

Planning and Environment Act 1987

Panel Report

**Casey Planning Scheme Amendment C228
Minta Farm Precinct Structure Plan**

11 July 2018

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Casey Planning Scheme Amendment C228

Minta Farm Precinct Structure Plan

11 July 2018

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Michael Kirsch, Chair

A handwritten signature in black ink, appearing to read 'John Hartigan', with a long horizontal flourish extending to the right.

John Hartigan, Member

A handwritten signature in black ink, appearing to read 'William O'Neil', with a long horizontal flourish extending to the right.

William O'Neil, Member

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List of Abbreviations

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
Cardinia	Shire of Cardinia
Casey	City of Casey
CFA	Country Fire Authority
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	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
ESO	Environmental Significance Overlay
FUS	Future Urban Structure
GAIC	Growth Areas Infrastructure Plan
GCP	Growth Corridor Plan
GRZ	General Residential Zone
HO	Heritage Overlay
ICP	Infrastructure Contributions Plan
ICPO	Infrastructure Contributions Plan Overlay
IPO	Incorporated Plan Overlay
LCC	Local Community Centre
LPPF	Local Planning Policy Framework
LTC	Local Town Centre
MSA	Melbourne Strategic Assessment
MSS	Municipal Strategic Statement
MUZ	Mixed Use Zone
NDA	Net developable area

NEIC	National Employment and Innovation Cluster
PAO	Public Acquisition Overlay
PIP	Precinct Infrastructure Plan
PPTN	Principal Public Transport Network
PSP	Precinct Structure Plan
RCZ	Rural Conservation Zone
RGZ	Residential Growth Zone
SEGCP	South East Growth Corridor Plan
SLEP	Small Local Enterprise sub-precinct
SPPF	State Planning Policy Framework
TfV	Transport for Victoria
the Act	the <i>Planning and Environment Act 1987</i>
UGB	Urban Growth Boundary
UGZ	Urban Growth Zone
VPA	Victorian Planning Authority
vpd	vehicles per day
VPP	Victoria Planning Provisions

Overview

Amendment summary

The Amendment	Casey Planning Scheme Amendment C228
Common name	Minta Farm Precinct Structure Plan
Brief Description	The Amendment implements the Minta Farm Precinct Structure Plan
Subject land	The Precinct includes approximately 285 hectares of land in Berwick that is generally bounded by the Princes Freeway to the north, Cardinia Creek to the east, Grices Road to the south and Soldiers Road to the west
Planning Permit	PlnA00384/17
Brief description	The planning permit application is for the subdivision of part of the Precinct to create 231 residential lots
Subject land	The planning permit application applies to part of 2-106 Soldiers Road, Berwick
The Proponent	Victorian Planning Authority
Planning Authority	Victorian Planning Authority
Exhibition	Thursday 19 October - Monday 4 December, 2017
Submissions	48 submissions Refer to Appendix A

Panel process

The Panel	Michael Kirsch (Chair), John Hartigan and William O'Neil
Directions Hearing	Friday 2 March 2018, Victorian Planning Authority office
Panel Hearing	Eleven days between Monday 16 April and Tuesday 22 May 2018, held at Planning Panels Victoria and Victorian Planning Authority offices
Site inspections	Unaccompanied, Monday 9 April and Wednesday 9 May, 2018
Appearances	Refer to Appendix B
Citation	Casey C228 [2018] PPV
Date of this Report	11 July 2018

Executive summary

(i) Summary

Casey Planning Scheme Amendment C228 (the Amendment) is a combined planning scheme amendment and planning permit application under section 96A of the *Planning and Environment Act 1987* (the Act). The Amendment seeks to give effect to the Minta Farm Precinct Structure Plan, principally through the Urban Growth Zone Schedule 14. The planning permit will provide for the first stage of residential subdivision within the Precinct creating 231 residential lots and an easement.

The Minta Farm Precinct includes approximately 285 hectares of land located in Melbourne's south-east. The whole of the property is owned by the Ballieu family (the Minta Group) which has entered into a contract to sell the southern area of the property (115 hectares) to Stockland.

The Precinct forms part of a broader future employment corridor extending east along the southern boundary of the Princes Freeway towards Pakenham. The employment corridor is established in State and local policy to support employment opportunities for the surrounding communities. The Precinct Structure Plan is a long-term plan for the future urban development of the site. It includes a Precinct Infrastructure Plan, which details what is to be included within the Infrastructure Contributions Plan.

Following the exhibition of the Amendment and during the Panel Hearing process, the Victorian Planning Authority (the VPA) worked with submitters, including the Minta Group, agencies and the City of Casey to resolve issues and refine the Amendment and planning permit. This was a productive process that has resulted in several improvements to the Amendment and permit.

The key unresolved issues related to:

- The interpretation of the 'Business with Residential' designation applied to the Precinct in policy and the application of the associated jobs target.
- The Minta Group's proposed alternative Future Urban Structure (the Minta City proposal) that reduces the overall employment land allocation, re-orientates the northern portion of the site, changes the location and shape of local parks and proposes a significantly higher density and built form outcome in the urban core of the Precinct.
- The capacity of the regional road network and the traffic implications arising from the Precinct's development.

Other issues relate to the size, proposed uses and control mechanisms to apply to the employment area, drainage, timing of the north-south arterial road, heritage and the Precinct Infrastructure Plan and Infrastructure Contributions Plan frameworks.

The Panel has concluded that the provision of jobs within the Precinct is the highest planning priority and that it is appropriate to adopt a minimum target of 10,000 jobs for the Precinct. The Panel has also concluded that the VPA's version of the Amendment, that is supported by Casey and other stakeholders, has more merit than the Minta City proposal.

In forming this view, the Panel was concerned that key elements of the Minta City proposal, such as the reduced size of its Innovation Quarter and reliance on achieving a 5 storey average built form across the extent of its Urban Core might significantly compromise the ability to realise the minimum jobs outcome for the Precinct that is sought in policy.

However, some elements of the Minta City proposal, such as facilitating an increase in residential development outcomes in the urban core are have merit, subject to refinement and appropriate limitations and controls. The VPA and Casey were supportive of refining the Amendment and assisted the Panel in framing its recommendations about how this might be done.

The Panel is satisfied that its recommended changes to the Amendment are consistent with the role envisaged for the Precinct in policy, while providing some of the flexibility sought by the Minta Group.

The Panel also supports the planning permit being issued, subject to including a revised subdivision plan proposed by Stockland and appropriate conditions to manage traffic and other issues.

(ii) Recommendations

Amendment C228

Based on the reasons set out in this report, the Panel recommends that Amendment C228 to the Casey Planning Scheme be adopted as exhibited, subject to the following:

- 1. Include the changes listed by the Victorian Planning Authority in its Key Changes Table Version 3 (Document 76) and described in its closing submission (Document 75) and Submission Summary (Document 77), unless otherwise recommended.**

Minta Farm Precinct Structure Plan:

- 2. Revise Objective 10 to express the job target as a minimum to be achieved.**
- 3. Include the changes described in Document 75, Appendix 2 (under the heading 'Employment Land Provision and Associated Development Controls' Parts 1 and 2), and Appendix 4 (Additional Integrated Employment and Residential Scenario).**
- 4. Apply the following note to Plan 11 (Integrated Water Management):**
Note: This Plan and Table 7 (Stormwater Drainage and Water Quality Treatment Infrastructure) may be changed to reflect the final integrated water management strategy approved by Melbourne Water.
- 5. Change Requirement R86 to allow for the likely eventuality that a Development Services Scheme will not be adopted for the Precinct.**
- 6. Change section 4.1 (Precinct Infrastructure Plan) and Plan 13 (Precinct Infrastructure Plan) to:**
 - Remove signalisation of IN-06**
 - Remove IN-01 Option 2**
 - Change the 'description' of IN-05 to:**

Purchase of land (ultimate treatment) and construction of a signalised intersection (interim), including truncation of Soldiers Road and addition of a new northern leg (interim treatment), to connect to the north-south arterial road.

- Delete the apportionment 'note' pertaining to IN-05
 - Include provision for the financing of a Supplementary Levy or Levies if it is determined that a Levy or Levies is required.
7. Identify O'Shea Road as a future 'primary arterial road' on Plan 10 (Street Network).
 8. Include the O'Shea Road Concept Plan cross-section prepared on behalf of VicRoads in Section 4.8 (Road Cross Sections).
 9. Include the following changes, subject to seeking specialist bushfire planning and design input and further consultation with the Country Fire Authority to validate the adequacy of the changes:
 - An additional Requirement in Section 3.4.2 (Bushfire management):

For the purpose of Clause 13.05, land identified in Plan 5 where development abuts a conservation area or open space that is not managed as grassland under AS3959-2009, the nature strip in the road reserve must be an appropriate width to ensure a BAL rating of no greater than BAL-12.5 is achieved.
 - A revised Plan 5 (Image, Character, Heritage & Housing) (in accordance with Figure 5 in Document 75) to indicate minimum fuel reduction area location, where necessary.
 - Amended relevant road cross-sections in Section 4.8 (Road Cross Sections) to ensure the required bushfire defendable space and building setback distance standards are met.
 10. Convert Requirements R32, R33 and R34 into Guidelines.
 11. Retain the exhibited Requirement R47.
 12. Modify Plan 8 (Native Vegetation Retention and Removal) to more clearly identify the three scattered trees to be retained.
 13. Include a cross-section for Soldiers Road that guides future development of the Precinct along this interface, including:
 - a constructed parking lane on the east side, and
 - a constructed path on the east side.

Urban Growth Zone Schedule 14:

14. Include the changes described in Document 75, Appendix 2 (under the heading 'Employment Land Provision and Associated Development Controls' Parts 1 and 2), and Appendix 4 (Additional Integrated Employment and Residential Scenario).
15. Revise the Site Management Plan dot point within Clause 3.0 (Application Requirement for Subdivision – Residential Development) to include the additional words (as underlined):

- *... An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 rating under AS3959-2009.*

In addition, the Panel recommends:

16. The Amendment should be adopted after an Infrastructure Contributions Plan has been prepared in order to determine if a Supplementary Levy is required.
17. The Victorian Planning Authority should consult with the Department of Economic Development, Jobs, Transport and Resources, the Department of Education and Training and the City of Casey about the Panel's recommended changes to the Employment Area provisions as described in Document 75, Appendices 2 and 4. The further consultation is to confirm acceptance of the proposed changes to implement the Panel's preferred 'Additional Integrated Employment and Residential Scenario', contingent upon:
 - Continued commitment to a minimum 10,000 jobs target.
 - Adequacy of a Commercial 1 Zone applied zone (or other) to ensure that office employment is the primary purpose of the zone (Shops as a section two use).
 - Endorsement by Department of Economic Development, Jobs, Transport and Resources of scale and provision of employment land.
 - Endorsement by the Department of Education and Training that the proposed dwelling increase would not result in such a significant change that could not be catered for within the Precinct.

Any consequential changes should be included in the adopted Amendment.

18. The Victorian Planning Authority should review the agreed and recommended changes to ensure that they are clearly expressed and are internally consistent within the various elements of the Amendment.

Planning Permit PInA00384/17

Based on the reasons set out in this report, the Panel recommends that planning permit PInA00384/17 be issued, generally in accordance with the draft conditions proposed by the Victorian Planning Authority and included at Appendix D of the Panel's report, subject to the following:

19. Implement the revised subdivision plan provided by Stockland (Document 52), subject to further detailed review and analysis by the Victoria Planning Authority, the City of Casey, Stockland and other stakeholders.
20. Require an agreement under S173 of the Act that prohibits direct vehicular access from lots along Soldiers Road until the north-south arterial road is constructed.
21. Review the draft conditions to address any outstanding matters raised in submissions once it has been confirmed whether the revised plan of subdivision (Document 52) should be implemented.

In addition, the Panel recommends that:

- 22. The revised subdivision plan provided by Stockland (Document 52) should be referred to the Country Fire Authority to determine what, if any, bushfire related conditions should be included.**

Further recommendation

The Panel makes the following recommendation:

- 23. The City of Casey, in consultation with Transport for Victoria and other stakeholders, should urgently develop and implement traffic calming measures on Soldiers Road to improve safety and safe access to abutting properties and mitigate the impact of traffic on Soldiers Road and the surrounding road network.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The exhibited Amendment proposes changes to the Casey Planning Scheme to facilitate use and development of land within the Minta Farm Precinct Structure Plan (PSP) area.

Specifically, the Amendment proposes to:

- Amend Clause 22.01 to include the Minta Farm Local Town Centre and Local Convenience Centre.
- Insert Schedule 14 to Clause 37.07 Urban Growth Zone (UGZ) and rezone part of the land from UGZ (no schedule) to UGZ Schedule 14 (UGZ14). Schedule 14 to the UGZ sets out the land use and development controls for the Precinct and requires land use and development to be generally in accordance with the Minta Farm PSP.
- Rezone part of the Precinct from UGZ (no schedule) to Rural Conservation Zone (RCZ) being land within Conservation Area 36 and generally located along the eastern boundary of the Precinct.
- Apply Schedule 6 to the Environmental Significance Overlay (ESO6) to the land zoned as RCZ.
- Insert Schedule 2 to the Incorporated Plan Overlay (IPO2) and apply it to the land zoned as RCZ.
- Apply Heritage Overlay Schedule 209 (HO209) to part of one land parcel.
- Increase the extent of Schedule 1 of Public Acquisition Overlay (PAO1) to allow for the intersection of O'Shea Road and Soldiers Road.
- Amend the Schedule to Clause 52.17 to identify native vegetation exempt from requiring a planning permit within the Precinct.
- Amend the Schedule to Clause 61.03 to update the relevant Planning Scheme maps.
- Amend the Schedule to Clause 66.04 to include a referral provision to the Victorian Planning Authority (VPA).
- Amend the Schedule to Clause 81.01 to include a new incorporated document titled 'Minta Farm Precinct Structure Plan, October 2017'.

The area affected by the Amendment is shown in Figure 1. Issues associated with the Amendment are discussed in chapters 4 and 5 of this report.

The Minta Farm Infrastructure Contributions Plan (ICP) will be incorporated via a separate amendment which will introduce the associated Infrastructure Contributions Plan Overlay and Schedule 1 (ICPO1).

1.2 Planning permit application

Planning permit application PlnA00384/17 was lodged under section 96A of the *Act* and was exhibited with the Amendment.

The application applies to part of 2-106 Soldiers Road, Berwick (refer to Figure 1) and seeks approval for a multi-lot staged subdivision for 231 residential lots and the creation of an easement.

Issues associated with the application are discussed in chapter 6 of this report.

Figure 1 **The subject land**



1.3 The subject land

The Precinct includes approximately 285 hectares of farming land (the Minta Farm), including two dwellings and various outbuildings. The property is owned by the Ballieu family (the Minta Group) which has entered into a contract to sell the southern area of the property (115 hectares) to Stockland.

The VPA's Part A Submission noted that:

The Minta Farm Precinct is surrounded by established residential areas to the north and east, and new communities developing in recently completed PSPs to the south. Those PSPs completed and being finalised are estimated to support the delivery of around 42,370 homes and 30,000 jobs, including schools, community facilities and open space. The Precinct forms part of a broader future employment corridor extending east along the southern boundary of the Princes Freeway toward Pakenham; a strategy which is identified to support localised employment opportunities for the surrounding new communities.

1.4 The Panel process

(i) Revisions to the Amendment and planning permit

The VPA proposed various changes to the Amendment in response to submissions and evidence. The VPA documented its 'final' changes in its revised closing submission (Document 75), Key Changes Table Version 3 (Document 76) and Submission Summary (Document 77) that were circulated after the Hearing.

For the purposes of this report, the Panel refers to the exhibited version of the Amendment as the 'exhibited Amendment', the VPA's revised version as the 'revised Amendment' and the VPA's final version of the Amendment as the 'final Amendment'.

The Panel has adopted the final version of the Amendment as its starting point for considering unresolved submissions. These submissions are discussed in sections 4 and 5 of this report.

Various changes to the exhibited permit application were also proposed during the Hearing and these are discussed in chapter 6 of this report.

(ii) Statements of agreed opinions and facts

As part of the Panel process, the Panel directed that three expert conclaves be held in relation to:

- Traffic engineering (report dated 13 April 2018)
- Drainage (report dated 12 April 2018)
- Economics (report dated 12 April 2018).

The reports were circulated prior to the Panel Hearing.

1.5 Issues dealt with in this Report

Submissions on the Amendment raised three 'threshold' issues related to:

- Interpreting the 'Business with Residential' designation that is applied to the Precinct in various policy documents, including the South East Growth Corridor Plan and interpreting the corresponding 'Jobs Target' for the Precinct.
- Whether the Amendment should be modified to implement the 'Minta City' proposal advocated by the Minta Group.
- The capacity and future development of the regional road network and the impacts that the Precinct's development might have.

Submissions also raised a number of specific Amendment issues related to:

- Employment areas
- Drainage
- The north-south arterial road
- Infrastructure funding
- Heritage
- Lot cap on development
- The O'Shea Road cross-section
- Bushfire
- Urban design frameworks
- Average household size
- Built form requirements
- The conservation area
- Scattered tree protection
- Other issues.

Submissions on the planning permit application raised issues about:

- Whether a revised subdivision plan should be supported.
- The anticipated impacts on Soldiers Road and how these might be managed.
- How to respond to bushfire policy.
- Specific permit conditions.

These issues are discussed in chapter 6 of this report.

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

The Panel has reviewed a large volume of material and 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.

1.6 Final review of the Amendment

The VPA proposed comprehensive changes to the Amendment following its consideration of submissions and evidence, including changes that were refined and provided after the Hearing.

These changes are included in a number of documents and many were expressed in general terms, rather than as specific changes. This was understandable given that reasonably significant changes, particularly in relation to the Employment Areas, were still being developed and discussed on the final day of the Hearing.

The VPA has proposed, and the Panel has supported, further analysis and testing of particular changes before the Amendment is adopted.

Many of the Panel's recommendations rely on the changes documented by the VPA and have therefore been expressed in general, rather than in specific, terms.

In finalising the Amendment, the VPA will need to review these changes to ensure that they are clearly expressed and are internally consistent within the various elements of the Amendment. There may also be a need for consequential changes that have not been anticipated or documented by the VPA or the Panel.

For these reasons the Panel has included a general recommendation that the Amendment package be thoroughly reviewed before it is adopted.

2 Background

2.1 The Minta Farm Precinct Structure Plan

The exhibited PSP provides the following ‘Vision’ and ‘Future Urban Structure’ (refer to Figure 2, below):

The Minta Farm precinct will be home to a vibrant and integrated residential and employment community. The precinct’s character will be established through incorporation of the existing and unique natural and built features.

Most notable will be the creation of a high amenity and integrated park network designed with the landscape and the remarkable constructed and natural waterway network along Cardinia Creek that is rich in biodiversity. The residential areas and regionally significant employment hub will be integrated by the town centre, will draw upon the natural topography and be connected by convenient transport links and a cohesive network of public spaces.

The precinct is projected to accommodate a residential population of approximately 8,000 people (in approximately 2,850 dwellings) and provide for approximately 11,000 local jobs.

The PSP provides land for residential, employment, local parks and sports reserves, roads and waterways, supporting approximately 210 hectares of Net Developable Area (NDA).

The PSP is estimated to deliver approximately 141 hectares NDA of residential land across the applied Residential Growth Zone (RGZ), Mixed Use Zone (MUZ) and General Residential Zone (GRZ) supporting an estimated 2,850 dwellings.

The PSP provides for approximately 65 hectares of dedicated employment land with 83 hectares in total of employment generating land uses, including the Local Town Centre and Local Convenience Centre and Mixed Use areas. These include the Commercial 1 (C1Z), Commercial 2 (C2Z) and Mixed Use (MUZ) zones.

