) Discussion

Left-in, left-out access

The evidence before the Panel did not question the need to provide this access to the RCL land from Sunbury Road. Nor were there any suggestions that safety could be compromised if such access was provided. The evidence of Mr Gnanakone was clear on the aspect of safety.

The issue is whether the access point should be shown on the PSP Plan. The Panel agrees that a notation on the PSP Plan would give RCL some level of comfort and probably enhance the prospect of gaining VicRoads' approval. The same could be said, however, for numerous other locations where left-in, left-out arrangements will be needed to provide access to land being developed in the Sunbury South and other PSPs. There is no suggestion that VicRoads would unreasonably refuse a left-in, left-out access to Sunbury Road at the time of permit application. There is also a right of review available at that time should VicRoads not approve such access.

The Panel does not consider that the circumstances confronting RCL are really any different to other locations where a property has no connector road and requires access via a local road for development to proceed. In its view, a special case has not been made and the Panel does not see any reason to depart from the normal practice of not showing left-in, left-out local road access in PSPs.

The Panel does not support the alternative proposed by Ms Lardner that a new requirement be added to the PSP. It is already the case that access arrangements cannot be unreasonably refused by a roads authority and the Panel considers that the proposed new guideline is unnecessary. Indeed, in the Panel's view, the proposed guideline wording arguably goes even further in potentially fettering the roads authority than would a simple notation of access arrangements on a PSP Plan.

Relocation of Local Park LP-31

The VPA has agreed to relocate the local park to the west but it would seem not sufficiently off the property boundary to satisfy RCL. The VPA did not specify the precise new location for the local park.

A shift in location even further west to meet RCL's request should be feasible and is not in the Panel's view an unreasonable request. It may, however, have implications for the property owner on whose land the park is located.

The Panel suggests that the VPA discuss this issue further with RCL and the adjoining property owner (Marantali Pty Ltd) to determine the location of local park LP-31 before the PSP is finalised.

Location of a proposed sewer pump station

It is clear from the advice of Western Water that the location of the sewer pump station shown on the exhibited PSP on Plan 12 – Utilities is indicative only and that by agreement between Western Water and RCL, the pump station can be located within the drainage reserve or the electricity line easement.

The Panel considers that this matter has been resolved.

(iv) Conclusions

The Panel concludes that:

- it is unnecessary to include on the PSP Plan 9 – Street Network left-in, left-out access to the RCL land to Sunbury Road

- there should be further discussions between the VPA, RCL and Marantali Pty Ltd to determine the final location of local park LP-31.

No changes are required to the PSP in response to the submissions by the RCL Group.

5.4 Sunbury Realty

Property number 70, Submitter number 59

(i) The issue

The most substantial issue is whether the Government Secondary School as shown in the exhibited PSP land should be relocated off the Sunbury Realty land. This issue is discussed in section 4.13 above.

A further issue is whether a connector street shown on Sunbury South PSP Plan 9 – Street Network as running parallel to the property’s eastern boundary should be relocated one lot depth to the west.

In its submission to the exhibited PSP, Sunbury Realty raised issues with respect to drainage assets. Drainage asset matters are discussed in section 4.9 of this report.

(ii) Evidence and submissions

Mr Halaliku on behalf of Sunbury Realty submitted that the location of the connector street as shown in the exhibited PSP was “... *not an equitable outcome for the subject site.*” He noted that this location differed from previous drafts of the PSP which initially had the road located one lot depth from the site boundary.

Mr Halaliku submitted that the proposed connector street should be returned to its original location for the following reasons:

- practicality (NDA either side of the road to finance it)
- delivery certainty
- non-ambiguous delivery
- certainty as to the delivery of infrastructure.

In closing submissions, the VPA submitted that given that this is a local road only, the developer responsible for delivering the road should be afforded the opportunity to front the road on both sides with lots. It supported the change in location.

The VPA noted that a submitter with interests in the adjoining property to the south-east (Marantali Pty Ltd) had flagged the prospect of shifting the road onto its land but now supported the proposed relocation of the connector street.

(iii) Discussion

The Panel endorses the change sought by Sunbury Realty and accepted by the VPA. It is a fair outcome, and has no implications for other landowners. Nor does it require any consequential changes to the wider street network. The Panel notes that the relocation of the road to the west has the support of the adjoining landowner.

(iv) Conclusions

The Panel concludes that the proposed relocation of the connector road is a fair and reasonable outcome.

(v) Recommendation

The Panel recommends:

33. Amend Sunbury South Precinct Structure Plan 9 – Street Network to move the north-south connector street the depth of one development lot to the west from its location shown on the exhibited PSP Plan.

5.5 Mr Steven Galdes

Property number 32, Submitter number 41

(i) The issue

The issue is whether the local park LP-07 as shown on the exhibited PSP Plan 7 – Open Space should be located further to the west.

(ii) Evidence and submissions

Submissions on behalf of Mr Galdes sought the inclusion of part of land shown as ‘Potentially Developable land – Land not serviced by DSS’ into the developable area on the subject property. This would require a change to the Fox Hollow Drainage Services Scheme to include this land within the DSS.

Ms Holloway (Urban Design and Management) noted in submissions that discussions were ongoing with Melbourne Water regarding this matter. Section 4.9 above deals with drainage and waterway issues.

With respect to the local park location, Ms Holloway submitted that, having done an analysis of walkable catchments to local network parks in the area, a better location for this local park LP-07 may be more central to the sub-precinct i.e. further to the west onto the adjoining property. She submitted that this would provide a more accessible local park and would provide a more reasonable development area in the land between the two waterways in this precinct, noting that there was little area between the two waterways to create quality residential design outcomes.

The VPA submitted that:

In principle, the VPA consider that the alternative location identified by the submitter represents an appropriate open space outcome for this future neighbourhood, and is an appropriate response to the updated DSS in this part of the precinct. It should be noted, however, that the affected landowner has not been made aware of the potential for this change, and is not a submitter to the Amendment.

The VPA noted that the preferred drainage outcomes for the area are subject to review through Melbourne Water’s consideration of feedback to the Fox Hollow Development Services Scheme. Given the complex drainage composition for the area and the relatively

fragmented land ownership, the VPA considered that any local open space changes in this area should be considered in the context of the final drainage outcome with the finalisation of that scheme.

(iii) Discussion

The Panel considers that the proposal to relocate local park LP-07 has some merit. Its relocation would seem to the park more readily accessible, and would also provide more opportunity for a good residential design outcome for the relatively small parcel of developable land constrained between the two waterways.

The Panel is cognisant, however, of the complexities of the waterways and drainage requirements in the area and agrees with the VPA that the location of the local parks should be considered in the context of the proposed drainage scheme for the area.

The Panel notes also that the submitter's proposal would relocate the local park onto the adjoining property. The owners of that property were not a submitter to the Panel and the VPA advised have not been consulted on the park's potential relocation.

Further consultation with affected landowners is required and the Panel agrees that it would be most productive for this consultation to take place when a final Fox Hollow DSS is available. The process for confirming DSSs is outlined in section 4.9 above.

(iv) Conclusions

The Panel concludes that it would be appropriate for the location of local park LP-07 and other local parks in the Harpers Creek/Fox Hollow area to be confirmed following finalisation of the Fox Hollow DSS.

(v) Recommendation for further work

The Panel recommends that:

The VPA, in consultation with Hume City Council, Melbourne Water and affected landowners, should review the specific location of local parks in the Harpers Creek/Fox Hollow area following finalisation of the Fox Hollow DSS. Subject to the outcomes of that review, Sunbury South PSP Plan 7 – Open Space should be amended accordingly.

5.6 Tranteret Pty Ltd

Property number 85, Submitter number 38

(i) The issue

Should the land at 60 Gellies Road, Wildwood be identified as partially residential in the PSP, with the remainder identified as 'service open space in conservation area'?

(ii) Evidence and submissions

Tranteret Pty Ltd own the land at 60 Gellies Road, located in the north-east of the Sunbury South PSP, east of Emu Creek. It is currently contained within the Rural Conservation Zone (RCZ); is affected by ESO1 and ESO10; and the UGB forms its northern and eastern

boundaries. Part of the land, generally within 100 metres of the creek and generally below the 200 metre contour line, is contained within the Growling Grass Frog (GGF) Conservation Area 21.

As exhibited, the land is intended to remain in the RCZ; the ESO1 and ESO10 are to be removed and the ESO10 would be reapplied to part of the land. The FUS nominates the site as 'non-urban land (existing)' and 'service open space in conservation area'.

Tranteret has sought to include approximately 6.6 hectares of flat land fronting Gellies Road to be identified as 'residential' in the PSP, and for the steeply sloping land that falls approximately 40 metres to Emu Creek, to remain identified as 'service open space in conservation area'.

Mr Robert Forrester, instructed by Mr Richard Strates of Dominion Property Group presented on behalf of Tranteret to the Panel, and called evidence from Mr Henry Turnbull of Traffix Group on traffic and Mr Nick Hooper of Taylors on planning.

Mr Turnbull's evidence was that there were no traffic engineering reasons why the land should not be marked for future residential development. His evidence was that future traffic demand will substantially increase, and will warrant duplication of the bridge over Emu Creek or other traffic control measures. In the interim, traffic treatments such as reduced speed limits, signage and signalised control of the bridge could be implemented to accommodate the increased traffic volumes already being experienced, and associated with future development of the land.

Mr Hooper gave evidence that development of land above the 200 metre contour line is possible, given that the land does not contain any physical constraints (e.g. slope, trees etc). However, Mr Hooper's evidence was that while servicing of the land is possible, it is unlikely to be feasible for the land to be developed in isolation, given the requirement to pump sewer to service the site, as well as unknown costs associated with the provision of gas and onsite stormwater treatment.

Given this, Mr Hooper did not support the designation of the land for residential purposes, but rather recommended that it be labelled as 'land not serviced by DSS – potentially developable land' and be included within the UGZ.

Mr Hooper stated in his evidence that Gellies Road would provide a good connection to the remainder of the community and that the shared path and potential creek crossing provide adequate connectivity for the land from a pedestrian perspective. However, under cross-examination he conceded no costings or feasibility had been done for a pedestrian bridge and acknowledged the significant physical constraints in terms of slope to provide such a crossing.

The VPA was concerned that the site is physically separated from the rest of the precinct, being the only property to the east of Emu Creek, and that residential development in this location would come at significant cost, including the upgrade of the one lane bridge on Gellies Road over Emu Creek.

In VPA's closing submission, it accepted Mr Turnbull's evidence that a traffic solution could be implemented but noted that Mr Turnbull conceded that the site does not have good pedestrian or bicycle access along Gellies Road to connect it to the balance of the PSP area.

The VPA noted that Mr Hooper relied on a future pedestrian path being provided to connect the site to the remainder of the precinct, and given the 40 metre fall to the creek and 40 metre rise up to the developable land to the west, consider that adequate connection is unrealistic and connectivity a substantial barrier to development. On this basis, they did not support the proposed changes.

Council shared the VPA's concerns in relation to servicing the site and the social isolation of the site to any existing or planned community facilities. Council did not consider that the existing 100 kilometre per hour rural standard road is an appropriate or safe connection for pedestrians, and considered that any pedestrian path across Emu Creek would have limited benefit to the precinct, being connected to residential development on the western side of the creek rather than a genuine connection to any community facilities. Council submitted that it had not been satisfactorily convinced by evidence that the site is suitable for residential development.

(iii) Discussion

All parties agreed that the land generally below the 200 metre contour line and contained within the GGF conservation area should remain excluded from development and is appropriately marked on the FUS. It is the designation for the balance of land that is in question.

The Panel accepts that the flat land (approximately 6.6 hectares) fronting Gellies Road does not appear to have any physical site constraints to development, and together with part (approximately 3.7 hectares of unencumbered land) of the adjoining site to the west at 50 Gellies Road, could theoretically accommodate residential development.

The Panel also accepts Mr Turnbull's evidence that a traffic solution could be designed to accommodate not only traffic impacts associated with any development of the land, but for broader increases in traffic volumes more generally.

However, given the evidence of Mr Hooper that servicing the site is unlikely to be feasible for such a small development area, and given the relative isolation of the site to physical and social infrastructure, the Panel agrees with the VPA and Council that the land should remain in the RCZ and nominated as 'non-urban land (existing)'.

The objectives of the PSP include:

- *Providing for local retail and convenience employment opportunities to meet the needs of existing and future residents, ensuring all new neighbourhoods have strong access to local services (O12 Lancefield Road PSP).*
- *Establish an integrated and permeable transport network to encourage walking and cycling, reduced car dependency and maximise safety and connectivity of all road users (O26 Lancefield Road PSP).*

The land is outside the walkable catchment of an activity centre, the closest being the proposed Emu Creek local town centre more than a kilometre away to the north-west of the land. Furthermore, the land is located at the eastern edge of the UGB with green wedge zoned land to the east and north and adjoining land to the north and south within the RCZ. As such, not only is the land isolated from the rest of the Sunbury South and Lancefield

Road Precincts by the significant gully of Emu Creek, it does not have prospects of being connected to other urban development to the east or north.

Earmarking the land as 'land not serviced by the DSS – potentially developable', without any certainty of a feasible pedestrian or cycle connection to services or facilities, does not satisfy the PSP objectives.

(iv) Conclusions

The Panel concludes:

- That the site should remain in the RCZ and the FUS should remain as exhibited for this land.

No change is required to the exhibited PSP.

5.7 Hongfengshi International Property Investment

Property number 69, Submitter number 53

Hongfengshi sought the relocation of the Redstone Hill secondary school from its site to a location further to the north west in the PSP. This issue is discussed in section 4.13.

Hongfengshi also raised issues in relation to the location of connector roads which the Panel understands have been resolved.

5.8 Oreana Project Management Pty Ltd

Property number 23, Submitter number 89

(i) The issue

Should the Harpers Creek Local Town Centre (Harpers Creek LTC) concept plan be amended as suggested by the submitters?

(ii) Evidence and submissions

Harpers Creek Local Town Centre

Human Habitats made a submission on behalf of Oreana Project Management Pty Ltd who have a development interest in the site at 45 Sunbury Way, Sunbury. Oreana's submission was that there should be some refinement to the FUS and concept plan for the Harpers Creek LTC to establish a more realistic development footprint and to facilitate more efficient development and subdivision.

The suggested changes to the FUS and the Harpers Creek LTC concept plan included:

- Shifting the alignment of the waterway to allow for medium density housing directly adjacent to the local town centre.
- In consultation with Melbourne Water, explore a reduction in the width of the waterway to allow for a larger development footprint for medium density development.
- Show how separate developers can deliver a mixed use interface to the north of the town centre.
- Revise the concept plan to show the different retail components, consistent with usual PSP practice.

- Show Buckland Way as a main Connector Street through the precinct.
- Show the school and the community centre as practical subdivision parcels, rather than creating awkward subdivision issues across titles.

The VPA generally agreed with the submitter's concerns and prepared a revised Harpers Creek LTC concept plan as circulated in their Part B submission. Oreana supported this updated plan subject to a further review of the drainage corridor width in consultation with Melbourne Water to allow for a greater developable parcel adjacent to the LTC.

Council presented urban design evidence from Ms Julia Bell, David Lock Associates that reviewed the three town centres proposed within the PSP areas, including the Harpers Creek LTC.

Ms Bell's suggested amendments to the Harpers Creek LTC concept plan included:

- Proposing further detail for the supermarket loading arrangement.
- Flipping the speciality retail to create more active frontages along the connector road.
- Chamfering back the mixed use area to the north of the plaza for better solar access and connection to the north.
- Adding a principle regarding the quantum of sunlight to the plaza, that is should receive at least 2 hours sunlight to at least 50% of the space between 9.00am and 3.00pm on 21 June.

Oreana did not support the further detached speciality retailing along the connector road, other than as a future expansion opportunity, as they considered the centre is unlikely to be able to support the quantum and form of retail in the short-medium term. The VPA agreed with this position.

Oreana considers that the 'chamfering' can be achieved at the planning permit stage when detailed design considers the building interface to the plaza, and that the plans already provide for connections to the plaza and a pedestrian crossing may assist this further. Oreana support the principle for sunlight to the plaza put forward by Council.

Public Acquisition Overlay

Oreana submitted that the Public Acquisition Overlay (PAO) in place for the connection between Jacksons Hill and Buckland Way should be removed, given the potential impacts on the subject site.

Council objected to the removal of the PAO. Council advised that in the Jacksons Hill Local Structure Plan the road is to be delivered by Development Victoria (DV) as a rural road, with a different role and alignment than that shown on the Sunbury South PSP. In the absence of the completion of detailed design work and any agreement with landowners to provide land for the connection, Council may still require the PAO to deliver the road link. If the matter can be resolved through detailed design work, Council will remove the PAO through a separate planning scheme amendment.

(iii) Discussion

The collaborative work undertaken between Oreana, Council and the VPA has resulted in revised and improved concept plan for the Harpers Creek LTC, and all parties were generally comfortable with the key elements.

The Panel agrees with the VPA and Oreana that the additional speciality retail along the collector road should be labelled as a long term potential only, with the focus to be on the supermarket and surrounding speciality uses and plaza.

The Panel supports the other amendments presented by Ms Bell, including provisions to ensure that there is appropriate sunlight to the plaza through building design, to ensure that it is an attractive and well utilised space for the community.

The Panel does not support the removal of the PAO given Council's position, however agrees that if it can be resolved, it would be appropriate to remove at a later stage.

(iv) Conclusions

The Panel concludes:

- That the Harpers Creek LTC concept plan should be amended to reflect the plan circulated within the Part B submission, and further amended to:
 - Retain the retail sleeving along the northern side of the supermarket, however to label the additional speciality retailing along the Connector Road as 'potential speciality retailing - longer term.'
 - Chamfer the mixed use along the northern side of the plaza to allow for improved solar access and connection.
 - Add a principle in relation to sunlight.
- That the PAO should remain.

(v) Recommendation

The Panel recommends:

34. Update Figure 6 - Harpers Creek Local Town Centre Concept plan to reflect the plan circulated within the VPA Part B submission, and further amend the plan to:

- a) Retain the retail sleeving along the northern side of the supermarket, and label the additional speciality retailing along the Connector Road as 'potential speciality retailing - longer term.'
- b) Chamfer the mixed use along the northern side of the plaza to allow for improved solar access and connection.
- c) Include a principle stating that "the plaza should receive a minimum of 2 hours of sunlight to at least 50% of the space between 9.00am and 3.00pm on 21 June.

5.9 Capitol Property Group

Property numbers 56-59, Submitter number 75

5.9.1 The issues

The key outstanding issues are:

- land shown as subject to capability assessment (Hillside Precinct)
- location of pedestrian and cycle path
- walkable catchment designation
- road and intersection designs

- the development potential of the Harker Street area.

Capitol also raised issues on the Sunbury ring road southern link, the Infrastructure Contributions Plan, the location of secondary schools and bushfire risk. These issues are discussed above in sections 4.3.6, 4.3.2, 4.13 and 4.11 respectively.

5.9.2 Land subject to capability assessment (Hillside Precinct)

(i) Evidence and submissions

Capitol accepted that the escarpments along the Jacksons Creek valley need to be treated carefully. It submitted, however, that the sloping area designated 'land subject to capability assessment' which runs across its land (and referred to as 'Hillside') does not present the same challenge as escarpments along the creek valley. Capitol argued that Hillside is an open grassland capable of sensitive development and, importantly, differs from the creek corridor in that it is internal to the community and does not directly abut the creek.

Mr Bartley submitted that:

There is simply no basis to the Council's adopted position of suggesting that this whole area be set aside as encumbered land. That represents a sterilisation of something in the order of \$6m to \$9m worth of land, capable of supporting some 70 to 80 family homes and the ability to provide a diversified lot mix that is currently not available anywhere else in the PSP.

It is noted that with consideration of the slope, and if encumbered, the land would not contribute to the broader open space network from a useability perspective.

We note that Council did not advance any evidence regarding the purported issues of development of this area, despite calling urban design evidence. We say the Panel is entitled to draw the appropriate inference, that such evidence would not have assisted the Council's case.

He further submitted Capitol that maintaining the land's classification as 'land subject to capability assessment' is in accordance with the relevant objectives of the PSP.

Mr Bartley submitted:

It is perfectly acceptable for buildings to be built along both the top and bottom of the Hillside Precinct with access from roads running along the top and along the bottom. This is already anticipated by the cross-sections at pages 81 and 82 of the PSP.

The revised plans circulated by the VPA during the hearing (Revised Application of Sensitive Interfaces, part of Document 20) indicate that the top and part of the bottom of the Hillside Precinct is regarded as not having any need for formal designation.

This accords with our analysis that views of this area from other public locations will see houses which might sit along the top of the hill set against the backdrop of either vegetation and landscape rising behind, or, ultimately

other housing which will similarly stretch behind rising up onto the adjoining land.

Mr Bartley acknowledged that there will be locations from below the hill where a house would be visible against the sky depending where someone is standing. He submitted, however, that was not the appropriate test. Rather the test is whether there will be an adverse visual impact from other key public areas from which a view of this area is enjoyed as an important element in the landscape. He suggested that houses along the top of Hillside will sit in front of and generally below the level of houses behind, and houses sited to front a road on the down slope side of the top of the hill can have a ground floor which meets the design requirements included in the PSP.

Mr Bartley submitted that Guidelines already in the PSP provide the appropriate framework for controls on development, and that G13, G16, G19, G20 and G21 are met by the proposed development of the Hillside Precinct.

In conclusion, Mr Bartley proposed, in response to submissions, that a new Requirement be inserted at page 18 of the PSP as follows:

Prior to subdivision or development of the Land Subject to Capability Assessment, urban design guidelines must be prepared for this area and mechanisms to manage future bushfire risk must be identified, to the satisfaction of the Responsible Authority.

In Appendix 3 to its closing submissions, the VPA disagreed with the need for this additional Requirement noting that these matters were already satisfactorily dealt with through the UGZ schedule as exhibited.

Mr Burge provided expert evidence on the existing character and topography of the Hillside area and an assessment of the views to and from the area. He noted that the Hillside area was outside those locations considered to be of Visual and Landscape Significance in the HIGAP report. He concluded that his assessment had revealed that there are no topographical, vegetation or landscape reasons which would preclude development from the Hillside area.

Mr Burge provided three options and cross sections for development based on large allotments. He stated that these options met the PSP guidelines with his third option applying cross sections for development on sloping land included in Appendix 4.2 of the Sunbury South PSP.

Council stated that is not supportive of any private development on escarpment land, nor does it support development directly abutting escarpments. It requested that the land shown as 'land subject to capability assessment' be shown as encumbered land within the PSP with land to be owned and managed by Council. It submitted that this would ensure the protection of the escarpment, its visual amenity and Council's recreation aspirations.

Ms Kaczmarek submitted that:

... whilst the expert evidence provided by the submitter confirms that the land could be developed, Council does not consider that this is the best outcome for the land. Council's reasons for not supporting the development of this land

were outlined in its opening submission and related to inconsistencies with visions and strategies in HIGAP and the MSS, and the requirements of the PSP that provide for setbacks and linear path connections along the escarpments.

Council remains concerned that the steep slope will be difficult to maintain, particularly for private landowners. There is considerable potential for the escarpment to become damaged, poorly managed, and a bushfire risk. Mr Le Bel in cross examination confirmed that a 30% slope could be mowed by an individual landowner. Council notes that it within Council managed land, its preferred maximum slope for mowing is 20%, however up to 25% slope can be mowed for short sections (no more than 30m).

In concluding, Ms Kaczmarek submitted that in the event the Panel considers that this land should be developed, additional controls should be placed in the PSP to control the form of development on the escarpment. She suggested that these controls could be in the form of a development cross section similar to the one prepared by Capitol, so that development of the whole escarpment for residential purposes would be prohibited.

In response to Council's submission, the VPA stated in Appendix 1 of its Part A submission that it disagreed with Council's view and considered that the exhibited PSP designation of 'land subject to capability assessment' should be retained to give the capacity for land owners to demonstrate a suitable site responsive subdivision outcome.

(ii) Discussion

Council wants the whole Hillside escarpment to be encumbered and precluded from residential development. This seems to the Panel to be somewhat of an overkill and unnecessary. It would remove a significant area of land from the PSP's Net Developable Area which is already low compared to other PSPs, albeit for good reason.

The Hillside escarpment is a sensitive location. The Panel, however, agrees with the view put by Mr Bartley that this particular escarpment is not as sensitive in terms of potential visual impacts on the Jacksons Creek valley. It notes that while the exhibited PSP Plan 5 – image, Character, Housing and Heritage showed the whole of the escarpment as a 'non-visual interface', that has been modified with the tabling by the VPA of Document 20 which depicts a revised application of interfaces. The Panel also understands that the VPA has agreed to a further change to delete the 'non-visual interface' line along the entire eastern boundary of the 'land subject to capability assessment'. The Panel also notes the evidence of Mr Burge that the Hillside escarpment falls outside the area identified to be of Visual and Landscape Significance in the HIGAP report.

Mr Burge provided options for how development with large allotments could occur on the escarpment. The Panel considers these to be workable examples, but acknowledges that much more work would be needed to confirm an appropriate form of development on the escarpment, including a thorough visual impact assessment. The landscape assessment provided by Mr Burge, although informative, could not, in the Panel's view, be considered a comprehensive visual impact assessment.

The Panel concurs with the VPA that the Hillside escarpment should remain designated as 'land subject to capability assessment'. This will make it subject to more detailed analysis to demonstrate that any proposed subdivision of it will meet the Requirements and Guidelines set out in the PSP.

(iii) Conclusion

The Panel concludes that:

- the Hillside escarpment should remain shown as 'land subject to capability assessment' in the Sunbury South PSP.

No changes to the PSP are required as a consequence of the Panel's conclusion.

5.9.3 Location of pedestrian and cycle path

(i) Evidence and submissions

Capitol noted that the Sunbury East Precinct Map 5.3 (included at page 37 of the HIGAP Spatial Strategy) expressly included walking and cycling paths along the creeks and escarpments but there was no proposed walking track across the Hillside land.

Mr Bartley submitted that although an off-road shared path is shown along the top of the hill on the exhibited PSP Plan 10 – Public Transport and Path Network, the VPA has agreed with the Capitol submission to include this short section of shared path into a road reserve.

He suggested that there are a number of options for shared paths through the area without preventing development that could be accommodated by Capitol. These options include:

- along the hill top on the west side of the local access street within a widened nature strip; or
- at the back of allotments roughly halfway down the hill which could also provide fire access to CFA standards.

The VPA agreed in closing submissions (Attachment 3, page 5) to delete the shared path as shown on the exhibited PSP Plan 10 running along the eastern boundary of the 'land subject to capability assessment' and show a shared path along the creek. It would also include a new cross-section in the PSP to show a shared path within the local access road reserve along the top of the escarpment.

(ii) Discussion

There was much discussion at the hearing as to the merits of a shared path running between allotments approximately half way down the escarpment slope. The Panel does not have a firm view on the location of a shared path through the Hillside area. Either of the options suggested by Capitol could provide connectivity for the shared path network and it would be matter for consideration at the subdivision design stage to confirm which option should be delivered.

The Panel endorses the changes to Plan 10 and the inclusion of a new local access road reserve cross section as proposed by the VPA.