Following its consideration of submissions, the VPA prepared a revised Future Urban Structure (refer to Figure 3, below) that it circulated prior to the Hearing. The VPA’s Part A submission described the key changes to the exhibited Future Urban Structure as follows:

- *Changes to the waterway alignment and drainage network to test an West-East waterway scenario and removal of the North South waterway;*
- *Changes to local parks – scale and distribution, including a linear park through the Innovation Sub- precinct;*
- *Inclusion of a Boulevard Connector through the Innovation Sub-precinct, in accordance with Council’s desire for a circuitous green path network; and*
- *Reflection of a more clearly defined road hierarchy for Local Road Access Level 1 and 2, including removal of Local Access Roads where the PSP is not required to illustrate these (though they may be required by PSP Requirements and Guidelines).*

Figure 2 Exhibited Future Urban Structure

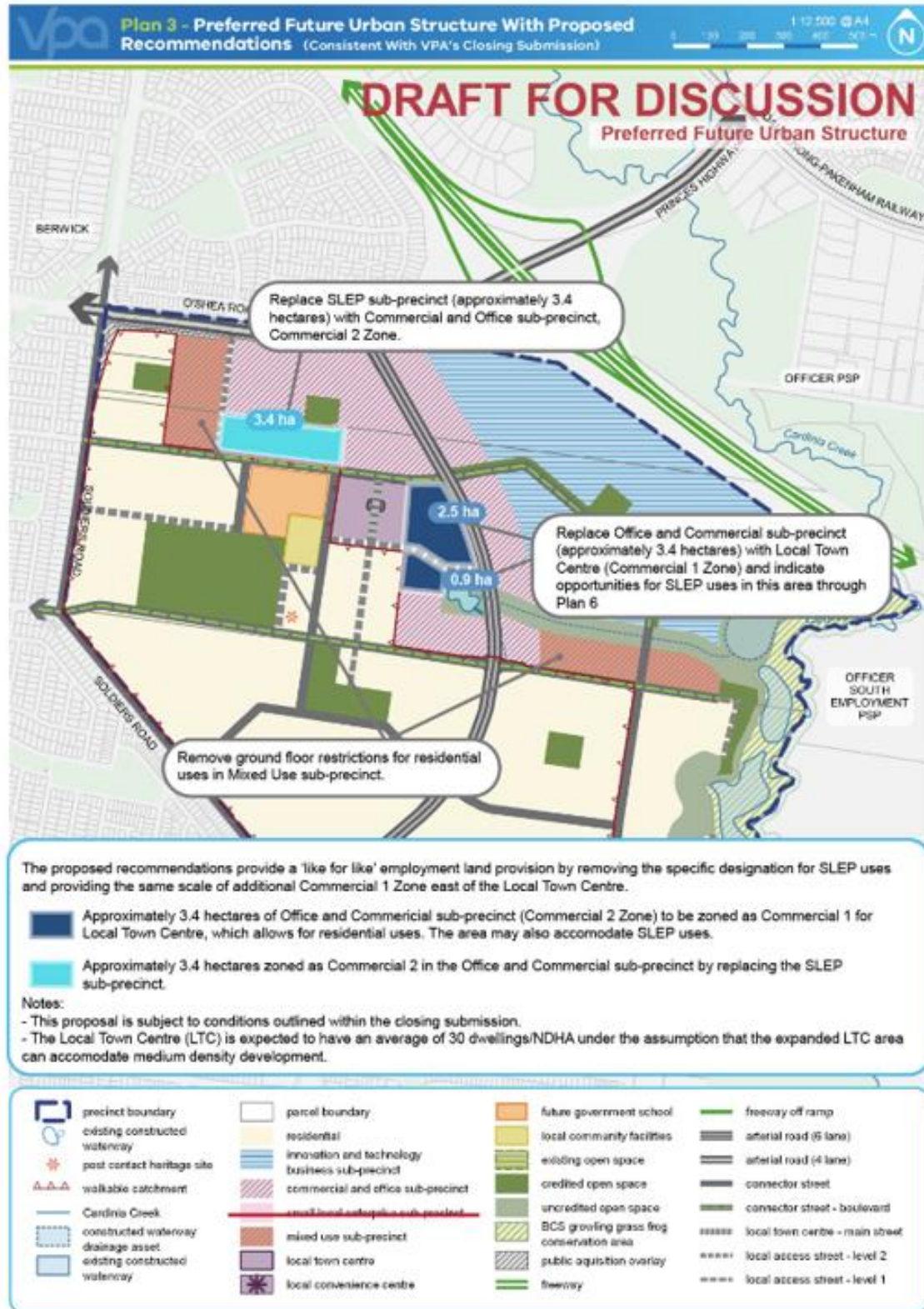


Figure 3 VPA's revised Future Urban Structure



At the conclusion of the Hearing, the VPA proposed further revisions to the Future Urban Structure that were described in its closing submission (Document 75) and Key Changes Table Version 3 (Document 76). The key changes are shown on Figure 4.

Figure 4 VPA's final Future Urban Structure



The VPA provided a further iteration of the above plan that reflected its preferred Future Urban Structure in the event that the Panel recommended the inclusion of residential use and development in the urban core. This matter is discussed in section 5.1 of this report.

(i) Urban Growth Zone Schedule 14

The principle statutory mechanism for implementing the PSP is the proposed UGZ14 which applies the following zones (Figure 5) that relate to the land uses depicted on the PSP's Future Urban Structure (PSP Plan 3).

Figure 5 UGZ14 Applied Zones

Mixed Use sub-precinct	Clause 32.04 – Mixed Use Zone
Residential on a lot wholly within a walkable catchment	Clause 32.07 – Residential Growth Zone
All other land	Clause 32.08 – General Residential Zone
Local Town Centre	Clause 34.01 – Commercial 1 Zone
Local Convenience Centre	Clause 34.01 – Commercial 1 Zone
Small Local Enterprise sub-precinct	Clause 34.01 – Commercial 1 Zone
Commercial and Office sub-precinct	Clause 34.02 – Commercial 2 Zone
Innovation, Technology and Business sub-precinct	Clause 34.02 – Commercial 2 Zone
North-south arterial road	Clause 36.04 – Road Zone Category 1

Other key elements of the UGZ14 include:

- Various use provisions, including commercial uses related to shops, offices, motor repairs, indoor recreation facility, restricted retail premises, retail premises, industry, accommodation and supermarket.
- A 1,000 residential lot cap until the interim north-south arterial road is constructed.
- A requirement for an Urban Design Framework to be approved for the Local Town Centre.
- Application requirements relating to residential subdivision, the Local Town Centre, a public infrastructure plan, traffic impact assessments, environmental site assessments and heritage assessments in relation to the 'Myer house'.
- Conditions and requirements for permits relating to residential lots less than 300 square metres, subdivision and housing design guidelines, biodiversity and threatened species, a Land Management Co-operative Agreement with DELWP, public transport, road network, Precinct Infrastructure Plan, sensitive uses and bushfire risk.

2.2 Planning permit application

The exhibited permit application applies to approximately 12 hectares of land adjacent to Soldiers Road and south of Chase Boulevard, and seeks approval for the proposed subdivision of land into 231 residential lots as the first stage of development.

The plan (refer to Figure 6) proposes a broad range of lot sizes with an average of lot size of 383 square metres, with 40 percent ranging between 400 – 500 square metres.

Various issues and revisions were discussed during the Hearing, including a revised subdivision plan (Document 52) that was submitted by Stockland. Issues associated with the application are discussed in section 6 of this report.

Figure 6 Exhibited subdivision plan



3 Planning context

The VPA provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report. That content is not repeated here, however this chapter provides a summary of the background material and policy context that has informed the Panel's consideration of the issues raised in submissions, particularly the 'threshold' issues discussed in section 4.

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 for achieving 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.

More recent iterations of Plan Melbourne, including Plan Melbourne 2017-2050, have reinforced the role of the UGB and the expectations about how and where Melbourne should develop.

Minta Farm is within the UGB and has been identified for future urban development. This development is guided by the South East Growth Corridor Plan.

South East Growth Corridor Plan, June 2012

The Growth Corridor Plans: Managing Melbourne's Growth (GCPs) 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 guide the delivery of key housing, employment and transport infrastructure and open space in Melbourne's newest metropolitan suburbs. They inform 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 GCPs.

The South East Growth Corridor Plan includes the Minta Farm Precinct and designates it as 'Business with Residential'. It also identifies the Principle Public Transport Network (PPTN), the existing and proposed arterial road network and an area of 'biodiversity value' associated with Cardinia Creek. It notes that the Grices Road crossing of Cardinia Creek is 'under investigation'.

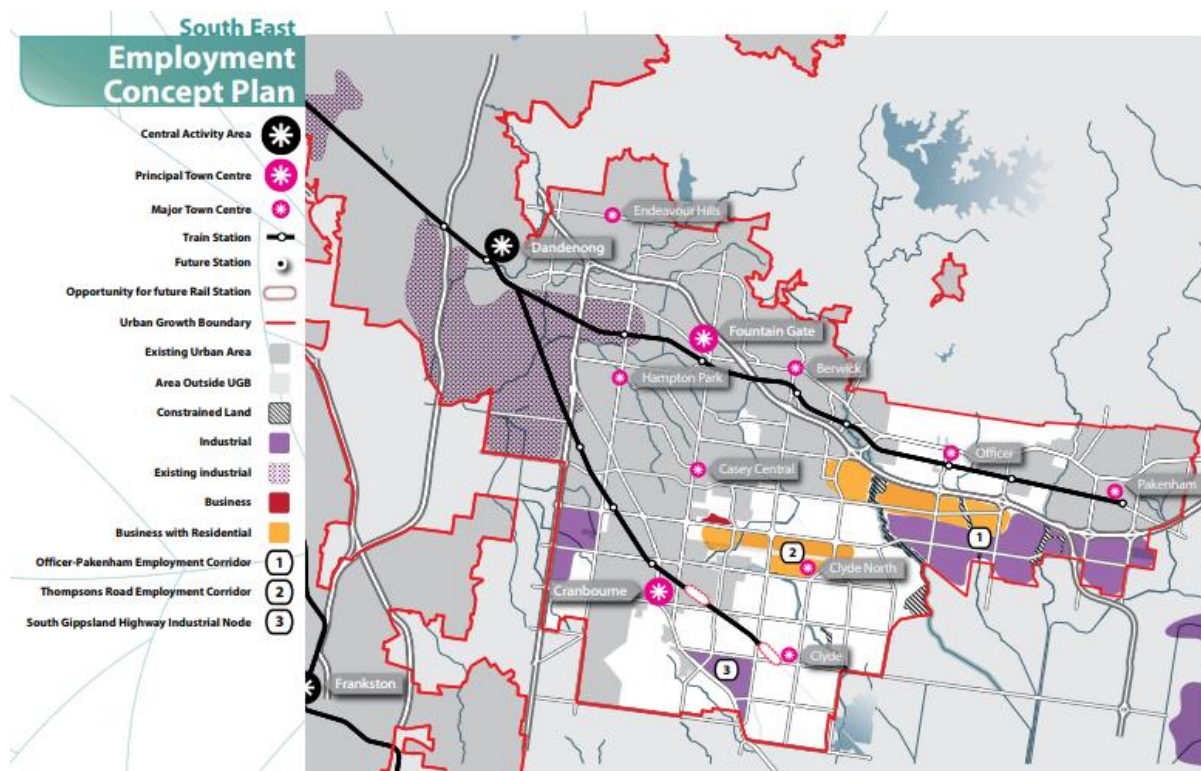
The Corridor Plan includes an Employment Concept Plan (refer to Figure 7) that designates Minta Farm and the area to the east (in Cardinia Shire) as 'Business with Residential'. It also

designates a large area to the south and east as 'Industrial'. These areas are described as the 'Officer Pakenham Employment Corridor'.

The Corridor Plan highlights the need to provide for local employment, noting that:

An underlying aspiration of these plans is to help facilitate at least one new job for each additional household across the Growth Corridors and also to increase the diversity of employment opportunities available to Corridor residents. Around one third of job opportunities can be created within local neighbourhoods, with the remainder created across the subregion, within a network of higher order town centres, business and industrial precincts.

Figure 7 South East Growth Corridor Plan, Employment Concept Plan



Principle 3 (Plan for Local Employment Creation) provides guidance in relation to planning for 'Employment in business precincts' including:

- "Business precincts identified on the Growth Corridor Plans are large flexible multi-use areas that provide for a wide range of employment opportunities."
- "The integration of public transport in these business precincts is considered to be an important component of any future PSP development and delivery"
- "Business precincts are expected to deliver more intensive forms of employment generating uses in comparison to industrial areas."
- "A range of supporting ancillary uses will be expected to co-locate in local scale 'Specialised Town Centres'."
- "Business precincts are expected to deliver minimum job densities in the range of 30-40 jobs per gross hectare..."
- Business precincts identified for a mix of uses, including residential, "are expected to deliver minimum job densities in the range of 15-20 jobs per gross ha".

Issues associated with the designation of Minta Farm are discussed in section 4.1 of this report.

3.2 Policy framework

(i) State Planning Policy Framework

The Explanatory Report provided the following overview of the key relevant elements of the State Planning Policy Framework (SPPF)¹:

- *Clauses 11.01 Activity centres, 11.02 Urban growth, 11.03 Open space – The PSP plans for orderly and coordinated urban growth by providing residential and employment land with access to existing and planned amenities, services and infrastructure and planning for a town centre within the network of existing and planned centres in the region.*
- *Clause 12.01 Biodiversity – The PSP sets aside land for Growling Grass Frog habitat and plans for offsets for nationally and state significant species as per the BCS.*
- *Clause 16.01 Integrated housing – The PSP plans for residential land of varying densities, with access to services, employment opportunities, community infrastructure and open spaces.*
- *Clause 17.01 Commercial – The PSP plans for an employment precinct, a local town centre and local convenience centre which collectively contribute significantly to the local services available to future and existing residents.*
- *Clause 18.01 Land use and transport planning, 18.02 Movement networks – The PSP plans for a transport network that is well-integrated with the existing surrounding network. This includes the north-south arterial road with a planned Principal Public Transport Network, and an interconnecting network of connector roads, shared paths and bicycle and pedestrian paths.*

The Panel has also had regard to Clause 15.03-1 Heritage conservation.

(ii) Local Planning Policy Framework

The Panel has had regard to:

- Clause 21.01-4 Economic Context, that identifies the need to generate local jobs and diversify employment.
- Clause 21.02 Key Issues and Strategic Vision, that calls up the Casey C21 strategy and identifies Minta Farm as a Key Employment Precinct in the Strategic Framework Plan.
- Clause 21.04 Environment, particularly in regard to the Cardinia Creek Corridor.
- Clause 21.05 Economic Development, that promotes “*knowledge based jobs*” and supports the development of Minta Farm as “*as a high-amenity, integrated employment precinct that incorporates office, research, manufacturing, learning and living components*”.
- Clause 21.10 Berwick Southern Area, that applies the following designation to Minta Farm:

¹ The structure and numbering of the SPPF have since been changed.

Develop Minta Farm Business and Residential Precinct as an integrated and diverse employment precinct incorporating a living component.

The Panel has also had regard to the following Local Planning Policies:

- Clause 22.01 Retail Policy
- Clause 22.05 Stormwater Policy.

The Amendment proposes to designate “*Minta Farm*” as a ‘Neighbourhood Activity Centre’ (NAC) and include the Grices Road ‘Local Convenience Centre’² in the activity centre hierarchy.

3.3 Policy and strategic documents

(i) Plan Melbourne 2017-2050

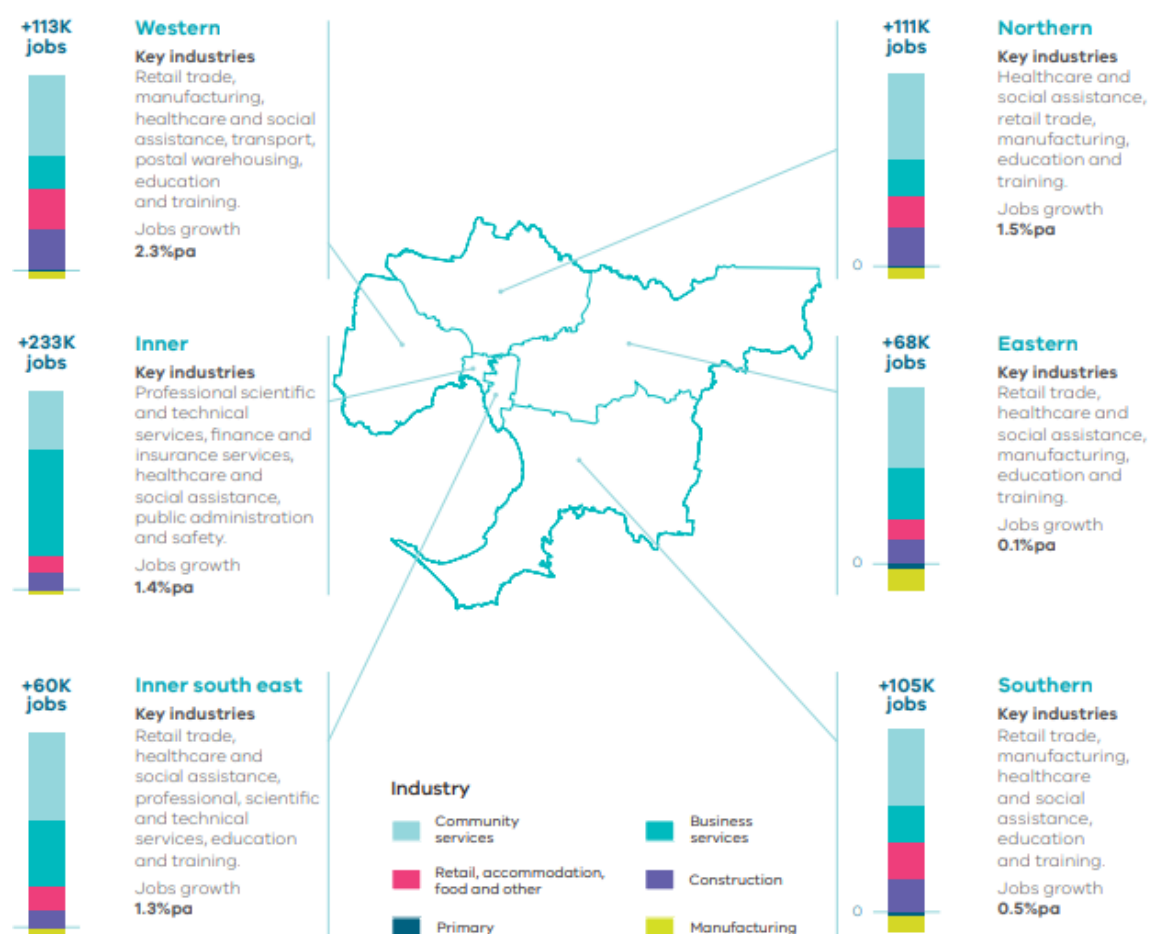
Plan Melbourne includes a number of relevant outcomes, directions and policies, particularly in relation to employment growth and residential development. Although Plan Melbourne does not specifically refer to the Precinct, it is included within a broader urban area designation, consistent with the South East Growth Corridor Plan. It also highlights the role of the Dandenong National Employment and Innovation Cluster (NEIC), the Dandenong, Frankston and Fountain Gate-Narre Warren Metropolitan Activity Centres and the Officer-Pakenham Industrial Precinct.

Plan Melbourne also describes the broader metropolitan employment context (Figure 8), and the contribution made by the southern region, including the Precinct.

Employment and housing aspirations are supported by the following ‘Directions’:

- *Direction 1.2 Improve access to jobs across Melbourne and closer to where people live.*
- *Direction 2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city.* This includes the ‘20-minute neighbourhood’ concept.
- *Direction 2.2 Deliver more housing closer to jobs and public transport.* This includes the requirement that development in growth areas be sequenced and staged to better link infrastructure delivery to land release.
- *Direction 2.5 Provide greater choice and diversity of housing.*
- *Direction 3.2 Improve transport in Melbourne’s outer suburbs, including roads in growth areas.*
- *Direction 5.1 Create a city of 20-minute neighbourhoods.*
- *Direction 6.5 Protect and restore natural habitats.*

² There was general agreement amongst the parties that the Grices Road centre should not proceed.

Figure 8 Projected employment growth, metropolitan Melbourne, 2015-2031**(ii) Casey C21**

The Panel was referred to three iterations of Casey C21:

- Casey C21: A Vision for Our Future Strategy, 2002
- Casey C21 – Building a Great City, July 2011
- Casey C21 – Creating a Great City, 2017

The 2002 document included the Precinct within the 'C21 Business Park'³ and discussed its future planning and role as follows:

Investigation of the development of a C21 Business Park which is to be linked to the successful development of the Casey Technology Park. The C21 Park would provide for a quality business and elaborately transformed manufacturing developments in a high amenity setting. (Volume 1)

Plan for a significant new C21 Business Park at the intersection of the Monash Freeway and O'Shea Road (refer to the C21 Plan in Volume 1). It is critical to resist any temptation to develop this land for conventional housing or lower order industrial/warehousing activities. (Volume 2)

³ The C21 Business Park included the Minta Farm, together with additional land to the south of Grices Road.

Plan for the development of a C21 Business Park as shown on the C21 Plan in Volume 1. This Park is to be linked to the successful development of the Casey Technology Park. It is to provide a high amenity, quality business and elaborately transformed manufacturing park, together with integrated research, commercial, learning and living spaces with freeway access and a focus towards a wide wetlands and parkland space along Cardinia Creek. It is not to be developed for housing as a short-term pressure, or for more conventional industry such as warehousing and the like. The Park is to have a very specific C21 jobs purpose. (Volume 2)

The 2011 document identified the Precinct as a 'key employment precinct' but deleted the area to the south of Grices Road. It included the following commentary on knowledge-based jobs in Casey:

Jobs of the future will be based not just around traditional hubs such as transport corridors and business parks, but on "knowledge" industries using remote technologies and advanced work practices. Casey has a changing economy which is heavily reliant on traditional sectors such as the goods and services sector. To diversify and be more sustainable, we need to move to a knowledge economy with a vision for a thriving, distinctive, forward thinking, and healthy economy. The new jobs will be linked to areas of high liveability where Casey is well placed. Communities that do not actively work towards attracting them will be left behind.

The 2002 and 2011 documents are both 'reference documents' in the Casey Planning Scheme and underpin much of its local strategic content.

The 2017 document reinforces the knowledge-based jobs theme, but does not specifically refer to the Precinct.

(iii) Casey Cardinia Region Economic Development Strategy 2016-2017

Although this strategy is not directly relevant to the Amendment, it includes some useful contextual information in terms of population growth and employment:

- *The Casey Cardinia region has experienced strong population growth. Between 2006 and 2011, the area's population grew by approximately 50,000 persons, making it one of the fastest growth areas (amongst LGAs) in Australia (ABS, 2012a).*
- *The population is forecasted to exceed 630,000 by 2036.*
- *Population growth is the key driver of local economic growth, with construction; retail trade; education and training; health care and social assistance all ranking in the top five industries in terms of economic growth and employment (by place of work).*
- *Manufacturing provides 9.0% of local economic activity and 9.1% of jobs for the region. Further diversification of the local economy is needed to ensure sustainable and smooth economic growth for the region.*

- *Advanced manufacturing is a strong sector in the Casey Cardinia region. The Casey Cardinia region is home to 860 manufacturers and has a total output of \$3.8 billion with \$1.4 billion in regional exports.*
- *Local employment self-containment was 32.9% (ABS, 2012b). However, almost 70% of locals who work are still leaving the area. Many of these workers head to Greater Dandenong and Melbourne CBD. Local workers fill 72% of local jobs. More local jobs are required.*
- *Population growth (up by 20% on 2006 levels) has provided support to the housing market in recent years. Residential building approvals have eased only marginally (down 1.6% from the recent five year average) and house prices have continued to increase (ABS, 2012c).*

3.4 Ministerial Directions and Planning Practice Notes

Ministerial Directions

The Panel has reviewed the Amendment against the following Ministerial Directions and is satisfied that it is consistent with them, subject to its findings and recommendations about detailed issues later in this report:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

Planning Practice Notes

The Panel has reviewed the Amendment against the following Planning Practice Notes and is satisfied that it is consistent with them, subject to its findings and recommendations about detailed issues later in this report:

- Planning Practice Note 1 (PPN1) Applying the Heritage Overlay, January 2018
- Planning Practice Note 46 (PPN46) Strategic Assessment Guidelines, June 2015
- Planning Practice Note 47 (PPN47) Urban Growth Zone, June 2015
- Planning Practice Note 59 (PPN59) The Role of Mandatory Provisions in Planning Schemes, June 2015.

3.5 Discussion and conclusion

The Panel concludes that the Amendment is generally supported by, and implements, the relevant sections of the State and Local Planning Policy Frameworks, and relevant policy documents and is consistent with the relevant Ministerial Directions and Planning Practice Notes.

The Amendment is well founded and strategically justified and should proceed, subject to addressing the more specific issues raised in submissions and evidence and discussed in the following chapters.

4 Threshold issues

This chapter discusses the ‘threshold’ issues raised in submissions and evidence that have informed the Panel’s consideration of specific amendment and planning permit issues discussed in chapters 5 and 6.

4.1 The ‘Business with Residential’ designation and ‘Jobs Target’

(i) The issues

The issues are:

- how the ‘business with residential’ designation should be interpreted and applied
- how many jobs should the Precinct provide for.

(ii) Background

As discussed in section 3.1, the South East Growth Corridor Plan (SEGCP) designates the Minta Farm as a location to achieve a ‘Business with Residential’ land use outcome. The SEGCP states that business precincts that include residential, cultural, recreational and civic uses as part of a broader mix of activities which support the overall employment activities are expected to deliver minimum job densities in the range of 15-20 jobs per gross hectares. The Plan states that this employment range “*will be used as a minimum guide for the preparation of PSP’s in these locations*”. Further, the SEGCP specifies that the minimum job densities “*should be exceeded where possible*”.

In relation to expected land use outcomes and the key planning priorities for ‘Business with Residential’ locations, the SEGCP states:

Preserving the potential for these precincts to deliver employment outcomes is the most important planning and development outcome. This should be the principal measure guiding planning and development decisions in these locations.

Future detailed planning for these precincts will therefore need to demonstrate that employment provision is based on realistic demand over the medium to long term.

The SEGCP states that business related activities “*are typically expected to be the predominant land use*” in the ‘Business with Residential’ locations.

In relation to staging of development and consideration of land uses other than those related to employment, the SEGCP acknowledges that residential and non-core employment uses are likely to be delivered in the shorter term and in advance of the higher order employment activities. While noting this, the SEGCP states that ensuring sufficient land is protected to enable an appropriate supply of employment land for the duration of the plan (e.g. 30-40 years) is a priority.

In relation to the provision of residential areas within ‘Business with Residential’ locations, the SEGCP states that residential components “*should be designed to complement and enhance the area for employment activities*”.

(iii) Evidence and submissions

The joint statement of economic experts that appeared at the Hearing in relation to employment and population forecasting identified the following points of agreement:

- *Minta Farm has been designated for development of a significant employment precinct since 2002.*
- *It has been recently established that Minta Farm should support at least 10,000 jobs.* (Panel emphasis)
- *There is a continued need to provide for new jobs in the region due to strong population growth.*
- *Heavy industry uses are no longer considered appropriate for Minta Farm.*
- *The location of Minta Farm adjoining the Monash Freeway with a new interchange to be delivered along with its positioning relative to residential and employment lands – including the State Significant Industrial Precinct – makes it suitable for future employment uses.*
- *Minta Farm is a medium to long term project with employment land expected to be fully built out well after the residential land is developed.*
- *There is no need for more than 83 ha gross of employment land to deliver the jobs target.* (Panel emphasis)

None of the experts retreated from these overarching general points of agreement during the Hearing.

The main points of difference in the expert opinions relate to:

- The projection of employment density expressed as the quantum of workspace that should be allocated per worker.
- The calculation of the jobs outcome expressed as the number of jobs to be achieved per gross hectare.

Mr Ganly and Mr Quick on behalf the Minta Group considered it is appropriate to apply an employment density range of between 17.5 and 100 square metres per worker within the Innovation and Technology, and Small Local Enterprise Sub-Precincts and a jobs outcome average of 148 jobs per hectare. They also adopted the assumption that office development in the commercial and office sub-precincts will consist of 4 to 6 level buildings at an average height of 5 levels, and that buildings in the Innovation and Technology precincts will range between 2 and 3 levels of office uses.

Mr Ainsaar for the VPA and Mr Campbell on behalf of Casey did not agree with Mr Ganly and Mr Quick on these matters. They considered that the appropriate corresponding employment density range is in the order of 40-60 square metres per worker and the relevant jobs outcome projection is 64 jobs per gross hectare. They adopted the assumption that office development in the commercial and office sub-precincts will consist of 2 to 6 level buildings at an average height of 2 levels, and that buildings in the Innovation and Technology precincts will range between 1 and 2 levels of office uses.

The VPA submitted that the exhibited PSP implemented adopted Government policy and planning objectives for the site by providing a mixed business with residential precinct in line with directions outlined by the SEGCP. The VPA noted that the PSP includes 65 hectares of dedicated employment land plus 17 hectares of 'other' employment land which can also

support employment uses (Mixed Use and Commercial 1 applied zones). The VPA also submitted that the PSP provides land to support the growth of knowledge based jobs provided by the office and commercial precincts, as well as in the niche technology-based light manufacturing employment sub-precincts.

The VPA submitted that it has applied appropriate employment density assumptions and development controls to allow for lower density interim development while supporting long term higher employment density objectives.

The VPA emphasised that preserving the potential for the site to deliver employment outcomes is the most important planning and development outcome, as required by the SEGCP. It noted that this outcome should be the principal measure guiding planning and development decisions as required by the growth plan.

The VPA reiterated that DEDJTR considers achievement of 10,000 jobs as a minimum jobs target and that its position is focussed on the provision of employment land rather than the jobs target. DEDJTR considers that:

Any review of surplus land should take place once the employment target is achieved.

Reduction of the quantum of land provided for employment would make achieving the jobs target increasingly challenging and potentially unachievable.

In its closing submission, the VPA highlighted that the Minta Group submission to the Amendment stated:

TMG accepts the PSP's aspirational role for Minta Farm to generate in the order of 10,000 jobs for the south-east corridor ...

The VPA concluded that 10,000 jobs represents a proportionate and 'generally in accordance' response to the policy direction provided by the SEGCP and that if this target was exceeded, it would represent a superior outcome.

Casey submitted that the original submissions from Stockland and the Minta Group supported a jobs target of at least 10,000 jobs. Casey expressed concern that the submissions during the latter part of the Hearing on behalf of the Minta Group argued that the target based on the text of the SEGCP would give rise to a jobs target of only 5,700 jobs based on a reference in the plan to a minimum jobs density figure of 15-20 jobs/hectare. In relation to this, Casey submitted that the job density figures in the SEGCP are minimum targets, subject to PSP planning and the jobs target must be calculated having regard to the land allocation in the plan, not merely by reference to a minimum figure of 15-20 jobs/hectare. Consistent with its position that the jobs target should be expressed as a minimum, Casey recommended that Objective 10 contained within 'Section 2 – Outcomes' of the PSP be amended to reflect this.

Casey provided a detailed analysis of the employment projections in the plan with reference to land classifications and job density projections. It noted that the job densities referred to are presented as minimums that should be exceeded where possible.

Cardinia noted that the exhibited Amendment proposes 83 hectares of employment land and that the employment outcomes articulated in the PSP estimate that approximately 11,000 jobs would be accommodated in the Precinct. It noted that Minta Farm has a long history of

being designated as employment land and that the C21 strategy identified the land as a business park in 2002.

Cardinia submitted that overarching policy objectives in the Casey – Cardinia region include employment self-sufficiency, facilitating 1 job per household and the creation of 20 minute cities. It stated that it does not support the Minta Group proposal to reduce the PSP's employment land as this outcome would be inconsistent with State and local policy and would not result in orderly and proper planning. Cardinia concluded that the Amendment should be altered to provide for 100 hectares of employment land in the Precinct. If this position was not accepted by the Panel, Cardinia submitted that a minimum of 83 hectares of employment land be provided (as per the exhibited PSP).

The Minta Group, in various parts of its submission⁴, referenced the VPA's 10,000 jobs target figure. With reference to its alternative Minta City proposal for the Precinct it submitted:

TMG and Stockland have suggested positive refinement to VPA's vision for Minta Farm that do not challenge the key aspiration to create 10,000 jobs. (Para 2)

TMG has adopted the VPA's target of 10,000 jobs – and demonstrated that the Minta City proposal can exceed that jobs target - even though that target also has no empirical or strategic basis. (Para 55)

The Minta City Proposal has been designed to exceed the target of 10,000 jobs using higher development densities, efficiencies and integration of a new residential community, based on new paradigm employment trends. (Para 65)

Further, in support of its alternative vision for the site, it opined:

... there is compelling evidence, using orthodox spatial economics analysis, that the Minta City proposal will deliver more than 10,000 jobs over the long term, without additional employment land being set aside.

While noting the above, the Minta Group submitted that the 83 hectares of employment land in the PSP does not have an empirical basis and that the 'availability of land does not create jobs'. The submission challenged the basis of the jobs target and was critical that the jobs target had shifted over time:

Mr Woodland's evidence is that the South East Growth Corridor Plan was premised on 4,300 to 5,700 jobs at Minta Farm. The VPA's predecessor used a figure of 4,500 to 5,000 jobs when it commenced discussions with TMG in 2011, which is consistent with Growth Corridor Plan job aspirations. This rose to 7,500 and ultimately to 10,000 jobs, without any basis in policy or empirical analysis but with a commensurate increase in land-take for employment purposes.

(iv) Discussion

The Panel prompted discussion during the Hearing about the status of the SEGCP. In response, all parties accepted that the SEGCP represents the relevant 'Growth Area Framework Plan' for

⁴ Document 53

the South East Region, and that State planning policy for 'Structure Planning' articulated at Clause 11.02-2 requires planning to consider, as relevant, any Growth Area Framework Plan.

It is uncontested that the SEGCP identifies the Minta Farm Precinct as a location to achieve a 'Business with Residential' land use outcome. The SEGCP states the following in relation to the planning priorities for these areas:

Preserving the potential for these precincts to deliver employment outcomes is the most important planning and development outcome. This should be the principal measure guiding planning and development decisions in these locations.

...

sufficient land must be protected to ensure an appropriate supply of strategically located land is preserved over the entire duration of the plan (e.g. 30 – 40 years). (Panel Emphasis)

The VPA (and DEDJTR), Casey and Cardinia all placed great weight on this articulation of strategic planning policy. They emphasised throughout the course of the Hearing that the achievement of employment outcomes, both in the short and long term, as opposed to residential outcomes, represent the priority for the Precinct that should be advanced and preserved via this precinct structure planning process. The Panel agrees.

In relation to the jobs target, the Panel accepts the submission advanced by the Minta Group that the quantum of the jobs outcome that is sought from the Precinct by various State Government agencies has been fluid since detailed planning commenced. While accepting this, the Panel notes that:

- the job densities articulated in the SEGCP are expressed as minimums
- the SEGCP states that the densities "*should be exceeded where possible*"
- employment ranges "*will be used as a minimum guide for the preparation of PSPs.*"

The Panel also notes that the Casey Cardinia Region Economic Development Strategy 2016-17 envisages the provision of approximately 10,000 jobs at Minta Farm.

In relation to how the densities and employment outcomes should be calculated, the Panel generally supports the position advanced by both the VPA and Casey that it is appropriate and necessary to take a regional, rather than a site-specific perspective. The Panel generally accepts the Casey and VPA submissions that it is relevant to have regard to how the Precinct will contribute to the regional ambition of achieving between 86,000 and 110,000 jobs as set by the SEGCP, compared to merely applying a 'minimum' density figure of 15-20 jobs per gross hectare across the Precinct. The Panel generally agrees with the analyses articulated by Casey and the VPA that concluded that the Precinct comprises approximately 21 percent of the business land within the region, and that that the region's business land will need to contribute approximately 50,000 jobs in order for the regional employment target to be achieved. In this context, a minimum jobs target for Minta Farm of at least 10,000 is appropriate.⁵ The Panel notes that the VPA accepted Casey's submission that Objective 10 of the PSP should be amended to be expressed as a minimum job target.

⁵ VPA Closing Submission (Doc 69), Para's 96 & 97 and Casey Closing Submission (Doc 66) Para's 8.8 to 8.10

For the reasons outlined above, the Panel agrees.

In reaching this position, the Panel reiterates the Minta Group submission that its alternative land use proposal for the site *“has adopted the VPA’s target of 10,000 jobs”* and that all economic witnesses accept that a 10,000 jobs target is an appropriate benchmark.

(v) Conclusions

The Panel concludes that:

- The SECGP represents the adopted ‘Growth Area Framework Plan’ for the South East Region.
- The SECGP unambiguously states that preserving the potential for ‘Business with Residential’ precincts to deliver employment outcomes is the most important planning and development consideration for such precincts.
- It is appropriate to adopt a conservative view regarding the jobs target for the Precinct given that strategic planning policy for the site places a priority on preserving the long term employment capacity of ‘Business with Residential’ areas.
- A minimum target of 10,000 jobs within the Precinct is appropriate.

(vi) Recommendation

The Panel recommends the following change to the Minta Farm Precinct Structure Plan:

Revise Objective 10 to express the job target as a minimum to be achieved.

4.2 The ‘Minta City proposal’

(i) The issues

The issues are:

- whether the Minta City proposal is consistent with policy
- should the Minta City proposal, or elements of it, be included in the Amendment.

(ii) Background

The Minta Group proposed an alternative approach to how the northern area of the Precinct, focussed on the employment areas, should be developed. This alternative approach⁶ was discussed during the Directions Hearing and is the most recent iteration of various plans proposed by the land owner. The Minta Group’s revised Future Urban Structure was included in its submission on the Amendment and the Minta Group provided the VPA with the Minta City proposal on 14 March 2018. The Minta Group then held a forum with the VPA and other stakeholders on 19 March 2018 to explain the proposal. The VPA subsequently requested further information that the Minta Group provided on 13 April 2018.

The key changes to the exhibited Future Urban Structure proposed by the Minta Group as reflected in its proposal (refer to Figure 9) include:

⁶ Defined in the “Minta City proposal, V5 14 March 2018”

- a reduction in 'employment' land from 83 to 53 hectares (or 52 hectares based on the evidence of Mr Ganly)
- the addition of approximately 1,300 dwellings north of Chase Boulevard equating to approximately 3,650 additional residents⁷
- reconfigured local parks
- three sub-precincts in the employment area (Urban Core, Innovation Quarter and Minta City [Town Centre]) rather than five.

Figure 9 Minta City Proposal Future Urban Structure



⁷ Refer Document 7, page 1

The Minta Group submitted that the employment outcome that will be delivered via its proposed land use framework would be approximately 11,730 jobs - approximately 780 more than the exhibited PSP. This outcome would be attributable to the increased focus on high-value white-collar jobs to be delivered within a more dense urban form.

The alternative plan does not include the changes to the exhibited Future Urban Structure proposed by the VPA following its consideration of submissions, such as the centralised drainage infrastructure.

The Minta City proposal also included a revised UGZ14 that reflected the reduced number of 'employment' sub-precincts and applied the C1Z to the Town Centre and the C2Z to the Innovation Quarter. The Urban Core is not given an applied zone, instead, the UGZ14 applies a table of uses to this area.

Other key changes include:

- the deletion of many of the specific use provisions
- a requirement that UDFs be prepared for each of the three employment sub-precincts, and allowance for UDFs to be prepared for staged development
- a list of matters that the UDFs must address
- the deletion of the 'heritage assessment' application requirement.

During the Hearing, Ms Horsfield, on behalf of the Minta Group, provided a revised UGZ14 that included various refinements, including buildings and works provisions for the Urban Core and buildings and works application requirements.

(iii) Evidence and submissions

The Minta Group submitted that the overarching strategic planning question for the Panel is:

Whether the Amendment will achieve a job-rich, integrated, diverse and high amenity urban environment consistent with policy?

The Minta Group submitted that achieving this outcome is much more likely if the PSP is 'refined' in accordance with the Minta City proposal. More specifically, the Minta Group sought a recommendation from the Panel to amend the PSP as per the recommendations of Ms Horsfield⁸. The changes sought to the PSP are in addition to changes to the proposed planning controls as recommended by Ms Horsfield in Document 33. Based on the evidence of Ms Horsfield, implementation of the Minta Group proposal would require the following changes to the exhibited PSP:

- Update all relevant plans to reflect the Minta Group Future Urban Structure, including replacing Plan 3 with the Minta Group Future Urban Structure Plan.
- Strengthen the Vision at Section 2.1 to '*describe the strategic role of the employment precinct and the outcomes it will deliver in bringing genuine diversity to Casey's employment base*'.
- Expand the Objectives at Section 2.2 to provide more explicit direction for the role and land use outcomes expected within the employment precinct as proposed by the Minta Group.

⁸ Refer Table following Para 129, Submissions on behalf of TMG and Stockland (Doc 53)

- Update Table 1 to reflect the Minta Group's revised land use and precinct areas.
- Expand Requirements and Guidelines for housing in Section 3.1.2 to facilitate and deal with future residential land use within the Urban Core sub-precinct (i.e. to confirm any specific lot design, building envelope requirements) required to implement the Minta Group vision.
- Include lot diagrams that show various potential design configurations for how the 20 percent residential land use allocation in the Urban Core sub-precinct could work.
- Delete the Town Centres and Employment Plan (PSP Plan 6) and replace it with a *"more sophisticated plan that deletes land use descriptors and job numbers, and instead identifies a clear vision for each employment precinct and potential jobs outcomes. Confirm that the plan is representative of a highly contemporary, future focused employment precinct and thus requires in-built flexibility to adapt and respond to changing market and societal dynamics over the life of its implementation"*.
- Update Table 3 (Estimated Residential Dwelling Yield) to reflect modified precincts and yield projections (e.g. delete the Mixed Use precinct; add extra yield generated through the Urban Core sub-precinct and reduce employment footprint, etc)
- Update Table 5 to reflect modified precincts, job densities and job numbers in each precinct consistent with the Minta Group proposal
- Delete and replace Figure 2 (Local Town Centre Concept Plan), with a new Concept Plan reflecting the Minta Group's urban structure.
- In Section 3.2.3 (Employment):
 - require a UDF to be prepared for each employment sub-precinct, including matters to be addressed in the UDF
 - redraft the Requirements and Guidelines at pp.25-29 that prescribe very specific mandatory built form and land use requirements. Ms Horsfield specifically noted that R14 (that requires uses within each employment sub-precinct to be generally consistent with the uses listed in Plan 6) is problematic and sought its deletion.
 - replace the Guidelines with a new set of simplified Guidelines that deal with the Urban Core and Innovation Quarter sub-precincts, describing the essential built form and public realm principles to ensure the precincts develop with an appropriate critical mass, density, mix of uses, and overall design excellence approach.
- Update Table 6 (Credited Open Space Delivery Guide) to reflect the Minta Group's revised open space configuration.
- Include a Requirement in Section 3.5.4 (Street network), for a grid street network to underpin the access strategy for the Urban Core sub-precinct.
- Replace/refine exhibited design principles and guidelines in Section 4.5 (Employment Precinct - Design Principles, Requirements and Guidelines) to better reflect the Minta Group's public realm and built form design outcomes proposed in the Urban Core and Innovation Quarter sub-precincts.
- Ms Horsfield specifically noted *"More specific design direction is required in relation to building heights in each precinct, expected urban densities, minimum site coverage, efficient car parking configurations, etc. The design guidelines should set a benchmark*

for the future Urban Design Framework, identifying the design ‘non negotiables in each precinct.’