(iii) Conclusions

The Panel concludes that the change sought by Capitol is a reasonable request and the exhibited PSP should be amended accordingly.

(iv) Recommendations

The Panel recommends that the exhibited Sunbury South PSP be amended as follows:

35. Delete the shared path (dotted line) along the eastern boundary of the 'land subject to capability assessment' on the exhibited PSP Plan 10 – Public Transport and Path Network.

36. Add a shared path along the edge of the conservation area which follows Jacksons Creek through the Capitol properties.

37. Add a new cross section for the local access road reserve along the escarpment to include a shared path within the west side of the road reserve on the Capitol property.

5.9.4 Walkable catchment designation**(i) Evidence and submissions**

Capitol supports the walkable catchment concept, but submitted that there was a problem in the north-west corner of its site between Sunbury Road and the escarpment (Properties 56 and 57). Mr Bartley argued that in this location there would be a loss of yield due to the setback from the escarpment and a service road along Sunbury. It would therefore not be possible to achieve a gross density of 17 dwellings per hectare on that area.

Capitol requested that the walkable catchment designation be removed from Properties 56 and 57. Alternatively, Capitol suggested that a note be added to the effect that there is some flexibility in achieving the target density given local constraints.

In its response in Attachment 3 to its closing submissions, the VPA agreed to remove the walkable catchment designation from properties 56 and 57 on the PSP Plan 3 – Future Urban Structure.

(ii) Discussion

The Panel has some sympathy for the predicament faced by Capitol in achieving a density of 17 dwellings per hectare on this relatively narrow section of land between Sunbury Road and the escarpment.

The Panel notes, however, that in the specific location raised by Capitol, the VPA has agreed to the change requested by Capitol and endorses that change.

(iii) Conclusions

The Panel concludes that the removal of properties 56 and 57 from the walkable catchment boundary as shown on the exhibited PSP Plan 3 – Future Urban Structure is justified.

(iv) Recommendation

The Panel recommends:

- 38. Amend the walkable catchment boundary on the exhibited Sunbury South PSP Plan 3 – Future Urban Structure to remove properties 56 and 57.**

5.9.5 Road and intersection designs

(i) Evidence and submissions

Sunbury Road cross section

Capitol submitted that the alternative location of the Sunbury Road cross section to the north-eastern side of the road reserve recommended by Mr Butler was more efficient and should be preferred due to the existing and proposed infrastructure to the south. Capitol also submitted that a notation be included stating that the proposed cross section may be adjusted to cater for existing and proposed service infrastructure while minimising potential land acquisition.

Mr Butler recommended that the exhibited cross section be amended (to reflect the cross section prepared by Mesh) with median and verge widths noted as variable to alleviate the need to produce multiple cross sections for parts with different constraints. He recommended a median width of 10 metres reduced from 15 metres; 3 metre shared paths instead of separate 2 metre footpaths and 3 metre bike paths; and the alignment moved slightly to the north-eastern side of the reservation.

Mr Butler stated that the reduced median width was satisfactory from a traffic design perspective and that a single 3 metre shared path was adequate, particularly as a separate footpath would generally be provided across the frontages of lots along the loop roads next to Sunbury Road.

In closing submissions (Attachment 3, page 7), the VPA noted its agreement to the changed cross section.

Sunbury Road/Lancefield Road intersection (IN-03) and minor alignment changes (IN-04 and RD-04)

Capitol requested that the location of intersection IN-03 be aligned with the existing roundabout at the intersection of Sunbury Road and Lancefield Road; there be a minor realignment of intersection IN-04 (which has been agreed with VicRoads and the landowner to the north); and that the alignment of Boulevard Connector RD-04 be amended to avoid 'clipping' a portion of the Villawood land.

The VPA in its Part B submission acknowledged that the concept plans for these items exhibited with the PSP are inconsistent with the PSP. It stated that it was comfortable with the refined design work undertaken for Capitol and the PSP will be updated to reflect those design refinements. It considered these matters resolved.

Francis Boulevard

Capitol requested that a developer-funded fourth-leg be added to the roundabout at Francis Boulevard, noting the advice of Mr Butler that this fourth leg was “... *highly desirable to provide a reasonable level of connectivity for the residents in the western portion of the site.*”

Mr Butler flagged in his expert evidence the likely need to signalise the Sunbury Road/Francis Boulevard intersection when Sunbury Road is ultimately duplicated. Capitol requested that the PSP Plan 9 – Street be amended to show access to the south of Sunbury Road at Francis Boulevard as a signalised intersection.

In closing submissions (Attachment 3, page 5), the VPA stated that it agreed with this request.

Left in, left out intersection between Francis Boulevard and intersection IN-04

Capitol requested that PSP Plan 9 – Street Network be amended to show a left-in, left-out intersection mid-way between intersection IN-04 and the Francis Boulevard roundabout. Capitol led no evidence or made further submissions on this request.

The VPA did not agree to this request as it did not support the principle of nominating left-in, left-out access to local roads on the PSP. It considered these access arrangements to be a matter for consideration by VicRoads at the detailed subdivision application stage.

(ii) Discussion

Most of the changes sought by Capitol are straightforward and have been accepted by the VPA. The Panel endorses these changes.

The exception is the notion of left-in, left-out access to a local access street being shown on PSP Plan 9. The Panel agrees with the VPA that it is inappropriate to show such access arrangements in the PSP. This issue is discussed further in section 5.3 above.

(iii) Conclusions

The Panel concludes that with the exception of left-in, left-out access being included in the PSP, the changes sought by Capitol are reasonable and the PSP should be amended accordingly.

(iv) Recommendations

The Panel recommends:

39. Amend PSP Plan 9 – Street Network and PSP Plan 10 – Public Transport and path Network to show a signalised intersection at the Sunbury/Francis Boulevard intersection which includes a fourth leg to provide access to the land south of Sunbury Road.

40. Amend PSP Plans as necessary to reflect minor changes to the alignments of intersections IN-03 and IN-04 and Connector Boulevard RD-04.

5.9.6 Harker Street area

(i) Evidence and submissions

Capitol submitted that the Harker Street concept plan included in the exhibited PSP (Figure 2, page 19) and as adjusted and tabled by the VPA (Document 18) significantly underestimates the development potential of this area.

Mr Bartley argued in submissions that:

... there is no basis to not allow additional houses at the rear of existing houses fronting the north side of Harker Street. This area is a large level open area capable of supporting around 15 lots. That is not what we propose.

The land is currently zoned Rural Conservation Zone, (which does allow some development), however it is included inside the UGB and is now proposed to be UGZ. While development is currently restricted in this area, there is potential for some limited subdivision.

Our submission is that it would be fair to allow a group of houses along the rear of the existing houses. Some have no view, or very little view, whereas the southern/eastern most house is completely oriented toward the view.

A small number of houses along this section could be sited so as to retain some views for most houses and not interfere with the primary view where that is the focus of the existing house design.

It is submitted that the Capitol proposal will indeed, be strongly supported by the policy and guidelines of Plan Melbourne and that the proposal not only enhances the liveability of this community, it represents an appropriate balance the needs of the community, the economy and the environment.

He noted that Mr Black concluded that:

Having no development in this area would be considered an underdevelopment.

This area of the Harker St precinct is developable with regards to slope and setback from the escarpment and ... is close to the existing Sunbury Town Centre and train station.

Mr Bartley also noted the conclusions of Mr Burge that:

- *The Tract Master Plan which extends residential development to the north-west and behind the existing residential allotments of Harker Street and Priorswood Way would extend this two-way road to the north east enabling emergency vehicle access to a greater area of the site and along the rear of residential development along Priorswood Way*
- *Development will allow for transition of allotments into the site*
- *Promote passive surveillance along the upper edges of the escarpment*
- *Create opportunities for a landscaped interface between existing allotments and the Jacksons Creek valley*

- *There are no Landscape, Visual or Urban Design reasons why development should be excluded from either the area described as Land Subject to Capability Assessment or the Harker Street Precinct.*

He stated that:

Capitol's objective is that the land is rightfully earmarked within the PSP as residential land with a discretionary non-visual interface applied consistently along the break of slope. A future development application can accord with all other design requirements as included within the PSP.

The VPA stated in closing submissions that it accepts that achieving an active interface with the Jacksons Creek corridor is a key objective of the Sunbury South PSP and that development in the northern part of the Harker Street is the only reasonable way of achieving this outcome.

Mr Tobin noted, however, that:

... the VPA is not convinced that an appropriate subdivision outcome in this location can be achieved, having regard for the limited yield, likely high servicing costs, topographical constraints (a significant gully would need to be crossed) and relative 'choke point' for local access of the site. Accordingly, the VPA does not support this change.

He submitted that if a change were to be made to support development in this location, the land should be earmarked as an 'investigation area' only, and that the PSP/UGZ Schedule included requirements that any application demonstrate that the challenges set out above could be overcome.

Council stated that it supported the extent of developable land adjacent to Harker Street as shown in the revised Harker Street residential concept plan tabled by VPA (document 18).

Ms Kaczmarek stated, however, that Council did not accept Capitol Property Group's submissions. She submitted that:

While Council accepts that the proposed additional lots will increase the activation of this land, Council is concerned that there is inadequate depth within the area to provide adequate bushfire protection.

The bushfire attack level report prepared by Ecotide and included with the expert evidence of Mr Le Bel, notes that a managed setback of 24-31m would be required from the vegetation to achieve a BAL40 rating for the dwelling. The evidence notes that this could be reduced to less than 24m with a BALFZ. Based on the defined break of slope, and the concept plan for this area provided to the Panel by the submitter, Council does not consider that the above setbacks can be achieved for all lots within this proposed extended development area.

(ii) Discussion

The Panel is inclined to agree with Capitol that allowing no housing lots in the northern section of Harker Street would be an underdevelopment and that no development would be

inconsistent with the objectives for active interaction with Jacksons Creek. The Panel also accepts that a five-lot subdivision proposed by Capitol is minimal and the siting of houses on these large lots could be positioned to protect the views of the existing houses along Harker Street.

The Panel is mindful, however, of the views expressed by the VPA and is not convinced that the concept subdivision proposed by Capitol is the best design outcome. It may even be possible to achieve a slightly higher yield that would provide greater activation of the area while still protecting the amenity and views of existing residents. The Panel notes the concerns expressed by Council, but considers that an appropriate subdivision could be designed to meet the setback requirements to manage bush fire threat arguably better than could be achieved if the land in question was to remain public open space.

The Panel does not endorse the five-lot subdivision concept plan promoted by Capitol. It does consider, however, that the opportunity for housing development on the area backing the houses on the northern section of Harker Street should be examined further. The area should be marked in the PSP as an 'investigation area'. With that being the case, the concept plan for the Harker Street area as shown in the revised PSP Figure 2 – Harker Street Residential Concept Plan (Document 18) should be amended further to show the northern part abutting the existing houses as an 'investigation area'.

(iii) Conclusions

The Panel concludes that:

- the northern section of the Harker Street area has the potential for development in accordance with the objectives set out in the PSP
- the area should be shown in the PSP as an 'investigation area'
- PSP Figure 2 – Harker Street Residential Concept Plan should be revised accordingly.

(iv) Recommendations

The Panel recommends with respect to the Harper Street area:

41. Amend PSP Plan 3 – Future Urban Structure to show the Harker Street area as an 'investigation area'.

42. Amend the Sunbury South PSP Figure 2 – Harker Street Residential Concept Plan (Document 18) to show the northern section as an 'investigation area'.

5.9.7 Detailed changes to the PSP and UGZ Schedule 9

Capitol included a list of specific changes to the PSP and UGZ9 in submission. The VPA responded to these requested changes in Appendix 3 to its closing submission. Unless covered elsewhere in this report, the Panel accepts the responses provided by the VPA and endorses any consequential changes to the exhibited PSP and UGZ9.

5.10 View Grange (Villawood Properties)

Property numbers 61,68; Submitter number 71

5.10.1 The issues

The main unresolved issues for the Redstone Hill Villawood site are:

- Request for notation on PSP Plan 11 – Integrated Water Management
- Request water asset WI-19 location be retained as shown in the exhibited PSP
- Request that a number of Requirements in the PSP be made Guidelines
- A number of other minor matters relating to the wording of the PSP
- Changes to the Redstone Hill MTC (including changes to bus turn location)
- Redstone Hill Park
- Request more flexibility in relation to applying dwelling density controls
- HO385
- Open Space reserves LP-27 and LP-28 (now resolved).

Other detailed matters relating to the s96A permit application and broader PSP issues raised are addressed in Chapter 7.

Villawood also had issues relating to broader traffic and infrastructure issues, which are addressed in Chapter 4.

5.10.2 Water issues

(i) The issue

The issue is whether a notation should be added to PSP Plan 11 – Integrated Water Management to the effect that:

- the Plan is indicative only and subject to change following functional design of water assets
- following functional design, any land not required for water assets can be considered as developable land.

(ii) Evidence and submissions

Villawood stated that the land required for all water assets in the section 96A applications has been agreed between Villawood and Melbourne Water based on the functional designs prepared by Mr Mclean. His work sought to ensure that the functional designs were technically sound, delivered best practice stormwater quality targets and provided more efficient assets from a land budget and maintenance perspective.

Villawood stated that it continued to engage with Melbourne Water and the VPA to confirm the drainage assets outside the 96A application area. It submitted, however, that without a functional design or other justification from Melbourne Water, the updated DDS plans greatly increase the land required for the proposed water assets from that shown in the exhibited PSPs. It therefore requested that a notation be included on Plan 11 – Integrated Water Management that the plan is indicative only and subject to change following functional design. Villawood also requested that a notation be provided on Plan 11 that any

land gained through design efficiencies can be developed for urban purpose (i.e. not converted to open space).

In closing submissions, the VPA responded that it considered this matter resolved insofar as it can be. The PSP will reflect any updates to the DSS and the VPA has proposed that a note be added to the PSP Plan 11 which the VPA considered sufficiently covers off this matter.

(iii) Discussion

The note to Plan 11 proposed by the VPA is discussed in section 4.9 above. The Panel considers that the wording of the proposed note deals with both aspects raised by Villawood.

(iv) Conclusions

The Panel concludes that this issue is resolved.

5.10.3 Redstone Hill MTC

(i) The issue

The issue is whether the revised Redstone Hill Major Town Centre concept plan (tabled Document 19) should be amended to:

- remove the second roundabout on the Connector Street
- reinstate vehicular access between the service roads along Sunbury Road and the road network within the MTC.

(ii) Evidence and submissions

The VPA tabled a revised Redstone Hill Major Town Centre concept plan (tabled Document 19) which:

- incorporated a central indicative transport interchange on the Connector Street through the Centre to Sunbury Road
- inserted a second roundabout on the Connector Street between the transport interchange and the existing roundabout to the west
- removed the direct connections to the Centre from the proposed service roads along Sunbury Road
- nominated a single community centre rather than three options
- adjusted the development footprints to respond to the revised draft DSS.

Villawood submitted that:

- the second roundabout should be removed as there was another roundabout to the west where buses could make U-turns
- the vehicle access between the service roads along Sunbury Road through the commercial uses and into the Centre's road network should be reinstated.

Mr Hunt submitted in oral evidence that the second roundabout was not necessary as those buses needing to make a U-turn could do so at the roundabout only some 250 metres further to the west. He noted that not all buses would need to make a U-turn and that in his opinion, a single roundabout was a better outcome in terms of traffic flow.

The VPA agreed to re-instate the access between the service roads and the Centre's road network on the south-eastern side, but not the north eastern side. The VPA submitted that it was satisfied that the land use was clear on the south-eastern side, but that there were still some unknowns about the exact land use on the north-eastern side, and so it was not clear that direct access would be appropriate. The VPA disagreed with the removal of the second roundabout on the basis that PTV had advised that they continued to support a notation on the concept plan for a potential bus turnaround at the proposed location.

(iii) Discussion

The Panel considers that re-instating the vehicle access between the Sunbury Road service roads and the MTC internal road network, on both the south-eastern and north-eastern sides would improve vehicle access to the MTC. The Panel accepts that land use on the north-eastern side is less clear, but believes that appropriate access can be provided, subject to detailed design demonstrating that it will not encourage inappropriate rate runs or unsafe movements.

The need for the second roundabout is questionable. The Panel notes the advice of the PTV that it preferred that the second roundabout be retained. It considers, however, that a second roundabout simply to provide an additional U-turn point for buses only some 250 metres short of another roundabout is not necessary. The opinion of Mr Hunt was clear in that he considered that having only a single roundabout would provide for better traffic flow along the Connector Street.

(iv) Conclusions

The Panel concludes:

- the second roundabout is not necessary and should be deleted from the concept plan
- the vehicle access from the Sunbury Road service roads into the MTC should be reinstated on the MTC concept plan.

(v) Recommendations

The Panel recommends:

43. Delete the second roundabout from the revised Redstone Hill Major Town Centre concept plan.

44. Re-instate vehicle access from the Sunbury Road service roads into the MTC on the revised Redstone Hill Major Town Centre concept plan.

5.10.4 Redstone Hill Park

(i) The issue

View Grange Pastoral (Villawood Properties) has requested changes to the PSP to reflect the important strategic role of the proposed Redstone Hill regional park and to provide for the further activation of Redstone Hill. The issue is whether these changes are appropriate.

(ii) Evidence and submissions

The Villawood land within the Sunbury South PSP includes the Redstone Hill area and surrounding land, bordered by Jacksons Creek to the south. Villawood propose a multi-lot residential subdivision at Redstone Hill, with the hilltop to become a key regional open space area for the future community on the Villawood land, but also for the wider existing and future community of Sunbury.

Villawood agrees with the size and shape of the Redstone Hill regional park as shown in the PSP, and the desire to protect views to the top of the hill through a height restriction of 252 metres AHD. However, Villawood do not consider that the PSP provides a clear framework for facilitating the transfer of the land to public ownership or facilitating its future development as open space. While accepting, as a large landholder, Villawood will play an important role in the delivery of some key infrastructure items, given the proposed role of the hilltop having a district, rather than just local function, Villawood submitted that Redstone Hill should be reflected in the public land contributions.

Mr Woodland gave planning evidence that Redstone Hill is a large and iconic space that should be activated for the enjoyment of the wider community. His evidence was that Redstone Hill and the associated open space link to Jacksons Creek should be included as district open space in the PSP and be 'credited open space' in the FUS and land budget. He considered that land transfer and embellishments should be included in the ICP.

Mr Woodland also gave evidence that the Rural Conservation Zone (RCZ) is not the appropriate zoning for the land, given that it does not have specific conservation values. He supported rezoning to an alternative zone such as the Public Park and Recreation Zone (PPRZ), where a suitable range of works, infrastructure and activities are permitted.

In summary, through evidence and submissions, Villawood have suggested a suite of controls for Redstone Hill Park, as follows:

- A rezoning or an Incorporated Document under Clause 42.03 Specific Site and Exclusions, providing for the preparation of a Development Plan, and allowing for a range of uses to occur 'as of right'.
- Inclusion of a concept plan for the hilltop in the PSP.
- Recognition in the Open Space table (public land contribution) and the PIP table (funding for embellishment) of part of the Redstone Hill parkland as an open space area of approximately 2.5-3 hectares.

The VPA submitted that the existing RCZ makes appropriate provision for a range of uses either 'as of right' or subject to a planning permit that would provide for the appropriate use and activation of the hilltop. It therefore did not consider that there is a need for a re-zoning or the inclusion of an Incorporated Document as part of Amendment C207.

The VPA supported the notion of a concept plan for the Redstone Hill District Park to provide strategic guidance for the future development of the hilltop. This would be a high level plan that would outline the general vision for the hilltop and could include provision for a playground, amphitheatre, restaurant/café and other uses under the RCZ, and agreed to by all parties.

The VPA also supported Villawood's request to:

- Recognise the utility of the hilltop as district open space and to recognise a defined area of approximately 2.5-3 hectares as 'public land'.
- Include identification of the Redstone Hill Park in the PIP, and support the funding of land for the 'local park' component of the site between the connector road and Jacksons Creek, as well as a 0.75 hectare portion of open space on the hilltop itself within the ICP.

The VPA do not, however, support the provision of ICP funding for embellishment of the hilltop park, as the VPA does not consider that this is an allowable item under the ICP guidelines.

The VPA also proposed the inclusion of an additional requirement at Clause 3.6.3 Subdivision Works (under the heading of Open Space Delivery) defining the extent of works required for the Redstone Hill.

Hume City Council agrees that the Redstone Hilltop provides the opportunity to create a unique community open space, which would have a regional function.

Council's submitted that their position was that:

- It does not support a rezoning or an incorporated document, to allow for a broader range of uses at this time. Council considers that appropriate land uses for the hilltop should be determined through community consultation and further discussions, and following that process, Council will then consider whether there is a need to provide changed planning controls.
- It does support a concept plan for the hilltop to provide strategic recognition for the activation of the hilltop. This should be subject to further consultation, and further consideration of particular land uses (eg community/education/commercial node) and put to a formal Council meeting.
- Council would be prepared to accept and manage the hilltop land. Council submitted that they did not have information as to whether that land or a portion of that land could be funded as public land in a standard ICP.
- Council do not consider that the district playground should be included in the PIP and the future ICP.

(iii) Discussion

All parties agree that Redstone Hill hilltop is a unique open space feature that has the opportunity to become a focal point for the area, and serve a broad open space function. The Panel supports this position.

The Panel does not, however consider that the land should be rezoned as part of Amendment C207. The Panel agrees with the VPA that the RCZ's objectives include not only the protection of natural conservation values (that are absent on this land), but also of open rural and scenic non-urban landscapes that is consistent with the hilltops recognition in the FUS as having 'regionally significant landscape values'. Furthermore, the table of uses within the RCZ allows for informal outdoor recreation (as of right) and a restaurant (subject to a permit), being key uses contemplated for the hilltop.

The Panel does not consider that sufficient work has been undertaken, nor sufficient consultation undertaken, to warrant a site specific exclusion in Clause 52.03 of the Planning Scheme via an Incorporated document to allow for a broader range of uses.

The concept plan and draft incorporated document prepared by Mesh and presented to the Panel had not been previously considered by the VPA or Council; nor had they been exhibited as part of this Amendment.

While there may be a desire at a later stage to include some community, education, or commercial uses that are not allowable under the RCZ, the Panel agrees with the VPA and Council that it is premature to change the Planning Scheme to allow for these uses, before they have been properly considered by all parties, and in particular, by Council and the community. As noted above, the existing planning regime would allow for some outdoor recreation uses and a café or similar, at least in the shorter term.

All parties supported a 'Redstone Hill District Park Concept Plan' being developed in consultation with the VPA and Council, and included in the Sunbury South PSP. The Panel supports the VPA's suggestion that this plan be accompanied by a note that foreshadows the intention to prepare a future master plan for the hilltop, which may include potential compatible commercial uses. This would avoid inconsistency between the concept plan within the PSP and a possible future master plan.

In relation to the future ownership and funding for the hilltop, Council advised that they would be prepared to accept and manage the hilltop land, and therefore the Panel agrees with the VPA that the 'Sports Reserves and Open Space Delivery Guide' (Table 6) within the PSP should be amended to include the Redstone Hill District Park.

The Panel agrees with the VPA that funding for embellishment of the hilltop park is not an allowable item under the ICP guidelines, and so does not support this part of Villawood's proposal. The Panel do, however, agree that funding for the local park component of the site, as well as a portion of the open space on the hilltop itself, could be included within the ICP.

Finally, the Panel agrees with VPA's additional suggested requirement at Cause 3.6.3 Subdivisional works - open space delivery, to define the required standard of works required prior to the transfer of public open space, as is required for other open space areas.

(iv) Conclusions

The Panel concludes that the Sunbury South PSP should be amended to reflect the future role of Redstone Hill as a district park, including incorporating a concept plan for its future use/development and making provision for its future ownership and funding. However that it is premature to provide for an incorporated document or a rezoning of the land, and further work and consultation is required to establish the strategic basis for such a proposal.

(v) Recommendations

The Panel recommends that the VPA in consultation with Council and Villawood should:

- 45. Identify amendments to the vision/objectives within the PSP to appropriately reflect the future strategic role of the Redstone Hill District Park.**

- 46. Prepare a concept plan for inclusion within the PSP that reflects the agreed strategic role.**
- 47. Identify the appropriate scope of preliminary improvement works consistent with the agreed strategic role to form the basis of a new requirement in the PSP.**
- 48. Amend the Sports and Open Space Delivery Guide (Table 6) to include the Redstone Hill District Park.**
- 49. Amend the Precinct Infrastructure Plan to include reference to the Redstone Hill District Park and foreshadow the inclusion of the funding of a portion of the land within the ICP.**

5.10.5 Dwelling density controls

(i) The issue

It was requested that the PSP provide further guidance on how density targets could be balanced with other matters, such as topography and Sunbury's peri-urban location.

(ii) Evidence and submissions

As discussed at Clause 4.4 in this report, Villawood sought that the PSP should provide further flexibility regarding the provision of density targets within the PSP, having regard to the significant slope of land within the PSP areas and the desire to retain a 'rural character'. They sought a reduction in the walkable catchments around the MTC from 800 metres to 400 metres.

The VPA's response was that the 17 dwellings/hectare is lower than comparable targets within other PSP's and that the densities can be achieved over time. On this basis, they did not support this suggested change.

(iii) Discussion

Villawood and the VPA have had ongoing discussions regarding the proposed density of housing around Redstone Hill throughout the hearings. Villawood presented a proposed amended walkable catchment that shows compliance with the density targets, with lower densities in earlier stages, but with areas within and surrounding the Redstone MTC dedicated to much higher density housing in the future.

The VPA has accepted this revised amended walkable catchment and proposed a permit condition to secure Villawood's approach to securing the density target.

On this basis, this matter has been resolved.

(iv) Conclusions

The Panel concludes:

- That the Villawood amended walkable catchment boundary around the Redstone MTC be incorporated into the FUS and the UGZ Schedule 9, and
- That the Section 96A permit includes a condition securing the overall density targets required around the Redstone MTC over time.

Refer to Section 4.4 for some broader recommendations in relation to dwelling density controls and the walkable catchment.

5.10.6 Heritage Overlay HO385

(i) The issue

Whether or not the heritage overlay, HO385 Former Constitution Hotel should be removed from the land at 675 Sunbury Road, Sunbury.

(ii) Evidence and submissions

The land at 675 Sunbury Road forms part of the Redstone Hill planning permit application (P18858) proposed by Villawood. This application includes the demolition of the relevant buildings and the clearing of the site.

Villawood submitted that the current HO385 on the land at 675 Sunbury Road should be removed, on the basis that Mr Bryce Raworth's heritage assessment of the site has revealed that while the building in question does date from the Federation era, it is not the former Constitution Hotel and is not of any particular architectural or aesthetic significance.

On this basis, the Amendment was exhibited proposing to remove the HO385, and Villawood consented to a permit condition associated with their residential subdivision to record any heritage values present on the site during demolition.

Since exhibition, the VPA agreed to a Council request to retain the HO385 to facilitate a requirement to record any historical material found during demolition and ensure that the layout of the subdivision has appropriate regard to heritage interpretation. The VPA and Council submit that this is required in the event that Villawood do not act on their Section 96A permit.