The Minta Group called the members of its project team as expert witnesses to explain and advance the benefits of the Minta City proposal. In addition, the Minta Group called independent town planning evidence to critique its masterplan and proposed planning controls. While the Panel has considered this evidence, it has not been necessary to repeat this material at length. Rather, the Panel highlights the following elements of this material:

- The Planning evidence of Ms Horsfield concluded that the alternative Future Urban Structure and Amendment proposal prepared by the Minta Group presents a more simplified and strategic approach to the development of the precinct and *“it delivers in excess of the targeted outcomes”*. Ms Horsfield stated that the Minta proposal is *“more closely aligned to the policy outcomes sought by Plan Melbourne”* and that the PSP should be refined to reflect the improved structure and statutory approach proposed by the Minta Group. A summary of her recommended changes was provided by the Panel above.
- The economic evidence of Mr Ganly noted that *“the exhibited PSP has been developed in conjunction with the key stakeholders and is, in large part, satisfactory”*. He considered, however, that the increase in gross land area within the employment area from 62 to 83 hectares *“has taken an area which was already too big and spread it in a way which cannot support a modern, walkable, vibrant and attractive business community”*. Mr Ganly stated that the Minta Group proposal has *“been built from the bottom up as a result of a rigorous master planning process and it is a significant enhancement of the exhibited PSP.”* He considered that the Minta Group proposal will deliver more employment on less land compared with the exhibited PSP (11,734 jobs on 52.0 gross hectares vs 10,953, jobs on 82.8 gross hectares). Mr Ganly stated that this outcome is achieved with *“higher development densities, efficiencies and integration of a new residential community”* in the Urban Core.
- The economic evidence of Mr Quick noted that the exhibited PSP and the proposed Minta City concept are both capable of providing 10,000+ jobs. He considered that there is *“a significant outflow of jobs in higher value office-based industries”* from the south-east region and this demonstrates that there is a need for the region to provide more quality office space to attract and retain such jobs in the short to medium term. By comparison, Mr Quick considered that there is *“more than sufficient supply of industrial land available and in the pipeline within the Southern Region”* and that Minta Farm, as an industrial location, lacks the strategic advantages of other nearby larger precincts.
- The design statement of Mr Landy provided a detailed overview of the design rationale, design response, urban design principles, and various ‘block studies’ to explain the Minta City proposal. Mr Landy concluded that the compact, job-dense urban form proposed by the Minta Group will attract a variety of knowledge-based organisations and skilled workers desired in the Precinct.
- The Planning evidence of Mr Woodland was that Plan Melbourne, the SEGCP and the Casey Planning Scheme all identify Minta Farm as a mixed use (business and residential) precinct. He submitted that *“these policies support the Minta Farm precinct hosting a significant number of businesses and creating local employment*

opportunities for residents living in the south-east growth corridor". Mr Woodland considered that the Minta City proposal will make *"a substantial contribution towards the creation of a robust and vibrant 20 Minute Neighbourhood at Minta Farm"* and that the Minta Farm employment area will evolve over a number of decades. Accordingly, it *"will necessarily need to respond to a wide range of changes to industry and the wider economy"*. Mr Woodland noted three main issues for consideration in the Urban Core:

- a. how housing can be capped within the precinct,*
- b. how realisation of the intended job densities can be assured, and*
- c. the extent that retailing should be permitted in the precinct.'*

In response to these issues, Mr Woodland advocated the nomination of dwellings as a 'Section 2' use in the UGZ schedule, that a minimum floor area ratio be applied, and that small format supermarket and limited retail should be accommodated.

The VPA submitted that over the course of preparing the PSP, it met with the representatives of the Minta Group to consider its proposals for the site. The VPA was critical of the Minta Group for not providing *'digital information or technical analysis that would allow the VPA or other state agencies an adequate basis for effective evaluation of the merits of the proposal put forward'*. The VPA noted that the Minta Group proposal *"always proposed a lower employment land provision which was not supported - as the policy directions for the area have always been business uses as a primary use"*.

In response to its review of the structural elements of the Minta Group proposal, the VPA submitted:

- a) The rotation of the land use structure can be reasonably achieved through 'generally in accordance' and can be tested as part of an Urban Design Framework.*
- b) In cross examination the TMG team noted that DET was not part of any master planning discussions.*
- c) The indicative road connections to the North Arterial are not supported as they do not meet spacing requirements for an Arterial Road. In addition, VicRoads do not support these access points as depicted nor the depiction of the North-Arterial as a Tree-lined Boulevard.*

The VPA provided a comprehensive summary of State Government Agency feedback on the Minta Group proposal⁹. The Panel includes these responses below:

DEDJTR

- a) DEDJTR provided a submission on the exhibited Plan which provided qualified support for the exhibited PSP and maintains the view expressed in their submission of December 2017.*
- b) Considers the 10,000 jobs figure as a minimum jobs target and that a review of the demand for employment uses should not assume an automatic transition of employment land to residential use.*
- c) DEDJTR's position is focussed on the provision of employment land rather than the jobs target.*

⁹ Refer Document 75, Section 2.4.2

- d) Any review of surplus land should take place once the employment target is achieved.*
- e) Reduction of the quantum of land provided for employment would make achieving the jobs target increasingly challenging and potentially unachievable.*
- f) Early commercial development could be adversely constrained if a mandatory high density development outcome is set. However, if Panel supports a reduced employment land provision then density outcomes should be made mandatory provisions.*
- g) DEDJTR favours a very limited and conservative approach to allowing residential within the Commercial and Office Sub-precinct. Allowing residential in the commercial sub-precinct could undermine the achievement of employment objectives.*
- h) If a consensus emerged that there is merit in accommodating a limited amount of residential use, then it should be confined to the western side of the North Arterial on the basis that:*
 - i. This area is a considerable distance from the Innovation and Technology Precinct and don't present buffer issues;*
 - ii. Residential uses in this area are strategically located adjacent to the Local Town Centre, school and open space;*
 - iii. Defacto residential enclaves are not created;*
 - iv. A reasonable small percentage of land be used for residential development. The TMG nomination of 20% is considered high;*
 - v. The amount of employment land should not be reduced. The size of the Commercial/Office sub-precinct should be increased by the nominal amount of land that would be used for residential;*
 - vi. Appropriate statutory planning provisions can be drafted and implemented.*

DET

- a) The provision of existing and proposed government schools to support the future population in this area is likely to be under 'stress' in terms of an ideal level of service provision.*
- b) Consideration of the proposal would require the Department to revisit planning for education facilities in the broader catchment. This presents additional challenges as much of the surrounding land is already planned or delivery is underway.*
- c) It is noted that the site is currently occupied by an identified heritage item under question. DET would be unlikely to accept sites with such potential heritage constraints.*
- d) There are concerns that the site may not be effectively supported by an adequate road network that will: support multiple site access points to a future school; be able to cope with traffic volumes likely to be generated by a future school; and facilitate safety and efficiency of traffic and pedestrian movement, especially at pick-up and drop-off times.*

TfV

- a) *Considers accessibility and access to rapid transport nodes to be a limitation to achieving the proposed Minta City Vision. Notes distances to Beaconsfield and Berwick stations are more likely to result in travel by public transport and private vehicle given distances.*
- b) *Considers the North-Arterial to likely restrict cross movements and street activation along the road and compromise desirable east west movements for the proposed Urban Core sub-precinct.*
- c) *Considers that the proposed 'Boulevard' for the North-Arterial with tightly spaced intersections is at odds with the intended function of the road as a higher capacity, higher speed primary arterial road. The spacing and number of intersections and access connections, their configuration, and low speed environment imagined would compromise the ability of the road to fulfil its intended movement function.*
- d) *With reference to the indicated cross section of the North Arterial, it would not be possible for one of the three lanes in each direction to be a dedicated bus lane.*
- e) *Notes that indicative road cross sections for the urban core/ retail, cycle lane and verge widths are below the minimum standard and/or cannot accommodate proposed tree planning outcomes envisaged.*

In addition to the above summary of comments from various State Government agencies, the VPA provided a comprehensive critique of the various elements of the Minta Group's proposal. Its assessment was critical of the major elements of the proposed urban framework. The Panel summarises the VPA assessment as follows:

- The road spacing is not supported by the VPA nor TfV. The VPA stated the functionality of the road spacing is not validated by a proper traffic analysis. It noted that Mr Landy and Ms Horsfield heavily relied upon the spacing of intersections along the north-south arterial road to support components of the urban structure that are yet to be determined to be achievable.¹⁰
- The VPA did not consider the Minta Group's employment land assumptions to be feasible in the short term. It does not consider the higher densities in the Urban Core and Innovation sub-precincts are feasible and therefore the VPA does not support the Minta Group's proposal to reduce the employment land provision to just over 50 hectares.
- The VPA was concerned that the Minta Group's proposal is 'not secured'. If the density assumptions are not adopted by the market, the jobs target will be undermined. In relation to this the VPA highlighted:
 - The Minta Group does not support mandatory controls to achieve the density outcomes.
 - A small reduction in the building height will significantly impact the ability to achieve 10,000 jobs.
 - The Minta Group's independent witness, Mr Woodland, proposed a mechanism to ensure that density is achieved via the inclusion of a floor area ratio. In relation

¹⁰ Refer Section 2.4.2.1 VPA Closing Submission (Doc 75)

to this, the VPA submitted that no guidance has been provided by the Minta Group in relation to how Mr Woodland's floor area ratio concept would work and how it would be realised, including whether it would apply on a development scale, a block scale, a precinct scale and whether countable floor area is gross or net.

- The VPA was critical that the Minta Group's proposal includes assumptions that a majority of offices will be built with deck carparks to achieve the built form densities required to achieve the employment target. It considers this outcome unlikely in the interim stages of development and would have significant negative urban design implications.
- The VPA was concerned that the Minta Group's proposal is highly sensitive to small changes in yield, as opposed to the exhibited PSP which has considerable potential upside. The VPA expressed concern that a marginal failure to achieve 5 storey average built form targets in the Urban Core (which on the Minta Group's own evidence would not be mandated) could result in the failure of the Precinct achieving a minimum of 10,000 jobs.
- The VPA was critical that the Minta Group's proposal contains no allowance for a large anchor to locate in the Precinct. The VPA described the Minta Group's assumptions as "*dangerous*" in that they require a homogenous outcome that will not be realised within the Precinct in reality.
- The VPA did not consider that the Minta Group's proposal represents a balanced and realistic employment forecast. It was particularly critical that the proposal focusses on the provision of higher order jobs, to an extent that service or lower order jobs are excluded from the built form land use and development assumptions.
- The mix of uses and walkability argument advanced by the Minta Group is not supported by the VPA. The VPA considers that the exhibited PSP is just as walkable as the Minta Group's proposal and achieves Plan Melbourne's vision of creating 20 minute neighbourhoods.
- In an overarching sense, the VPA considers the Minta Group's proposal, at this time, is not supported by adequate technical analysis to effectively facilitate a robust review of the alleged merits of the proposal. In the absence of such detail, the VPA does not consider it prudent to adopt the Minta Group's proposal.
- The VPA submitted that the proposal in its current form does not adequately consider agency and Council requirements. The VPA considers that the proposed changes to land uses to include additional residential at the scale proposed would require re-testing technical evidence for traffic and community infrastructure. This has flow on effects for other works, such as requiring potential alterations to the north-south arterial ultimate intersection concept plans.

The closing submission on behalf of Casey reiterated that it supports the VPA's revised version of the PSP in preference to the Minta City proposal.

It strongly opposed the Minta Group's proposal to reduce the size of the innovation sub-precinct. It submitted that the Panel should prefer the exhibited PSP innovation sub-precinct as the evidence is that there will be strong demand for 'innovation' land and light industry employment between now and 2050 and that demand for office space at Minta Farm is a much longer-term proposition. Further, Casey was critical of the experts for the Minta Group

regarding a number of matters including consideration of ‘critical mass’, ‘supply and demand’ analysis deficiencies, and assumptions underpinning the ‘block study’. Casey urged the Panel not to indicate that the innovation precinct is ‘subject to review’ in the future because it considers that if such a note was included, it would encourage the Minta Group to delay development and would invite land speculation.

Casey submitted that it has significant concerns regarding the economics of the Minta Group’s proposal for the commercial / office precinct. Casey is concerned that there would be limited take up of commercial and office land at Minta Farm over the next 20 years due to the significant supply (100 plus years based on the evidence of Mr Campbell) for offices in the City of Casey and is concerned that economic analysis underpinning the proposal relies on ambitious and unrealistic assumptions regarding achievement of a 5 storey average built form. In this regard, Casey submitted that it prefers to rely on the more conservative 2 storey average as reflected in the exhibited PSP. It stated that the benefit of the 2 storey assumption is that:

- *it is less likely to fail to achieve the job target;*
- *it accommodates a range of built form and job density outcomes over the short, medium and long term, and provides planning flexibility;*
- *it can accommodate the aspiration for higher density employment, and if more density is realised it would only lead to better employment outcomes.*

Casey submitted that the Minta Group alternative Future Urban Structure has not been substantiated on the evidence. It reiterated that it supports the exhibited PSP as it represents a more conservative approach that balances risk. It is also more likely to realise the jobs target because it accommodates a range of employment uses on a broader range of lot types and is more capable of accommodating catalyst investment by land hungry institutions. In this regard Casey concluded:

The essential principle at stake in this PSP is whether to plan conservatively for employment needs, or whether it is appropriate to adopt an ambitious built form assumption as a basis to reduce the employment land to less than 20 per cent of the precinct area.

...

Applying a relish of common sense, an employment precinct with less than 20% employment land is a hard to justify, and places an upper ceiling on job creation. The exhibited PSP has a higher ceiling than the Minta City proposal and should be preferred.

The submission on behalf of Cardinia did not provide a specific critique of the Minta Group’s alternative Future Urban Structure for the Precinct. In noting this, the submission reiterated that planning for the Precinct should prioritise the protection of employment land. In this regard it submitted that the Amendment and PSP should be altered to provide for 100 hectares of employment land, or in the alternative, provide for a minimum of 83 hectares. These submissions are at odds with the Minta Group proposed 52 hectares of employment land.

(iv) Discussion

An examination of Version 5 of the Minta City proposal has been facilitated by the public hearing process. Following its review and testing, neither the VPA (nor the State Government Agencies it is representing), Casey nor Cardinia support its adoption as a replacement for, or refinement of, the exhibited version of the PSP.

Central to the concerns of the VPA, Casey and Cardinia is the Minta City proposal's reliance on what has been categorised as 'overly ambitious' employment, built form, land use and development assumptions. The Panel shares these concerns.

The Panel has not been convinced that the Minta City ambition to realise a compact high density office precinct in this location in the foreseeable future will be embraced by the market. The Panel is not prepared to support the significant reduction in employment land sought by the Minta Group given that there is no certainty that the physical form of development required to achieve the Minta Group's jobs outcome will be realised.

The required consequential changes to the PSP as identified by Ms Horsfield to give effect to the Minta City proposal are significant. The Panel notes that the majority of the matters identified as requiring 'replacement', 'revision', or 'updating' have not yet been undertaken by the Minta Group and have not been subject of detailed critical review.

Planning policy as articulated by the SECGP requires future detailed planning for 'Business with Residential' precincts to "*demonstrate that employment provision is based on realistic demand over the medium to long term*", in the context that "*preserving the potential for these precincts to deliver employment outcomes is the most important planning priority*". The Panel is not satisfied that the Minta City proposal satisfactorily responds to these higher order policy requirements.

Having formed this view, the Panel notes that some of the urban design elements sought to be advanced by the Minta City proposal will be able to be accommodated by the modified version of the PSP as reflected in the VPA's closing submission and proposed changes to the Amendment.

Although the Panel does not support the Amendment being modified to implement the Minta City proposal in its entirety, it believes that some elements of the proposal have merit, particularly providing greater opportunity for residential development within and abutting the town centre. This is discussed further in section 5.1 of this report where the Panel finds that creating additional vibrancy and place activation sought by the Minta Group have merit and should be facilitated.

The Panel agrees with the VPA that its final version of the Amendment should be preferred over the Minta City proposal. The Panel agrees with the VPA and Casey that, by comparison to the Minta City proposal, the assumptions upon which the PSP are based are appropriately conservative and demonstrate 'realistic demand', which in turn has the potential to realise significant upside in job creation.

The Panel also considers that there may be practical difficulties with the proposed changes included in the Minta City proposal concerning the road network, school site, parks etc that have not been adequately investigated. Some of these, including achieving the function and

capacity of the north-south arterial road, could be significant impediments to achieving the proposal.

(v) Conclusions

The Panel concludes:

- The VPA's final version of the Precinct's 'Future Urban Structure' is preferred over the Minta City proposal.
- Key elements of the Minta City proposal, such as the size of its Innovation Quarter and reliance on achieving a 5 storey average built form across the extent of its Urban Core, may significantly compromise the ability to realise the minimum jobs outcome for the Precinct that is sought in planning policy.
- Some elements of the Minta City proposal, such as facilitating an increase in residential development in the Urban Core, have merit and should be supported subject to the application of appropriate provisions.
- The suite of changes to the Amendment recommended by Ms Horsfield that would be required to implement the Minta Group proposal are not supported.

4.3 The regional road network

(i) The issue

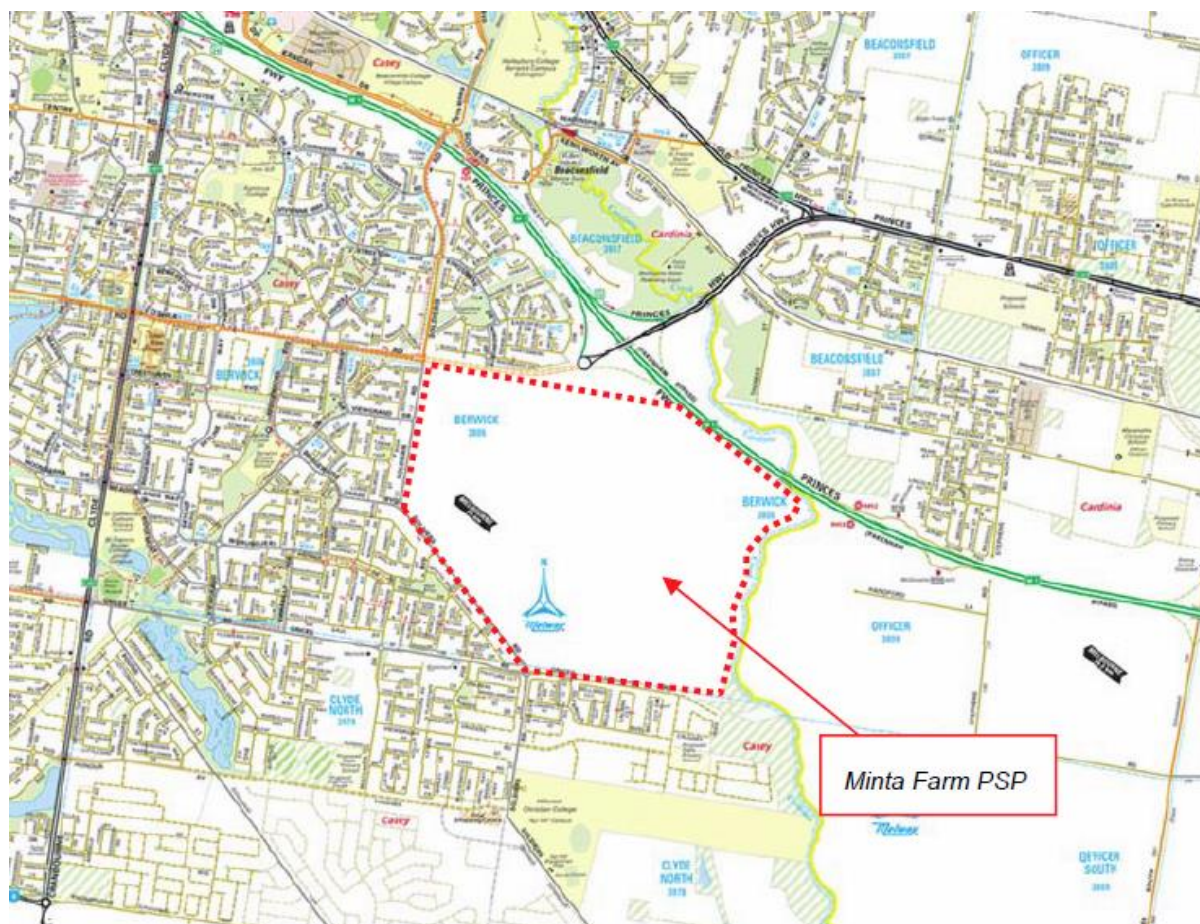
The issue is whether development of the Minta Farm Precinct should be deferred until the surrounding road network is augmented to cater for existing and future development.

(ii) Background

The Precinct is bounded by the Princes Freeway to the north, Grices Road to the south and Soldiers Road to the east. O'Shea Road extends east-west from Soldiers Road to Clyde Road to the west. Soldiers Road/O'Shea Road and Grices Road provide a connection via Clyde Road to the Princes Freeway for development occurring in the Clyde North Precinct and other areas to the south of the Minta Farm Precinct. The existing road network is shown at Figure 10.

Grices Road is a Council managed 'connector' road running from Clyde Road to a termination at Cardinia Creek. Grices Road is a constructed two-lane road to Glenrose Boulevard, just east of Soldiers Road, and is unsealed from that point to Cardinia Creek. As shown in the PSP, it is intended that Grices Road will become a secondary arterial road with land set aside for that purpose in the Clyde North PSP. It is also expected that Grices Road will be extended across Cardinia Creek into the future Officer South Employment Precinct but the timeframe for that extension is still to be determined.

Soldiers Road is a Council managed 'connector' road along the Minta Farm frontage. It is a constructed single carriageway with a traffic lane in each direction and a parking lane on its west side. Soldiers Road to the north of O'Shea Road is categorised as a 'secondary arterial' road and provides a connection over the Princes Freeway to Berwick. Although not within the PSP area, Soldiers Road is shown as a 'connector' street on the exhibited PSP Plan 3 – Future Urban Structure. Soldiers Road is planned to be terminated just north of the intersection with Grices Road and the future north-south arterial road running through the Precinct once this arterial is constructed.

Figure 10 Existing road network

O'Shea Road is a Council 'arterial' road and currently forms a T-intersection with Soldiers Road at the north-west corner of the Precinct. O'Shea Road is shown in the exhibited PSP Plan 10 – Street Network as 'Secondary Arterial Road' along the northern edge of the Precinct extending from Soldiers Road to a new interchange with the Princes Freeway. The State Government has recently announced that the extension of O'Shea Road to the Princes Freeway and the upgrade of the Beaconsfield interchange will be included in the Monash Freeway Upgrade Stage 2. These works are expected to be completed by 2022.

Clyde Road is a major north-south duplicated primary arterial road under the control of VicRoads. It has signalised intersections with Grices Road and O'Shea Road and provides access to the Princes Freeway. The Freeway/Clyde Road interchange has recently been upgraded.

The local area to the west of the Precinct contains a number of 'connector' roads which are typically a single carriageway with a traffic lane in each direction and a parking lane on each side.

Existing congestion occurs on O'Shea Road and Grices Road on the approach to Clyde Road, particularly in the morning peak period for traffic turning right onto Clyde Road to gain access to the Princes Freeway to the north. The intersection of Soldiers Road/O'Shea Road is also congested during peak times and Soldiers Road between Chase Boulevard and O'Shea Road

already carries daily volumes in excess of the desirable maximum of 7,000 vehicles per day (vpd) for its designation as a 'connector' road.

(iii) Evidence and submissions

Submissions from local residents, including Mr Hurren, Mr Dabraio and Mr Mani highlighted existing traffic congestion in the area, particularly on Soldiers Road, its intersection with O'Shea Road and the Clyde Road intersections with O'Shea Road and Grices Road. Submitters argued that any development within the Minta Farm Precinct should be deferred until existing congestion issues were addressed.

The VPA submitted that Melbourne's growth areas are undergoing transformational change and the funding of infrastructure is a complex mix of contributions, public funding and competing priorities. It submitted that planning for growth areas does not represent a perfect science and cannot fully control the delivery of 'product' or predict trends in the delivery of development. It was therefore inevitable, in its view, that the implementation of even the theoretically perfect plan is likely to be less than perfect and that *"(T)his is the essence of the very real traffic experience that is being felt keenly within the City of Casey."*

The VPA further submitted that:

As a result of these factors within Casey the level of service experienced upon the roads in the growth area is not equal to that experienced in other parts of Melbourne nor indeed that envisaged by the PSP's when development is fully delivered.

Based upon the evidence, this condition will exist and indeed worsen irrespective of whether or not the Minta Farm PSP is approved. In general terms then the approach of the VPA to the management of traffic in and around the PSP has been to assess the needs of the precinct, to assess the impacts of the precinct on the broader area and to evaluate that impact against the current and proposed surrounding network. It is submitted that when viewed through this prism the following factors are the key matters that guide the appropriate response:

Firstly, the situation on the roads within Casey will continue to worsen with or without Minta Farm unless planned arterial routes are delivered.

Secondly if delivered, Minta Farm will in fact alleviate some of the traffic problems through the delivery of the north-south road particularly in light of the recently committed changes to O'Shea's Road.

Thirdly, as a funded ICP matter, the delivery of the north-south road will be facilitated by the delivery of product within Minta Farm.

Fourthly, it follows that the basis of assessment of traffic impact at Minta Farm is centered around the question of whether product can be delivered without the manifestation of traffic impacts that would create unacceptable safety and functionality even if the surrounding roads will as expected operate in a manner that offers lower than normal expectation of service.

It is the VPA's position that Minta Farm can be delivered against these principles.

Casey did not argue that development in the Precinct should be deferred until improvements to the surrounding road network are completed. It submitted, however, that in the absence of planned improvements, traffic generated by development to the south of the Precinct is causing increased congestion on existing roads, including Soldiers Road, O'Shea Road, Grices Road and Clyde Road.

Based on the evidence of Mr Richardson, Casey raised issues with respect to the adequacy of the traffic modelling and the proposition that Soldiers Road could carry traffic volumes above its 'connector' road classification.

Casey noted the conclusions of Mr Richardson that significant upgrading of roads surrounding the Precinct are required before the 500th lot is developed, let alone the 1000th lot, including:

- extension of O'Shea Road to the Beaconsfield Interchange with the Princes Freeway
- duplication of O'Shea Road from Clyde Road to the interchange and the upgrade of the interchange
- duplication of Grices Road between Clyde Road and Viewgrand Drive (included as part of the Clyde North PSP)
- provision of additional capacity at the intersection of Grices Road and Soldiers Road by temporary upgrades to the existing roundabout or delivery of the north-south arterial.

The Minta Group did not make any submissions with respect to the existing conditions on the surrounding road network.

The statement from the conclave of traffic experts did not include any discussion of the surrounding road network other than to note that it was agreed that O'Shea Road should be shown as a 'primary' arterial in the PSP, that the north-south arterial would be an important link of benefit to the broader region and that in the interim (until the arterial is constructed) Soldiers Road can carry traffic volumes higher than a 'connector' road.

(iv) Discussion

The Panel accepts that traffic volumes on parts of the existing road network are higher than desirable and that there is a relatively high level of congestion, particularly at some key intersections. As noted by the VPA, however, growth areas, including the southeast corridor, are undergoing "*transformational change*" and it was inevitable that infrastructure, including the capacity of the road network, would be under some stress. With existing levels of development, the level of congestion on the road network in the City of Casey will continue to worsen with or without the development of Minta Farm.

The threshold issue is whether the traffic impact of Minta Farm's development would be sufficiently adverse to justify delaying any development until major improvements to the surrounding road network are completed.

The Panel does not consider this to be the case. The State Government has committed to the extension and duplication of O'Shea Road to the Beaconsfield freeway interchange with works to be completed by 2022 i.e. concurrent with the progressive development of Minta Farm.

This major upgrade, in combination with the delivery of the north-south arterial in a similar timeframe, will largely address traffic congestion on the surrounding road network. All of the parties agreed that the early delivery of the critical north-south arterial would provide a vital new arterial link in the regional road network. Somewhat paradoxically, its delivery is largely contingent on Minta Farm being developed (at least in part).

In the short term, there will be further pain for residents in terms of traffic congestion and delays, but mechanisms are available to manage the impact of early development within the Precinct. The exhibited PSP contains a soft lot cap of 1000 residential lots to limit development until the north-south arterial is delivered, at least to an interim standard (refer to section 5.6 below). The VPA has also proposed that a condition be included in the section 96A permit application to limit direct access to Soldiers Road from lots developed as part of that approval (refer to section 6.2 below).

(v) Conclusions

The Panel concludes:

- Development of the Precinct should proceed in accordance with an approved PSP.
- Development, at least in part, of the Precinct will enable the delivery of the north-south arterial which will be of substantial benefit to the wider area by relieving existing levels of traffic congestion, particularly on Soldiers Road.

5 Amendment issues

5.1 Employment areas

(i) The issue

The issue is what, if any, changes relating to ‘employment areas’ should be accommodated in the PSP and associated planning controls.

(ii) Background

The VPA’s closing submission noted that its review of the Minta City proposal, in conjunction with other state agencies, identified that a number of key changes to the PSP Future Urban Structure and associated applied zoning controls are warranted in order to support elements the Minta Group’s vision.

The changes advocated by the VPA in its closing submission¹¹ were subsequently refined by the VPA to reflect the discussion of issues that emerged in the VPA’s submissions in reply. The updated changes are included in the left hand column of Appendix 2 (Consolidated VPA Recommendations to Panel and Requested Clarifications) and Appendix 3 (Updated Future Urban Structure Detailing Proposed VPA Recommendations) that were circulated after the Hearing¹². These changes include:

- a) *Increased flexibility for interim employment uses in the office and commercial sub-precinct through the application of Plan 6 through amendment of R14 to provide an exception for interim employment uses by adding the words ‘except for interim employment uses’.*
- b) *Removal of a separate SLEP Sub-precinct on Plan 6 with the proposal to include these uses as part of an expanded LTC toward the North-Arterial. The LTC Concept Plan is proposed to be amended to indicate the preferred SLEP location adjacent to the North-Arterial with detailed design to confirm the location. Consequential amendments to Plan 3, Future Urban Structure.*
- c) *At section 2.3 of Clause 37.07 delete the trigger for a permit for ground floor accommodation where the frontage exceeds 2m within an applied Mixed Use Zone.*
- d) *At Clause 2.3 of Clause 37.07, under the heading ‘Use of Land for a supermarket’ amend to allow express style supermarket’s as an as of right use in the Commercial 2 Applied Zone up to 500 sqm (and make Supermarkets greater than 500 sqm prohibited).*
- e) *Remove of the Local Convenience Centre from Plan 3 with the underlying zone, Residential Growth Zone, now applying to the land.*

¹¹ Document 69, section 2.4.4

¹² Document 75

The right hand column of Appendix 2 elaborates on the proposed changes and introduces further suggested refinements. These matters are outlined by the Panel in the evidence and submissions section below.

The Panel highlights that considerable time was spent at the Hearing discussing the merits or otherwise of further changes to the Amendment to accommodate residential development within the Commercial and Office sub-precincts. This general outcome was strongly advocated by the Minta Group through its Minta City proposal. Specifically, it sought to accommodate a combination of apartments, townhouses and home offices within each city block in its proposed Urban Core sub-precinct. The Minta Group submitted that up to 1,000 dwellings should be accommodated in this precinct on the basis that this would assist in creating a vibrant high-intensity, mixed-use urban centre that was compact, walkable and that had integrated work/play environments.

In relation to the above, the VPA noted in Document 75, Appendix 2:

If the panel was of a mind to consider the proposal to integrate residential within this Sub-precinct, the VPA would only consider reviewing an adjustment of a small quantum of applied CZ2 zoning to CZ1 surrounding the Local Town Centre in addition to the current provision of Office and Commercial CZ2 area. This would be subject to:

- i. Continued achievement of the 10,000 jobs target*
- ii. Adequacy of a CZ1 applied zone (or other) to ensure office employment is the primary purpose of the zone (Shops as a section two use)*
- iii. Endorsement by DEDJTR on scale and provision of employment land provision*
- iv. Endorsement by DET that the proposed dwelling increase would not result in such a significant change that could not be catered for within the precinct.*

(iii) Evidence and submissions

Document 75, particularly Appendix 2 (Consolidated VPA Recommendations to Panel and Requested Clarifications) provides further clarity on the VPA's proposed changes and their rationale. Key changes include:

a) Increased flexibility for interim employment uses

The VPA proposed to delete Requirement R14 and replace it with a guideline that reads: "*Uses within each employment sub-precinct should be generally consistent with the objectives and desirable uses listed in Plan 6.*" Plan 6 is also proposed to be updated to:

- *Qualify that listed uses are 'desirable uses'*
- *Update the list of uses to provide additional examples further reflecting Plan Melbourne priorities for knowledge based industries.*

The VPA noted these changes provide more certainty to developers of desired uses for the employment sub-precincts and allows the responsible authority to consider other uses that qualify under the UGZ14 requirements for the applied zone.

b) Replace Designation of Small Local Enterpriser Sub-Precinct (SLEP) and Local Town Centre (LTC)

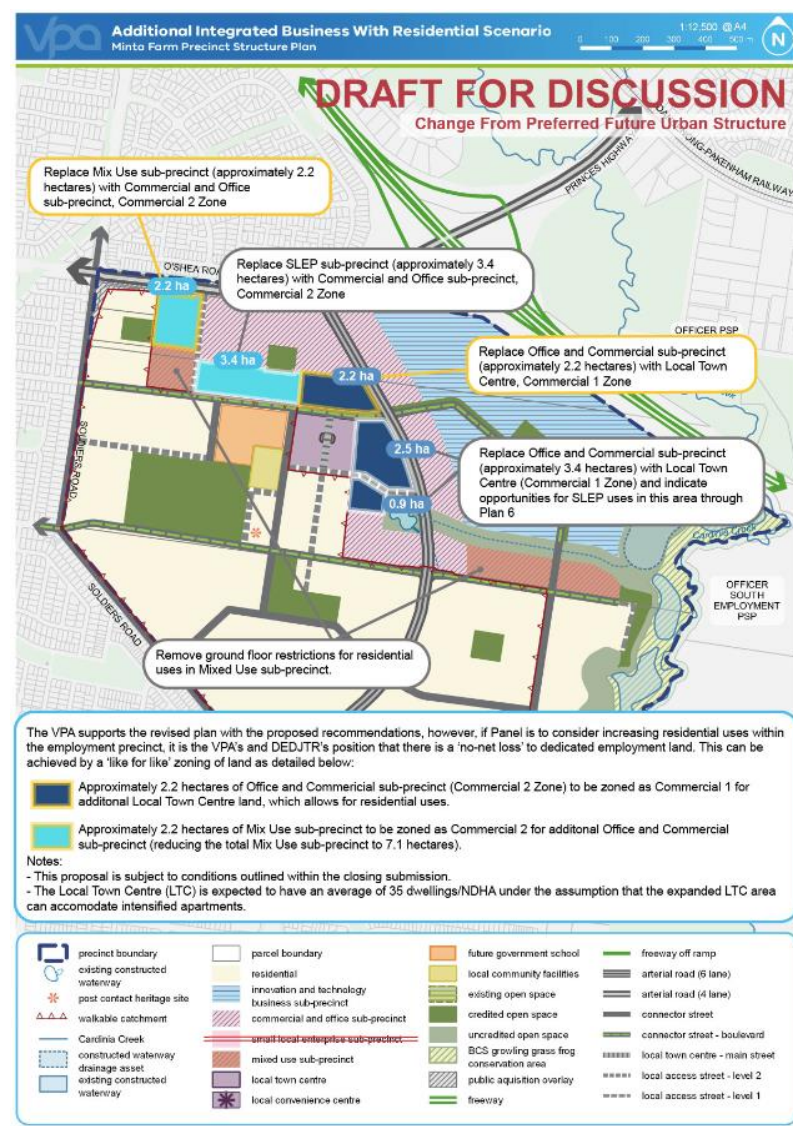
In relation to the proposed changes to the SLEP, the LTC and corresponding planning controls for these sub-precincts, two alternatives were submitted by the VPA, one in Appendix 3 of Document 75, the other in Appendix 4.

Common to both alternatives is the following:

- Replace SLEP sub-precinct (approximately 3.4 hectares with Commercial and Office sub-precinct and the Commercial 2 Zone).
- Replace Office and Commercial sub-precinct (approximately 3.4 hectares) with LTC, (Commercial 1 Zone) and indicate opportunities for SLEP uses in this area through Plan 6.
- Remove ground floor restrictions for residential uses in Mixed Use Sub-Precincts.

The VPA Appendix 4 (refer to Figure 11) illustrates a scenario if the Panel saw merit in integrating further residential uses within the Office and Commercial sub-precinct.

Figure 11 Additional Integrated Employment and Residential Scenario



The VPA explained the additional changes as follows:

This figure expands on the recommendations noted above (reflected in Appendix 3 version of the plan) to include an additional 2.2 ha of CZ1 north of the LTC and 2.2 ha of CZ2 accommodated within the mixed use area.

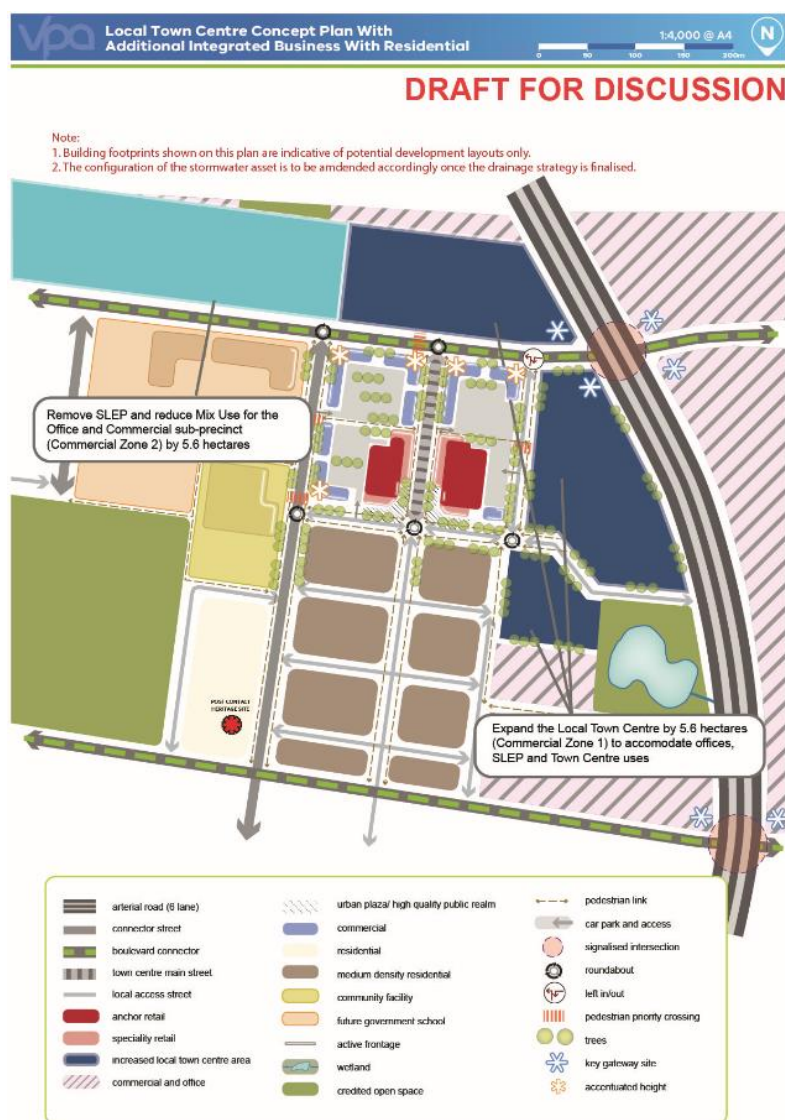
The intention would be to make 'Shops' a Section 2 use.

Should the Panel make recommendations in support of this scenario, the VPA would further test this option and make a recommendation to DELWP and the Minister for Planning on the impact to planning for dedicated employment lands and increase to housing yields.

This testing would also be subject to achievement of the conditions outlined in the VPA closing submission.

The VPA also provided the following draft revised and updated version of PSP Figure 2 (refer to Figure 12) that reflects the inclusion of residential development.

Figure 12 Revised Local Town Centre Concept Plan with additional Integrated Business with Residential



The Panel observes that the joint statement of the economic experts noted that Mr Ganly and Mr Quick on behalf of TMG, as well as Mr Ainsaar on behalf the VPA, agreed that:

... the introduction of medium to high density residential uses with the Commercial & Office /Urban Core sub precinct has merit, subject to appropriate planning controls, in that it will help to create a vibrant 24-hour community more akin to those found traditionally only in inner suburbs of Melbourne.

Casey submitted that it does not support the introduction of residential in the Urban Core as it risks undermining the Precinct as a dedicated employment precinct required to deliver 10,000+ jobs. It further submitted however, that if the Panel was of a mind to support residential in the Urban Core it would prefer an outcome where greater residential density is achieved around the town centre, rather than by introducing housing in the commercial / office precinct or allowing more low density detached housing in the eastern part of the Precinct. Casey proposed the following options for achieving more medium and high density dwellings:

- *Amending the housing plan and Plan 6 to provide for greater residential yield to the south and west of the town centre;*
- *Reviewing the size of the Mixed-Use Zone; and*
- *Integrating the Mixed-Use Zone throughout the precinct in strategic locations – subject to further investigation between the parties.*

c) Deletion of permit trigger for ground floor accommodation

The VPA suggested deleting PSP Requirement R28 that states “*Dwellings must not be located at the ground level*” in the Mixed Use Sub-Precinct and deleting the trigger in Clause 2.3 of the UGZ14 for ground floor dwellings where the frontage exceeds 2 metres within an applied MUZ.

d) Use of land for a supermarket

The VPA proposed to allow express style supermarkets as an ‘as of right use’ in the applied C2Z up to 500 square metres and make supermarkets greater than 500 square metres prohibited by updating UGZ14 at Clause 2.3 (Use of Land for a Supermarket) to read:

A permit is required to use land for a supermarket where the applied zone is Commercial 2 and the combined leasable floor area exceeds 500 square metres.

e) Deletion of the Local Convenience Centre

The exhibited PSP provided for a Local Convenience Centre (LCC) in the south-east of the Precinct, in combination with Requirements R12 and R13, and Guideline G11. The UGZ14 applied the C1Z to the site.

Stockland requested the deletion of this centre from the Amendment, submitting that a smaller format supermarket in this location is not viable.

The VPA supported this and proposed to delete all references to the LCC from the PSP and UGZ14 and apply the RGZ to the site, in accordance with the applied zone within the Walkable Catchment Area.