Villawood advised the Panel that the recording is occurring in November 2017 (the delay only due to the availability of Mr Raworth) and given this, together with the proposed condition of permit, the HO385 should be removed.

(iii) Discussion

By the time Amendment C207 is gazetted and the PSP finalised, it is more than likely that the required heritage assessment to record any heritage materials found during demolition will be completed. This may even have occurred prior to the Panel report being finalised. If this is the case, then the Panel supports the removal of the HO385.

In the event that this heritage recording is not undertaken, then the Panel agrees with Council and the VPA that the HO385 should remain.

As noted by the VPA, this would not prevent the permit issuing or the demolition occurring, but would ensure that in the event that the Villawood proposal does not proceed, a future developer of the site requires a permit to demolish the buildings, and will be required to undertake the necessary heritage recordings, as agreed to by all parties.

(iv) Conclusions

The Panel concludes that the HO385 should remain on the land at 675 Sunbury Road, unless by the time of gazettal, the demolition works have occurred and the recoding of any historical material found during demolition has been undertaken.

(v) Recommendation

50. Retain the HO385 on the land at 675 Sunbury Road, unless the building has been demolished and the heritage recording undertaken prior to gazettal.

5.11 Hi-Quality Quarry Projects Pty Ltd and Tranteret Pty Ltd

Property numbers 95,97,98,99, Submitter number C207-61

5.11.1 The issues

Hi-Quality owns five parcels of land totalling 313 hectares. The land is currently used as a quarry, landfill and composting facility (via lease to Veolia); as well as rural land within the buffers to these uses.

The PSP Future Structure Plan identifies the land as quarrying/landfill, industrial and light industrial, regional landscape values, service open space/retarding basin and residential, with some being within the walkable catchment boundary.

Hi-Quality submitted an alternative approach (Master Plan) which involves filling a substantial drainage line and part of the landfill site to create more developable land capable of accommodating an additional 47 hectares of residential, employment and industrial use. It was submitted by Hi-Quality that to facilitate this, the PSP should be amended to change the area of regionally significant landscape values, service open space/retarding basin and quarry/landfill to provide a larger area of residential and industrial development.

Hi-Quality recognised this is a long-term proposition, but emphasised the need for the PSP to endorse this and provide certainty so that Hi-Quality can enter into contracts to receive the substantial amount of fill required to enable the realisation of the proposal.

The key issue is whether the Master Plan proposed by Hi-Quality is appropriate and whether the PSP should be amended to reflect it.

5.11.2 The need for additional net developable area

(i) Evidence and submissions

Mr Canavan submitted that inclusion of the Hi-Quality land within the UGB recognises the development potential of the land and indicates an expectation that, over the medium to long term, as the existing quarry/landfill operations cease and/or move, that the land will be converted to urban development. Recognising this, he submitted that the only real constraint is the physical capacity of the land to accommodate development, particularly landscape values, drainage, topography and the quarry/landfill/composting facility.

Mr Canavan submitted the alternate proposal would provide a superior outcome to that proposed in the PSP as it would provide:

- more employment land that achieves its baseline requirement

- sufficient land for bulky good and showroom/motor sales along Sunbury Road with more traditional industrial land behind it to the north-west
- more residential land directly opposite a town centre improving the amenity of the residential area
- bulky goods/show room along Sunbury Road which will be a better outcome than traditional industrial
- an efficient site-specific drainage solution, and
- a separation between residential and employment/industrial land by a drainage corridor rather than direct abuttal.

Mr Canavan also emphasised the proposal implements State planning policy, has been tested and supported by evidence, is supported by the VPA and Melbourne Water in principle and Council as viable, has been the subject of detailed discussions with all agencies over the last six years, achieves a net community benefit and does not necessitate the rezoning in the near future.

Council submitted there is no strategic justification for the proposal and the submission by Hi-Quality that it will create more net developable area. It was submitted that this proposal needs to be balanced against competing objectives, such as landscape and landform values and the appropriate siting of residential uses in the vicinity of an operational landfill.

The VPA submitted that, whilst it supports maximising land available for urban development, the Sunbury-Diggers Rest Growth Corridor Plan and other strategic documentation have not relied upon the filling of gullies on Hi-Quality's land to facilitate urban development.

(ii) Discussion

The Panel recognises the Hi-Quality site is located within the Urban Growth Boundary and therefore that it has the potential to be developed for urban uses, provided it is suitable for that purpose. The Panel also recognises these two PSP have a comparatively low percentage of net developable area compared to other PSPs, but recognises this is due to the nature of the land and its various constraints and values. Not all land within the UGB is developable or appropriate to be developed.

Having said that, the Panel certainly agrees with the principle that, where appropriate, there is a need to maximise the use of developable land.

The Panel also notes there is no strategic imperative for more land on the Hi-Quality site to be made available for development. It has never been foreshadowed in previous strategic work.

The Panel agrees therefore with Council that there is no clear strategic imperative to increase the amount of net developable area on the Hi-Quality site and that any proposal to do so must be appropriate, and balanced with the other competing objectives that relate to this land.

5.11.3 Regionally significant landscape values

(i) Submissions and evidence

Mr Canavan submitted that the only real constraint to implementing the Master Plan is whether the site has regionally significant landscape values. Whilst recognising the existing ESO is intended as a means of addressing landscape values, he questioned the historical justification for it, submitting that it does not follow a contour line, there appears no vegetation or topographical justification and the land does not have high landscape values. For this reason, he submitted there is no basis or justification for the ESO and the subsequent identification of land as having regionally significant landscape values as part of the PSP. This was supported in the evidence of Mr Barlow of Urbis and Mr Wyatt of XUrban.

Mr Wyatt also provided evidence in relation to a landscape and visual assessment he had undertaken which lead him to the conclusion that *“the designation of ‘landscape values’ is not supported by the preceding analysis. They are not visual, topographic or vegetative assets that would require future protection or should sterilise their use for development/open space and drainage.”*

Council did not accept the landscape and visual assessment work undertaken by Mr Wyatt to be adequate enough *“to justify the destruction of land currently identified as landscape value and covered by an ESO.”* It was submitted that any assessment of landscape values should have regard to the objectives and strategies set out in the MSS and must be done before any strategic recognition is given to such a significant earthworks proposal, not as part of a planning permit application requirement.

The VPA also submitted it was not satisfied within the visual amenity assessment undertaken by Mr Wyatt as it assessed the landscape values from a range of present day road vantage points along Sunbury road, but did not include Lancefield Road. Concern was expressed that no qualitative assessment of impacts from these vantages has occurred through means such as montages or images, which the VPA submitted was standard practice.

(ii) Discussion

Whilst there was much discussion about the basis for the ESO and whether it was or is justified, the fact is that the ESO is in place, it does recognise the significant visual contribution that the rural waterways and environs make to the overall character, amenity and identity of the municipality; and that it would have gone through the appropriate process to be included within the Hume Planning Scheme.

Whilst the Panel recognises this PSP/Amendment seeks to delete this ESO, it still seeks to recognise these landscape values through its inclusion within the area identified as ‘Regionally significant landscape values’.

Therefore, the Panel considers that if the ‘regionally significant landscape values’ designation is to be removed then a clear case needs to be made to justify it.

The Panel shares the concerns of Council and the VPA about the work undertaken by Mr Wyatt and does not consider this evidence sufficient to warrant a change to the ‘regionally significant landscape values’ designation at this time. The Panel considers a more detailed

assessment would be required which considers the potential impacts of not only the fill but also the final built form outcome from all vantage points, including within the landfill site itself which will most likely one day be used as open space. This should be undertaken as part of future investigations recommended for this site.

The Panel does not consider it appropriate to amend the area identified as 'regionally significant landscape values' in the PSP at this time. It also considers it is not in a position to determine with confidence that the proposed Master Plan is an appropriate response to the landscape values of the site and area.

5.11.4 Topography and earthworks

(i) Submissions and evidence

Mr Canavan submitted that, whilst a large portion of the site is flat, there are two incised valleys that will require filling as part of a proposed drainage corridor. He submitted that the geotechnical works will require 8,600,000 cubic metres of fill and take a minimum of 10 years to complete, dependent of the availability of fill which will be sourced both on and off-site. It was submitted that Hi-Quality is currently tendering for contracts to receive clean fill from a number of major metropolitan projects which should provide the necessary amount of fill to facilitate the proposed Master Plan.

Mr Canavan relied on the evidence of Mr Kacavenda of GHD in support of the feasibility of the proposed geotechnical works required to accommodate this development. Mr Kacavenda highlighted a number of examples of projects where this has been achieved and in relation to this site concluded:

Whilst a number of challenges have been recognised, with appropriate strategies implemented in the early stages of development these challenges can be successfully mitigated through conventional practices. These practices include zoned fill placement and acceptance criteria under controlled filling and staging.

Hi-Quality accepted the suggested inclusion of a permit trigger in the UGZ9 for bulk earth works and a condition requiring a construction management plan that details the location and quality of fill, level of compaction and subsurface drainage.

Council accepted the earthworks can be practically undertaken but considered the real question is whether they should be. Firstly, Council submitted that bulk earthworks are inconsistent with the MSS which specifically seeks to reduce the amount of earthworks required by land development and to minimise the visual and amenity impacts associated with large scale fill. Council submitted that recognition of the opportunity proposed by Hi-Quality in the PSP is not strategically justified. For this reason, Council also objected to the inclusion of a permit trigger for bulk earthworks as it would give strategic recognition of and support for these works. Council submitted that any proposal for bulk landfill should be based on a full landscape and visual assessment, however no such assessment has been undertaken to determine the impact of the earthworks on the overall landscape and landform of the larger area, including viewing points at Emu Creek.

Council indicated it would support an amendment to the Future Urban Structure Plan showing the earthworks land as *'land subject to further investigation'* with appropriate commentary regarding the potential of the land to be rezoned for urban development.

Whilst not supporting changes to the UGZ9 to facilitate the earthworks, Council submitted that if such an amendment were supported, the application requirements should be revised to, at a minimum: address the need for a separate requirement for groundwater settlement and monitoring; a requirement for a peer review of the construction management plan and groundwater settlement; and monitoring program and the construction management plan relating to drainage being to the satisfaction of Council and Melbourne Water.

Whilst accepting the fill proposal is feasible, the VPA submitted that, given the scale of landscape change proposed and the significant amount of work required, it is not satisfied that there is sufficient strategic justification at this time to alter the PSP as proposed in the Hi-Quality Master Plan.

The VPA submitted that the Master Plan is predicated upon the substantial filling of the site, however, there is a high level of uncertainty around this proposal, in particular whether or not there are existing filling contracts, whether a planning permit would be issued for the filling and what conditions would be placed on the permit. The VPA submitted that consideration of any permit application would be complex with no guarantee of approval. It said that if the PSP was amended as proposed in the Master Plan, and a planning permit for filling not issued, then the PSP would need to be corrected through a planning scheme amendment and could lead to a situation where none of the Hi-Quality land could be developed until the differences were reconciled.

The VPA submitted that, whilst attempts were made by all parties to draft the UGZ9 to accommodate this possibility, given the scale and complexity of the issues combined with the uncertainty that remains, this was not possible. Therefore, the VPA considered it more appropriate to identify the potential for the proposal rather than endorse it in the PSP at this time; and that the appropriate time to rezone the land is once a planning permit has been issued for the filling of the land.

The VPA accordingly recommended the two gullies and the area to the north (as shown on Hi-Quality's Master Plan as E4 and a portion of E3) be shown as an *'Investigation area'* with the following text included within the PSP:

INVESTIGATION AREA

- *The investigation area comprises two gullies in the east of the precinct adjacent to the Hi Quality landfill and quarry. The land is zoned Rural Conservation Zone and Special Use Zone 1.*
- *The alignment of the stormwater treatment assets shown on Plan 3 has been agreed to by Melbourne Water to service the land within the PSP. A different stormwater treatment asset may be agreed between Melbourne Water and the relevant landowners within the Development Service Scheme in order to service the land and surrounding precinct.*
- *The land shown as 'Investigation Area' may be developed for urban purposes, including a range of employment uses. It is intended that, once*

the development potential of this area is established via a separate planning permit process and subject to an appropriate drainage solution being agreed to the satisfaction of Melbourne Water, the Investigation Area may be rezoned to urban development in the future. This planning scheme amendment process will need to define the location of land uses across the investigation area, and may result in the need to modify this PSP including the Future Urban Structure.

Council submitted that Hi-Quality has not pointed to any prejudice it would suffer in the event that a planning scheme amendment was required, and considered it entirely appropriate for the earthworks to form part of a s96A¹⁶ application where all of these issues associated with the development of this land, including landfill gas risk, drainage issues and impacts on the conservation area could be considered concurrently.

In response to the VPA's concerns regarding uncertainty, Mr Canavan submitted there is no uncertainty as Hi-Quality has a strong commercial imperative to undertake the fill and has every expectation of securing the necessary contracts. Whilst recognising this is a long term option, Mr Canavan submitted this does not constitute uncertainty in the context of a long-term strategic planning exercise. He submitted that if Hi-Quality was required to progress this via a separate planning scheme amendment, it would be at the mercy of Council's priorities of the day and there is no assurance there will ever be an opportunity for the rezoning and designation of the earthworks land to be revisited.

Hi-Quality did not support identifying the site as an 'Investigation Area', submitting that no further investigation is required having regard to the evidence presented and the proposed requirements of the permit condition. Mr Canavan submitted that, based on the evidence presented, the Panel should be satisfied the works are feasible and that the engineering integrity of the fill can be managed by the planning permit process.

(ii) Discussion

The Panel agrees with all parties that, from an engineering perspective the filling of these gullies appears possible. The key question for the Panel, however, is whether the PSP/Amendment should be amended to support a Master Plan, which fundamentally relies upon the filling of the gullies.

The Panel agrees with the VPA that there is a significant amount of uncertainty associated with the fill proposal and recognises it will be some time before the issues are resolved, particularly the issue of a planning permit which will be a matter considered outside the PSP/Amendment process. For this reason, the Panel agrees with the VPA that it is not appropriate to amend the PSP at this time, recognising that if for some reason the filling proposal does not proceed, it would be necessary to amend the PSP again.

The Panel supports the VPA proposal to include the gullies within a 'further investigation area' and that any subsequent changes to the PSP/UGZ should be made through a separate amendment (possibly accompanied by a s96A permit application).

¹⁶ Of the Planning and Environment Act 1987

The Panel also agrees with Council that to make any changes now to the PSP or the UGZ would in effect strategically endorse the fill option before all of the relevant issues have been considered, which is not considered appropriate.

Hi-Quality did not support this approach, submitting that it would put Hi-Quality at the mercy of the Council's priorities of the day. The Panel does not accept that justifies endorsement of the Master Plan now without proper consideration of all of the relevant issues. Even if the PSP did reflect the Master Plan, Hi-Quality would still need to apply for a planning permit for the fill, it would still need to be assessed against the local policy framework and it may be found unsatisfactory.

The Panel does not consider that the PSP or the UGZ9 should be amended to reflect the Master Plan, but that it should identify the possibility of developing this land subject to further investigation.

5.11.5 Drainage

(i) Submissions and evidence

Mr Canavan submitted that the proposed Master Plan will require the redesign of the Melbourne Water drainage service scheme to allow for the drainage of the Hi-Quality and Mr Ware's land.

Mr Canavan submitted that the Master Plan requires its drainage strategy to be implemented and suggested the Panel recommend that it be depicted within the PSP on the Future Urban Structure and Integrated Water Management Plans. He submitted that the details of the strategy do not need to be resolved now, provided there is sufficient flexibility in the PSP to accommodate the strategy, subject to an assessment by Melbourne Water against best practice, Melbourne Water policies and guidelines.

The VPA submitted that it does not support showing the drainage solution proposed as it does not align with Melbourne Water's position and is dependent upon the large amount of earthworks proposed, about which it has already expressed concern.

(ii) Discussion

Again, the Panel recognises that, from an engineering perspective, an appropriate drainage scheme could be developed that could service the additional developable land created by the fill but given the concerns about the fill proposal discussed in the previous section, the Panel does not consider it would be appropriate to change the PSP to reflect the Master Plan. The Panel considers this would be one of the issues that would be explored as part of the further investigations. The process for changes to the PSP with respect to drainage are discussed in section 4.9 of this report.

5.11.6 Implications of the quarry and landfill operations

(i) Submissions

Mr Canavan submitted that the Master Plan proposes to extend the industrial land further north into the landfill site. He said this land cannot be used for either quarrying, extraction

or landfill purposes, and is currently used for overburden storage and contains settling dams, which he submitted can be relocated.

Mr Canavan accepted that buffers are a necessary consequence of the quarrying, landfilling and composting operations on the Hi-Quality land, however he emphasised that the quarrying and landfilling activities in the northern segment are expected to cease within three and eight years respectively, and the composting facility in 17 years worst case. He submitted that, after that, there are unlikely to be any constraints upon sensitive uses within the buffers and as the filling of the gullies and drainage will take a minimum of 10 years to complete, there should be no constraints on sensitive uses in the northern quarry/landfill segments, supporting the need for a flexible planning approach.

(ii) Discussion

As discussed in section 4.6 on buffers, the Panel recognises that, over time, the requirement for buffers and controls on sensitive uses within them will change.

5.11.7 Employment land

(i) Submissions and evidence

Mr Canavan relied on the evidence of Mr Ainsaar of Urban Enterprises who concluded there is a need to provide 15.5 hectares of land for bulky goods and show room/motor vehicles on the Hi-Quality site. Mr Ainsaar, however, gave evidence that this would reduce the amount of land available for industrial uses on the site from the 43.6 hectares (as required) to 32.37 hectares. He said that the Master Plan would increase the amount of industrial land sufficiently to meet the baseline requirement. He also identified that Sunbury Road as the ideal location for the development of bulky goods and showroom/motor vehicle uses.

To this effect, Mr Canavan submitted that the 'industrial – light' land identified for property 95E as exhibited should be designated in the PSP as 'residential' and have an applied Residential Growth Zone. He submitted that this has the benefit of avoiding land use conflicts, clustering employment uses, maximising the number of residents within the walkable catchment of the town centre.

The VPA supported changing the 'industrial – light' designation on property 95E to 'bulky goods/light industrial' with an applied Industrial 3 and Commercial 2 Zone. The VPA also proposed to change the land to the north-west of water asset WI-14, which is currently shown as Industrial, to Light Industrial and changing the applied zone from Industrial 1 to Industrial 3.

The VPA submitted that it will consider including a quantum of restricted retail that will be allowable without a planning permit for use within the Industrial 1 Zone where close to Sunbury Road; submitting that further work is required to determine what that quantum might be. It also submitted that a new concept plan for the PSP will be prepared which shows the location of these uses.

The VPA also submitted that there is some ongoing doubt around the capacity to realise the full extent of employment development proposed in the Master Plan, given the long-term constraints associated with the landfill gas buffer on the northern part of the site.

(ii) Discussion

The Panel supports the agreed change to the 'industrial – light' on Property 95E to 'bulky goods/light industrial' with an applied Commercial 2 Zone (with supermarket restricted and residential uses prohibited), however, it agrees with Hi-Quality that this should be relocated to form part of the industrial area on the site and with direct frontage to Sunbury Road, rather than this property. Given the proximity of this property to the town centre, the Panel agrees that residential and higher densities would be a better outcome in this location.

The Panel agrees with the VPA identified need to consider the quantum of restricted retail that will be allowable without a planning permit within the Industrial 1 Zone close to Sunbury Road. The Panel also considers that there is a need to reconsider whether there is a need to provide more employment land in this location, recognising that it is now proposed that 15.5 hectares of Industrial land will be converted to bulky goods, showroom/motor vehicle sales. The preparation of a concept plan for this land is also supported.

The Panel also supports the proposed change to the land north-west of the WI-14, which is currently shown as Industrial, to Light Industrial, and changing the applied zone from Industrial 1 to Industrial 3.

5.11.8 Conclusions

The Panel concludes:

- There is no clear strategic imperative to increase the amount of net developable area on the Hi-Quality site.
- The work undertaken by Mr Wyatt is not sufficient to warrant a change to the 'regionally significant landscape values' designation on the land at this time. The Panel believes that a more detailed assessment would be required which considers the potential visual impacts of the final built form outcome from all vantage points.
- The Panel does not support changes to the PSP or UGZ9 to reflect the Master Plan as proposed by Hi-Quality. It considers, however, that this is a matter worthy of further consideration and supports the identification of the gullies as an area of further investigation, recognising that any changes to the PSP or the UGZ arising from those investigations would need to be undertaken through a separate amendment.
- The Panel support changes to land identified as industrial to light industrial and subsequent changes to the applied zone as agreed between the parties, but agrees there is some additional work required to properly implement this. The Panel also supports changing the exhibited light industrial land on property 95E to residential with an applied Residential Growth Zone.

5.11.9 Recommendations

The Panel recommends:

- 51. Show the two gullies and the area to the north (as shown on the Hi-Quality's Master Plan as E4 and a portion of E3) as an '*Investigation area*' with the following text included within the PSP:**

INVESTIGATION AREA

- *The investigation area comprises two gullies in the east of the precinct adjacent to the Hi Quality landfill and quarry. The land is zoned Rural Conservation Zone and Special Use Zone 1.*
- *The alignment of the stormwater treatment assets shown on Plan 3 has been agreed to by Melbourne Water to service the land within the PSP. A different stormwater treatment asset may be agreed between Melbourne Water and the relevant landowners within the Development Service Scheme in order to service the land and surrounding precinct.*
- *The land shown as 'Investigation Area' may be developed for urban purposes, including a range of employment uses. It is intended that, once the development potential of this area is established via a separate planning permit process and subject to an appropriate drainage solution being agreed to the satisfaction of Melbourne Water, the Investigation Area may be rezoned to urban development in the future. This planning scheme amendment process will need to define the location of land uses across the investigation area, and may result in the need to modify this PSP including the Future Urban Structure.*

52. Amend the 'industrial – light' designation on property 95E to bulky goods/light industrial with an applied Industrial 3 and Commercial 2 Zone and relocated to the Sunbury Road frontage as part of the industrial area to the east. The former 'industrial-light' area on this site should be amended to residential with an applied Residential Growth Zone.

53. Change the land north-west of the WI-14 currently shown as Industrial to Light Industrial and change the applied zone from Industrial 1 to Industrial 3.

5.11.10 Recommendations for further work

The VPA should consider including a quantum of restricted retail that will be allowable without a planning permit for use within the Industrial 1 Zone where close to Sunbury Road.

The VPA should review whether the overall area of the industrial land in the Precinct remains sufficient if part of the Hi-Quality land is designated for bulky goods/light industrial.

5.12 Mr John Ware

Submitter number C207-39

(i) The issues

The Panel has considered:

- Whether the location of the break of slope is appropriate
- What impact this has on the location of open space
- The justification for the identification of 'Regionally significant landscape value'.

(ii) Submissions

Mr Ware (C207–39) raised a number of issues in relation to his property located at 670 Sunbury Road:

- He asked why steep land bounded by the break of slope and deemed unsuitable for residential development has been identified as ‘service open space/retarding basin’?
- He asked why land has been identified as having ‘regionally significant landscape values’ as it is sloping rural land bounded on two sides by earth fill and works associated with the quarry and landfill?
- He submitted that sports field AR-04 and reserve LP-36 along the break of slope appears to restrict road access and is not best placed for access partly because of the adjacent RCZ land. If there are changes to the zoning, adjustment to the location of the reserve should be considered.

He submitted that the PSP includes provision for drainage paths and stormwater treatment areas for an initial concept strategy. He highlighted that a major drainage path to Emu Creek is across his land and that possible development and modification of drainage catchments involves an increased drainage footprint and construction impacts. He recognised that the final locations and requirements for these will be subject to further design and investigation and may vary when the subdivision design progresses in consultation with owners. He accepted the proposed drainage paths and treatments location on the understanding that the PSP structure will be modified subject to Melbourne Water developing design and locations of works through collaboration with landowners.

The VPA submitted that it considered the exhibited location of the sporting reserve to be appropriate having regard for the complex residential catchment to the north of Sunbury Road, as it is relatively central and accessible via the planned connector road network. It submitted that there is sufficient capacity to plan an efficient local street network around the sporting fields and that, at the detailed design stage, minor relocation and reconfiguration of the reserve may occur to support this. The VPA did not support a change in location for the sporting field at this time.

The VPA recommended a review of the break of slope on this property, and that the PSP be updated to reflect any amendments which are made by Melbourne Water to the Development Services Scheme prior to the adoption of the PSP.

The VPA did not support showing the Hi-Quality alternative drainage strategy. It submitted that it needs to be updated to reflect any changes made by Melbourne Water to the DSS prior to adoption.

(iii) Discussion

The Panel notes the VPA agrees with the need to review the break of slope and supports this as well as any changes that may be made by Melbourne Water to the Development Services Scheme prior to adoption of the PSP.

The Panel notes the area identified as having regional significant landscape value has been based on the current ESO. For this reason, the Panel considers there is no need to amend this.

The Panel also accepts the VPA submission that the sporting field is appropriately located having regard to its residential catchment and therefore agrees that no changes are required.

(iv) Conclusions

The Panel concludes that the PSP as exhibited is appropriate for the Ware land, but accepts there is a need to undertake a review of the break of slope and to update any amendments to the Development Services Scheme by Melbourne Water prior to the adoption of the PSP. These issues are covered in sections 4.10 and 4.9 of this report.

5.13 Kolceg Family

Property number 22, Submitter number C207-84

(i) The issue

Whether proposed open space should be repositioned to facilitate higher density residential development within the walkable catchment of the proposed Harpers Creek Local Town Centre?

(ii) Evidence and submissions

Ms Ancell of Echelon Planning made submissions on behalf of the Kolceg Family. She advised that a number of matters had already been resolved with the VPA, including the following:

- The wording of Requirement 69 relating to connector street bridges will not apply to the ICP bridge on their land.
- Removal of the 'railway noise amenity buffer' from Plan 5.
- The ICP road infrastructure serving the site have been confirmed as short-medium term and most are required only to support this part of the precinct.
- The Land Budget will remain based on State government data from VicMap rather than individual titles.

Ms Ancell submitted that the outstanding issue relates to the layout of land uses around the proposed town centre and whether it provides a good balance between housing and other uses in the catchment. She submitted that, due to the topographical conditions and the location of waterways and wetlands, there is the opportunity to provide more net developable area for medium density development within the walkable catchment of the Harpers Creek Town Centre, thereby improving accessibility as well as the viability of the town centre. She submitted that this could be achieved by relocating SR-01 open space further south and providing for more residential development to the north as outlined in Figure 9.



Figure 9 Echelon revised proposal

She recognised that much of the walkable catchment is within gas pipeline measurement length in which densities may be restricted.

Ms Ancell relied on the evidence of Ms Cook, an Urban Designer with Catalyst Development Services, who concluded that from an urban design perspective more developable land should be provided within the walkable catchment of the town centre and that this could be achieved by shifting the open space further south. She said this would provide greater connectivity east-west across Buckland Way, a greater amount of residential development within the catchments of the town centre, community hub and rail station; as well as greater opportunities for passive surveillance and high amenity outcomes.

In summary, Ms Ancell requested the Panel to recommend:

- repositioning of the SR-01 active open space further south with some reshaping
- identifying land between the repositioned active open space and the waterway to the north as residential; and
- extending the walkable catchment to include the residential land north of the repositioned open space to allow for its development for medium density housing.

Council submitted that it does not object to the revised location of SR-01 noting it is considered beneficial to increase residential development within the catchment of the local town centre. However, concern was expressed about the implications of this on the landowners to the south, as it would almost entirely burden that property to the extent that it will have less than 20 per cent net developable area. Whilst Council acknowledged the desire of the submitter to increase the developable area of their land, it was submitted that the Panel should consider how fair and equitable this would be to the adjoining landowner. It was also noted that this landowner has not made a submission and their opinion had not been sought.

Council raised concern about the extent of active open space that would be located within the gas pipeline buffer. It noted that a safety management study (SMS) report has not been circulated by the VPA and it is unclear whether the proposal to increase the extent of the active open space within the gas pipeline buffer is consistent with the SMS. Council did not consider the email from the APA provided by Ms Ancell was adequate support for the proposed relocation of SR-01. Council requested that any recommendation to support the proposed relocation consider the requirements of the SMS report.

Whilst the VPA was generally supportive of the request to shift SR-01 further south to support higher density residential development in the catchment to the Harpers Creek local town centre, it had been unsuccessful in contacting the landowners of the property to the south, to discuss this suggestion. The VPA recommended further liaison with the submitter and the landowner to the south and the Council to progress this matter.

The VPA considered the APA GasNet response to the proposal was broadly comfortable with the proposed shift subject to certain conditions.

(iii) Discussion

The Panel notes there is broad acceptance amongst the parties that it makes good planning sense to focus residential development and higher densities within the walkable catchment of the local town centres. The Panel agrees and considers that the opportunities to achieve this should be examined.

The Panel also recognises that there are two related issues which must also be taken into consideration, one is the appropriateness of this increasing residential development and densities within the gas pipeline length and any safety management issues, which is discussed in detail in section 4.7 of this report. The second is the question of equity and fairness and the impact on the owner to the south, particularly given that owner had not been consulted at the time of the hearing.

(iv) Conclusions

The Panel concludes there is merit in the VPA reviewing the location of this open space further in consultation with Council and affected landowners. This must also include consultation with the APA to determine the appropriateness of increased residential development and densities within the pipelines measurement distance.

(v) Recommendation for further work

The Panel makes the following recommendation:

The VPA should review the location of SR-01 in the Sunbury South Precinct Structure Plan in consultation with Council and affected land owners and the APA.

5.14 Ive, Danica, Nikola and Ljubica Kolceg

Property number 26, Submitter number C207-85

(i) The issue

The issues identified by the Kolcegs included:

- Whether it is appropriate to identify the north-west corner as having landscape values and as potentially developable?
- Whether a drainage asset should be either relocated or reduced in size to make more land available for development?
- Whether the Harpers Creek concept plan is too prescriptive?
- Whether the proposed access arrangements are appropriate?
- Whether designated setbacks from northern boundaries are onerous?

(ii) Evidence and submissions

Ms Ancell of Echelon Planning made submissions on behalf of the Kolcegs. It was submitted that a number of matters had been satisfactorily resolved with the VPA including:

- Requirement R96 relating to connector street bridges will be redrafted to confirm that it does not apply to the ICP bridge
- Minimum lot sizes for 'low density housing' and 'larger lots' will no longer be mandated in Guidelines G13 and G17
- The ICP road infrastructure is in the short to medium term category and that 'most are required only to support this part of the precinct'; and
- The Land Budget will remain based on State government data from VicMap rather than individual titles.

The outstanding issues in contention include the following:

Land earmarked for landscape values

Ms Ancell agreed with the proposed removal of 2.54 hectares in the north-west corner of the site from the 'landscape value' classification and its identification as net developable area; and reclassification of the remaining areas of landscape value land as either 'developable' or 'non-developable'. However, she submitted the area of the site identified as 'potentially developable' falls mostly within the Urban Floodway Zone under which dwellings are prohibited and she questioned whether this land should be changed to 'undevelopable.'

Location of the drainage asset

Ms Ancell submitted that the location of the large drainage asset, which is spilt between her client's site and the neighbouring to the east, should be reviewed, or if retained in its current location, reduced in size. In support, she relied on the evidence of Ms Valerie Mag. It was Ms Mag's evidence that there are viable alternative locations for the proposed retarding basin to the south-east that could rely on gravity, thus reducing the cost of the Development Services Scheme and allowing for more developable land on the subject site.

Ms Ancell submitted that discussions with Melbourne Water about alternative locations resulted in calls for functional designs, which she said have significant time and cost implications for the land owners, and as Melbourne Water has not provided their own functional designs for them to respond to, she submitted that this places an onerous burden on individual landowners. Ms Ancell confirmed that her client was not in a position to undertake this further work.

Mr Carey, on behalf of Asia-Pacific Properties Pty Ltd, submitted that the Panel was not in a position to consider the potential relocation of the proposed retarding basin proposed by Ms Mag onto his client's property as it went beyond the scope of the original submission. Despite that, Mr Carey submitted it would not be an appropriate outcome as the proposed site is too steep, it would require extensive earthworks including cutting through rock, that maintenance would be expensive, it would cause greater environmental disturbance to the creek and that it would clash with the PSP Connector Boulevard. Mr Carey's submission was supported by the evidence of Mr Matheson. Mr Carey concluded that this change should not occur.

The VPA submitted that the Panel ought to recommend that the PSP be updated to reflect any amendments which are made by Melbourne Water to the Development Services Scheme prior to the adoption of the PSP.

Harpers Creek Concept Plan

Ms Ancell submitted that the Harpers Creek Masterplan (exhibited and revised versions) are too prescriptive and that, rather than providing certainty regarding development outcomes, it is likely to cause difficulties if too closely applied during the subdivision process.

In particular, Requirement 11 requires subdivision in sensitive areas to be 'generally consistent' with the concept plan, however, she submitted that this may preclude consideration of more detailed design work undertaken when subdivision applications are prepared and may dismiss more viable development solutions. Of particular concern was the illustration of internal road layouts and blocks at conceptual level, submitting that due to

the complex topography, alternate designs may be required at the detailed design phase to achieve an efficient subdivisional layout and that this may not be accepted because it may not be consistent with the layout as shown in the concept plan. She submitted that the local access opportunities to the Jacksons Hill estate along the northern boundary are already depicted elsewhere in the concept plan, or are addressed by the PSP requirements and that there is no need for them to be repeated. She submitted that if this information is necessary, it should be reflected in the Street network plan, rather than the concept plan. For this reason, she submitted the concept plan should be deleted, but submitted that if it is to be retained, the only access details that should be shown are key access points, park locations as well as potentially north/south and east/west connections.

Ms Ancell also questioned the depiction of a tree reserve on the northern boundary which has been identified for retention within a 10 metre wide reserve. Ms Ancell questioned why there is a need to maintain this reserve as this vegetation has not been identified in the PSP as native vegetation, and it has not been identified as high or very high arboriculture retention value. She submitted that there is already a 7 metre wide strip on the northern side of the property boundary and to retain this 10 metre reserve on the south side would remove at least 1 hectare of developable land. She requested the tree reserve be deleted from the concept plan, but if it is to be retained then the plan should be amended to show it within the PSP boundary.

Ms Ancell also highlighted there is no footpath shown along the northern boundary of the tree reserve, however, one is shown on the 'Local Access Street Interface with Jacksons Hill' cross section. She submitted there is already a footpath on the northern boundary adjacent to Kenthill Court and that one will need to be provided with any subdivision to the south, therefore no need for a third footpath and it should be removed from the relevant cross-section. It was also questioned what impact this footpath would have on the trees to be retained.

Whilst it was her position that the concept plan should be deleted, she submitted if it was to be retained, the wording of Clause 3.4 of the UGZ9 should be amended to require that subdivision applications respond to the principles of the concept plan, rather than be consistent with all, allowing for greater discretion when considering proposals.

Council submitted that it does not support the removal of the concept plan from the PSP and notes the level of detail within the plan is consistent with that of other residential concept plans. It was submitted that the concept plan, along with the corresponding objectives and requirements will assist in ensuring good development outcomes for land that has been identified as difficult to develop due to a combination of factors including slope, land fragmentation, access and drainage.

Council did not support the deletion of the tree reserve on the 'Local Access Street – Interface with Jacksons Hill' cross section, but indicated its support for amending the cross section to relocate the 3 metre shared path to within the 10 metre tree reserve.

The VPA submitted that the level of detail reflected in the updated concept plan is appropriate and should be retained, but agreed that greater acknowledgement of its role and the capacity to vary the local subdivision design elements to the concept plan should be included within the PSP. It was submitted that the VPA would welcome a Panel

recommendation that additional guidance be provided within the PSP as to the level of discretion associated with all residential concept plans.

In relation to the path, the VPA submitted that the tree reserve and adjacent local road interface along the southern edge of Jacksons Creek area to the north of the Sunbury South PSP are existing features that provide a unique opportunity to provide a connection between Harpers Creek and Jacksons Creek, and positively address a development interface with an existing area.

The VPA submitted that it agrees that the shared path is an opportunity only and that it would not necessarily be required as part of future subdivisional works. The VPA submitted that it would support a notation on the relevant cross section to clarify that the opportunity exists for a future shared path and that this would not necessarily be delivered in association with development in the precinct.

Access arrangements

Ms Ancell submitted that whilst the Concept Plan identifies local access linkages to Jacksons Hill, Requirement 99 states that vehicle access to the site will be provided from Buckland Way or Fox Hollow Lane once the Jacksons Hill link has been constructed. She submitted that the effect of this is that the site could not be developed until the land to the east has been developed. She questioned this, stating there has been no reasoning why Jacksons Hill could not accommodate additional vehicle movements, and submitted that it should be based on consideration of the existing road capacity.

Ms Ancell submitted that traffic work undertaken by Mr Gnanakone of One Mile Grid recommended that up to 80 lots could be developed on the site prior to the establishment of access to the south without undue impacts on the Jacksons Hill Estate, that the traffic would be short term and that motorists will have the opportunity to filter through the existing road network via a number of routes. In addition, she submitted that the site will be developed ahead of others and it would be possible to utilise their existing driveway onto Buckland Way for construction of vehicle access. For this reason, she submitted that Requirement 99 should include a reference to *“unless otherwise agreed with the responsible authority.”*

Council submitted the road network within the Jacksons Hill estate was designed to support the traffic volumes within the Estate and was not designed to carry additional development outside the Estate. It was stated the intent of R99 is to provide for alternative access to the south in order to provide for dispersion of traffic and a reduction in traffic volumes within the Estate, before allowing increasing vehicle access to the Estate.

Council submitted that its own traffic counts show that a number of roads within the Jacksons Hill Estate are already at, or close to approaching their design volume, and that once all permitted but yet to be constructed dwellings are occupied, it is anticipated that all roads within the Estate will have reached design volume.

In response to Ms Ancell’s reliance on traffic engineering advice provided by One Mile Grid, Council submitted this advice provided no identification of the existing traffic volumes on these roads or an assessment against Council’s accepted traffic volumes. It was submitted that it is unclear in the absence of such assessment how this conclusion has been reached.

Council did not support the insertion of words *“unless otherwise agreed within the responsible authority”* at the end of R99 stating it is considered disingenuous to provide for this opportunity given Council is unlikely to support any access into the Estate, until such time that alternative road access to the south is provided.

The VPA submitted that it agrees with Ms Ancell’s request to add *“unless otherwise agreed with the responsible authority”* to the end of Requirement 99 in the Sunbury South PSP.

Guideline 18

Ms Ancell submitted that this guideline, which requires building envelopes to include 2.0 metre setbacks from the northern boundaries of south facing slopes, should only be applied to front and rear setbacks as it would be too onerous to also apply it to side slopes. For this reason, she requested this guideline be deleted.

(iii) Discussion

Land earmarked for landscape values

The Panel notes that there is general acceptance amongst the parties in relation to the proposed changes to the area identified as having ‘landscape values’ and for this reason the Panel will not examine this further.

The Panel agrees with Ms Ancell that if land identified as ‘potentially developable’ is within an Urban Floodway Zone, under which dwellings are prohibited, that this land should be identified as undevelopable.

Location of the drainage asset

Whilst the Panel accepts Ms Mag’s evidence that there may be other locations or configurations for this retarding basin, the Panel considers there is a need for more detailed investigations before such a decision is made. The Panel considers more work in consultation with Melbourne Water and all affected landowners is required before this matter is finalised. The process for reviewing the size and location of drainage assets is discussed in section 4.9 of this report.

Having said that, the Panel supports the principle of maximising the amount of residential land provided near the Harpers Creek town centre. If there are options to achieve a smaller retarding basin in this location, the Panel considers this is worth examining.

Harpers Creek Concept Plan

The Panel notes the concerns with the concept plan relate more to how much scope there is at the detailed design phase to vary the outcomes, or whether strict adherence with the plan will be required.

The Panel notes the emphasis is that subdivisions must be ‘generally consistent’ with the concept plan. ‘Generally consistent’ is a commonly applied and well tested planning term that applies to almost all planning permit applications and many strategic reports. It allows for some refinement of the design, within reason, without substantially altering it. Whilst the Panel is satisfied that this provides scope for some changes through the detailed design phase, the Panel notes the VPA supports the inclusion of additional guidance within the PSP

as to the level of discretion associated with all residential concept plans. The Panel accepts that further clarification of this and supports such an inclusion.

The Panel does not support the submission that the concept plan be deleted. The Panel agrees with Council and the VPA that these plans, along with the objectives and requirements provide appropriate guidance to ensure good development is achieved. With the ability to make refinements through the detailed design phase, the Panel is satisfied that these plans are not onerous and over restrictive, but rather provide clear guidance about the future development of these areas. The Panel does, however, consider that there is a need for consistency between the concept plans and all other plans within the PSP.

In relation to the trees and the pathway, the Panel notes that the Concept Plan does not identify these as trees to be retained, but rather *'additional landscaping in existing tree reserve.'* In addition, the Panel notes that both Council and the VPA have accepted that there is no need to create a third pathway, with Council accepting the 3 metre shared pathway should be located within the 10 metre tree reserve (and amending the relevant cross section accordingly), and the VPA accepting that the shared pathway may not necessarily be delivered in association with the development of this precinct. The Panel therefore considers the tree reserve as shown should be retained, but that the cross section should be amended to show the proposed shared pathway within the tree reserve, rather than creating a third pathway.

Access arrangements

The Panel agrees with Council that it is unlikely that access into the site would be approved via Jacksons Hill and does not support the addition of *"unless otherwise agreed within the responsible authority"* at the end of R99.

Guideline 18

Whilst neither Council nor the VPA responded to this issue, having considered the relevant guideline, the Panel interprets its intent is to ensure adequate solar access to adjoining properties. Whether this relates to front, rear or side setbacks does not change the intent of the Guideline. Adequate solar access for all properties is essential for achieving energy efficiency and the Panel does not consider this is an unreasonable aspiration.

The Panel is satisfied that specifying this Guideline upfront enables the design of a subdivision where lots are created that can accommodate this requirement. For these reasons, the Panel does not consider it appropriate to delete this Guideline.

(iv) Conclusion

The Panel concludes it supports:

- The agreed changes to the landscape values in the north-west corner and the reclassification of land within the Urban Floodway Zone as 'undevelopable' rather than 'potentially developable'.
- Further work being undertaken to review the drainage assets on the site in consultation with Melbourne Water and all affected landowners.

The Panel concludes it does not support:

- The deletion of the Harpers Creek Concept Plan, but accepts the suggestion that there be further clarification about the role these plans will play and ensuring consistency between plans.
- The suggested guidelines requiring setbacks on sloping sites.
- The proposed addition of *“unless otherwise agreed within the responsible authority”* at the end of R99.

(v) Recommendations

The Panel makes the following recommendations for changes to the PSP:

54. Identify all land on 60 Buckland Way within the Urban Floodway Zone as ‘undevelopable’.

55. Undertake further detailed investigations to determine the appropriate size and location of the retarding basin at 60 Buckland Way in consultation with Melbourne Water, Hume Council and affected land owners; and to reflect any amendments made by Melbourne Water to the Development Services Scheme prior to the adoption of the PSP.

56. Include additional guidance within the PSP as to the level of discretion associated with all residential concept plans.

57. Amend the ‘Local Access Street Interface with Jacksons Hill’ cross section to include the 3 metre shared pathway within the 10 metre tree reserve.

5.15 Asia Pacific Property Pty Ltd

Submitter number 64

(i) The issue

The submitter requested a number of detailed changes to the PSP and the UGZ9.

(ii) Evidence and submissions

Taylor's made a submission on behalf of Asia-Pacific Property Pty Ltd, owners of land at 35, 37, 45, 50, 55, 60 and 65 Fox Hollow Drive, and 95 Watsons Road, Sunbury South.

This submission raised a number of issues that relate to:

- The alignment of the ‘Connector Boulevard’ through the site, and the impact of the exhibited alignment bisecting this land and creating two problematic bands of potential development between Jacksons Creek and Harpers Creek.
- The use of Fox Hollow court head to provide a local connection to the ‘Connector Boulevard’.
- The co-location of the stormwater asset WL27 with a conservation area for growling grass frogs.
- Issues concerning the ‘break of slope’.
- Provision of a road connection from the Connector Boulevard along the western boundary of their land holding, to the northern development area.

Mr Carey from Minter Ellison presented the submission to the Panel and Mr Andrew Matheson from Taylors provided engineering evidence.

The VPA advised that they supported the alternative alignment of the Connector Boulevard provided by Taylors, and addressed in engineering evidence, and intend to reflect this in the updated FUS. This includes support for the use of the court head to provide access to the Connector Boulevard.

Council submitted that they agree with this position, subject to the detailed design of the revised road and intersection being undertaken by Parsons Brinckerhoff, consistent with that undertaking for all other ICP roads and intersections, and that the cost of this is not higher than the currently costed road and intersection.

Evidence was prepared by Mr Aaron Organ on ecology, and Mr Gary Walsh on stormwater management, in relation to the co-location of the stormwater asset with the conservation area for the Growling Grass Frog. No party wished to cross-examine these witnesses and therefore they did not present to the Panel. The VPA are understood to support this submission, subject to detailed design. The process for confirming the location of stormwater assets is covered in section 4.9 above.

The VPA also supports the designation for a potential local connection to the Connector Boulevard in principle, while noting that, given the significant grade in this part of the precinct, the capacity to deliver a local road may be challenging. The potential connection will be reflected in the updated Harpers Creek Residential Concept Plan and shown as a 'potential road connection'.

Council has no objection to this connection on the basis that this is a local road and will be constructed as developer works.

Civil engineering evidence was presented by Mr Andrew Matheson from Taylors in relation to the 'break of slope' matters. The evidence was that the break of slope had been incorrectly identified in three areas across the subject land, resulting in unnecessary curtailment of the development potential of the subject land. The evidence was based on overlaying the proposed VPA line work with feature and level surveys prepared by his firm.

The VPA have responded generally to the 'break of slope' matters (addressed in Section 4.10 of this report) that they intend to undertake further assessment of areas where the break of slope has been identified as an issue, having regard to more detailed information that may be available. They will then amend the break of slope, if required, prior to gazettal.

(iii) Discussion and conclusion

The Panel notes that all issues seem to be resolved, subject to further work on a number of fronts.

The Panel supports the changes to the road layout and the subsequent amendments required to the Harpers Creek Residential Concept Plan and the FUS.

The other issues raised do not require changes to the PSP, and are refinements that can be managed at a later stage.

(iv) Recommendation

The Panel recommends:

58. Amend the Harpers Creek Residential Concept Plan and the Future Urban Structure Plan in the Sunbury South PSP to reflect agreed changes to the road alignment on the Asia Pacific Property land.

5.16 Mr Ross and Ms Rosa Mezzatesta

Property number 75, Submitter number 48

(i) The issues

The unresolved issues include:

- Whether a 3,000 square metre Local Convenience Centre should be provided on the site,
- Whether the connector street should be realigned and intersections signalised and
- Whether the retarding basin should be relocated?

(ii) Submissions

Human Habitats, appeared on behalf of CoBrand Group which has a development interest in the subject land located at 720 Sunbury Road.

The issues relating to the Local Convenience Centre are discussed in section 5.1.

It was submitted that the connector street proposed through the site and signals should be realigned to coordinate with proposed road realignment for the Capitol property immediately to the west and the road opposite abutting Lancefield Road to the east, in order to provide a higher degree of circulation and connectivity across the precinct. It was also submitted that both intersections should be signalised to deal with cross intersection traffic generation.

It was submitted that retarding basin WLRB2 should be deleted from this site and incorporated with an enlarged WL3 downstream. It was submitted the drainage scheme, the asset owner and the community would be better off if these drainage assets were combined as it will have a positive net present value, there will be more developable land, a consolidated asset for maintenance and no negative environmental impact.

In relation to the suggested realignment of the connector road and signalisation of the intersection, the VPA submitted it considers this matter resolved. The realignment of the connector road (and relocation of the intersection) is relatively minor and has been previously agreed with Capitol. The signalisation of the intersection has been agreed with VicRoads.

In relation to the retarding basin, the VPA submitted the Panel ought recommend that the PSP be updated to reflect any amendments which are made by Melbourne Water to their Development Services Scheme prior to the adoption of the PSP.

(iii) Discussion

The Panel notes there was support for the realignment of the proposed connector road to co-ordinate with the road layout on the properties to the east and west, with signalisation where justified. The Panel considers this is appropriate and supports this change to the PSP.

In relation to the suggested relocation of the retarding basin, the Panel accepts there may be merit in consolidating nearby retarding basins, however, the Panel considers that further work is required before any such decision is made, including discussions with Melbourne Water and with the landowner of the site in question. For this reason, the Panel will not pre-empt the outcomes of this work, but rather recommend that this be the subject of further investigation between the VPA, Melbourne Water and the affected property owners and that the PSP be updated to reflect any amendments made by Melbourne Water to their Development Services Scheme prior to the adoption of the PSP. The process for reviewing the location of drainage and waterway assets is outlined in section 4.9 above.

(iv) Conclusions

The Panel concludes:

- The connector road should be realigned in align with the roads to the east and west and include signalisation where justified.
- That the VPA undertake further work with Melbourne Water and the respective landowners to determine whether it is appropriate to remove WLRB2 and replaced it with an enlarged WL3.
- The PSP should be updated to reflect any amendments made by Melbourne Water to their Development Services Scheme prior to the adoption of the PSP.

(v) Recommendation

59. The connector road through Property number 75 should be realigned to align with the roads to the east and west and include signalisation if justified.

5.17 Dr and Mrs Samararatna

Property number 60, Submitter number C207-54

Mr Osman appeared for Dr and Mrs Samararatna at the Hearing. The main issue raised in the submission was a request for a medical centre to be shown on the PSP Plan 3 – Future Urban Structure on their property at 705 Sunbury Road.

Council did not support this request, noting that a medical centre is a Section 1 (under 250 square metres floor area) or Section 2 use within the applied RGZ. It would therefore assess any application for a medical centre on the site on merit at the time of any planning permit application.

The Panel considers that showing a medical centre on the PSP FUS is unnecessary. No change to the FUS is needed.

5.18 Submitters not appearing at the Hearing

5.18.1 Marantali Pty Ltd

Property number 71, Submitter number C207-18

The Panel received advice from Mr Wood, on behalf of Marantali Pty Ltd, on 12 September 2017 that the matters raised in its submission have been adequately addressed.

5.18.2 Mr Salim Dammous

Property number 1, Submitter number C207-81

The Panel received advice from Mr Wood, on behalf of Mr Dammous, on 12 September 2017 that the matters raised in its submission have been resolved.

5.18.3 Andraos and Salem Families

Property numbers 2 and 3, Submitter C207-37

The Panel received advice from Mr Snyder (Best Hooper Lawyers), on behalf of the submitters, by letter dated 5 October 2017 that they have resolved all matters with the VPA to the satisfaction of their clients.

5.18.4 Charles Lloyd Property Group

Property number 76, Submitter C207-88

(i) The issue

The issue is whether the PSP Plan 3 – Future Urban Structure should be amended to show a local convenience centre on the site as predominately a bulky goods centre.

(ii) Evidence and submissions

The Charles Lloyd Property Group is the prospective purchaser of 700 Sunbury Road. The property is designated in the PSP Plan 3 – Future Urban Structure as predominantly residential. The submitter sought provision in the PSP for a local convenience centre to accommodate a range of non-residential uses including service station, takeaway/fast food, supermarket with specialty shops, restricted retail/bulky goods, and medium to high density residential development abutting non-residential uses.

The submitter circulated an expert witness statement by Nicholas Brisbane. Mr Brisbane submitted that the proposed uses would fill a gap in the PSP and would not impact on the viability of other planned centres.

The VPA noted, in its Part B submission, that the 20,000 square metres of bulky goods floorspace was significantly higher than indicated by the submitter in discussions with the VPA and that Mr Brisbane's evidence was that a smaller floor space provision would be unlikely to result in a successful precinct.

The VPA stated that it would not support a bulky goods precinct of that size at this location. It submitted that would be contrary to the State planning policy objective to "manage out of centre development."

Council also stated in submissions that it did not support bulky goods development on this site.

(iii) Discussion

The evidence of Mr Brisbane was not tested at the Hearing as the submitter withdrew their request to be heard.

The Panel concurs with the views of the VPA and Council that a bulky goods centre would be inappropriate especially given the size (20,000 square metres) that Mr Brisbane suggested would be needed to make the centre viable. In the Panel's view, a bulky goods centre of such size is not consistent with the concept of a local convenience centre as originally sought by the submitter.

(iv) Conclusion

The Panel concludes that the PSP Plan 3 – Future Urban Structure should not be amended to show a local convenience centre on the site.

5.18.5 SB Capital

Property numbers 28, 29 30 and 31, Submitter C207-56

SB Capital is a potential developer of 26 29, 30 and 40 Buckland Way. They raised several issues including:

- extent of the Urban Flood Zone
- location of the Harpers Creek Government primary school and town centre
- regionally significant landscape values
- drainage and waterways
- timing of delivery of roads RD-05 and RD-07 and Bridge BR-03
- Local Access Street Level 1 – interface with constructed waterways cross-section.

SB Capital submitted that the 'flood way' on PSP Plan 2 – Precinct Features should be realigned with the Urban Floodway Zone, specifically that the width of the waterway should be reduced. In its Part B Submission, the VPA noted that the waterway has been narrowed in the draft DSS prepared since the exhibition of the PSPs. The VPA stated that it would support reducing the width of the UFZ to reflect this change but submitted that the Panel should leave this matter to future processes. The VPA noted that the preference of Melbourne Water was to review the full alignment of the UFZ rather than on a piecemeal basis.

The Panel agrees that the UFZ should be reviewed fully outside the considerations of this Panel. It makes no recommendations with respect to the SB Capital land.

With respect to the Local Access Street level 1 cross section, SB Capital submitted that the width of the cross section should be reduced by removing the vegetation buffer and retaining a shared path on one side only. The Panel is unable to locate a response from the VPA specifically on this issue. It is therefore unable to comment further.

The other issues raised by SB Capital are covered in sections 5.9 Oreana Project Management (with respect to Harpers Creek Local Town Centre), 4.8 Regionally Significant Landscape Values, 4.9 Drainage and waterway assets and 4.3 Infrastructure Issues.