(iv) Discussion**Proposed changes within the Employment Areas**

The Panel has reviewed submissions about proposed changes in the Employment Areas and notes that the following changes proposed by the VPA were uncontested:

- a) Increased flexibility in for interim employment uses**
- c) Deletion of permit trigger for ground floor accommodation**
- d) Use of land for a supermarket**

None of the parties present at the VPA's submissions-in-reply opposed the intent of the VPA's suggested changes. The Minta Group specifically acknowledged and welcomed the modifications, while maintaining that it preferred the Minta City proposal, and Casey did not oppose them. The Panel believes that these changes are a sensible response to positive elements of the Minta City proposal that seek a greater mix of residential and commercial uses and warrant support.

Accordingly, the Panel endorses the proposed modifications as detailed in Document 75, specifically the right and left hand columns in Appendix 2.

Further discussion is required, however, in relation to items b) and e) as follows.

b) Replace Designation of Small Local Enterpriser Sub-Precinct (SLEP) and Local Town Centre (LTC)

The Panel is conscious that the primary position advocated by both the VPA and Casey is that they do not support residential development in the Commercial and Office sub-precinct. The primary concerns are the impact that residential development might have on reducing the amount of land available for employment purposes and the potential amenity impacts associated with residential development in this sub-precinct.

Having reviewed the alternative approaches proposed by the VPA, the Panel concludes that there are potentially significant benefits in accommodating a limited amount of residential development in this sub-precinct. The suggested compromise position, reflected in document 75, Appendix 4 is supported by the Panel as a preferred scenario, subject to the further review and consultation proposed by the VPA.

The Panel notes that Mr Ainsaar, the VPA's independent witness, supported the introduction of medium to high density residential uses within the Commercial and Office sub-precinct, subject to appropriate planning controls. The Panel considers that the VPA, together with Casey, have been diligent and responsive in identifying modifications to the Amendment that will enable appropriate residential development to be introduced in suitable locations.

While the Panel acknowledges the concerns about residential amenity, it believes that they are overstated and notes that it is not unusual or undesirable to have a residential component within activity centres.

The Panel's review of Appendix 4 suggests that the conditions sought by Casey, if residential development was to be introduced to the Commercial Core, have been reasonably accommodated.

e) Deletion of the Local Convenience Centre

The deletion of the Local Convenience Centre from the PSP is supported by the VPA and Casey. The VPA advised that all of the relevant Requirements and Guidelines will be updated and that RGZ will be applied to the site in the UGZ14.

Although using the RGZ as the applied zone was not discussed during the Hearing, it is not clear to the Panel why this zone would be applied instead of the GRZ. Clause 2.2 of the UGZ applies the RGZ to residential land “*wholly within a walkable catchment*” and it is not clear what ‘catchment’ would trigger the RGZ given that the LCC is to be removed. It seems to the Panel that the replacement applied zone should be the GRZ, although this warrants further consideration by the VPA.

Innovation and Technology Business Sub-Precinct

The VPA did not support any reduction of the Innovation and Technology sub-precinct, submitting that:

If the Panel was of a view to reduce the employment land provision in this sub-precinct, this should be considered once the employment target is met in the long term. The VPA propose to adjust the Vision to clearly articulate the view that any future consideration of employment land provision in this area is to be undertaken in the long term.¹³

The Panel does not support a reduction of this Sub-Precinct and agrees that any future review of this designation or area should be a long term, rather than a short term, action.

Consolidated recommendations

The VPA included some, but not all, of these proposed changes in its Key Changes Table Version 3 (Document 76). This has required a separate recommendation from the Panel to ensure that all of the recommended changes are identified. Rather than list all of the recommended changes, the Panel has made a general recommendation that the changes described in Document 75, Appendix 2 (under the heading ‘Employment Land Provision and Associated Development Controls’ Parts 1 and 2) and Appendix 4 (Additional Integrated Employment and Residential Scenario) be included in the adopted Amendment. This consolidated recommendation is subject to a further recommendation that the VPA consult with DEDJTR, DET and the City of Casey about these proposals before adopting the Amendment.

(v) Conclusions

The Panel concludes:

- There is merit in allowing additional residential development within and proximate to the Town Centre to facilitate a more attractive and vibrant commercial area.
- The changes developed by the VPA and generally supported by Casey and the Minta Group provide a sound basis for introducing additional flexibility for residential development within the Town Centre and Employments Areas.

¹³ Document 75, Appendix 2

- The proposed changes will not have any significant negative impact on the extent of commercial development within the Precinct, but are likely to make it a more attractive place for investment.
- Concerns about residential amenity, while valid, can be managed through the UDF and planning permit processes.
- The VPA should consult with DEDJTR, DET and the City of Casey about these changes before adopting the Amendment.

(vi) Recommendations

The Panel recommends the following change to the Minta Farm Precinct Structure Plan:

Include the changes described in Document 75, Appendix 2 (under the heading ‘Employment Land Provision and Associated Development Controls’ Parts 1 and 2), and Appendix 4 (Additional Integrated Employment and Residential Scenario).

The Panel recommends the following change to the Urban Growth Zone Schedule 14:

Include the changes described in Document 75, Appendix 2 (under the heading ‘Employment Land Provision and Associated Development Controls’ Parts 1 and 2), and Appendix 4 (Additional Integrated Employment and Residential Scenario).

The Panel makes the following general recommendation:

The Victorian Planning Authority should consult with the Department of Economic Development, Jobs, Transport and Resources, the Department of Education and Training and the City of Casey about the Panel’s recommended changes to the Employment Area provisions as described in Document 75, Appendices 2 and 4. The further consultation is to confirm acceptance of the proposed changes to implement the Panel’s preferred ‘Additional Integrated Employment and Residential Scenario’, contingent upon:

- **Continued commitment to a minimum 10,000 jobs target.**
- **Adequacy of a Commercial 1 Zone applied zone (or other) to ensure that office employment is the primary purpose of the zone (Shops as a section two use).**
- **Endorsement by Department of Economic Development, Jobs, Transport and Resources of scale and provision of employment land.**
- **Endorsement by the Department of Education and Training that the proposed dwelling increase would not result in such a significant change that could not be catered for within the Precinct.**

Any consequential changes should be included in the adopted Amendment.

5.2 Drainage

(i) The issue

The threshold issue is what drainage water management scheme should be adopted for the Precinct.

(ii) Background

The exhibited PSP included a drainage scheme layout (PSP Plan 11 – Integrated Water Management) shown on the Future Urban Structure plan at Figure 2. The VPA advised that this arrangement was conceptual and required further refinement.

Following the exhibition of the Amendment, the VPA proposed an alternative arrangement shown on the revised Future Urban Structure plan at Figure 3 that was discussed with Melbourne Water, DELWP, the Minta Group and Stockland.

This scenario is based on an east-west waterway corridor and would split the southern drainage wetland/sediment basin into two assets to allow for the existing dwelling in the south east corner of the Precinct to be retained.

The ‘splitting’ of one of the drainage assets raises an issue about whether Melbourne Water or Casey would be responsible for the ongoing management and maintenance of these assets. Melbourne Water has a policy of not taking responsibility for drainage assets that have a catchment less than 60 hectares in area.

During the Panel Hearing process, discussions between Melbourne Water, the VPA, the Minta Group, Stockland and Casey identified an additional option (Option 1c) which has a single water asset to the east of the existing dwelling. Melbourne Water would manage this water asset. Option 1c is subject to further testing to confirm that it meets relevant objectives including DELWP’s requirements regarding outflows into Cardinia Creek.

(iii) Evidence and submissions

At the conclave of drainage experts, all agreed that Options 1 or 1b should be adopted as the drainage strategy.¹⁴ In his oral evidence, Mr McLean stated that Option 1 had an advantage in terms of asset management with Melbourne Water taking responsibility for all drainage assets, but there were no significant cost differences between Options 1 and 1b, and both were acceptable from drainage and ecological perspectives.

The VPA advised in its closing submission that Melbourne Water is still content with Options 1 or Option 1b. Melbourne Water is also satisfied, in principle, with Option 1c but that this third option is subject to yet to be completed testing relating to functionality and environmental acceptance.

The VPA submitted that:

Where there is this inherent uncertainty and various options, the drainage plan in the PSP document should have sufficient flexibility built in through the text to permit any of the three options to be implemented, unless, prior to adoption of the amendment the proponent (and) the parties agree on a specific course.

In the event 1(c) is ultimately satisfactory it is of a size that MW would assume maintenance responsibility for.

...

¹⁴ See the conclave statement tabled as part of Document 3

The VPA observes that PSPs are structure plans. PSPs set a high level deliberately because they are intended to guide, but not in every instance determine, development outcomes. The VPA requests that the Panel acknowledge that it is not the purpose of the PSP to determine each and every drainage outcome and that accordingly, the management outcomes are a matter appropriately dealt with outside the preparation of the PSP. That stated the VPA do not object to the PSP identifying this inherent flexibility through the provision of wording at Plan 11. However, if the Panel adopts the position expressed at Paragraph 137 of the TMG & Stockland submission which includes nomination of Option 1(b) then this should be understood to be on the basis that Option 1(b) is not intended to vest in Melbourne Water at this time.

Casey noted in submissions¹⁵ that the exhibited PSP has been prepared on the basis that drainage assets would vest with Melbourne Water. It expressed considerable concern that Melbourne Water had indicated that it would not take ownership of some of these assets. Council submitted that:

It is clear that Option 1b is for the benefit of Mr Baillieu and serves no public purpose. There is no special benefit to Council. Accordingly, Council reserves its right to require the drainage asset to be maintained by an owners corporation as has occurred recently in the Brompton Lodge PSP. This could be resolved through a section 173 agreement, which could accommodate any future redevelopment of the dwelling, if necessary.

Casey submitted that the Panel should not support any change in the PSP that could suggest that any wetland would vest in the City of Casey and should recommend that the VPA, DELWP, Melbourne Water and Council resolve governance arrangements for the drainage assets before the PSP is resolved.

In closing submissions, Casey noted that Option 1c would result in a single drainage asset in the southeast corner of the site which would still allow for the retention of the Baillieu house. Casey stated that from its perspective, Option 1c would “... have positive benefits in maintaining State management of all drainage and conservation assets in the precinct, the retention of the house, and a likely reduction in land take required.”

Casey submitted that:

The Panel need not comment on the proposed options given Option 1C has not been tabled at the Panel, except to note that this option is the subject of further consideration, and that it should be considered given its benefits to all parties.

The Panel should not refer to Option 1b in the PIP. It should not recommend any specific changes be made to the PIP, but it should simply note that:

- *Council has not been involved in the drainage strategy development prior to exhibition of the Amendment;*

¹⁵ Document 12

- *Council is not a party to the Biodiversity Conservation Strategy Agreement is unlikely to be involved in the conservation management plan required for the conservation reserve;*
- *There may be conflicts of interest if stormwater assets are managed by Council adjacent to the conservation reserves, which need to be taken into account by DELWP and Melbourne Water; and*
- *the resolution of options requires further consultation between the relevant agencies.*

Mr Morris (for the Minta Group and Stockland) noted that the expert drainage witnesses agreed on all outstanding issues at their conclave and recommended that Option 1 or Option 1b be adopted as the drainage strategy. He added that since the conclave, there had been further discussion between the parties in relation to Option 1C and:

(I)t was expected that option 1c would result in reduced land take, reduced maintenance costs, and a larger catchment for the asset, meaning that Melbourne Water would be responsible for the asset (as per option 1), rather than Council being responsible (as per option 1b).

Mr Morris stated that Stockland and the Minta Group were disappointed that a final resolution on the drainage scheme has not been achieved prior to the Panel closing. He submitted:

... given the current status of Option 1c, TMG and Stockland request that Plan 11 in the PSP relating to Integrated Water Management be amended to:

- *reflect option 1b; and*
- *include a note that the location and size of drainage assets is subject to review, and that any land designated but not required for drainage purposes may be used consistent with the designation in the PSP of the adjacent land.*

Table 7 should be amended consistent with option 1b, again with a note that the location and size of drainage assets is subject to review, and that the table may require updating following completion of the review.

Mr Morris stated that Stockland and the Minta Group oppose Casey's recommendation that the capital and maintenance expenses associated with Option 1b be paid for by an owner's corporation, noting that Melbourne Water has advised that an owner's corporation model is only required in exceptional circumstances¹⁶ and that Melbourne Water is not aware of exceptional circumstances in this case. He submitted that:

Stockland and TMG endorse this position and recommend that ownership and maintenance responsibilities lie with Melbourne Water and/or Council.

Mr Morris also noted that drainage works in the Conservation Area will require approval from DELWP under the Biodiversity Conservation Strategy and sought a recommendation from the

¹⁶ Document 18

Panel that DELWP be *“asked to provide written agreement to the drainage and associated works.”*

(iv) Discussion

The statement from the conclave of drainage experts demonstrates that there is unanimous agreement that either Option 1 or Option 1b should be adopted as the drainage strategy in preference to Option 2 or the drainage scheme shown in the exhibited PSP. The Panel was informed that both of the preferred options would meet drainage, functionality and ecological performance objectives and there were no significant cost differences between the two options.

The Minta Group and Stockland prefer Option 1b as this would allow for the existing dwelling to be retained. However, this option splits the proposed southern wetland/retarding basin into two assets and raises an issue about who would be responsible for the future management and maintenance of the two drainage assets. The two catchments would not meet Melbourne Water’s 60 hectare threshold, below which it’s ‘policy’ is to not accept the vesting of drainage assets. The Panel considers that the application of this policy is somewhat arbitrary in this instance but accepts that it is a decision open to Melbourne Water to take. Council expressed serious concerns about taking responsibility for these drainage assets and, in the Panel’s view, put forward a good case as to why it should not be required to manage these assets.

Option 1c would seem to address these issues and provide a better outcome, although it is still subject to testing and final acceptance by Melbourne Water. It provides for retention of the dwelling and the vesting of all the drainage assets with Melbourne Water. In the Panel’s view this would be preferable to having responsibility for drainage assets assigned to more than one authority.

However, given that Option 1c is yet to be fully tested and endorsed by Melbourne Water, it would be premature for the PSP to be amended to incorporate this option. Until this work is done, the Panel is reluctant to recommend the adoption of Option 1 or Option 1b at this time. The Panel considers that a better way forward would be for the parties to consult further on Option 1c with the view to it being reflected in the PSP, assuming it is endorsed by Melbourne Water and DELWP. Mr Morris submitted that DELWP should provide advice and certainty about whether it supported the proposed works. In response, the VPA advised that DELWP would be involved in discussions about the options and the Panel supports this approach.

If Melbourne Water does not endorse Option 1c, Option 1b should become the preferred drainage strategy, subject to the parties resolving the responsibility for the ongoing management and maintenance of the drainage assets. Council proposed that should Option 1b be adopted and Melbourne Water declined to take responsibility for all the drainage assets, an owner’s corporation be established to fund the capital and maintenance expenses of any drainage assets vested with the Council. The Panel does not consider this to be appropriate in this instance. Rather, the Panel is of the view that vesting of all drainage assets with Melbourne Water is a more appropriate outcome, notwithstanding that the adoption of Option 1b may result in assets with catchments below the 60 hectare threshold.

Timely resolution and adoption of either Option 1c or Option 1b would be desirable to allow the PSP to be amended accordingly before its approval. The Panel notes, however, that it is not unusual for a PSP to be adopted before a drainage scheme for its area is approved and that may turn out to be the case with the Minta Farm PSP.

The Panel therefore considers that to allow for such an eventually, a note should be added to PSP Plan 11 (Integrated Water Management) to provide flexibility. The VPA recommended a note should identify that *“departure from the exhibited a waterway and drainage network may occur based on conceptual design investigations and ecological sensitivity outcomes identified through subsequent investigations approved by Melbourne water and DELWP”*. Mr Morris suggested wording to the same effect, although he went further in seeking that the note state that any land designated but subsequently not required for drainage purposes may be used consistent with the designation in the PSP of the adjacent land. The VPA did not support that addition to the note to Plan 11 but indicated that the outcome for ‘surplus land’ will be covered in its revised PSP Requirement R83 that will include:

Where the responsible authority is satisfied that land shown as a waterway or drainage asset is unlikely to be used for such purposes, that land may be used for an alternative purpose which is generally consistent with the surrounding land uses and the provisions of the applied zone.

The Panel also notes that Requirement R86 should be amended to allow for the likely outcome that a Development Services Scheme will not be adopted for the Precinct.

(v) Conclusions

The Panel concludes:

- A water management strategy based on Option 1 (or a variation of this option) is a better approach than the scheme shown in the exhibited PSP at Plan 11 (Integrated Water Management).
- It is reasonable for the owners of the existing dwelling to seek a water management scheme that allows for the dwelling to be retained.
- It is preferable that all the drainage assets be managed by one authority, in this case Melbourne Water.
- Subject to final testing and acceptance by Melbourne Water, Option 1c should be the preferred water management strategy.
- Should the Amendment be adopted prior to final agreement being reached on the preferred water management strategy, a note should be added to PSP Plan 11 (Integrated Water Management) that provides flexibility about the water management strategy that will be implemented.

(vi) Recommendations

The Panel recommends the following changes to the Minta Farm Precinct Structure Plan:

Include the following note to Plan 11 (Integrated Water Management):

Note: This Plan and Table 7 (Stormwater Drainage and Water Quality Treatment Infrastructure) may be changed to reflect the final integrated water management strategy approved by Melbourne Water.

Change Requirement R86 to allow for the likely eventuality that a Development Services Scheme will not be adopted for the Precinct.

5.3 The proposed north-south arterial road

(i) The issues

The issues are:

- What mechanism would best trigger the early delivery of the north-south arterial road, at least to its interim standard?
- Are there benefits in constructing the road to its ultimate standard in the short-term as part of the initial works?

(ii) Background

The PSP Plan 10 (Street Network) includes the north-south arterial road as ultimately a divided, six lane primary arterial road between the extension of O'Shea Road and Grices Road. The PSP Precinct Infrastructure Plan (PIP) lists the full length of the north-south arterial road, its intersections with O'Shea Road and Grices Road and intersections with three connector streets internal to the Precinct. The PIP includes the ultimate land requirement, construction to an interim (single carriageway) standard and intersections in the ICP. ICP intersection concept plans included in the PSP (Appendix 9) show 'flared' intersections essentially constructed to the ultimate standard. Construction of the road to the ultimate standard between the intersections is not funded as part of the ICP.

The exhibited PSP includes Requirement R96:

The north-south arterial road as funded by the Minta Farm ICP must be delivered prior to subdivision of the 1001st aggregate residential lot unless agreed otherwise in writing by the relevant road management authority.

This lot cap on development is discussed in Chapter 5.6 below.

(iii) Evidence and submissions

The conclave of experts agreed that the north-south arterial road was an important link that would benefit the region and the Precinct and that it would be important to deliver the road as soon as possible. If external funds were available, it would be sensible to construct a duplicated cross-section (i.e. the ultimate six lane, divided road) but the conclave noted that the duplication was not the responsibility of the Minta Farm PSP, provided that the interim intersections had adequate capacity.

In his expert statement, Mr de Waard stated that construction of the north-south arterial road is critical to limit impacts on the adjacent road network once the Monash Freeway Upgrade Stage 2 works were completed (which includes the O'Shea Road duplication and extension to the Beaconsfield interchange). Mr Butler assessed that initial traffic volumes on the north-south arterial road are likely to fall within the practical capacity of the interim solution, indicating that the road would function satisfactorily when initially constructed. Growth in traffic volumes and performance of the road will determine when the road should be duplicated.

The VPA submitted that:

All parties generally agreed in the Panel Hearing that delivery of the North-Arterial (interim) is essential to unlocking land within the precinct in addition to supporting future sub-regional traffic movement; and that development of the precinct is essential to provide financial contributions to fund the delivery of interim North-Arterial road and intersection arrangements.

In its Part B submission, the VPA noted that:

The ICP will provide for the ultimate land take and interim transport infrastructure requirements for the North South Arterial. The North South Arterial connection (as an interim arrangement) will support north south movement within the precinct, including activation of the proposed employment precincts. The lot cap will ensure that initial development does not result in adversely impacting the service performance of the immediate surrounding road network.

The interim arrangements and ultimate function of the intersections on the North South Arterial Road will be evaluated with a 'First Principles' approach. The duplication has been considered. The principle of land and first carriageway is applied to PSPs in greenfield areas whereby the PSP funds the purchase of ultimate land and construction of the first carriageway.

The VPA referenced the advice of Mr de Waard that the developers within Precinct and the City of Casey should explore alternative funding arrangements for the north-south arterial road, ideally constructing the road as soon as possible (prior to the 1,000 lot level). The VPA noted that:

The ordinary ICP process provides for this. Frequently in growth area planning a collecting or development agency will negotiate the delivery of land for the purpose of projects early in the life of a development in exchange for a credit. Under the passed but not operational Planning and Environment (Public Land Contribution) Act 2018 the compensation for the delivery of identified public land is limited to the value under the ICP and without the additional elements of compensation (such as solatium). This removes the incentive for landowners to hold out on contributions. In practice the importance of the central north south road to development within the precinct will, it is submitted encourage early construction of the north south road.

On the matter of GAIC liability on the land for the north-south arterial road, the VPA stated that the section 96A permit requires GAIC clearance certificates to be provided to Council on all public land to be vested in Council. The VPA submitted that this approach is consistent with the approach across Melbourne's growth areas.