5.18.6 Elaine Brogan OAM

Submitter number C207-24 and C208-17

Elaine Brogan raised issues with respect to:

- infrastructure and servicing
- fauna protection
- cultural and post- contact heritage matters
- environmental matters and removal of the ESO1
- land contamination
- aircraft noise
- vandalism.

These issues are covered in several sections of this report including 4.3 Jacksons Creek valley, 4.3 Infrastructure, 4.5 Heritage, 4.8 Regionally Significant Landscape Values, 4.9 Drainage and Waterways, 4.15 Melbourne Airport noise and 4.18 Other general issues.

6 Lancefield Road PSP site specific issues

This Chapter addresses unresolved submissions in the Lancefield Road PSP. The property numbers relate to the numbers shown on Plan 4 of the PSP – Land use budget.

6.1 Villawood Racecourse Road site

Property numbers 2, 3; Submitter number C208-71

(i) The issue

Villawood propose to develop the site at 3-5 Macedon Road, west of Jacksons Creek for a residential estate, to be known as 'Sherwood Heights'. The issues are:

- Should the site accommodate residential development given the valley's visual landscape, cultural heritage and natural conservation values?
- If yes to the first question, are the proposed provisions of the PSP and UGZ10 appropriate to ensure that residential development sensitively responds to the area?

It is noted that the issues associated with the proposed northern crossing of Jacksons Creek connecting Elizabeth Drive to Lancefield Road, through this site, are discussed separately at section 4.3.5 of this report.

(ii) Evidence and submissions

Overview

Villawood Properties manage Racecourse Road Holdings land interest at the southern part of 3-5 Macedon Road, west of Jacksons Creek and east of Racecourse Road (referred to as the 'Racecourse Road land').

Villawood has submitted a Section 96A application (planning permit application no. P18854 'Sherwood Heights') for the subdivision of this land, to be considered concurrently with the Lancefield Road PSP. The application matters are addressed separately in Section 7.3 of this report.

The Racecourse Road land was the subject of numerous submissions in response to exhibition of the Lancefield Road PSP, particularly from existing Sunbury residents.

The key issues raised in submissions regarding the future development of this site related to the protection of the valley's visual landscape, heritage places, and natural conservation values.

Specific recommendations made in these submissions included:

- Retaining the current application of the Rural Conservation Zone (RCZ) to the valley
- Abandoning plans for the northern crossing of Jacksons Creek connecting Elizabeth Drive to Lancefield Road
- Abandoning or reducing the extent of residential development on the east side of Racecourse Road.

In response to the submissions received, and having regard to the sensitive context of the site, since exhibition of the PSP, the VPA has proposed:

- A reduction in the developable area for the Racecourse Road land as shown on the plan at Figure 10; and
- The application of additional design controls to ensure an appropriate built form outcome, that would be incorporated into the Hume Planning Scheme to give them a statutory basis.

Responding to this, Villawood submitted a revised subdivision plan associated with their section 96A planning application, that significantly reduced the extent of development from 407 to 286 lots, and increased the average size of the lots within the subdivision.

Throughout the Hearing, further discussions were held between the VPA and Villawood with a number of detailed matters being resolved. At the end of the Hearing the Panel was presented with a table outlining the matters that had been agreed on and the matters still in dispute.



Figure 10 Proposed revised developable area, Sherwood Heights estate, VPA

VPA submissions and evidence

Site Context

Mr Craig Czarny, Hansen, was engaged by the VPA to provide expert evidence in relation to the urban design and landscape features of the site.

Mr Czarny described the site as comprising 49.87 hectares of land, being part of a large irregular pastoral lot on the western side of Jacksons Creek. The land is undulating with scattered vegetation and water bodies leading down to the western bank of Jacksons Creek, with a steep escarpment rising to a flat plateau to the east.

The key contextual features are provided on the plan from Mr Czarny's evidence, Figure 11 below.

Appropriateness of the land for residential development

The evidence of Mr Czarny was that the site has been strategically identified as having the potential for urban infill through its inclusion within the Urban Growth Boundary; its identification within the 'Sunbury/Diggers Rest Growth Corridor Plan' as an 'investigation area'; and in the Hume Integrated Growth Area Plan (HIGAP) as being 'potential residential (subject to investigation)'.

Since these studies, there has been considerable residential infill development on the western side of Racecourse Road, encompassing Elizabeth Drive.

Mr Czarny considered that on the basis of this strategic background, there are clear opportunities for residential development on the eastern side of Racecourse Road, and in particular, on the elevated land overlooking Jacksons Creek as a continuum of the conventional residential subdivision occurring south along Hopbush Avenue.

Mr Czarny did, however, consider that there should be more rigid parameters in relation to the siting and layout of a residential subdivision to ensure that there is sensitivity to the significant landscape of the Jacksons Creek corridor and the associated landscape values of the precinct.

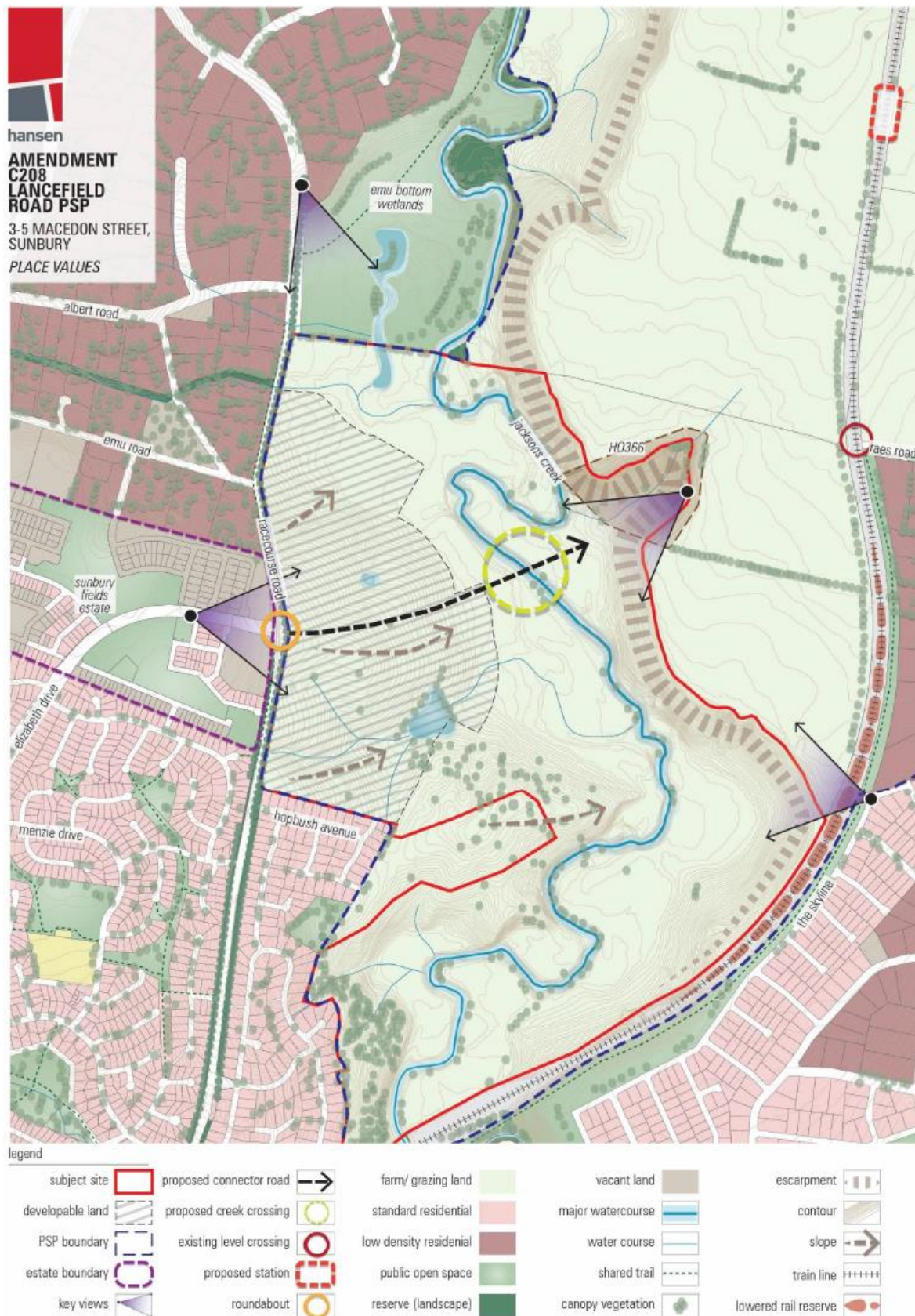


Figure 11 Plan from Expert Evidence of Mr Czarny

Extent of development

The VPA circulated a 'revision to development area' as supplementary information to their Part B Submission. This document uses the subdivision plan in the exhibited section 96A permit application for reference and shows the removal of two parts of the developable area towards the north and east. Refer Figure 10.

The areas removed represent the lower parts of the developable area, sitting on the flatter surface within the valley. The VPA's objective in proposing this reduction is to contain development to the hillside next to the valley, to preserve views of the valley and present a more sensitive response to the valley interface.

Mr Czarny has reviewed the development extent proposed by the VPA and provided his opinion that the reduction proposed is his preferred view:

...in that it provides a consistent frontage to the Creek at an intermediate elevation that is clearly distinguishable in long and close-range views from the flat Creek flood plain and its conservation threshold.

Mr Czarny recommended defining a contour, and suggested the AHD207 contour line, as a more definitive limit to development, to recognise the landscape and scenic qualities of the creek corridor in addition to the conservation and floodway boundaries.

Design Controls

In response to concerns raised, the VPA submitted that they would also require additional design controls to ensure an appropriate built form outcome for the site, and that these would be incorporated into the PSP. The 'Lancefield Road Precinct Structure Plan: Racecourse Road Site – Design Controls', dated August 2, 2017 was provided in the VPA Part B submission. The VPA advised that these Design Controls were being further developed in consultation with Council.

It is intended that these design controls include objectives and requirements, relating to matters such as site coverage; building height; setbacks from side and rear boundaries and cut and fill. Schedule 10 the UGZ would also be amended to include a provision that states that a permit may be granted to vary a residential design control.

Mr Czarny broadly supported the 'Racecourse Road Site – Design Controls', August 2017, subject to some further refinement.

PSP Provisions

Part of the vision as expressed in the Lancefield Road PSP is:

Urban development that responds appropriately to the undulating landform within the precinct, with housing design response to key view lines, and sensitive planning for key landscape assets, in particular the twin creek corridors, and the undulating land adjacent to Racecourse Road.'

Mr Czarny considered that the provisions within the PSP could be further enhanced to:

- Provide a more definitive development area, through identification of a relevant contour (i.e. 207 m AHD).

- Ensuring that the street network broadly follows the radial array of contours leading down to the floodplain.
- Supporting the continuance of Elizabeth Drive as the central spine crossing Racecourse Road leading into the subject land, providing a visual connection and accessibility to the surrounding neighbourhood.
- Providing further guidance in relation to visual sensitivity, including recommending a further cross section to provide guidance for the interface with the conservation area to the north and north-east of the site, illustrating development setbacks and the preferred landscape response.
- Adjustment of the subdivision design to incorporate further open space linkages or 'green fingers' in associated with larger lots.
- Adjustment of lots which present their rear interfaces to the linear open space, which is atypical in neighbourhood design.

Mr Czarny supported the provisions within the PSP relating to development on sloping land (including R14 and G11, G12, G15, G17 and G18).

Villawood submissions and evidence

Ms Michelle Quigley QC made submissions on behalf of Villawood. These submissions were that Villawood, together with the VPA, Hume City Council and other relevant agencies have undertaken planning for the PSPs and section 96A applications over the past 13 years. This work has responded to the planning policy context for the area, including the vision in *Plan Melbourne 2017*, to facilitate Sunbury as a designated growth area of approximately 100,000 residents, while protecting the environmental and cultural heritage values of Jacksons and Emu Creeks, and enhancing community access to these areas over time.

Ms Quigley submitted that the Sherwood Heights development seeks to reflect and build on the existing nearby development, particularly the Sherwood Hills Estate to the south, while sensitively responding to the existing topography through the alignment of roads, lot sizes and landscape treatments. The Sherwood Heights development will also deliver a useable open space node within the Jacksons Creek corridor that will serve the new residential community and will provide an access point to the Jacksons Creek regional parkland in the future.

Mr Barry Murphy, MDG Landscape Architects, provided expert evidence in relation to the extent of developable areas versus public open space along the Jacksons Creek corridor associated with the Sherwood Heights proposal and Amendment C208.

His evidence was that the topography of the area provides a clear distinction from the creek itself, to the gentle slopes of the floodplain, and then the steeper slopes of the surrounding land. Mr Murphy highlighted that the PSP proposes a substantial portion of public open space within the Jacksons Creek valley, providing a linear park of almost four kilometres along the valley, from the rail bridge crossing of Jacksons Creek to the northern end of the PSP area. This will provide conservation areas for Growling Grass Frog habitat and other species as well as shared paths and passive recreation nodes.

Mr Murphy considered that a key issue with the extent of development is the ability to retain views up and down the valley, as well as the extent that the proposed development

can be absorbed into the landscape. His evidence was that the extent of developable area appears logical and sits outside the gentler slopes, allowing for the valleys landform to be easily perceived by users within it. He noted that the reduction of the development area proposed by the VPA will 'significantly reduce the visual impact of urban development' on the adjoining parkland.

Mr Murphy advised that the layout of the subdivision should ensure that roads more or less parallel the contours, and allow for treed streetscapes as they move up the hillside. He considered that the Villawood proposal supports this principle. He also supported the larger lot depths of 40 to 50 metres+ to allow for canopy tree planting throughout the development.

Mr Murphy recommended careful consideration of the interface of the future urban development on the valley regional open space by:

- Establishing a strong vegetative edge to the valley through indigenous street tree planting.
- Providing significant street tree planting in the streets further up the slopes to soften the overall built form and to prevent silhouetting of the buildings against the skyline.
- Finding a balance between vegetation and the inevitable need for bushfire protection.

Mr Mark Woodland in his evidence highlighted the long history of planning policies that alternatively provided for Sunbury as a historic regional town and as a satellite city, to the Urban Growth Boundary establishing around Sunbury in 2002 and expanded in 2010 to earmark it as one of Melbourne's growth corridors. He considered the PSPs are largely consistent with *Plan Melbourne 2017* and the Sunbury Growth Plan.

Mr Woodland reviewed the proposed Racecourse Road design controls, and while he supports elements of these controls, he considered that they should be tested by Villawood, Council and the VPA on the current Section 96A application, and any necessary changes made before they are incorporated into the Planning Scheme. He also recommended additional guidance be included in the Lancefield Road PSP to guide residential development in this location.

Mr Jonathon McLean provided expert drainage evidence on behalf of Villawood that recommended that the PSP and Melbourne Water's DSS be amended to reflect his alternative configuration of water assets, having regard to the variation to the Elizabeth Drive alignment and reduced extent of developable land.

Mr Stephen Hunt gave evidence that the traffic generated by the proposed Sherwood Heights development can be absorbed by the existing road network, assisted by the recent extension of Elizabeth Drive through the Sunbury Fields Estate to Racecourse Road and the further extension of Elizabeth Drive to the south of Mitchells Lane to Vineyard Road. If the northern crossing was constructed, alternative access will also be available to the east and south.

Hume City Council submissions

Council supported the reduction in developable land, and the associated revised subdivision layout. Council, however, considered that the design guidelines require further work to test their practical application. Council shares the views of Villawood that some of these may not

be able to be achieved, or alternatively, that some may have unintended or undesirable design outcomes. For example, the side setback requirements, while may assist in reducing visual bulk, may also result in garage dominated streetscapes, due to the reduced width of the developable area on the lot.

Council supported a recommendation that Council, VPA and Villawood undertake further testing and refinement of these controls.

Submissions by residents

Various submitters outlined their position that the site should not be earmarked as residential in the PSP, given the significant landscape, heritage and environmental conditions of the land.

Mr and Mrs Isles (Submissions C207-23, C208-19) made a submission in relation to their concerns about the loss of a significant high value cultural landscape, as well as loss of amenity by the Sherwood Heights development and the proposed northern crossing. Mr Isles provided a power point presentation documenting the values of the landscape and highlighting how future development would impact the area. His submission also highlighted that they had almost 5,000 signatures on petitions opposing the Sherwood Heights development.

Mr Isles' primary submission recommended not proceeding with the rezoning and associated development; maintaining the current RCZ1 and ESO10; and also abandoning the northern road crossing.

Alternatively, he suggested significantly reducing the area subject to rezoning and the land available for development, to protect the amenity of the area and the cultural landscape. Furthermore, he submitted that any development should provide a wider buffer zone along the Racecourse Road alignment, using landscaping and possibly earth mounds to retain some of the amenity of residents immediately north of 275 Racecourse Road through to the northern limit of development.

Mr Dance (Submission C207-83, C208-84) made a presentation to the Panel in relation to a range of matters, including the cultural, historic, visual and environmental significance of the Jacksons Creek valley, and the impact of the Sherwood Heights proposal on these values. He also opposed the proposed rezoning and development proposal.

Other residents, including Mr and Mrs Alexander (Submission C207-78), made similar submissions that the conservation areas should extend the full width of the valley to Emu Bottom reserve, to protect wildlife, aboriginal heritage and other historical associations with the use of the land including Cannon Valley, an historic site for mock battles, and for its visual beauty.

The Jacksons Creek Eco Network, Friends of Holden Flora Reserve and Friends of Emu Bottom Wetlands Reserve (Submissions C207-36, C208-37) made a joint submission to the amendment providing strong support for the proposed designation of most of Jacksons Creek Corridor as a conservation area to support a wildlife corridor along the Creek. They also supported the areas of non-urban land, credited open space and areas of regionally significant landscape values at Holden Flora reserve; the required 40 metre setbacks from

the escarpment; and the extent of protection for Conservation Area 21, adjacent to Emu Creek.

This group, however, had concerns including:

- Ownership/management of conservation and open space areas.
- Provision for wildlife corridors associated with the proposed northern bridge.
- The design of the bridge being sympathetic to the surrounding landscape, and during construction.
- Removal of trees, particularly where they provide stability to Jacksons and Emu Creeks.

The National Trust of Australia (Victoria)

The National Trust of Australia (Victoria) (Submission C208-61) made a submission that highlighted the Jacksons Creek landscape includes a number of highly significant Aboriginal and non-Aboriginal heritage places, that has resulted in the Sunbury Rings Cultural Landscape (SRCL) classification, ratified by the National Trust board in 2015. This classification contains a number of heritage elements that have individual heritage controls, including Cannon Gully (HO366) and the Sunbury Earth Rings (HO200, HO201, HO202).

The National Trust submitted that while there is currently no heritage protection for the overall landscape, that the heritage sites and environment work together to form an entire landscape that has significant historical, aesthetic and scientific values.

The National Trust opposed the northern crossing of Jacksons Creek (discussed at section 4.3.5) but are generally comfortable with the revised proposed developable area for the Sherwood Heights subdivision.

The National Trust did raise several concerns with the proposed Sherwood Heights proposal, including:

- That the proposed Sherwood Heights Design Guidelines, September 2017 lacked the rigour or refinements called by VPA's evidence of Mr Czarny and do not reflect the vision of the Lancefield Road PSP.
- That the layout of residential development needed to demonstrate best practice for sloping sites, and the significant values of the surrounding landscape should be integrated into the landscape, architectural design and overall layout of the subdivision in a holistic approach.
- That the location of the passive open space did not sufficiently respond to the undulating landscape of the precinct and should be relocated within the recommended contour line by Mr Czarny's expert evidence.
- That permeable open space, streetscape and visual links should be evident throughout the residential subdivision, and should reflect the four lines of visual and physical linkages presented in Mr Czarny's evidence.
- Further analysis should be undertaken as to the best practice for the transition between the edge of residential development and the adjacent landscape leading towards the Jacksons Creek floodplain. They consider that this area should be publicly accessible and that an interpretation plan should be prepared to provide for meaningful interpretation of the valley.

- Support Mr Czarny's recommendation for an overlay control, such as the DDO to specifically control the extent, format, siting and design of future residential development.

In relation to the proposed Design Guidelines, the National Trust submitted:

- The proposed mandatory controls may result in unresponsive design.
- Do not support Villawood's proposed increase in building heights to 9 metres, and 10 metres on sloping sites.
- Do not support requirements for building articulation such as verandahs and porticos that have the potential to dominate the landscape, and instead consider that the Guidelines should require building design to be sympathetic to the landscape.
- Consider that sites should have requirements for high levels of permeability; that upper levels be recessed; that driveways and garages be unobtrusive; and that tree planting and landscaping be included in the design guidelines for shading and reducing heat.

Melbourne Water

Melbourne Water reviewed the further functional design prepared by Mr McLean on behalf of Villawood and provided comments and requested further information. The Panel was advised that this matter was capable of being resolved through further discussions.

(iii) Discussion

There were consistent submissions and evidence that the Jacksons Creek valley contains a number of highly significant Aboriginal and non-Aboriginal cultural heritage places; important environmental values; and has significant aesthetic and visual landscape qualities. This is also discussed in detail at section 4.2 of this report, relating to issues associated with the Jacksons Creek valley.

Existing residents along Racecourse Road and more broadly within Sunbury, highly value this area, and many object to the change proposed by the PSP and the Villawood Sherwood Heights proposal.

The VPA, Council and Villawood, however, all highlight the long-standing recognition of the area as a growth corridor, through its inclusion within the UGB, in *Plan Melbourne 2017* and as an 'investigation site' within the Sunbury / Diggers Rest Growth Corridor Plan (Corridor Plan) and ... 'potential residential opportunity (subject to investigation)' in HIGAP.

Managing change within a growth area can be difficult, particularly for long standing residents, and even more so in this case, where the existing condition is one of highly attractive rural views to the river floodplain with hilltops and ridgelines beyond.

The land has long standing recognition for its potential for development, and the VPA has undertaken extensive work in consultation with relevant stakeholders to investigate the opportunities for development, while ensuring that the significant heritage, natural and biodiversity values of the area are protected. These investigations are reflected in the 'reduced developable area' tabled by the VPA as supplementary material in their Part B submission.

All experts agreed that this defined reduced area was suitable and a superior outcome than as exhibited in the PSP, in that it provides a consistent (broadly along contour 207 m AHD)

frontage to Jacksons Creek that is clearly distinguishable in long and close range views, from the floodplain and conservation threshold. The National Trust was also generally comfortable with the revised proposed development area.

The Panel accepts the expert evidence before it that the extent of residential development is appropriate, and subject to appropriate design controls, will form a logical and appropriate extension to residential development already established to the south and west of the site. The Panel notes that as a growth corridor, there is an imperative to provide for housing opportunities where possible, balanced with the need to protect sensitive areas.

The Panel also notes that the PSP and Sherwood Heights proposal provides for an extensive conservation area along the creek corridor that will become a significant regional open space area, consistent with the strategic planning for the area.

The Panel, however, does understand the concerns of local residents, and agrees that the form and design of the proposed subdivision and future development will be critical in whether future housing sensitively integrates with the landscape. The Panel agrees with the evidence of Mr Czarny and Mr Murphy that further work is required to ensure that there are more rigid parameters for development, to ensure this outcome.

The Panel accepts the recommendations of Mr Czarny that additional provisions should be included within the PSP, particularly in relation to connectivity and street networks, visual sensitivity and the interface with the conservation area and creek corridor. This includes the recommendation that a further cross section should be prepared to guide development at an interface with a conservation area, illustrating development setbacks and the preferred landscape response.

The Panel also considers that further work is required to develop the 'Racecourse Road Site - Design Controls'. The Panel considers that these should also provide the broad parameters for subdivision of the site (in the event that the Villawood proposal does not proceed), and that the design controls should have regard to the recommendations of Mr Czarny and Mr Murphy, including (but not limited to):

- That the street network broadly follow the array of contours leading down to the floodplain.
- That contour line 207 m AHD form the basis for the extent of development in the area.
- Adoption of Elizabeth Drive as a central spine through the subdivision, forming a physical and visual connection to the surrounding neighbourhood.
- That development on elevated land and hilltops demonstrate how they will fit within the landscape and not present as a silhouette from key vantage points, including publicly accessible roadways, surrounding land, the creek corridor and elevated positions within the new development.
- That the subdivision provide for visual and physical open space links, including from the higher ground towards the regional open space along Jacksons Creek.
- That indigenous planting, including canopy trees, are planted throughout the development to integrate with the landscape and create a sense of openness.

There was some concern expressed from both Villawood and Council that some of the proposed design controls would not achieve the outcomes sought, particularly having regard

to requirements for setbacks and restrictions on cut and fill, possibly not being achievable or being best practice on some sites.

The Panel therefore accepts the recommendation of Mr Woodland and supported by Council, that these controls should be ‘tested’ against the section 96A application before being gazetted, to ensure that they are achieving the intended result, and that the provisions are not resulting in unintended outcomes.

Finally, the Panel considers that there is an opportunity to incorporate ‘preferred character’ guidelines for the estate, that provide some guidance on use of architectural styles, materials, colours and finishes etc, to encourage housing that is sensitive and recessive to the landscape, rather than replicating examples of estates where building design dominates the landscape and bears little sensitivity to the environment in which it is established. While accepting that development will soften and integrate over time as landscaping matures, the Panel considers that the nature of this sensitive landscape warrants parameters that ensure a sensitive and considered design response.

(iv) Conclusions

The Panel draws the following conclusions in relation to the Villawood Racecourse Road site:

- While the area has significant cultural heritage, environmental, landscape and scenic values, an area of residential development can be accommodated on the site, consistent with the background strategic planning documents including the Corridor Plan and HIGAP recognising the site as an investigation area for residential development.
- The reduced development area as provided for in the plan presented by the VPA (Figure 10) is supported.
- Additional parameters for development should be drafted and included in the PSP, as recommended by Mr Czarny.
- A further cross section should be prepared for inclusion within the PSP to guide development at the interface with a conservation area, illustrating the setbacks and preferred landscape response.
- Further work is required to ensure that the Racecourse Road Design Controls provide for parameters to ensure that the future subdivision and housing sensitively integrates with the landscape.
- The VPA, Council and Villawood should test the Design Controls against the Section 96A application before being incorporated into the PSP to understand the implications of the controls.
- The UGZ schedule 10 be updated to include a provision requiring the residential design controls, and allowing for a variation to a control subject to a permit.

(v) Recommendations

The Panel makes the following recommendations:

60. Reduce the development area of the Racecourse Road development as provided for in the plan presented by the VPA (Figure 10 in this report).

61. The VPA should draft further provisions for inclusion within the Lancefield Road PSP relating to the extent of development and protection of the conservation

corridor; further guidance on requirements for visual and physical linkages; and further guidance in relation to visual sensitivity of development.

62. Prepare a further cross section for inclusion within the PSP to guide development at the interface with a conservation area.
63. The VPA should further refine the Racecourse Road Residential Design Controls in consultation with Council and Villawood, and test them against the Section 96A application, before incorporating them into the Lancefield Road PSP.
64. Amend Schedule 10 to the UGZ to include a specific provision as follows:

Specific provision – Residential design controls for residential subdivision

The residential design controls in the incorporated Lancefield Road Precinct Structure Plan must be met by a residential subdivision or a development of a dwelling on a residential lot, as relevant, to the satisfaction of the responsible authority.

A permit may be granted to vary a residential design control.

Where a residential design control relating to subdivision conflicts with an objective or standard of Clause 56 of this scheme, the residential design controls prevail.

Where a residential design control relating to the development of a dwelling conflicts with an objective or standard of Clause 54 or 55 of this scheme, the residential design controls prevail.

65. Amend the second dot point of Clause 3.1 Subdivision – Residential Development of Schedule 10 to the UGZ as follows:

Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, which demonstrate how the proposal responds to and achieves the objectives and planning and design requirements and guidelines in the incorporated Lancefield Road Precinct Structure Plan, including specific requirements relating to sloping land and any applicable residential design controls; ...

6.2 Wincity Pty Ltd

Property numbers 19-24, Submitter number C208-46

(i) The issues

The issues raised in the submission by Wincity included:

- Request to re-align the boundary between the UGZ and RCZ to better reflect topographical information and location of flora and fauna habitat.
- That the heritage notation within the PSP should be removed.
- Further clarification about where the break of slope is applied and where the 40 metre setbacks are to be provided.
- Location of the regional park.
- Reconsideration of the location of wetlands within the site.

- Design of the interim intersection concept for Lancefield Road and Main Street / Rolling Meadows Drive.

(ii) Evidence and submissions

The Wincity land is comprised of three parcels located at 170 Lancefield Road (lots 3 and 4) and 45 Gellies Road, in the south east corner of the Lancefield Road PSP area. It comprises approximately 272 hectares of land and part of the site is subject to a Section 96A application for subdivision, known as the Kingfisher Estate. This application is discussed in Section 8.4 below.

Wincity relied on the following expert witness reports in support of its application and submission:

- Nick Hooper of Taylors in relation to planning
- Andrew Tamme of Taylors in relation to urban design
- Aaron Harvey of Biosis in relation to ecology
- Nick Glasson of Cardno in relation to services infrastructure
- Chris Butler of Cardno in relation to traffic, and
- Andrew Matheson of Taylors in relation to drainage engineering.

Mr Greig Donnelly presented a submission that advised that the issues raised in the Wincity submission relating to the PSP had largely been resolved.

In summary this included:

- General acceptance by the VPA for a realignment of the UGZ and RCZ boundary to take account of topographical information and slope analysis, and flora and fauna work by Biosis. There is no net change in area of each zone. The VPA are generally accepting of the proposed change, however, will continue to investigate minor discrepancies.
- Issues relating to break of slope and setbacks, which were resolved through the VPA's revised application of the 'Sensitive Interfaces Map' presented on Day 1 of the hearing. This has clarified where there is mandatory and discretionary setbacks.
- Issues resolving the location of wetlands on the site, which have since been resolved with a superseded version of the DSS by Melbourne Water.
- Retraction of their submission regarding the regional park located on the site.
- Acceptance that the section 96A planning application will comply with a requirement for a bushfire site management plan.

The outstanding issues related to road intersection design and the heritage notation.

Mr Butler gave evidence in relation to the interim intersection concept for Lancefield Road and Main Street (to the north) and Rolling Meadows Drive (to the south). He submitted a design of the ultimate treatment of intersection (IN-02) which he stated was designed in accordance with VicRoads guidelines. His ultimate design excluded the left turn slip lanes in and out of Main Street which are shown on the interim intersection concept.

Mr Butler also recommended amending the cross-section of Main Street (PSP cross section for LTC Main Street) within the PSP to allow for wider carriageways, to facilitate future bus movements. This would involve widening the through lanes from 3.0 metres to 3.5 metres.

The VPA considered that the slip lanes in and out of Main Street should be removed from the interim intersection. The VPA's objective is a town centre environment that balances vehicle and pedestrian movements, and attracts more pedestrian movements through the provision of more direct and shorter pedestrian crossings.

The VPA did not support Mr Butler's recommendations and consider the existing cross-section in the PSP showing 3.0 metre lanes through the town centre to be appropriate on the basis that:

- Each traffic lane is abutted by a dividing median strip and generous 2.3 metre wide on-street parking, providing an adequate distance and barrier between buses and pedestrian paths; and
- The design speed for the town centre is 30 km/h, which is consistent with 3.0 metre wide lanes, and will limit speed.

Under cross-examination, Mr Butler stated that he was satisfied that with the low speed environment of 30 km/hr and the good lateral clearance provided by the median and 2.3 metre parking lane, the 3.0 metre wide traffic lane was acceptable.

A final matter related to the PSP containing a notation on the FUS relating to 'heritage site (possible sites)' on the Wincity land. Mr Donnelly advised that this related to the old Gellies Road homestead at 45 Gellies Road that was derelict and demolished in 2010 with a valid permit.

There is no heritage overlay in the Hume Planning scheme and Wincity therefore requested that this notation be deleted.

(iii) Discussion and conclusions

There is general agreement between the VPA and Wincity on the issues raised.

The VPA will continue to investigate the detailed alignment of the RCZ and UGZ. There is general agreement that there should be no net change in zoned area, but the alignment can be slightly amended to better reflect site conditions.

As the old Gellies Road homestead has been demolished, the Panel agrees that the notation relating to possible heritage site can be removed from the FUS.

Mr Butler provided an ultimate design for the Lancefield Road/Main Street/Rolling Meadows intersection which the Panel notes does not include left turn slips lanes in and out of Main Street as shown on the interim concept plan. The Panel agrees with the VPA that the slip lanes should be removed from the interim intersection design.

The Panel is also satisfied that in this case with the low speed environment and clearance provided by the median and parking lane, a 3.0 metre wide traffic lane through the town centre (as shown on the PSP cross section) is sufficient to provide for bus movements.

(iv) Recommendations

The Panel recommends:

- 66. The VPA should continue to work with Wincity to resolve the alignment of the RCZ and UGZ on the Wincity land, and amend the PSP as required.**

67. Remove the notation relating to heritage site on Gellies Road from PSP Plan 3 Future Urban Structure and Plan 5 Image, Character, Housing and Heritage.

68. Remove the left in, left out slip lanes from the interim concept design for the Lancefield Road/Main Street/ Rolling Meadows intersection (IN-02).

69. Retain the 3.0 metre wide traffic lane on the PSP LTC Main Street cross section.

6.3 280 Lancefield Road (developer and landowner)

Property numbers 8 and 13, Submitter numbers C208 – 53, 60

6.3.1 The issues

Insight Planning (Mr Black) on behalf of the current owner and Spiire (Mr Dawson) on behalf of a prospective developer of the site both raised a number of issues in relation to 280 Lancefield Road.

There was some overlap of issues raised between the submitters. The issues are summarized as follows:

- Extension of PSP boundary
- Conservation area boundary and open space issues
- Emu creek interface
- Orientation of the government secondary school
- Other issues.

6.3.2 Extension of Precinct Boundary

(i) Evidence and submissions

The eastern portion of property 8 and part of the eastern portion of property 13 are inside the Urban Growth Boundary (UGB) and within the Lancefield Road North PSP. Mr Black, on behalf the owner, submitted that the boundary of the PSP ought to be extended to include the parts of properties 8 and 13 that are within the UGB to the east of Emu Creek tributary. (Mr Black also noted that the same arguments could be applied to properties 6 and 7).

Mr Black submitted that it is reasonable to assume that the area in question would ultimately be residential, and that splitting the land between two PSPs is *“impractical, illogical and uncommon”*. He submitted that it would be more efficient to develop the land in conjunction with land to the west of the Emu Creek tributary. He noted that it will likely be some time before the Lancefield Road North PSP is progressed.

Mr Black noted that the ‘separated’ land would have a high level of connection with the part of the land in the Lancefield Road PSP via road and shared path connections.

The VPA responded that the creek represents a logical boundary for the PSP. It submitted that *“this land is not precluded from development for it will form part of the Lancefield Road North PSP which will be prepared in coming years”*.

The VPA submitted that the Panel must consider the implication of including new land within the PSP. It added:

The inclusion of land from outside the PSP area following a period of extensive exhibition raises issues of procedural fairness and transformation. Further, the full suite of background reports and planning for this neighbourhood has simply not been completed. While it is easy to say that the land will just be a residential area, residential areas still undergo investigation and planning to create the future urban structure.

It is not appropriate that this additional land is brought into the PSP.

Mr Black submitted that it would not be a transformation of the Amendment for the Panel to recommend that the PSP boundary be changed, and cited other panel reports where such recommendations have been made.

(ii) Discussion and conclusion

The Panel acknowledges that there would be development efficiencies if the land to the east of the Emu Creek tributary was added to the Lancefield Road PSP, but accepts the VPA's submission that it is not appropriate to amend the boundary on the basis that:

- The inclusion of the land has not been part of a transparent amendment process, and
- Insufficient background work and planning has been done to determine the most appropriate form of urban development.

While the first of these issues could be remedied through further notification and consideration of any submissions, the Panel does not think there is a compelling case to do so. In any case, the second of these issues is, in the Panel's view, fatal to serious consideration of the proposal.

6.3.3 Conservation Area 19 boundary

Both Mr Black and Mr Dawson appearing for the prospective developer raised concerns about the mapping of a proposed conservation area on the land.

The Panel has stated its view on changes to the CA (see section 4.8), and the same issues apply here. If the owner or developer of the land wishes to have the boundaries reviewed they should follow the normal process.

The VPA submitted that, in response to this submission, it contacted DELWP to test the position put by the submitters. It advised that DELWP confirmed that the site had been surveyed and that it was a considered decision to provide for the conservation area in the form exhibited. It noted that the submitter has not yet made contact with DELWP.

6.3.4 Interface with the Emu Creek tributary

(i) Submissions

The submitters argued that the 'visually sensitive interfaces' on the site are overly conservative and needed review. The VPA agreed and submitted¹⁷:

The interface with the Emu Creek along the southern part of the site is set well back from the 'break of slope', (beyond Conversation Area 18). The VPA

¹⁷ VPA closing submission

therefore support the application of the 'Conservation Area' interface to this part of the site.

The interface with the tributary to the Emu Creek along the northern part of the site is likewise conservative.

Whilst this tributary is incised at this point, it is not dissimilar in profile to a number of existing, secondary waterways across the two precincts (including, for example, Harpers Creek). It does not form part of the two major creek corridors of Emu Creek and Jacksons Creek. The VPA therefore support the application of the "Waterway" interface to this part of the site.

(ii) Discussion and conclusion

The VPA proposal to amend the visually sensitive interfaces would seem to resolve this issue.

6.3.5 Orientation of the government secondary school

(i) Submissions

Mr Dawson submitted that the proposed north south orientation of the secondary school resulted in an awkward and inefficient subdivision layout and sought an east west orientation. Mr Black likewise submitted that the proposed layout created a barrier between the school and the Yellow Gum LTC.

The VPA advised that DET are not opposed to reorientation of the school, but the VPA insist on separation of the school site from Lancefield Road. The VPA added that it is sceptical about whether this represents a realistic opportunity in circumstances where the conservation area and the waterway are present, but agreed to consider alternatives.

(ii) Discussion and conclusion

The Panel notes that there seems to be agreement to consider alternative layouts and has made a recommendation accordingly.

6.3.6 Other issues

(i) Submissions

Mr Black objected to the identification of a waterway on land to the south of the open space area. The VPA responded that the relevant waterway was the subject of direct evidence from Dr Blackham of Alluvium. It submitted:

Dr Blackham inspected this particular reach and concluded that it has 'extreme' geomorphic value representing an area with less than 5% prevalence across the state. Dr Blackham's evidence was not tested by this submitter. Great weight should be given to the evidence of this expert in circumstances where there is no opposing evidence and the expert presented themselves for cross examination.

Mr Black and Mr Dawson both objected to the extent of land shown as 'regionally significant landscape values', submitting that it would result in the area being "under planned and

underdeveloped". The VPA acknowledged that this area is a much more highly constrained PSP than many other PSPs, but maintained that the 'place values' of the land should not be ignored *"to make what would constitute marginal increases to the developable area"*.

Mr Dawson submitted that a left in left out intersection should be shown on the PSP specifically to serve 280 Lancefield Road. The VPA rejected the need to show left in left out intersections on the plan where they are not signalised, consistent with usual practice.

Mr Dawson submitted that the walkable catchment density requirement in Requirement 10 ought to be reduced to 16.5 dwellings per net developable hectare and that it should be a Guideline rather than a Requirement. This issue is discussed in section 4.4 of this report.

(ii) Discussion and conclusions

The Panel accepts the evidence of Dr Blackham and the position taken by the VPA in relation to waterway land.

The Panel notes the highly constrained nature of the land, but accepts the VPA's view that the landscape values should not be compromised.

The VPA's approach to not showing more minor left in left out intersections on the PSP is supported.

6.3.7 Recommendations

The Panel makes the following recommendations in relation to 280 Lancefield Road:

70. Amend the 'visually sensitive interfaces' on properties 8 and 13 (280 Lancefield Road) as proposed by the VPA in its closing submission.

71. Consider alternative configurations for the government secondary school at 280 Lancefield Road to improve the overall efficiency of the urban structure plan.

6.4 275 Lancefield Road

Property number 9, Submitter number C208-93

(i) Submissions and discussion

During the course of the Hearing, Spiire on behalf of the landowner advised the Panel that they no longer wished to be heard. Spiire made an additional written submission which:

- supported the updated 'Yellow Gum Town Centre Plan' as circulated by the VPA (tabled Document 17)
- requested that the wording of the associated PSP Requirement, as circulated by the VPA (tabled Document 17), be amended to specifically require that the Urban Design Framework be prepared in consultation with the landowner(s) of the wider Yellow Gum Town Centre area.

This proposed new Requirement relates to development of the land to the north of the east-west Boulevard Connector in the Yellow Gum Town Centre. The Panel considers that the Spiire amendment to the proposed new Requirement is not unreasonable.

The Panel notes, however, that the VPA did not engage in further discussions with this submitter and made no submissions with respect to the change to the new Requirement proposed by Spiire in its additional written submission.

It should also be noted that submissions on behalf of 295 Lancefield Road JV Pty Ltd (see section 6.5 below) may have potential implications for 275 Lancefield Road.

(ii) Recommendation for further work

The Panel recommends that:

The VPA should consider the amendment proposed by Spiire to the wording of the new Requirement with respect to the preparation of the Urban Design Framework for the Yellow Box Town Centre land to the north of the Boulevard Connector.

6.5 295 Lancefield Road JV

Property number 4, Submitter number C208-52

(i) The issue

The issue is whether the underlying zoning on the Yellow Gum Town Centre land to the north of the Boulevard Connector should be changed from Commercial 1 Zone to Mixed Use Zone.

(ii) Evidence and submissions

Mr Collins (Beverage Williams), for 295 Lancefield Road JV Pty Ltd, informed the Panel that most of his client's concerns have been addressed. He noted that the approval of a boundary change to the Conservation Area is imminent and that it was understood by his client that the alternative use for the land removed from the Conservation Area will be residential. He noted that his client supported the amended Yellow Gum Town Centre Plan and they no longer wished to pursue an increase in the retail floorspace for the town centre.

The outstanding matter relates to the zoning of the Yellow Gum Town Centre land to the north of the Boulevard Connector. Mr Collins requested that the Panel consider annotating the applied zone for the entire area north of the Boulevard Connector as a Mixed Use Zone. He submitted that:

- the northern part of the town centre is no longer considered part of the core of the centre
- the Boulevard Connector will separate this northern land from the remainder of the centre and this is key reason why the amended design now focused on the land to the south of this road
- a likely outcome is that the northern area will have a different character to the southern town centre area
- whilst indicative only, the primary interface with the Boulevard Connector is shown as Mixed Use which suggests that residential density is sought at the interface with the town centre.

Mr Collins noted the purposes of the Mixed Use Zone and the Commercial 1 Zone and submitted that:

... for the secondary role of the area north of the Boulevard Connector, the Mixed Use Zone purposes are a 'better fit' for the likely outcomes for this area. We note that an Office (up to 250sqm), Food and drink premises (up to 150sqm) and a Shop (up to 150sqm) are Section 1 uses.

We submit that these floorspace limits do not place an onerous burden on the future operation of the town centre on our client's land noting that a future Urban Design Framework must be completed prior to the development of the area. This framework should establish the distribution of uses across the centre in our client's site to enable planning permits to be made to Council for land use if necessary. Applications will be exempt from notification as they will generally accord with the PSP.

Buildings and works require a permit in the Commercial 1 Zone but not for Section 1 uses in the Mixed Use Zone.

For these reasons we submit that the area north of the Boulevard Connector designated as being part of the future town centre be entirely designated as a Mixed Use Zone area.

In closing submissions, the VPA stated that it did not agree with the proposition that the secondary role of the area to the north of the Boulevard Connector is a better fit with a MUZ, but was prepared to consider some mixed use land potential to the north.

Mr Tobin submitted that:

A key difference between the application of the Commercial 1 Zone and the Mixed Use Zone is the ability to develop residential uses at ground floor. Within the C1Z Accommodation is a section 1 use only where the frontage to the Accommodation does not exceed 2m at ground floor level. Where this is exceeded the use becomes a section 2 use.

Within the MUZ, one of the suite of residential zones, accommodation or more specifically a dwelling is a section 1 use without restriction. This is important because it has implications for the built form and activation of the town centre. In circumstances where the mixed use became the zone for all of the land to the north of the Boulevard connector the developer could develop any form of residential development without constraint. It is the VPA's submission that this would constitute an unacceptable outcome in a designated town centre.

He went on to state that the prospect of some MUZ land within the northern portion of the town centre may be appropriate.

He posited that:

The VPA considers that there may be an opportunity for land to the north of the town centre where it interfaces with land within the residential growth zone to have a mixed use zone. Under this scenario that portion of the town

centre fronting the Boulevard connector would be within the C1Z and that portion fronting the street to the north within the MUZ, with the precise delineation between the zones to be determined through the urban design framework.

Mr Tobin added that the VPA had not had an opportunity to fully resolve this concept and suggested that the Panel could make a recommendation along the following lines:

- The VPA consider the appropriateness and statutory implementation of the provision of land within a commercial one zone fronting the northern side of the Boulevard connector within the Yellow Gum town centre and the northern side of this land within a Mixed Use Zone.
- In assessing the above, the VPA should liaise with the affected landholder, the landholder of the southern portion of the town centre, and the Hume City Council.

(iii) Discussion

For the reasons set out by the VPA, the Panel does not consider it would be appropriate for all the town centre land to the north of the Boulevard Connector to be zoned Mixed Use. With a Mixed Use Zone applying to the entire area, it could all be developed for residential purposes without constraint. The Panel concurs with the VPA's view that that would be an unacceptable outcome, potentially losing the opportunity for longer term commercial uses as part of the town centre in this designated location.

The alternative put forward by the VPA that part of the land could be zoned Mixed Use has some merit. The Panel is comfortable that a good outcome could be achieved on the basis that the precise delineation of the area to be zoned Mixed Use would be determined through further examination of the preferred land uses in this area, through an urban design framework.

(iv) Conclusions

The Panel concludes:

- until such time as further work is undertaken the underlying zone for the subject land should remain as Commercial 1 Zone
- the VPA proposal has merit and should be examined further in consultation with the affected land owner, the land owner to the south and the Hume City Council.

(v) Recommendation for further work

The Panel recommends that:

Further development of the concept for that part of the land in the Yellow Gum Town Centre to the north of the Boulevard Connector be zoned mixed use should be done by the VPA in consultation with the affected land owner, the land owner to the south and the Hume City Council.

6.6 Jinding United Sunbury

Property numbers 6, 7 and R7, Submitter number C208-55

(i) The issue

The outstanding issue raised by Jinding United Sunbury concerns the designation of a small triangular parcel of their property designated as having ‘regionally significant landscape values’ on PSP Plan 3 – Future Urban Structure.

(ii) Evidence and submissions

Mr Collins (Beverage Williams), for Jinding United Sunbury, informed the Panel that a number of his client’s concerns with respect to land budget matters, the extent of the Conservation Area and the location of drainage asset WI-09 had been resolved to his client’s satisfaction. His client was still keen to ensure that there is sufficient flexibility in the PSP to allow for future revisions to the extent of land required for drainage assets once detailed designs have been prepared. This issue is discussed above in section 4.9.

Mr Collins stated that his client remained uncertain as to the extent of their land affected by the ‘regionally significant landscape values’ designation and disagreed with the triangular parcel in such designations. He submitted that this land has been incorrectly designated for several reasons including:

- the parcel does not satisfy the VPA’s own categorisation for inclusion as ‘regionally significant landscape values’
- land with landscape values generally sits outside the developable area of PSPs and, in this case, no plan suggests that the land in question is not developable
- the VPA has not put forward evidence as to what special features this land may have to warrant its designation.

He noted that the exhibited interface plan did not include any proposed interface treatment and queried if the parcel of land was included in error.

Mr Collins submitted that the Future Urban Structure be amended to remove the subject parcel of land as having ‘regionally significant landscape values’ and show it as developable land.

In closing submissions, the VPA noted that this triangular parcel was inside the ‘break-of-slope’. The VPA accepted that it had been incorrectly identified and should be described as developable land.

(iii) Discussion

The VPA has accepted the submissions made on behalf of Jinding United Sunbury. The Panel considers this issue to be resolved on the basis that exhibited PSP Plan 3 – Future Urban Structure and Plan 4 – Land Use Budget will be amended to remove the triangular parcel of land from having ‘regionally significant landscape values’ and show it as developable land. PSP Table 1 – Summary Land Use Budget should also be revised as necessary.

(iv) Conclusions

The Panel concludes that this matter is resolved.

(v) Recommendations

The Panel recommends that the Lancefield Road PSP be amended as follows:

72. Amend PSP Plan 3 – Future Urban Structure and Plan 4 – Land Use Budget to remove the triangular parcel of land on property number 7 from having ‘regionally significant landscape values’ and show it as developable land.

73. Revise PSP Table 1 – Summary Land Use Budget as necessary.

6.7 Balbethan Drive area

(i) The issue

The Balbethan Drive area comprises 33 low density residential lots with a total area of approximately 50 hectares on the west side of Lancefield Road.

All parties agreed that urban development of the area will be challenging due to the fragmentation of the land and existing development. The issue is how the PSP should guide development of the area.

(ii) Evidence and submissions

The Balbethan Residential Concept Plan is at Figure 1 in the Lancefield Road PSP.¹⁸

A revised Balbethan Residential Concept Plan has since been prepared as shown in Figure 12.

¹⁸ Page 19.

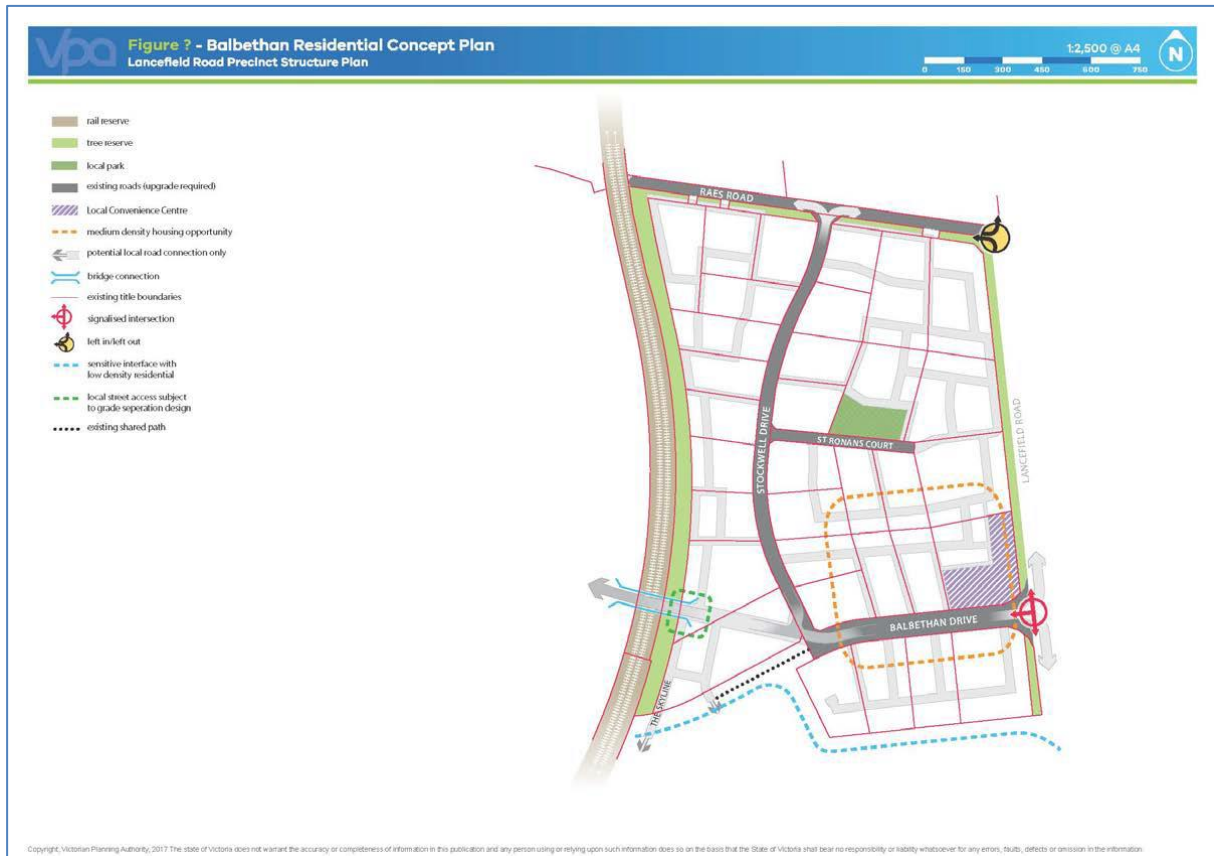


Figure 12 Revised Balbethan Residential Concept Plan

The VPA advised that upgrades of key access roads through the area are ICP-funded items to ensure that the core infrastructure for the area can be delivered in a cohesive manner.

In addition, the VPA has prepared a set of 'development principles' and additional requirements and guidelines for the area.

The VPA submitted that the new requirements will:

- ensure that all lots have access to a connected pedestrian path network extending beyond the concept plan area;
- provide for the orderly upgrade of the existing connector road network to support development of fragmented parcels;
- ensure that street layouts of individual subdivisions integrate to form a coherent movement network across the wider precinct and ensure no dwelling is disadvantaged by poor access to open space or community facilities;
- provide for the timely connection of road links between properties, as well as to the connector street, arterial road and off-road pedestrian and bicycle networks; and
- ensure that any local street connections to the south of the concept plan area are consistent with the local access street functions of this road network, and not place unnecessary burden on the capacity of these roads.

It further submitted that the requirements *“will be supported by development principles and guidelines that seek to maintain the amenity of existing residents and ensure a sensitive response to the existing low-density residential development to the south”*.

The Balbethan area is identified as a ‘sensitive residential area’ on Plan 5 (Image, Character, Housing and Heritage) in the Lancefield Road PSP.