Casey submitted that:

The proposition that infrastructure is brought forward subject to a works in kind agreement that provides a credit is nothing novel. It happens all of the time, but it tends to be resolved between lawyers outside the planning panel hearing. As such, the Panel should not be troubled by the idea that the developer brings

forward infrastructure at its own expense, and gets a credit against ICP liabilities. It is part and parcel of planning for new growth areas.

*There is a risk that the Minta Group will resist the development of the north south arterial on the northern part of the Amendment land, on the basis that there is no subdivision occurring on the northern part of the land. The Panel must not allow a scenario to eventuate, whereby the Minta Group can prevent Stockland from building the northern portion of the north south road as part of a works in kind arrangement, which is why a section 173 agreement should be executed **before adoption of the Amendment**. Hopefully this approach will be supported by Stockland and the Minta Group.*

The option of acquiring the land is not a solution for Council unless it has funds in the ICP that can fund the acquisition of the land. This is unlikely to occur in a timely manner ... A works in kind agreement is necessary.

Casey requested that the Panel find, amongst other things, that the north-south arterial road should be provided as soon as possible after the completion of the Beaconsfield Interchange and O'Shea Road upgrade works (in 2022); that opening volumes are expected to be at a level that justifies its immediate duplication (15,000-20,000 vpd); and it was not appropriate for it to be built in stages.

Casey submitted that the evidence supports its view that a works in kind section 173 agreement for delivery of the north-south arterial road should be resolved before the Amendment is approved and, if the agreement cannot be resolved prior to approval, the PIP and ICP should include financing for the construction projects as a Supplementary Levy item in accordance with the Ministerial Direction for ICPs. Casey sought recommendations from the Panel that:

- The parties should execute an agreement to transfer the land required for the road projects before the Amendment is adopted.
- Stockland and the Minta Group be encouraged to deliver the north-south arterial road (interim treatment) early, in return for credits against their future ICP liabilities.
- VicRoads be encouraged to assess the potential savings that can be realised if the north-south arterial road is delivered as a four lane road, so that this can be taken into account for the purposes of any future works in kind arrangements, and any contribution that may be required from VicRoads to fund items that are not standard levy allowable items.

In response to the section 96A application, Casey submitted that it should include conditions that in part require that:

- Condition 4(a) - The owner must enter into an agreement under section 173 of the Act with the Responsible Authority which provides for the transfer to or vesting in Council of all land required for ultimate treatment of the north-south arterial road including intersections within the Precinct.
- Condition 5 - Unless otherwise agreed by the Responsible Authority, prior to the certification of the first plan of subdivision:
 - (a) All land required for the ultimate treatment of the north-south arterial road including intersections; and

- (b) The following transport projects must be completed to the satisfaction of the Responsible Authority and VicRoads:
- (i) the interim treatment (i.e. two lane carriageway) of the north-south arterial road between the Beaconsfield interchange (north) and Grices Road (south); and
 - (ii) the modification of the existing Grices Road / Soldiers Road intersection, truncation of Soldiers Road and addition of a new northern leg (interim) to connect to the north-south arterial road.

Casey submitted that it would accept either:

- an amended version of condition 5 that required a section 173 agreement that required the north-south boulevard to be constructed upon creation of the 1,000th lot, in accordance with requirement R96 in the PSP; or
- an equivalent section 173 agreement executed prior to adoption of the Amendment that provided triggers for delivery of all required infrastructure.

It submitted that a:

... section 173 agreement as a requirement prior to adoption of the Amendment is clearly preferable to a permit condition, and mitigates the risk that the northern part of the land is not developed in a timely manner, by requiring the road to be constructed for its full length.

The VPA did not support Casey's requested permit Conditions 4(a) and 5. It considered both unnecessary in that Condition 4(a) duplicates the more generic acceptable Conditions 4(b) – 4(d), Condition 5(a) was unreasonable and disproportionate, and Condition 5(b) was unnecessary because only Council is the development agency and it was within its power to consult with VicRoads without resorting to a permit condition.

Casey noted that Stockland and the Minta Group had outlined a conditional offer that was contingent on decisions to be made outside the current Panel process. Mr McIlrath submitted that:

The Panel should not offer a view as to whether the legislation is fair or otherwise. Council is not inclined to support any plan to avoid GAIC liability, or to transfer that liability to the future developer of land or road.

If Stockland wants a better deal on GAIC it should pursue a GAIC works in kind agreement. Those negotiations may help to resolve the issue of duplication of the North South Road at the same time. It should not seek to handball its liability to someone else.

As Mr Morris did not put any argument as to why the status quo should be rejected, the Panel should simply leave this matter to the responsible authority and make no recommendations about collection of GAIC revenue that would alter the status quo.

Mr Morris for the Minta Group and Stockland submitted that the north-south arterial road will play a regional role and on any view of the expert traffic evidence is required now and not merely as a result of the development of Minta Farm. He also submitted that the shortfall between the standard ICP levy and the cost of interim construction should be funded

externally, such as through GAIC funds, and that the road should be constructed as a four-lane divided road from the outset with external funding.

He advised the Panel that the Minta Group and Stockland would agree to the vesting of the land required for the north-south arterial road 'upfront' provided that this does not disadvantage them by bringing forward a requirement to pay GAIC years earlier than would otherwise be the case. Mr Morris submitted that Casey should accept the land with GAIC liability. He noted, however, that there was no realistic scenario under which GAIC can be triggered on a road reserve.

Mr Morris added that Stockland is committed to building the road (including intersections) on Stockland's land to its interim standard as part of the staging of development works from west to east. He stated, however, that Stockland resisted any condition on the section 96A permit requiring it to construct the north-south arterial road and seeks a credit from Council for these works in kind.

Mr Morris submitted that, based on costings prepared by Stockland¹⁷, there will be a significant shortfall between infrastructure costs (including the delivery of the north-south arterial road to its interim standard and intersections to the ultimate standard) and the standard ICP levy contributions. He argued that there is no legal basis for a Supplementary Levy in respect of the north-south arterial road and its intersection. He concluded that:

Given the regional role of the north-south arterial - which on any view of the expert traffic evidence is required now and not merely as a result of the development of Minta Farm - the shortfall between the standard levy and the cost of interim construction should be funded externally, such as through GAIC funds.

Further, it should be constructed as a four-lane divided road from the outset with external funding.

(iv) Discussion

There was unanimous agreement amongst the experts, the VPA, Casey, the Minta Group and Stockland that the early delivery of the north-south arterial road is essential to mitigate the impacts on the surrounding road network not only from traffic generated by the development of Minta Farm but traffic from development of PSP areas to the south. Ideally, the north-south road to its interim standard should be constructed concurrently with the extension and duplication of O'Shea Road, i.e. by the year 2022.

The road is also a key element of the Minta Farm PSP street network and its construction will be required to enable development of the Precinct. The Panel agrees with the VPA that this should provide sufficient incentive for the landowners to facilitate the road's early delivery. Stockland gave a commitment to build the road on its land as part of the staging of its development. The Minta Group was less equivocal in its commitment although both parties gave a conditional offer to vest 'upfront' with Council the land required for the road on the proviso that Council accepted the land with any future GAIC liability. Not surprisingly, Casey stated that it was not prepared to accept the land with any GAIC liability. Condition 27 of the

¹⁷ Document 27

proposed subdivision permit requires GAIC clearance certificates to be provided to Council on all public land to be vested in Council. The VPA advised the Panel that this is consistent with the approach applied across Melbourne's growth areas. Casey submitted that the Panel ought not make any recommendations as to GAIC liability and leave resolution of the matter up to the responsibility authority. The Panel agrees with Casey and supports the proposed permit condition that any public land vested in Council must be transferred free of any GAIC liabilities.

There was some support for the north-south arterial road to be built to its ultimate standard (duplicated carriage way with four lanes) at the outset rather than initially to an interim standard. The Panel sees some merit in this approach and would encourage VicRoads to explore this option. There was evidence, however, from the experts that construction to an interim standard, which includes intersections to the ultimate standard, would provide sufficient capacity and level of performance during the first phases of development of the Precinct. Importantly, construction of the road to an interim standard would provide sufficient capacity for Soldiers Road to be closed at the Grices Road/north-south arterial road intersection. Construction to an interim standard should not be delayed in the hope that external funding could be found to meet the additional cost of building the road to its ultimate standard.

The Panel also notes that the PSP PIP includes the ultimate land take and construction of the north-south arterial road to an interim standard. Additional external funding will therefore be required to construct the road to its ultimate standard.

Conflicting evidence was presented to the Panel on the cost to construct the road to its interim standard and whether there would be sufficient ICP funding collected to meet the cost of construction, particularly as the intersections, which are significant cost items, are to be built to ultimate standards. Casey questioned whether there would be sufficient early ICP funds for it to even purchase the land required for the road. Mr Morris argued that a Supplementary Levy was not allowable under the current Ministerial Guidelines and that any funding shortfall should be met through external funding such as GAIC funds. The Panel understands, however, that GAIC funds are not typically applied to road construction. The matter of a supplementary ICP levy is discussed further in section 5.4 of this report.

Casey proposed that to ensure early delivery of the north-south arterial road to an interim standard, either a condition should be added to the subdivision permit to require the proponents to enter into a section 173 works in kind agreement before the permit is issued or that a works in kind be agreement be struck before the Amendment is approved. Casey expressed preference for the later approach as it saw this as a mechanism to cover the early delivery of the road over its entire length.

The Panel is not convinced that a works in kind section 173 agreement for the construction of the north-south arterial road should be made mandatory, either as a permit condition or a requirement before the Amendment is approved. There is merit, however, in an agreement being struck on a voluntary basis to give the proponents a credit for early delivery of the land and potentially any works in kind they may do to build the road to an interim standard. As noted by the VPA, such agreements are not unusual in the development of PSP areas. Casey also made the point that there is nothing novel in bringing forward infrastructure, subject to a works in kind agreement that provides an ICP credit to a developer. It added that such

agreements tend to be resolved between the parties outside the planning panel hearing process.

In the Panel's view there is an added incentive in these circumstances for Stockland and the Minta Group to enter a works in kind agreement as a means of giving comfort to Casey on the early delivery of the road. An agreement would give Council a strong basis to exercise its discretion with respect to the 1,000 lots cap before the north-south arterial road is built. The lot cap is discussed further in section 5.6 below.

(v) Conclusions

The Panel concludes:

- The north-south arterial road will play a critical role in the regional road network as well as providing access to the Precinct that will enable its development.
- Early delivery of the north-south arterial road over its full length is essential. The objective should be to construct the road to at least an interim standard at the same time as the 2022 extension of O'Shea Road.
- Some form of additional funding may be necessary to fund the interim construction of the road and its intersections to ultimate standard. A supplementary ICP levy may be the appropriate mechanism to provide sufficient funds.
- Construction of the north-south arterial road to its ultimate standard as part of initial works would be beneficial, although this would require external funding as the PSP will only deliver it to an interim standard.
- Construction of the north-south arterial should not be delayed an expectation that additional external funding might be found to construct the road to its ultimate standard.
- The commitment by Stockland to vest upfront the land for the north-south arterial road is a positive approach.
- Given the uncertainty about whether there will be sufficient funds in the ICP by 2022, a works in kind agreement with Stockland and the Minta Group should be pursued by Casey to provide greater certainty on the early delivery of this road.
- A voluntary works in kind agreement could provide a basis for Casey to exercise its discretion in applying the lots cap.
- The Amendment provides an adequate framework for the parties to resolve these issues.

5.4 Infrastructure funding

(i) The issues

The issues are:

- whether the PSP and Amendment should be approved before an Infrastructure Contributions Plan (ICP) is prepared
- whether a Supplementary Levy can be included in the ICP to fund the delivery of the north-south arterial road (interim standard) and its intersections (ultimate standard)
- what, if any, items should be deleted from the exhibited PSP PIP as exhibited?

- should there be apportionment of any PIP road and intersection items to Casey or Government agencies for their interim construction?

The exhibited PSP includes a PIP (Plan 13) and Table 8 lists the items in the PIP, a brief description of these items, the lead agency for delivery, the components to be included in the ICP and the timing for delivery. Specified items to be part of the ICP include the segments of the north-south arterial road, intersection projects, a bridge, a culvert, a pedestrian signalised crossing, community projects and open space and local parks.

The exhibited PIP specifically excludes the extension and duplication of O'Shea Road to the Beaconsfield Freeway interchange which is a state-funded project (as part of the recently announced Monash Freeway Upgrade Stage 2) and the construction of Grices Road which is included with 100 per cent apportionment to the Clyde North DCP.

The VPA advised that it *"does not propose to gazette the PSP in the absence of an interim ICP"*.

(ii) Evidence and submissions

Infrastructure Contributions Plan

The VPA stated its preference would be to have an ICP approved immediately after the PSP is approved. As the *Public Land Contributions Act 2018* was passed in late February, the ICP could not be exhibited consistent with the new legislation and there has been a delay in the ICP preparation. The VPA noted that there are other PSPs that have been gazetted without an ICP such as the recent Plumpton and Kororoit approvals.

The VPA noted that an ICP is not required to be exhibited if it only contains a Standard Levy. It submitted that:

The ICP framework is a streamlined process to remove the need for detailed costings to be undertaken for each PSP. In preparing a draft PSP, detailed costings prepared for similar items in the local government area are applied to determine costing estimates. The costings attributed are not formally contestable under the Standard Levy arrangements. The VPA will revise the ICP and prepare a Precinct Infrastructure Plan based on the revised and final PSP. The ICP will be updated to reflect the identified and agreed road improvements for the precinct reflecting the updated traffic assessment. Should this result in a need to apply a Supplementary Levy, the ICP items will be costed in detail and will be publicly exhibited.

...

In addition, the VPA intends to progress preparation of Minta Farm ICP (with likely supplementary levy) and exhibit to necessary parties, in accordance with requirements for an ICP with supplementary levy under the Ministerial Directions on ICPs.

Ultimately, whether the PSP is approved at the same time as a supporting ICP, or whether the ICP approval follows the PSP approval will be a matter for the Minister to consider.

Casey stated that it shared the concerns expressed by the Minta Group that the ICP is to be dealt with by a separate amendment and submitted that:

On the one hand the PSP is identifying projects for inclusion in the ICP, without any evidence being lead as to the costings, or functional design requirements.

If these projects are adopted as part of the PSP, their inclusion in the ICP becomes a fait accompli.

The risk to Council is that a standard levy ICP is introduced without any forum to debate costings.

Casey submitted that in circumstances where the PSP identifies projects for inclusion in the ICP, such a process amounted to a denial of procedural fairness to Council and landowners and that development agencies should be entitled to make submissions regarding the form and content of ICPs and the need for a Supplementary Levy.

Casey sought a recommendation from the Panel that an annotation be added to the PSP PIP (PSP Appendix 4) that:

The projects described in the following Precinct Infrastructure Plan are indicative and subject to review as part of the future planning scheme amendment for the Minta Farm Infrastructure Contributions Plan.

The Minta Group and Stockland submitted that as a matter of principle, ICPs should be exhibited at the same time as the relevant PSPs, particularly where a Supplementary Levy is likely to be required.

Mr Morris noted that because of changes in the legislation dealing with public land contributions, an ICP has not yet been prepared and was not exhibited with the Amendment. He submitted, however, that:

... the fact that an ICP has not been exhibited does not mean that the Panel cannot have regard to infrastructure required for Minta Farm and the funding mechanisms.

It is the PSP - which has been exhibited and is before the Panel - that sets up the framework for a subsequent ICP. The PSP includes a Precinct Infrastructure Plan in Plan 13 and Table 8, which specifies the components of infrastructure items that are to be included in the ICP, and how funding is to be apportioned.

As will be shown below, the apportioned cost of the infrastructure set out in the Precinct Infrastructure Plan has major ramifications for the fairness of what the VPA is proposing. The Panel can and should make recommendations about the contents of the Precinct Infrastructure Plan.

Supplementary Levy

The VPA stated that:

The introduction of the Planning and Environment Amendment (Public Land Contributions) Act 2018 (PLC Act 2018) has implications for the Minta Farm ICP. As the land component of the ICP will no longer be a cash levy but will instead be a direct land contribution, the land levy will no longer be able to top up any

shortfall in the transport levy. Therefore, it is likely that a Supplementary Levy will be needed for the Minta Farm ICP.

The VPA also submitted that because Minta Farm is a relatively small precinct, it will realise a reduced quantum of infrastructure contributions and is therefore unlikely to raise sufficient funds for the north-south arterial road under a Standard Levy. The VPA added that:

Should a Supplementary Levy be required, the VPA will seek the Minister's approval of an 'interim' ICP via 20(4) concurrent with seeking the Minister's approval of the final PSP. The VPA will then progress exhibition of the ICP with a Supplementary and Standard Levy in accordance with the normal amendment process. VPA will receive and resolve submissions and refer unresolved matters to Panel, before seeking approval for this 'final' ICP in mid-2019.

The VPA also submitted that a Supplementary Levy can include financing costs to support early delivery of key infrastructure items and that it would support the inclusion of financing costs in a Supplementary Levy for Minta Farm should one be required.

The VPA disputed the submission made by the Minta Group and Stockland that the north-south arterial road construction is not an allowable item for a Supplementary Levy. The VPA submitted that criteria for applying a Supplementary Levy for the road include that *"the area of the precinct in net developable hectares is limited"* and that further justification for a Supplementary Levy is that the Precinct has a number of intersections which differ from the requirements of Table 3 in the Ministerial Direction.

Casey submitted that the Panel should note the advice from the VPA that a Supplementary Levy is likely to be necessary to deliver the infrastructure projects as set out in the PSP.

The Minta Group and Stockland referred to Table 4 (Transport construction supplementary levy allowable items) in the Ministerial Direction on the Application and Content of Infrastructure Contributions Plans. They submitted that none of the criteria applied to the north-south arterial road and its intersections, and that therefore *"... there is no legal basis for the application of a supplementary levy in respect of the north-south arterial road and its intersections."*

They added that it is clear that a Supplementary Levy would be contrary to the current Ministerial Directions and therefore opposed Council's recommendations 4.1 (that the Panel note the need for a Supplementary Levy)¹⁸ and 4.2.4(b) (that an annotation be added the PSP PIP to clarify that the PIP table is draft and subject to review pending the gazettal of an ICP with a Supplementary Levy)¹⁹ as they are based upon a false premise.

PSP Project Infrastructure Plan Items and Apportionment

The conclave of traffic experts considered that the PSP PIP Table 8 should be amended as follows:

- remove from the description of the interim works to the Grices Road/North-South Arterial roundabout (IN-05) the reference to the 50 percent apportionment to the Clyde North PSP as these works have been funded and completed

¹⁸ Document 73

¹⁹ Ibid.

- include the interim construction of a signalised intersection at the Grices Road/North-South Arterial (IN-05)
- a signalised intersection is not required for the interim construction of the intersection at Grices Road/PSP Connector Street (IN-06) and should be deferred until Grices Road is extended to the east.

The VPA supported signalisation of Intersection IN-05 as an interim measure and removal of the signalisation of Intersection IN-06 from the PIP noting that access works at this location will be provided as developer works.

The VPA submitted that the Panel should recommend that the PSP PIP as set out in Table 8:

- retain IN-01 Option 1 as per the exhibited Amendment
- remove IN-01 Option 2 in light of the Monash Stage 2 Upgrade announcement
- retain the descriptions of IN-02, IN-03 and IN-04 as part of the PSP as exhibited i.e. no apportionment to external agencies
- IN-05 be noted under the column 'Description' as: *"Purchase of land (ultimate treatment); and Construction of a Signalised intersection (interim), including truncation of Soldiers Road and addition of new northern leg (interim treatment), to connect to the north-south arterial road"*
- delete the note in the description of IN-05 pertaining to apportionment
- remove signalisation of IN-06
- include a new item under the PIP at Section 4.1 entitled 'Financing for [INSERT SUPPLEMENTARY LEVY ITEM PROJECT NUMBERS]'. Under the column note, include a comment that this is a supplementary item for the Minta Farm ICP.

Casey supported the deletion from the PIP of the Grices Road/PSP Connector Street (IN-06) and Option 2 from Intersection IN-01.

With respect to the intersection at Grices Road/North-South Arterial (IN-05), Casey submitted that:

The Clyde North ICP and exhibited Minta Farm ICP proposed only roundabouts, and so do not fund signals. The existing single lane roundabout was delivered in line with the Clyde North DCP. The conclave agreed that signals would be required and that the interim treatment roundabout identified in the PIP would be 'throw away works'.

Casey noted that the conclave did not identify a trigger for delivery of the signals, although:

- *Mr Richardson indicated it should be delivered at the same time as the duplication of Grices Road;*
- *Mr Hunt indicated it should be tied to the duplication of the North South Road (which should occur at the outset);*
- *Mr Richardson gave evidence that the roundabout in its current form will fail at 500 lots within the PSP, even without the N-S arterial and allowing or the future duplication of Grices Road.*

Casey submitted that:

- *If the North South Road is delivered, the evidence indicates that IN-05 should be signalised to avoid throw away works;*

- *signals at IN-05 can be funded by:*
 - *VicRoads as part of the duplication of the North South Road (as per Mr Hunt's evidence); or*
 - *as a supplementary levy item, as there is no basis to apportion to the signals to any other DCP or ICP;*
- *additional signals, including those proposed by the Minta Group should not be funded at expense of standard levy allowable items included in the exhibited PIP.*

On apportionment, Casey submitted that construction of the interim treatment of the north-south arterial road of one lane in each direction is a standard levy item for new council arterial roads and it was not clear how an argument for apportionment could succeed.