Clause 3.4 in Schedule 10 to the UGZ applies to subdivision applications within sensitive residential areas. The exhibition version of UGZ10 required applications to be accompanied by an ‘indicative subdivision concept design for the entire area, including an indicative lot layout’.

In response to submissions, the VPA amended the UGZ10 to require applications to be accompanied by ‘an indicative subdivision concept design which demonstrates consistency with the relevant concept plan in the *Lancefield Road Precinct Structure Plan*’. The reference to ‘opportunities for higher density housing’ has also been removed in the post-exhibition version.

The VPA provided in its Part B submission ‘proposed additional direction for development within residential concept plan areas’. This included Objectives, Requirements and Guidelines to apply to the Balbethan Residential Concept Plan.

QOD Property (Submission C208-59) made submissions on behalf of a number of land owners within the Balbethan Precinct. It submitted that it was generally supportive of the Amended Concept Plan, Objectives, Requirements and Guidelines including the updated Schedule 10 to the UGZ. In the executive summary of its submission to the Panel QOD submitted:

- *An orderly development of the precinct will depend on co-operation between the Land Owners and Hume Council as the Responsible Authority.*
- *Conceptually the roll out should follow the availability of services from the South to the North of the Precinct and any Planning Application and must be mindful of future development.*
- *QOD Property Group’s proposed subdivision layout demonstrates a high level of compliance with the Concept Plan as prepared by the VPA.*
- *Concerns raised by Hume Council based on their historical experience within other PSP’s will not be repeated given the level of co-operation within the precinct and a substantial number of land owners supporting a joint planning application.*

QOD did request some minor changes to the Balbethan Residential Concept Plan.

In closing submissions, the VPA noted that it agreed to the requests to incorporate a shared path along the rail reserve from The Skyline to Raes Road, and to amend the “Tree Reserve” designation to “Plantation Reserve” and “Plantation and Drainage Reserve” respectively.

Ms Gray (Submission C208-77) submitted to the Panel that the Balbethan Residential Design Controls do not provide for the protection of the amenity of the existing residents within the area in the event that they do not wish to participate in the re-development of the area.

Ms Gray is concerned about the lack of clarity within Objectives and Guidelines for Balbethan Sensitive Residential Area (as proposed in the VPA Part B submission). She

acknowledged the work done on the indicative concept plan, but is concerned that “*Without clearer criteria we are concerned that decision making on a site by site basis provides an opportunity for time consuming and of more concern, potentially arbitrary decisions*”.

Ms Gray submitted that the Objectives should be reviewed to maintain the amenity of existing residents in the Balbethan area. She suggested:

- The adjustment of O4 to include sensitive development, particularly in relation to access and character for established properties **within** the precinct rather than only adjacent established (rural) residential areas.
- In line with this change G3 should also be adjusted to reflect sensitive development for the existing low density development **within** the precinct as well as the existing development to the south.

In its closing submission, the VPA noted that the outcome being sought by the submitter, being the protection of rural-residential amenity within the Balbethan Drive area, is a difficult matter to address in an area which is earmarked for urban growth. It added:

The outcome that Ms Gray is seeking would likely require interim density controls to be implemented through the PSP. The VPA do not consider that density controls are appropriate in an area which is zoned for substantial growth. Any interim controls could result in further exacerbation of the issue of land fragmentation, and would likely result in a compromised final urban form.

The controls proposed by the VPA (Tabled Document 19) do foreshadow that lower densities are likely to be achieved within this area than the precinct average, in part to recognise that there will be a need for development proposals to complement both an acceptable interim and ultimate built form in the area.

...

Whilst the VPA are sympathetic to the concerns of Ms Gray, they do not consider that the controls that she is seeking are compatible with the objectives of the PSP.

(iii) Discussion

The Panel understands that, with the further changes to the Balbethan Residential Concept Plan, all outstanding issues in relation to the QOD submission have now been resolved.

The Panel is sympathetic to the landowners who are not wishing to see the area developed for higher density residential use. The Panel agrees that those residents who do wish to remain on existing larger lots should be able to do so, and warrant some protection.

The Panel does not support the changes to the Objectives and Guidelines proposed by Ms Gray. The Panel believes that Objectives 3 and 4 as proposed in the VPA Part B submission appropriately assist in ensuring new development appropriately responds to existing dwellings:

Objective 3: Ensure that new development responds sensitively to any adjacent established residential areas, particularly in relation to access and character.

Objective 4: Support development which is site responsive, including providing for the retention of existing dwellings where relevant, and responding to existing parcel boundary constraints (this will likely to result in a lower density outcome across the concept plan area than 15 dwellings per hectare).

(iv) Conclusions

The Panel concludes:

- The revised Balbethan Residential Concept Plan prepared post-exhibition by the VPA should be included in the PSP
- The Balbethan Residential Concept Plan should be further revised to incorporate a shared path along the rail reserve from The Skyline to Raes Road, and change to the 'Tree Reserve' designation to 'Plantation Reserve' and 'Plantation and Drainage Reserve' as requested by QOD Property Group
- The revised Objectives, Requirements and Guidelines relating to the Balbethan area included in the VPA Part B submission should be included in the PSP.

(v) Recommendations

The Panel recommends:

74. Replace Figure 1 in the Lancefield Road PSP with the revised Balbethan Residential Concept Plan prepared post-exhibition by the VPA.

75. Further revise the Balbethan Residential Concept Plan to incorporate a shared path along the rail reserve from The Skyline to Raes Road, and change to the 'Tree Reserve' designation to 'Plantation Reserve' and 'Plantation and Drainage Reserve'.

76. Include the revised Objectives, Requirements and Guidelines relating to the Balbethan area included in the VPA Part B submission should be included in the Lancefield Road PSP.

6.8 Foschia Family

Property number 4, Submitter number C208-91

(i) The issue

Whether the gazettal of the PSP should be delayed pending revisions to the Conservation Area 18 boundary and subsequent changes to the land use designation?

(ii) Submissions

Ms Abbinga of Echelon Planning (C208-91) made a submission on behalf of the Foschia family who own 295 Lancefield Road, Sunbury. She submitted that a significant portion of the site is included within Conservation Area 18 under the Biodiversity Conservation Strategy, however, based on an ecological assessment of the site undertaken by the owners,

it was determined there is limited ecological value in eight hectares of the site, and that it does not meet the criteria to qualify as an ecological community listed under the EPBC Act.

Ms Abbinga submitted that DELWP had confirmed it supports the removal of these eight hectares from the Conservation Area and associated revisions to the Conservation Area Plan, which have been submitted to the Commonwealth government for approval, and that it is understood approval is imminent.

For these reasons, Ms Abbinga submitted that once approved by the Commonwealth Government, the PSP should be updated to reflect these changes. It was also submitted this land should be rezoned from Rural Conservation to Urban Growth Zone – Schedule 10 and the Residential Growth Zone be the applied zone.

Ms Abbinga submitted that the existing vegetation within the eight hectares should be identified as *‘native vegetation that can be removed’* on Plan 8 of the PSP.

Ms Abbinga submitted that the planning scheme amendment for the PSP should not be gazetted until such time as the new boundaries for Conservation Area 18 are approved by the Commonwealth Government.

The VPA submitted that should the Commonwealth government approve the change to the boundary of Conservation Area 18 that it would be appropriate for this land to be identified as residential, however, the VPA has recommended no change to the exhibited PSP at this time.

(iii) Discussion

It is clear from submissions that there appears to be general support for the revision of the boundaries to Conservation Area 18. However, until such time as the Commonwealth government make a final determination on this matter, the planning for this site and the role it will play within the PSP must be determined on the basis of the information that it at hand at this time.

For this reason, the Panel supports the VPA’s position that there should be no change to the Amendment at this time.

The Panel does not support the suggestion that gazettal of the Amendment should be delayed until such time as the Commonwealth government hands down its decision on this matter. The broader strategic imperative to facilitate future growth in this area outweighs the issues associated with one property.

(iv) Conclusions

The Panel concludes that whilst the proposed changes recommended by the submitter may have merit, it is not appropriate to either amend or delay the Amendment at this time to incorporate these changes.

6.9 Submitters not appearing at the Hearing

6.9.1 Anthony Stafford (Australian Property Partnership)

Property number 54, Submitter number C208-43

Mr Stafford made a submission on behalf of the owners of 10 Balbethan Drive with respect to the future redevelopment of the Balbethan Drive area.

His submission supported the location of the Local Convenience centre on his client's land, as shown in the exhibited PSP, and expressed support for the submission made by QOD which is covered in section 6.7 Balbethan Drive area.

7 Section 96A permit applications

7.1 Introduction

Three planning permit applications under section 96A of the *Planning and Environment Act 1987*, were exhibited with the Amendments.

Two of these applications are within the Lancefield Road PSP, associated with Amendment C208, being:

Application No	Permission Sought	Applicant	Land
P18854	Multi lot staged subdivision for residential development	Villawood Properties	‘Sherwood Heights’ 3-5 Macedon Street, Sunbury VIC 3429
P18855	Multi lot staged subdivision for residential development and town centre	Wincity Development Pty Ltd	‘Kingfisher Estate’ 170 Lancefield Road, Sunbury VIC 3429

The third is within the Sunbury South PSP area, associated with Amendment C207, being:

Application No	Permission Sought	Applicant	Land
P18858	Multi lot staged subdivision of land for residential development and large lots for a major town centre	Villawood Properties	‘Redstone Hill’ 675 Sunbury Road, 40 Redstone Hill Road and 80 Redstone Hill Road, Sunbury VIC 3429

This Chapter addresses unresolved submissions in relation to these planning permit applications.

These applications have been considered by the VPA and are summarised in the VPA’s Part A submission. The VPA has also circulated officer reports assessing each application.

Since this time, through further consideration of the applications and consultation with the applicants, the VPA circulated:

- A proposed revision to the development area within the Sherwood Heights / Racecourse Road site (refer section 6.1) with an associated reduction in number of lots from 407 to 286
- Draft design controls proposed for inclusion in Amendment C208 relating specifically to the Sherwood Heights / Racecourse Road site (refer section 6.1)

- Submission of an updated subdivision plan for the Redstone Hill land by Villawood that provides a more positive interface to the Redstone Hill park; updates road cross-sections to accord with the PSP; provides a more direct pedestrian link to the Redstone MTC; and demonstrates compliance with the density requirements within the amended walkable catchment
- Expert evidence in respect of the three applications
- The expert evidence for Wincity includes an amended plan of subdivision
- Melbourne Water has reviewed the Wincity amended plan of subdivision and withdrawn its objection, and
- Melbourne Water has provided comments on the functional designs submitted by Villawood in respect of the Sherwood Heights and Redstone Hill applications.

Through further resolution of issues and amendments to the Plans of Subdivision, the VPA has updated its officer reports.

There are now only discrete items in dispute and a draft permit for each of the applications, with detailed conditions, was provided to the Panel at the close of the hearings.

The following discussion addresses these areas in dispute only, and the draft planning permits. The Panel does not consider it productive to prepare its own track changes version of the permits, but rather has accepted the VPA final versions tabled on 31 October 2017 (Document 181) and makes comments on any changes it supports on issues still in dispute. The Panel recognises that further refinement of the permit conditions will be required in discussion between the VPA, Council and the applicants before the permit conditions are finalised.

7.2 Redstone Hill – Villawood (P18858)

(i) The issues

The VPA and Villawood have advised that the following are the outstanding issues associated with the Section 96A application for Redstone Hill:

- Treatment of land within the required 40 metre offset from the escarpment, for land identified as ‘visually significant’
- Cross-sections on sloping land to allow for flexibility
- Clarification on possible heritage site HO358
- Table 8 Potential streetscape variations
- Redraft Requirement 81 and 82 as Guidelines
- Requests deletion of condition 13(b)(vi)
- Requests variation to condition 23
- Requests deletion of condition 37.

(ii) Evidence and submissions

Villawood have outlined why they consider the above matters should be amended, generally to allow for greater flexibility or alternative design responses. The VPA have provided a response to each detailed matter, and generally consider that the matters are required or do allow for alternatives.

Ms Kaczmarek, on behalf of Hume City Council, advised that the VPA revised permit conditions are generally supported by Council, with the exception of:

- Changes requested to the land remediation conditions to accurately reflect the Environmental Site Assessments as undertaken by the permit applicant and submitted as part of the application, as required under the UGZ schedule.
- The addition of two conditions relating to the recording and salvage of material associated with HO358 within the Redstone Hill permit.
- Inclusion of the VicRoads permit conditions on the final permit.

(iii) Discussion

Overall, the Panel accepts that the proposed application for subdivision for the Redstone Hill land is consistent with the PSP and the Hume Planning Scheme, and a permit should issue.

The Panel also accepts that the conditions of permit as proposed by the VPA in the final 30 October 2017 version are generally appropriate.

In the table provided to the Panel (Document 113) most items were either 'resolved' or 'pending resolution'. For these matters, the Panel is content for Villawood and the VPA to work through the detail and resolve the issue.

The Panel has reviewed the 'unresolved' or matters 'in issue', and accepts the VPA position with the exception of:

- The Panel agrees with Villawood that a more detailed review of the UGZ and RCZ should be undertaken before gazettal, to reflect detailed slope analysis and any changes that have occurred.
- The VPA have advised that broader internal discussions are required to resolve the request for the inclusion of notations on cross sections on slope, to allow for flexibility in implementation. The Panel supports this approach, and considers that there should be flexibility where a more site responsive outcome would be achieved, however, that the parameters need to be such that variations are not unnecessarily undertaken, or allowed where they would result in an inferior outcome.
- The matter relating to the heritage site is discussed at section 5.10.6.
- The Panel agrees that the wording above Table 8 in the Sunbury South PSP should be amended to clarify its function as a guide only, and that variations may be possible subject to the agreement of the Responsible Authority.

The Panel supports the additions to conditions as proposed by Council.

(iv) Conclusions

The Panel concludes:

- That Planning permit P18858 should be issued subject to the conditions, generally as provided in the final VPA version of the permit circulated on 30 October 2017 (Document 181).
- That the VPA review the cross sections to allow for flexibility where required.
- That Table 8 in the Sunbury South PSP be amended to clarify its function as a guide only.

(v) Recommendations

The Panel makes the following recommendations in relation to the Redstone Hill Villawood permit:

77. Planning permit No P18858 should be issued, subject to conditions generally in accordance with the final VPA version of the permit circulated on 30 October 2017 (Document 181) modified to include the changes requested by Council as follows:

- **Changes requested to the land remediation conditions to accurately reflect the Environmental Site Assessments as undertaken by the permit applicant and submitted as part of the application, as required under the UGZ schedule.**
- **The addition of two conditions relating to the recording and salvage of material associated with HO358 within the Redstone Hill permit.**
- **Inclusion of the VicRoads permit conditions on the final permit.**

78. The VPA should undertake a detailed review of the UGZ and RCZ to reflect detailed slope analysis and design changes before gazettal.

79. The VPA should consider scope for greater flexibility in the application of the cross sections relating to slope, where detailed site conditions warrant variation.

80. Amend the wording above Table 8 in the Sunbury South PSP to clarify that the table is a guide only.

7.3 Sherwood Heights / Racecourse Road – Villawood (P18854)**(i) The issues**

The outstanding issues associated with the 96A application for the Sherwood Heights estate are:

- Treatment of land within the required 40 metre offset from the escarpment, for land identified as ‘visually significant’
- Inclusion of a PAO over RD-03
- Cross-sections on sloping land to allow for flexibility
- Requirement 70 is unnecessarily prescriptive
- Guideline 65 should be amended to allow for alternative and diverse interfaces
- Requirement 77 – requested to be amended to be a guideline
- Guideline 73 be amended to capture a more complete range of design considerations
- Delete condition 13(b)(vi)
- Delete condition 36.

(ii) Evidence and submissions

A discussion on the evidence and submissions associated with the Sherwood Heights / Racecourse Road land and proposal is provided at section 6.1 of this report.

Villawood have outlined why they consider the above matters should be amended, generally to allow for greater flexibility or alternative design responses. The VPA has provided a

response to each detailed matter, and generally the VPA concluded that the matters are required to be shown as exhibited or are flexible enough, as written to allow for alternatives.

Council generally supports the application, subject to the matters discussed earlier in this report. Council agrees that a permit should be issued, subject to the detailed conditions as proposed in the final 30 October 2017 version tabled by the VPA.

(iii) Discussion

Following the broad conclusions of the Panel at section 6.1 of this report that the revised extent of development on the Racecourse Road land is appropriate, the detailed matters associated with the subdivision application have been extensively negotiated between the applicant and the VPA, and also with Council.

The Panel accepts that the application, as revised during the Panel process, is consistent with the PSP and Hume Planning Scheme and that a permit should issue, generally subject to the conditions as proposed by the VPA tabled on 30 October 2017 (Document 183).

A discussion on the treatment of escarpment land, and flexibility for cross sections is discussed above in section 7.2.

The Panel has reviewed the other remaining matters in dispute, and accepts the VPA position on these matters with the exception of the following:

- The Panel agree that Requirement 70 relating to fencing abutting the rail line is unnecessarily prescriptive. While the Panel supports the first part of this requirement, requiring acoustic and vibration mitigation for sensitive uses, the Panel considers that the dot points within this requirement are too prescriptive and may not reflect expert acoustic advice. On this basis, the Panel recommends that the dot points be removed.

(iv) Conclusions

The Panel concludes:

- That Planning permit P18854 should be issued subject to the conditions, generally as provided in the final VPA version of the permit circulated on 30 October 2017 (Document 183).
- Requirement 70 of the PSP be amended to remove the dot points, or be reworded.

(v) Recommendations

81. Planning permit No P18854 should be issued, subject to conditions generally in accordance with final VPA version of the permit circulated on 30 October 2017 (Document 183).

82. Amend Requirement 70 of the Lancefield Road PSP to remove the dot points.

7.4 Kingfisher Estate / Lancefield Road – Wincity (P18855)

(i) The issue

Whether the proposed subdivision of the Kingfisher Estate is appropriate and whether a planning permit for application P18855 should issue.

(ii) Evidence and submissions

Wincity submitted a section 96A application for the proposed subdivision of land in the central title at 170 Lancefield Road. The land is located opposite the existing communities at Rolling Meadows and Goonawarra, with services available to proceed with development.

Following the original submission of the application, there have been various amendments to the Plan of Subdivision responding to the VPA's requests for further information, with Version 4 prepared by Taylors, dated 20 September 2017, being the version considered by the Panel.

This Plan includes:

- 472 residential lots with a range of lot sizes
- Three multi housing sites
- Open space and internal roads
- A 'superlot' for the Council community facility
- Two 'superlots' to accommodate the future town centre
- Land for a government primary school, and
- The remainder of the estate.

The amendments to the plan of subdivision include:

- The provision of wetlands on the plateau adjacent to the residential and town centre lots, incorporated into the design
- The provision of a frontage laneway for the eastern 'super lot' overlooking the gully to address the concerns raised by Melbourne Water and Council in relation to ongoing access to and maintenance of the gully as future open space, and
- Amendments to the density of housing around the town centre, the size of the central park and other matters of detailed design.

Additional required information to accompany the application has been submitted to the Panel, including:

- 'Kingfisher Estate – Residential Design Guidelines', September 2017
- Phase 2 Environmental Audit, and
- Traffic Assessment.

Mr Donnelly advised that Wincity is supportive of the revised concept layout for the town centre that was updated through urban design evidence of Ms Bell being included within the PSP.

The VPA notes the drainage solution in the amended plan of subdivision removes drainage assets from the gully and Emu Creek corridor, avoiding conflict with Aboriginal places and conservation areas.

Melbourne Water has formally withdrawn its previous objection to this permit application dated 10 February 2017 and confirmed the amended plan provided in evidence accords with the Oldbury DSS. Melbourne Water has provided conditions to be included on the permit.

The VPA regards this subdivision application as resolved and that a permit can issue subject to conditions.

(iii) Discussion

The Panel is satisfied that the revised Subdivision Plan (Version 4) has appropriately responded to the requirements of all parties and is generally in accordance with the PSP.

The Panel considers that the Residential Design Guidelines could be further enhanced to ensure that the design vision is achieved, namely site responsive design, which positively responds to the natural environment, in a cohesive and attractive country style. The guidelines appear very general in nature and while encouraging landscaping etc, they lack more rigid requirements relating to matters such as permeability; water sensitive design; planting of canopy trees, etc that would contribute to ensuring a higher standard of design.

(iv) Conclusions

The Panel concludes that issues have been resolved and that a permit can issue, generally in accordance with Version 4 of the Subdivision prepared by Taylors, dated 20 September 2017, and subject to conditions as contained generally in the draft planning permit in the final VPA version of the permit circulated on 30 October 2017 (Document 185).

(v) Recommendations

83. Planning permit P18855 should be issued, with conditions generally in accordance with the final VPA version of the permit circulated on 30 October 2017 (Document 185).

84. Update the Residential Design Guidelines for the Kingfisher Estate to include additional provisions to ensure high quality, site responsive design.

Appendix A Submitters to the Amendments

Sunbury South PSP submitters

No.	Submitter
1	Michael Mazur
2	Terry and Anne Couzens
3	Leigh Sharon and Macdonald Moore
4	Catholic Education Melbourne
5	Heritage Victoria
6	Melbourne Airport
7	David Kemp
8	Margaret Abernethy
9	Calderside Group
10	Melton City Council
11	Leonard Smeaton
12	Sunbury Residents Association
13	Scott Spargo
14	Colin McKinnon
15	Uwe and Heather Mahler
16	Taylors (Resi Ventures)
17	Steven Galdes
18	Tract (Marantali Ltd)
19	Carmel and Ken Paine
20	Australian Property Partnership (65 Watsons Road)
21	Carol Morley
22	Roger and Linley McGlashan
23	Neil and Robyn Isles
24	Elaine Brogan (OAM)
25	Robert and Lynette Gee
26	Oliver Hume Property Funds
27	Sunbury Business Association
28	Sean and Bianca Kerr
29	RL and WA Walters
30	Bryce Letcher
31	Alan Moran

No.	Submitter
32	Faye Wheatley
33	Sustainability Victoria
34	APA Group
35	DELWP (Integrated Water Management)
36	Jacksons Creek EcoNetwork, Friends of Holden Reserve and Emu Bottom Wetlands
37	Best Hooper (Andraos and Salem families)
38	Dominion Property Group (Tranteret Pty Ltd)
39	John and Linda Ware
40	Sunbury Community Progress Association
41	Urban Design and Management (Steve Galdes)
42	Bart Simes
43	Penny Murphy
44	Taylor's (Asia-Pacific Property Pty Ltd)
45	Spiire (RCL Group)
46	Taylor's (Dr and Mrs Samararatna)
47	Echelon (McKenzie Family)
48	Ross and Rosa Mezzatesta
49	Daryl Foster
50	Allison Watt
51	Ian and Patricia Payne
52	Urban Design and Management (705 Sunbury Road)
53	Urban Design and Management (Hongfengshi International Property Investment PL)
54	Select Group (Dr and Mrs Samararatna)
55	Kane and Jayde Lambert
56	Insight Planning Consultants Pty Ltd (SB Capital)
57	Hume City Council
58	Juliette O'Kelly
59	David Lock and Associates (Sunbury Realty Pty Ltd)
60	Ange Witzke
61	Hi Quality and Tranteret
62	Australian Property Partnership (235 Old Vineyard Road)
63	John Hennessy
64	Australian Property Partnership (35, 43, 45, 50, 55, 60, 65 Fox Hollow Drive)

No.	Submitter
65	Echelon (Carmody Family)
66	Arnie Azaris
67	Western Water
68	Leanne Morgan
69	Metropolitan Waste and Resource Recovery Group
70	DEDJTR - Transport
71	Mesh Planning (Viewgrange Pastoral Pty Ltd (Villawood Properties))
72	DELWP (Environment)
73	UDIA (Vic)
74	Country Fire Authority
75	Tract (Capitol Property Group)
76	Melbourne Water
77	Melbourne Water
78	Department of Justice and Regulation
79	Macedon Ranges Shire Council
80	AHB Australia Pty Ltd
81	Tract (Salim Dammous)
82	Environment Protection Authority
83	Trevor Dance
84	Echelon (Kolceg Family)
85	Echelon (Ive, Danica, Nikola and Ljubica Kolceg)
86	Tomkinson Group (Polidoro Family)
87	Parks Victoria
88	TW Consulting (Charles Lloyd Property Australia Pty Ltd)
89	Human Habitats (Oreana Project Management Pty Ltd)
90	Ailsa Jones
91	Department of Education and Training
92	Leigh Johnson
93	S and M Bardaris Investments
94	Sunbury West Owner's Group
95	Veolia Australia and New Zealand

Lancefield Road PSP submitters

No.	Submitter
1	Andrew Bowyer
2	Christopher O'Neill
3	Michael Mazur
4	Simon Hibbert
5	John Tartaggia
6	John McKerrow
7	Heritage Victoria
8	Tuula Davis
9	David Kemp
10	Darren Bartley
11	Billy Mifsud
12	Christine Davies
13	Melton City Council
14	Sunbury Residents
15	Scott Spargo
16	Colin McKinnon
17	Elaine Brogan (OAM)
18	David White
19	Neil and Robyn Isles
20	Doug Manning
21	Stephen Bock
22	Michael Carter
23	Joe Rogowski
24	Tony and Sue Quick
25	John Lego
26	E & M Gauntlett
27	Anthony Menhennitt
28	Oliver Hume Property Funds
29	Sunbury Business Association
30	Peter and Sandra Gill
31	Sean and Bianca Kerr
32	Bryce Letcher

No.	Submitter
33	RL and WA Walters
34	The Kleiner Family
35	Sustainability Victoria
36	DELWP (Integrated Water Management)
37	Jacksons Creek EcoNetwork, Friends of Holden Flora Reserve, Friends of Emu Bottom Wetlands
38	Michael McMahon
39	Sunbury Community Progress Association
40	Kevin Houston
41	Bart Simes
42	Sunbury 01 Pty Ltd
43	Australian Property Partnership
44	Spiire (Lawrence and Kerrie Paratz)
45	Lee Zerafa
46	AAP (WinCity Pty Ltd)
47	Louise Attard
48	QOD Property Group (Joe and Tina Scarfo)
49	QOD Property Group (Lisa and Wesley Bakker)
50	Kane and Jayde Lambert
51	Victoria Mack (25 St Ronans Ct)
52	Beveridge Williams (295 Lancefield Road JV Pty Ltd)
53	Insight Planning (280 Lancefield Road)
54	Hume City Council
55	Beveridge Williams (330 Lancefield Road JV Pty Ltd)
56	Beveridge Williams (295 Lancefield Road JV Pty Ltd and Hume Contracting Pty Ltd)
57	Juliette O'Kelly
58	Ange Witzke
59	QOD Property Group
60	Aran Barker
61	National Trust of Australia
62	Erina Redden
63	Arnie Azaris
64	Joe and Jenny Wallner
65	Sunbury Historical and Heritage Society

No.	Submitter
66	Western Water
67	Leanne Morgan
68	DEDJTR - Transport
69	DELWP (Environment)
70	Catholic Education Melbourne
71	Mesh (Villawood Properties)
72	Melbourne Water
73	Daryl Foster
74	Melbourne Water
75	Country Fire Authority
76	Department of Justice and Regulation
77	Margaret and Norman Gray
78	Hazel and John Alexander
79	Kayleen and John Grover
80	Melbourne Water
81	Macedon Ranges Shire Council
82	AHB Australia Pty Ltd
83	Environment Protection Authority
84	Trevor Dance
85	Kathleen & Greg Matthies
86	Margaret Abernethy
87	265 Lancefield Road
88	Department of Education and Training
89	Katie Pounder
90	Leigh Johnson
91	Foschia Family
92	Sunbury West Owner's Group
93	275 Lancefield Road (owners)

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Victorian Planning Authority	<p>Mr Greg Tobin and Ms Tessa D’Abbs of Harwood Andrews</p> <p>calling the following expert witnesses:</p> <ul style="list-style-type: none"> • Mr Peter Ramsay of Peter J Ramsay & Associates on odour • Mr Patrick Clarke of Senversa on landfill gas • Mr Craig Czarny of Hansen Partnership on urban design • Mr Reece Humphreys of GTA Consultants on traffic engineering • Mr Dom Blackham of Alluvium on geomorphology (drainage) • Mr Daniel Gilmore of Biosis on ecology (drainage) • Mr Paul Clemson of Energy Water Management on drainage engineering
Hume City Council	<p>Ms Jessica Kaczmarek and Ms Bridget Phelan of King and Wood Mallesons and calling the following expert witnesses:</p> <ul style="list-style-type: none"> • Mr John Richardson of Jacobs on transport modelling • Ms Julia Bell of David Lock Associates on urban design
Melbourne Airport	Ms Melanie Hearne
RCL Group	<p>Ms Joanne Lardner of Counsel, instructed by Mr Rory O’Connor and Mr Tom Ellicott of Norton Rose Fulbright and calling the following expert witness:</p> <ul style="list-style-type: none"> • Mr Val Gnanakone of One Mile Grid on traffic
Environment Protection Authority	Mr Peter Kerr
Metropolitan Waste and Resource Recovery Group	Ms Michelle Lee
Sustainability Victoria	Mr Sam Trowse
Veolia Environmental Services Pty Ltd	<p>Mr Stefan Fiedler of Russell Kennedy Lawyers and calling the following expert witness:</p> <ul style="list-style-type: none"> • Mr Michael Assal of The Odour Unit Pty Ltd on odour
Oliver Hume Property Funds, AHB Australia Pty Ltd and Sunbury West Owners Group	Mr Andrew Crack of Andrew Crack & Associates Pty Ltd

Sunbury Realty Pty Ltd	Mr Jonathan Halaliku of David Lock & Associates and calling the following expert witnesses: <ul style="list-style-type: none">• Mr Chris McNeill of Essential Economics on economics• Mr Robert Panozzo of ASR Research on community infrastructure
Tranteret Pty Ltd	Mr Robert Forrester, instructed by Mr Richard Strates of Dominion Property Group and calling the following expert witnesses: <ul style="list-style-type: none">• Mr Nick Hooper of Taylors on planning• Mr Henry Turnbull of Traffix Group on traffic
Hongfengshi International Property Investment Pty Ltd	Mr Tim Pegg of Ethos Urban
Oreana Project Management Pty Ltd	Mr Jarrah Lukjanov of Human Habitats
Dr Mahinda & Ms Charmaine Samararatna	Mr Ahmed Osman of Taylors
Mr Steven Galdes	Ms Melinda Holloway of Urban Design and Management
Capitol Property Group	Mr Mark Bartley of HWL Ebsworth and calling the following expert witnesses: <ul style="list-style-type: none">• Mr Hayden Burge of ERM on urban design• Mr Jason Black of Insight Planning on planning• Mr Chris Butler of Cardno on traffic• Mr Chris McNeill of Essential Economics on economics• Mr Shannon LeBel of Ecology and Heritage Partners on bushfire planning
Wincity Pty Ltd	Mr Greig Donnelly of Wincity Pty Ltd and calling the following expert witnesses: <ul style="list-style-type: none">• Mr Nick Hooper of Taylors on planning• Mr Nick Glasson of Cardno on infrastructure• Mr Chris Butler of Cardno on traffic• Mr Andrew Matheson of Taylors on drainage• Mr Andrew Tamme of Taylors on urban design• Mr Aaron Harvey of Biosis on environment

View Grange Pastoral Pty Ltd (Villawood Properties)	Ms Michelle Quigley QC and Ms Carly Robertson of Counsel, instructed by Ms Tamara Brezzi and Ms Joanna Kenny of Norton Rose Fulbright and calling the following expert witnesses: <ul style="list-style-type: none"> • Mr Steve Hunt of Ratio Consultants on traffic • Mr Mark Woodland of Echelon Planning on planning • Mr Jonathan McLean of Alluvium Consulting on drainage • Mr Barry Murphy of MDG Architects on landscape
235 Old Vineyard Road	Ms Michelle Quigley QC and Ms Carly Robertson of Counsel, instructed by Ms Tamara Brezzi of Norton Rose Fulbright
Mr John Ware	
Hi-Quality Quarry Projects Pty Ltd and Tranteret Pty Ltd	Mr Chris Canavan QC and Ms Jennifer Trehwella of Counsel, instructed by Ms Alexandra Guild and Ms Elisa de Wit of Norton Rose Fulbright and calling the following expert witnesses: <ul style="list-style-type: none"> • Mr Tim Pollock of GHD on air quality • Mr Michael Barlow of Urbis on planning • Mr Allan Wyatt of Xurban on landscape and visual amenity • Mr Matt Ainsaar of Urban Enterprise on economics • Mr Slavko Kacavenda of GHD on geotechnical • Mr Stuart Clevon of Alluvium on drainage • Mr Henry Turnbull of Traffix Group on traffic
Andraos and Salem	Mr John Cicero of Best Hooper
Carmody Family	Mr Mark Woodland of Echelon Planning
Catholic Education Melbourne	Ms Carol Pilatti
280 Lancefield Road	Mr Aran Barker of Spiire
SB Capital	Mr Jason Black of Insight Planning
280 Lancefield Road	Mr Jason Black of Insight Planning
Mr Neil and Ms Robyn Isles	
295 Lancefield Road JV Pty Ltd	Mr Bernard Collins of Beveridge Williams & Co Pty Ltd
Jinding United Sunbury Pty Ltd	Mr Bernard Collins of Beveridge Williams & Co Pty Ltd
295 Lancefield Road JV Pty Ltd & Hume Contracting	Mr Bernard Collins of Beveridge Williams & Co Pty Ltd
Kolceg Family	Ms Sarah Ancell of Echelon Planning and calling the following expert witnesses: <ul style="list-style-type: none"> • Ms Victoria Cook of Catalyst on urban design

QOD Property Group Pty Ltd	Mr Lou Garita
Ive, Danica, Nikola and Ljubica Kolceg	Ms Sarah Ancell calling the following expert witness: <ul style="list-style-type: none">• Ms Valerie Mag of Stormy Water Solutions on drainage
Mr Anthony Stafford	
National Trust of Australia (Victoria)	Ms Felicity Watson
Foschia Family	Ms Julia Abbinga of Echelon Planning
Asia-Pacific Property Pty Ltd	Mr John Carey of Minter Ellison Lawyers and calling the following expert witnesses: <ul style="list-style-type: none">• Mr Andrew Matheson of Taylors on engineering• Ms Brigitte Gwynne of Ecology & Heritage Partners on ecology• Mr Gary Walsh of E2 Design Lab on drainage
35, 43, 45, 50, 55, 60, 65 Fox Hollow Drive	Mr Anthony Stafford of Australian Property Partnership
Mr Trevor Dance	
Mr Doug Manning	
Mr John McKerrow	
Mr Anthony Menhennit	
Ms Elaine Brogan OAM	
Ms Margaret Gray	
Mr Ross and Ms Rosa Mezzatesta	Human Habitats and CoBrand Property Group
Mr Amit Khairajani	
Jacksons Creek EcoNetwork, Friends of Holden Flora Reserve, Friends of Emu Bottom Wetlands	Ms Christina Cheers

Appendix C Document list

No.	Date	Description	Presented by
1	06/07/17	Submission – Racecourse Road	Mr Tobin for VPA
2	24/07/17	Plan – Proposed road crossing of Jacksons Creek, Lancefield Road PSP	Mr Garner for VPA
3	“	Report – Clarification of industrial land supply – Sunbury Diggers Rest Growth Corridor	Mr Garner
4	“	Tabulated Response – P18858, Villawood Redstone Hill Permit Submission Summary and VPA response	Mr Garner
5	“	Tabulated Response – P18854, Villawood Racecourse Road Permit Submission Summary and VPA response	Mr Garner
6	“	Assessment – P18855, 170 Lancefield Road, Sunbury - Section 96A permit application assessment	Mr Garner
7	31/07/17	Plan – Potentially Development Land, Land not serviced Development Scheme Services, Lancefield Road PSP	Mr Garner
8	“	Plan – Potentially Development Land, Land not serviced Development Scheme Services, Sunbury South PSP	Mr Garner
9	“	Submission – Proposed Planning Controls – Land not serviced by development services scheme, Potentially Developable Land	Mr Garner
10	“	Assessment – P18858, 675 Sunbury Road, Sunbury; 80 Redstone Hill Road, Sunbury – Section 96A permit application assessment	Mr Garner
11	“	Assessment – P18854, 3-5 Macedon Road Sunbury – Section 96A permit application assessment	Mr Garner
12	02/08/17	Plan – Racecourse Road, proposed revision to development area, Lancefield Road PSP	Mr Garner
13	“	Submission – Lancefield Road Precinct Structure Plan: Racecourse Road Site, Design Controls	Mr Garner
14	04/08/17	Report – Veolia Buffer Assessment Odour monitoring and modelling results	Mr Garner
15	07/08/17	Submission – Part A submission and appendices	Mr Garner
16	21/08/17	Plan - Map of submissions	Mr Tobin
17	“	Submission - Town centre concept plan development principles	“
18	“	Plan - Residential Concept Plans	“

19	“	Submission – proposed additional direction for development within residential concept plan areas	“
20	“	Plan - Revised application of sensitive interfaces	“
21	“	Plan - Street cross sections	“
22	“	Submission - Updated Precinct Infrastructure Plans	“
23	“	Plan – Proposed northern Jacksons Creek crossing	“
24	“	Submission – Hearing folder (tabs 1-16) <ul style="list-style-type: none"> • 24.1 – Ministerial Direction on the preparation and content of infrastructure contributions plans • 24.2 – PSP Planning Response to applied residential zones • 24.3 – Plan Melbourne 2017-2050 extracts • 24.4 – Heritage designations: Schedule to the Heritage Overlay, Hume Planning Scheme and Victorian Heritage Inventory listing • 24.5 – Planning Panel reports considering CHMP <ul style="list-style-type: none"> ○ Whittlesea Planning Scheme Amendment C183 – English Street PSP (extract) ○ Hume Planning Scheme Amendment C198 – Craigieburn North Employment Area PSP and DCP (extract) • 24.6 – Maps, areas of cultural heritage significance • 24.7 – Melbourne Water responses to section 96A permit applications <ul style="list-style-type: none"> ○ Draft permit conditions for Kingfisher Estate, 170 Lancefield Road ○ Comments on functional design submitted for Sherwood Heights ○ Comments on functional design submitted for Redstone Hill • 24.8 – Revised VPA officer assessment, Kingfisher Estate, 170 Lancefield Road • 24.9 – Landfill: <ul style="list-style-type: none"> ○ EPA Licence ○ State-wide Waste and Resources Recovery Infrastructure Plan (extract) ○ Metropolitan Waste and Resource Recovery Implementation Plan (extract) ○ Best Practice Environmental Management: Siting, design, operation and rehabilitation of landfills (extract) ○ Draft EPA guideline – Assessing planning proposals near landfills (extract) 	“

- Planning Panel report, Melton Planning Scheme Amendment C162 – Mt Atkinson and Tarneit Plains PSP (extract)
- 24.10 – Composting facility:
 - EPA Licence
 - State-wide Waste and Resources Recovery Infrastructure Plan (extract)
 - Metropolitan Waste and Resource Recovery Implementation Plan (extract)
 - EPA guideline – Recommended separation distances for industrial residual air emissions (extract)
 - EPA guideline – Designing, constructing and operating composting facilities
 - GHD report – Veolia buffer assessment: odour monitoring and modelling results
- 24.11 - Quarry – work authority
- 24.12 – Sunbury / Diggers Rest Growth Corridor Plan
- 24.13 – Public Acquisition Overlay, Hume Planning Scheme
- 24.14 – Melbourne Water, Principles for provision of waterway and drainage services for urban growth
- 24.15 – Restrictive covenants:
 - Transfer of land no. V178361Y (5 Stockwell Drive)
 - Transfer of land no> V161817C (11 Stockwell Drive)
- 24.16 – Planning Panel report – Mornington Peninsula Planning Scheme Amendment C46 (extract)

25	“	VPA Part B Submission – Response to Panel Directions	Mr Tobin
26	“	Letter – EPA & VPA re: Odour and Buffer Scope	EPA
27	22/08/17	File Note: Conclave of Odour Expert Witnesses	Mr Tobin
28	“	Plan and Table: Bulla Landfill-Site Features Plan Fig 2 and Landfill Gas Monitoring Results	Mr Canavan for Hi-Quality
29	“	EPA: Hi Quality Annual Performance Statement – Jul 12-Jun 30	Ms Kaczmarek for Hume City Council
30	“	EPA: Hi Quality Annual Performance Statement Jul 13 – Jun 14	Ms Kaczmarek
31	“	EPA: Hi Quality Annual Performance Statement - Jul 14 – Jun 15	Ms Kaczmarek
32	“	EPA: Hi Quality Annual Performance Statement - Jul 15 – Jun 16	Ms Kaczmarek

33	“	Hi Quality Risk Assessment and Monitoring Program Update Jan 2017	Ms Kaczmarek
34	“	Information regarding Environmental Audit Reports	Ms Kaczmarek
35	“	EPA Act – Part IXD – Environmental Audits	Mr Fiedler for Veolia Environmental Services Pty Ltd
36	“	Preparation of environmental audit reports on risk to the environment	Mr Fiedler
37	“	Letter – Conclave on Traffic Expert witnesses	Mr Humphreys of GTA Consultants
38	“	Plan – VPA Racecourse Road Residential Concept Plan	Mr Tobin
39	24/08/17	Melbourne Water Background Report	Mr Tobin
40	“	Waterway Perspectives – Villawood	Ms Quigley for Villawood Properties
41	25/08/17	Mr Pollock Response to Odour Conclave position	Mr Pollock of GHD
42	“	Letter – GHD Instructions – Veolia	Mr Fiedler
43	“	Report – Sunbury HIGAP Spatial Strategy July 2012	Mr Tobin
44	“	Submission - VPA Part B – Site specific issues	Mr Tobin
45	“	Report - Sunbury HIGAP Delivery & Infrastructure Strategy July 2012	Mr Tobin
46	“	Panel Report Extract – Rockbank PSP and DCP 15/6/16	Mr Tobin
47	“	Panel Report Extract – Plumpton & Kororoit Precinct Structure Plans – 27/2/17	Mr Tobin
48	04/09/17	VPA Response to Panel Queries – Week 1	Mr Tobin
49	“	Revised Plan 5 – Sunbury South PSP	Mr Tobin
50	“	Revised Plan 5 – Lancefield PSP	Mr Tobin
51	“	Sunbury Infrastructure Co-Ordination and Delivery Strategy (SICADS) - Extract	Mr Tobin
52	“	Plan – Properties subject to restrictive covenants	Mr Tobin
53	“	Table 1 – GTA modelling scenarios that best align with SICAD	Mr Richardson of Jacobs
54	“	PowerPoint – Expert Urban Design Evidence	Ms Bell of David Lock and Associates

55	“	PSP Guidelines Extract – Figure 6: Relationship between road grid, town centre and density	Ms Ancell for Kolceg family
56	“	<p>Hume City Council Submission – Hearing folder (Tabs 1-12)</p> <ul style="list-style-type: none"> • 56.1 – Written submissions on behalf of Hume City Council • 56.2 – Tables A and B • 56.3 – ICP Guidelines • 56.4 – Dennis Family Corporation v Casey CC [2006] VCAT 2372 • 56.5 – Jacksons Hill Local Structure Plan • 56.6 – Jacksons Hill Road Link Alignments • 56.7 – Email from VPA to Council dated 31 August 2017 regarding local town centres • 56.8 – Biodiversity Conservation Strategy for Melbourne’s Growth Areas • 56.9 – Proposed Crown Land Manger future ownership • 56.10 – Bushfire Assessment and Development Report (Draft) prepared by Terra matrix dated August 2016 • 56.11 – Submission 91 to the Sunbury South PSP (Department of Education) • 56.12 – Letter from DET to Council dated 29 May 2015 	Ms Kaczmarek
57	05/09/17	Submission – Melbourne Airport	Ms Hearne
58	06/09/17	Hume Planning Scheme – Municipal Strategic Statement Clause 21.05	Ms Kaczmarek
59	“	Outline of Submissions – RCL Sunbury Pty Ltd	Ms Lardner for RCL
60	“	Table – RCL submission and VPA responses	Ms Lardner
61	“	Emails dated 6 September 2017	Ms Lardner
62	“	Letter – Western Water to VPA dated 4 September 2017	Mr Garner
63	07/09/17	Submission – EPA	Mr Kerr
64	“	PowerPoint – EPA presentation	Mr Kerr
65	“	Submission – Sustainability Victoria	Mr Trowse
66	“	Submission – Metropolitan Waste & Recovery Group	Ms Lee
67	“	Attachment 1 – MWRRG Submission	Ms Lee
68	“	Attachment 2 – MWRRG Submission	Ms Lee
69	“	Attachment 3 – MWRRG Submission	Ms Lee
70	“	Paper – Review of Odour Emission Rate Measurements on	Mr Canavan

		Active Tipping Face of Landfills (Asimakis & Pollock)	
71	“	Paper – Techniques to Measure Emissions on Green Waste Windrows (Pollock, Hudson & Globan)	Mr Canavan
72	“	Submission – Veolia Environmental (Australia) Pty Ltd	Mr Fiedler
73	“	Table of Contents – Veolia Submission	Mr Fiedler
74	08/09/17	Submission – Oliver Hume Property Funds, AHB Australia Pty Ltd and Sunbury West Owners Group	Mr Crack
75	12/09/17	Submission – Sunbury Realty Pty Ltd	Mr Halaliku
76	“	Master Plan Report – 615 Sunbury Road, Sunbury	Mr Halaliku
77	“	PSP Guidelines	Mr Bartley
78	14/09/17	Letter – Tract to PPV re Marantali Pty Ltd – 12 Sept 2017	Mr McCullough
79	“	Letter – Tract to PPV re Mr Salim Dammos – 11 Sept 2017	Mr McCullough
80	“	Wincity LR46 – Traffic Report	Mr McCullough
81	“	Wincity LR46 – 170 Lancefield Rd Phase 2 Environmental Site Report	Mr McCullough
82	“	Wincity LR46 – Amended 96A Application Plan Panel 3	Mr McCullough
83	“	Submission – Tranteret Pty Ltd	Mr Forrester
84	“	Hume Planning Scheme – Zoning Map No 7	Mr Tobin
85	“	Letter – MPA to Dominion Property Group – 10 June 2016	Mr Tobin
86	“	Contour Plan	Mr Tobin
87	“	Contour Plan	Mr Tobin
88	“	Submission – Honfengshi International Property Pty Ltd	Mr Peggie
89	“	Submission – Oreana Pty Ltd	Mr Lukjanov
90	“	Submission – M & C Samararatna	Mr Osman
91	18/09/17	Submission – S Galdes	Ms Holloway
92	“	PowerPoint presentation – 725 Sunbury Road	Mr Wood
93	“	Photomontage – 725 Sunbury Road	Mr Wood
94	“	EPA letter – 15 Sept 2017	Mr McCullough
95	“	Secondary School Catchment map – Harpers Creek	Mr Bartley
96	“	Secondary School Catchment map – Jacksons Hill	Mr Bartley
97	“	Contour Plan	Mr Tobin
98	“	PowerPoint presentation	Mr Burge
99	“	Case Study – The Pines Shopping Centre	Mr Bartley
100	19/09/17	Kingfisher Estate Sunbury – Residential Design Guidelines	Mr McCullough

101	“	Submissions – Capitol Property Group	Mr Bartley
102	“	Capitol Proposed Local Park Network map	Mr Bartley
103	“	Letter – CFA Submission – 4 February 2017	Mr Bartley
104	21/09/17	Email – Aboriginal Vic to PPV – 20 Sept 2017	Mr McCullough
105	“	Submission – Wincity Pty Ltd	Mr Donnelly
106	“	Subdivision Masterplan – Panel Version 4	Mr Donnelly
107	“	Lancefield Road/Rolling Meadows Drive Concept Layout Plan – Ultimate Treatment	Mr Butler
108	“	Lancefield Road/Rolling Meadows Drive Concept Layout Plan – Interim Treatment	Mr Butler
109	“	Figure 6-3 Lancefield Road Cross Section – Concept for Branch Sewer and Trunk Water Main Locations	Mr Glasson
110	“	Northern Jacksons Creek Crossing – Supplementary Information	Mr Tobin
111	“	GTA Consultants – Jacksons Creek Road Crossing Options Assessment & Development	Mr Tobin
112	26/09/17	Submission – View Grange Pastoral Pty Ltd	Ms Quigley
113	“	Table – Sunbury South PSP	Ms Quigley
114	“	Table – Lancefield Road PSP	Ms Quigley
115	“	PowerPoint presentation – MESH	Ms Quigley
116	“	Bundle of documents – Sunbury South PSP	Ms Quigley
117	“	Bundle of documents – Lancefield Road PSP	Ms Quigley
118	“	Memo – Redstone Hill Proposal	Ms Quigley
119	27/09/17	PowerPoint Presentation	Mr Hunt
120	“	Report – AEC Group – Economic Assessment for Sunbury	Ms Kaczmarek
121	03/10/17	Supplement to Submission	Mr Ware
122	“	Plans Accompanying Submissions	Mr Canavan
123	“	Plan – Excavation/Filling Sequence	Mr Canavan
124	“	Examples of relevant quarry filling/development projects	Mr Canavan
125	04/10/17	Email from Sustainability Victoria	Mr McCullough
126	05/10/17	Greater Melbourne and Hume – Population Forecasts	Mr Barlow
127	“	Addendum: Figures Booklet	Mr Barlow
128	“	Hume Planning Scheme – Municipal Strategic Statement	Ms Kaczmarek
129	“	Submissions – High Quality Pty Ltd and Tranteret Pty Ltd	Mr Canavan
130	06/10/17	Submission – Echelon – Craiglee and Ben Eadie Prop	Mr Woodland

131	“	Submission – Mesh Planning - 235 Old Vineyard Rd	Mr De Silva
132	“	Email and Correspondence	Mr De Silva
133	“	Letter of Support	Mr De Silva
134	“	Letter of Support	Mr De Silva
135	“	Table – ‘What is requested’ – MESH Planning	Mr De Silva
136	“	Submission – Spiire – 280 Lancefield Rd, Sunbury	Mr Dawson
137	09/10/17	Submission – Insight Planning – Landowner 280 Lancefield Road, Sunbury	Mr Black
138	“	Williamsons Road DSS	Mr Black
139	“	Zoning map properties 6, 7, 8, 13	Mr Black
140	“	Approval decision under EPBC Act	Mr Black
141	“	BCS Figure 35 – Conservation area 19 map	Mr Black
142	“	BCS – page 86 – CA19 description table	Mr Black
143	10/10/17	Letter from Best Hooper, re 165 & 175 Vineyard Road	Mr Snyder
144	“	Submission on behalf of Mr & Mrs Isles	Mr Neil Isles
145	“	Submission – Beveridge Williams, 295 Lancefield Road JV P/L	Mr Collins
146	“	Submission - Beveridge Williams, 330 Lancefield Road	Mr Collins
147	“	Biodiversity Assessment on behalf of Wincity Pty Ltd	Mr Aaron Harvey
148	11/10/17	Submission – Echelon – 35 Buckland Way, Sunbury	Ms Ansell
149	“	Email re APA Gasline – 35 Buckland Way, Sunbury	Ms Ansell
150	“	Submission Figures – 35 Buckland Way, Sunbury	Ms Ansell
151	“	Submission – QOD – Balbethan Precinct	Mr Garita
152	“	Submission – Echelon – 60 Buckland Way, Sunbury	Ms Ansell
153	“	Submission Figures – 60 Buckland Way, Sunbury	Ms Ansell
154	“	Letter – Traffic Engineering Advice – One Mile Grid - 60 Buckland Way	Ms Ansell
155	“	Submission - National Trust	Ms Watson
156	“	Submission – Echelon – 295 Lancefield Rd Sunbury	Ms Abbinga
157	13/10/17	Topographic Map – Asia Pacific Property	Mr Carey
158	“	Map – Asia Pacific Property	Mr Carey
159	“	Submission – Asia Pacific Property	Mr Carey
160	“	Submission & Folder of documents	Mr Wren
161	16/10/17	Submission	Mr McKerrow

162	17/10/17	Letter to VPA & Addendum	Mr Menhennitt
163	“	Submission (40,50 & 60 Stockwell) & 15 St Ronan)	Ms Gray
164	“	Submission – 720 Sunbury Road	Human Habitat
165	“	Submission – Jacksons Creek EcoNetwork	Ms Cheers
166	“	Copy of slides	Ms Cheers
167	“	Further written submission – Capitol Property Group	Mr Bartley
168	“	Further written submission – Southern Link	Ms Quigley
169	“	B Murphy Landscape Architecture Evidence – Overheads	Ms Quigley
170	“	Submission 2 – Wincity Pty Ltd	Mr Donnelly
171	“	Letter – Biosis – 170 Lancefield Road, Sunbury	Mr Donnelly
172	19/10/17	Updated subdivision masterplan s96A application	Mr Donnelly
173	“	Submissions 1, 2 and 3 and attachments (on usb)	Mr Dance
174	“	Hume Council closing submissions	Ms Kaczmarek
175	“	Hume Council preferred Planning permits (track changes)	Ms Kaczmarek
176	“	VPA closing submissions (folder incl 8 attachments)	Mr Tobin
177	25/10/17	Final VPA preferred version UGZ9	Mr Garner
178	“	Final VPA preferred version UGZ10	Mr Garner
179	26/10/17	Summary table of Recommendations sought by VPA	Ms McMaster
180	30/10/17	VPA preferred permit P18858 (clean copy)	Mr Rogers
181	“	VPA preferred permit P18858 (Track changes)	Mr Rogers
182	“	VPA preferred permit P18854 (clean copy)	Mr Rogers
183	“	VPA preferred permit P18854 (Track changes)	Mr Rogers
184	“	VPA preferred permit P18855 (clean copy)	Mr Rogers
185	“	VPA preferred permit P18855 (Track changes)	Mr Rogers
186	“	Addendum to VPA closing submission in relation to 280 Lancefield Road	Ms McMaster
187	01/11/17	Reply Submissions Hi Quality and Tranteret	Ms Guild
188	03/11/17	Reply to s96A permit - email	Wincity
189	09/11/17	Further information in relation to the APA gas pipeline	Mr Garner
190	13/11/17	Reply to s96A permits- email	Villawood