Casey argued that:

But it is clear enough that Minta Farm will generate more traffic movements than is required to justify duplication of the road. The evidence is that 15,000 vpd justifies duplication. Minta Farm will generate far more than this at full development. The traffic experts did not even feel the need to discuss apportionment at the conclave. There is no evidentiary basis for apportionment, even if it was appropriate for the Panel to make any ruling about it (which it isn't).

While the Panel has to turn its mind to what infrastructure is required for the PIP, the future ICP is simply not before it. It should not entertain arguments about costings and apportionment as these matters of detail are not before the Panel. In this regard the Panel should include a note that items in the PIP are provisional only. This will preserve rights to procedural fairness.

The Minta Group and Stockland proposed amendments to the exhibited PSP PIP Table 8 (Document 60). They submitted that:

- *IN-01 and PS-01 should be deleted from the Precinct Infrastructure Plan because they should be completed by VicRoads as part of the O'Shea Road extension and are not required for development of the PSP.*
- *Contrary to Council's submissions, IN-02 and IN-04 should be retained rather than required as a condition on permit, as they are required for development of the PSP.*
- *IN-06 should be deleted from the Precinct Infrastructure Plan as an item to be funded by the PSP, as it is not required by development of the PSP. It is designated as a four-way signalised intersection, yet the western leg will remain "dead" until the Officer South Employment PSP is substantially delivered. An interim unsignalised T-intersection would suffice in the medium term.*
- *BR-01 should be deleted, as it requires construction of a shared pedestrian and cyclist bridge over Cardinia Creek that cannot be utilised until Officer South Employment PSP has been substantially completed. It is not required by development of the PSP.*

- *In relation to IN-05, Mr Hunt's evidence is that the existing roundabout will be sufficient until the interim north-south arterial road is delivered, at which point IN-05 will need to be delivered. A fully signalised intersection will only be required at the time the ultimate north-south arterial road is delivered.*

The VPA provided its comments on the specific changes to the PIP requested by the Minta Group and Stockland in Appendix 7 to its closing submission (Document 75).

(iii) Discussion

Ideally, the ICP should be considered concurrently with or before approval of the relevant PSP. In this instance, the preparation of the ICP for Minta Farm was delayed pending the release of guidelines with respect to the *Planning and Environment Act (Public Land Contributions) Act* 2018. The Act has since come into effect, accompanied by a Ministerial Direction and Guidelines. The Panel has not been in a position to receive submissions on the Ministerial Direction and Guidelines and has not formed any views about their content. However, the VPA will need to have regard to the changes in finalising the Amendment and preparing the ICP.

As noted by the VPA, there have been other recent PSPs approved and gazetted without an ICP and ultimately it will be a matter for the Minister for Planning to determine whether the PSP is approved at the same time as a supporting ICP, or whether the ICP approval follows the PSP approval.

Casey suggested that in accordance with natural justice principles, it and other parties should be given the opportunity to review project designs and costings before an ICP is finalised. The current ICP framework is a streamlined process which removes the need for detailed costings to be undertaken for each PSP and applies costings based on detailed costings prepared for similar items in the local government area to determine costing estimates for an ICP. Attributed costings are not formally contestable under the Standard Levy arrangements. While there is no legislative requirement for ICPs that do not include a Supplementary Levy to be exhibited, other Panels have suggested that the VPA consult informally with the relevant council and other parties before an ICP is finalised. The Panel encourages such an approach in the preparation of the Minta Farm ICP.

The Panel notes the advice of the VPA that it is likely that a Supplementary Levy will be required and that there will be an opportunity for all parties to respond to the exhibited ICP. The Minta Group and Stockland submitted that under the current Ministerial Direction, a Supplementary Levy would not be allowable for the delivery of the north-south arterial road, although the VPA disagreed. The Panel does not offer a view on this matter other than to note that whether or not a Supplementary Levy is needed and can be legally applied will be determined during the preparation of the Minta Farm ICP and ultimately will be subject to the approval of the Minister.

The conclave of traffic experts recommended various changes to the PIP that were agreed by the VPA²⁰: The Panel supports these changes that will delete Option 2 for the Intersection IN-01, amend the description of Intersection IN-05 to include signalisation as an interim

²⁰ Documents 75

treatment, delete the note on apportionment of Intersection IN-05 and remove the signalisation of Intersection IN-06.

The VPA also sought a recommendation from the Panel that the PIP be amended to include a new item entitled 'Financing for [INSERT SUPPLEMENTARY LEVY ITEM PROJECT NUMBERS]'. The Panel accepts that financing costs for infrastructure items associated with the north-south arterial road would be an allowable item for inclusion in a Supplementary Levy. It would be appropriate for the PIP to incorporate this new item as sought by the VPA, if and when it is determined that a Supplementary Levy is required.

Casey proposed that a note be added to the PIP to the effect that the PIP projects are indicative and subject to review as part of the future planning scheme amendment for the ICP. The Panel considers such a note to be unnecessary.

The Minta Group and Stockland sought several additional changes to the PSP PIP including the deletion of some items and the appointment of other items with 50 percent allocated to Council or Government agencies. The VPA did not support these changes and the Panel agrees with the VPA's responses as set out in Appendix 7 to its closing submission. The Panel notes that in general, it is appropriate for all road and intersection interim treatments to be apportioned 100 percent to the PSP PIP as per the exhibited PSP.

(iv) Conclusions

The Panel concludes:

- Ideally, a PSP should not be approved before an ICP is prepared but it is not unusual for a PSP to be finalised without an accompanying ICP.
- The VPA should proceed with the preparation of an ICP based on the revised PSP, and determine whether a Supplementary Levy is required.
- The VPA should consult with Casey Council, landowners and other relevant parties during the preparation of the ICP.
- Changes to the PSP PIP proposed by the conclave of traffic experts and supported by the VPA are justified.
- Further changes to the PSP PIP sought by the Minta Group and Stockland have not been justified.
- Except where already specified in the exhibited PSP, PIP items for the interim treatment of roads and intersections should not be partly apportioned to external agencies.
- The note to the PSP PIP sought by the Casey stating that the PIP items are indicative and subject to review is unnecessary.

(v) Recommendations

The Panel makes the following general recommendation:

The Amendment should be adopted after an Infrastructure Contributions Plan has been prepared in order to determine if a Supplementary Levy is required.

The Panel recommends the following change to the Minta Farm Precinct Structure Plan:

Change Section 4.1 (Precinct Infrastructure Plan) and Plan 13 (Precinct Infrastructure Plan):

- Remove signalisation of IN-06
- Remove IN-01 Option 2
- Change the 'description' of IN-05 to:

Purchase of land (ultimate treatment) and construction of a signalised intersection (interim), including truncation of Soldiers Road and addition of a new northern leg (interim treatment), to connect to the north-south arterial road.
- Delete the apportionment 'note' pertaining to IN-05.
- Include provision for the financing of a Supplementary Levy or Levies if it is determined that a Levy or Levies is required.

5.5 Lot cap on development

(i) The issue

The issue is whether a cap should be placed on the number of lots that can be developed before the north-south arterial road is delivered, at least to an interim standard, and if so, should the cap be 1000 lots.

The exhibited PSP Requirement R96 with respect to development staging specifies that:

The north-south arterial road as funded by the Minta Farm ICP must be delivered prior to the subdivision of the 1,001st aggregate residential lot unless otherwise agreed in writing by the relevant road management authority.

The PSP PIP includes the ultimate land required for the north-south arterial road and its interim construction (2-lane carriageway) to be delivered in the short term. The City of Casey is the nominated lead agency.

(ii) Evidence and submissions

The VPA stated in its Part B Submission that a 1,000 lot cap on interim development (prior to delivery of the north-south arterial road) was generally set by the Traffix Group 2017 modelling. It was considered that this level of development would contribute substantial funds to the ICP for construction of the road.

The VPA noted that:

Mr de Waard has reviewed the impact of construction of 1,000 lots on the Minta Farm site in the interim conditions as follows:

- a) *The 1,000 lots would be expected to generate 8,000 vehicles per day and 800 vehicles per hour.*
- b) *Soldiers Road has a finite capacity of approximately 18,000-20,000 vehicles per day with the 1,000 lots on the Minta Farm PSP area absorbing 8,000 vehicles per day of capacity. This will result in the redistribution of vehicle*

trips to/from the Clyde North PSP area via Grices Road and Thompsons Road to Clyde Road.

- c) Overall, he expects the localised road network to be under pressure during the interim period, however, allowing the development of 1,000 lots results in the North-South Arterial Road being delivered in the quickest manner.*
- d) The location of the initial development within the Minta Farm PSP area should be reviewed, with a preference toward the Grices Road and O'Shea Road frontages to provide more route choice and limit impact on the surrounding roads.*

The VPA considered that it was appropriate to allow initial development to proceed in the Precinct up to the proposed 1,000 lot cap in order to secure contributions for the north-south arterial road, subject to additional traffic management measures.

It submitted that:

(t)he solution is the construction of the North-South Arterial Road. However, sufficient funding cannot be sourced from the ICP until lots are constructed on the Minta Farm site. Outside of external funding from Council and State Government, a reasonable lot cap is required to develop the North-South Arterial, manage traffic in the interim and relieve the demand placed on Soldiers Road.

The VPA did not support linking the lot cap to the Statement of Compliance (as proposed by the Minta Group) due to the need to manage the impact of development with respect to existing local traffic impacts. Such a requirement would be inherently uncertain and could be manipulated to achieve a substantially higher yield by subdividing a large stage to cross the threshold of the 1000th lot. It submitted that a Statement of Compliance threshold might not represent a certain lot cap.

The VPA concluded that:

It is important to note that the wording of R96 is subject to a secondary consent position. On this basis the 1,000th lot is not a hard cap but rather represents sufficient justification can be tendered the lot cap could be exceeded. (sic) This again provides a reasonable balance between the need to examine the performance of the road network as augmented by development of the PSP area.

In its submission in response to the exhibited Amendment, Casey rejected the proposed 1,000 lot cap suggesting that the traffic study on which it was based had a flawed methodology and assumed unbearable traffic volumes on Soldiers Road. Casey was concerned with the purpose and scope of the traffic assessment noting that its request for “*a holistic analysis of the Minta Farm PSP area has not been satisfied through the Traffix Group Modelling.*” Casey submitted that the Traffic Modelling simply “*aims to determine the level of development possible prior to the construction of the NS arterial.*”

In closing oral submissions, Mr McIlrath stated that Casey did not depart in any material way from its original set of recommendations made to the Panel²¹. Casey submitted in those original recommendations that the Panel ought to recommend that:

- PSP R96 is justified as exhibited
- R96 should only be reviewed in the event that a suitable works in kind agreement is executed between the City of Casey and the proponents for early delivery of the north-south arterial road.

In closing submissions, Casey argued that:

The expert evidence is that:

- *Mr De Waard and Mr Richardson based their evidence regarding the lot cap on the capacity of Soldiers Road, whereas others gave significant weight to cash flow considerations in the ICP;*
- *Mr Butler, Mr De Waard and Mr Richardson agreed that the 1000 lot cap is appropriate;*
- *Mr Hunt agreed in response to questioning that nothing turns on whether the trigger is 1200 or 1000 lots;*
- *After about 400 lots of development from Minta Farm, Soldiers Road will reach 18,000 vpd.*

It submitted that a soft cap could encourage litigation or delays in the delivery of the road and Stockland and the Minta Group were also concerned about the prospect of litigation.

Casey requested that the Panel:

- *recommend that a precinct wide solution be given effect to implement R96, rather than relying on permit conditions in response to individual subdivision applications;*
- *support the recommendations proposed by Council, which include the need for a section 173 agreement to specify milestones for the delivery of transport projects.*

The Minta Group submitted that:

A lot cap is not required and the Panel should recommend against its imposition. It is an arbitrary number without empirical basis. It will have the effect of stalling development, rather than encouraging it, artificially delaying delivery of infrastructure. Infrastructure contributions from 1000 lots will certainly be insufficient to fund the interim construction of the north-south arterial, while the traffic generated by those 1000 lots is inconsequential in relation to the overall performance and operation of the existing road network serving the corridor.

The notion that the 1000 lot cap would operate as a soft cap is unrealistic. Council has made its position clear and will almost certainly treat it as a hard cap, leading inevitably to litigation in the Tribunal.

²¹ Document 15

In oral submissions, Mr Morris for the Minta Group suggested that the proposed cap was linked to existing traffic conditions and that additional lots could provide a solution to the delivery of the north-south arterial road by providing more funds for the ICP.

The Minta Group relied on the evidence of Mr Hunt who in his expert statement opined that while the importance of the north-south arterial road is inarguable, the relative impact of traffic generated by 1,000 lots on Minta Farm would be largely inconsequential to the performance of the existing road network. He added that:

In traffic terms the provision of an arbitrary lot cap as a “stick” to development of Minta Farm, applied to force early delivery of the road, is in my opinion, unnecessary and arguably inequitable.

The Minta Group requested that PSP R96 be amended to state that there is no lot cap in relation to development and the delivery of the north-south arterial road.

At the conclave of traffic experts, Mr Butler, Mr de Waard and Mr Richardson agreed that the 1,000 lot cap was appropriate. Ms Marshall opposed the cap because there may not be sufficient ICP credit created by the 1,000 lots to facilitate land acquisition and construction of the north-south arterial and in her experience, a lot cap is often a hindrance to development. Mr Bayley for TfV considered that the risks of not having a lot cap outweighed the risks of having a cap.

The conclave also agreed that the additional lot cap originally proposed by Mr Richardson (essentially tying the delivery of the extension of O’Shea Road, the Grices Road/Clyde Road upgrade and the upgrade of the Soldiers Road/Grices Road roundabout to a 500 lot cap for Minta Farm development) was not required.

(iii) Discussion

There was general, but not unanimous, agreement between the traffic experts that a 1,000 lot cap on development was appropriate although no clear evidence was presented to the Panel to substantiate the 1,000 lot figure. Casey suggested that it would be more appropriate to set a cap of 400 lots if the objective was to limit the increase of traffic on Soldiers Road to its “practical capacity” of 18,000 vpd.

The Panel notes the views of Mr Hunt and Ms Marshall and the submissions made by Mr Morris that the imposition of any “arbitrary” cap was unnecessary and not justified as the traffic generated by 1000 lots was inconsequential to the operation of the existing road network and the ICP contributions from 1000 lots would be insufficient to fund the interim construction of the road.

The importance of the early delivery (i.e. by 2022) of the north-south arterial road is not in dispute. All parties agree on that point. There are differing views, however, on whether some form of incentive should be included in the PSP to encourage the early delivery of the road and the efficacy of a requirement such as the proposed lot cap.

Council suggested that in addition to a lot cap as set out in Requirement R96, a works in kind section 173 agreement for the early delivery of the north-south arterial road should be mandatory by way of a permit condition. This issue was discussed earlier in section 5.3.

The Panel did have some difficulty in accepting that 1,000 lots was the ‘magic’ figure beyond which the traffic generated by development of Minta Farm would have an unacceptable impact on Soldiers Road until such time as the north-south arterial road was constructed. Casey did at least provide some justification in terms of traffic generation and impact for its suggested 400 lots cap. However, the Panel is mindful of the view put by Mr Morris that 1,000 lots may not provide sufficient ICP funds for the north-south road and clearly if that were the case, a much lower cap of 400 lots would fall well short of the required level of funds required.

On balance, the Panel considers that the 1,000 lots figure should be retained and Requirement R96 remain unchanged from the exhibited PSP. This does not preclude the option for Council and any future proponent to enter into a works in kind agreement for the delivery of the north-south arterial road. Such an agreement could provide a basis for the 1,000 lot cap to be exceeded prior to the construction of the road.

The Panel believes that the lot cap should be a ‘soft’ cap and notes that the exhibited Requirement R96 provides the flexibility for the cap to be exceeded subject to the agreement of the road management authority. The Panel does not accept that having a ‘soft’ cap would inevitably lead to litigation at VCAT.

The VPA proposes to retain this requirement and accordingly this matter does not require a separate recommendation from the Panel.

(iv) Conclusions

The Panel concludes:

- A cap on development of 1,000 lots is, on balance, appropriate to mitigate the traffic impacts, particularly on Soldiers Road, and to provide some incentive for the early delivery of the north-south arterial road.
- PSP Requirement R96 as exhibited provides some flexibility in the application of the cap and should be retained.

5.6 The O’Shea Road cross-section

(i) The issues

The issues are whether the O’Shea Road cross-section should be included in the PSP and whether it should be modified.

The exhibited PSP did not include a proposed cross-section for the extension of O’Shea Road, but the conclave of traffic experts recommended that PSP Plan 10 (Street Network) be amended to show O’Shea Road as a future Primary Arterial in accordance with the announced Monash Freeway Upgrade.

The VPA agreed to include a cross-section based on the current the *“O’Shea Road Concept Plan prepared on behalf of VicRoads”*.

(ii) Evidence and submissions

Mr Micallef raised issues about the proposed O’Shea Road upgrade, including the proposed cross-section along its northern side and the need for access links between the Precinct and the residential area to the north.

The VPA advised that the proposed cross-section was a draft proposal prepared by VicRoads and beyond the scope of the Amendment to address. The VPA also advised that Mr Micallef's submission had been provided to Transport for Victoria and noted that *"...VicRoads will undertake a detailed design phase and will notify adjacent landowners. Stakeholders will have an opportunity to make a submission on the concept plan and design prior to construction"*. The VPA agreed that access across O'Shea Road was an important issue, but submitted that this would be resolved as part of the detailed design process.

The conclave of traffic experts also recommended that the proposed on-road bike lanes along O'Shea Road be removed. The VPA supported this change while noting that further consultation with TfV would be needed to confirm the O'Shea Road cross-section provision for bike lanes.

The VPA also recommended that the PSP Plan 9 (Public Transport and Path Network) be changed to indicate a shared path extending south from the pedestrian signals on O'Shea Road to the connector street alongside the Mixed Use sub-precinct.

(iii) Discussion

While the Panel notes Mr Micallef's concerns, it also notes the VPA's advice that these issues will be addressed through VicRoads detailed design process. While the Panel accepts this advice, it believes that the PSP should have addressed access to the residential area to the north, at least on a conceptual basis. In the absence of expert evidence or the views of VicRoads about possible access arrangements, the Panel is not able to form any conclusions about how any future access might be provided, but encourages the VPA and VicRoads to address this during the detailed design process.

The Panel does not support deleting the proposed on-road bike lanes from the O'Shea Road cross-section as recommended by the conclave of traffic experts and supported by the VPA. Although the Panel has not formed any views about the merits of the proposed change, it agrees with the VPA's observations in response to Mr Micallef's submission that the cross-section will be subject to a detailed design process and that changing it now would pre-empt that process. Bike lane changes should be reviewed as part of the detailed design process.

The Panel supports the agreed change to PSP Plan 9 (Public Transport and Path Network) in relation to the shared path.

Not all of the changes supported by the Panel are described in the VPA's Key Changes table Version 3 and require separate recommendations.

(iv) Conclusions

The Panel concludes:

- It is appropriate to designate O'Shea Road as a primary arterial on PSP Plan 10.
- It is appropriate to amend PSP Plan 9 to show a shared path extending south from O'Shea Road pedestrian signals to the connector street running along the Mixed Use sub-precinct.

(v) Recommendations

The Panel recommends the following changes to the Minta Farm Precinct Structure Plan:

Identify O'Shea Road as a future 'primary arterial road' on Plan 10 (Street Network).

Include the O'Shea Road Concept Plan cross-section prepared on behalf of VicRoads in Section 4.8 (Road Cross Sections).

5.7 Heritage

(i) The issues

The issues are:

- whether the Heritage Overlay (HO) should be applied to the 'Myer house' and, if so, what area should it cover
- whether the HO should be applied to the workers' quarters
- whether the UGZ14 should require a S173 agreement in relation to future conservation management plans.

The exhibited Amendment proposed to apply the HO to the Myer house, a prefabricated dwelling centrally located within the Precinct. The PSP identifies the house as a "post contact heritage site" and includes Requirement R9:

Subdivision and development must ensure that the eastern elevation of the Myer House (post contact heritage site) is fronting a street, and that the Myer House is a key and visible component within the urban structure.

The UGZ14 includes the following subdivision application requirement:

Where relevant, demonstration of how the subdivision will respond sensitively to the heritage significance of the Myer House (Heritage Overlay - HO209) and its surrounding area.

It also includes the following 'Myer house' application requirement:

An application for subdivision, use or development affecting a heritage place(s) must:

- *Address the proposed future use or adaptive reuse of the affected heritage place(s);*
- *Include a Conservation Management Plan for the heritage place(s) to the satisfaction of the responsible authority; and*
- *Include the provision of sufficient space around the heritage building to allow its adaptive reuse to comply with other planning requirements, such as car parking and landscaping.*

The Amendment does not provide any specific heritage protection to the workers quarters.

Submissions and evidence included extensive descriptive material relating to the Myer house and workers' quarters. This material is not repeated here.

(ii) Evidence and submissions

Casey supported the application of the HO to the Myer house, but submitted that its curtilage should be expanded to provide a larger, more appropriate setting for the building. Casey also submitted that the UGZ14 should be amended so that subdivision approval requires a s173

agreement that provides for works to, and ongoing management of, a heritage place to be in accordance with a conservation management plan.

Casey also submitted that the HO should be applied to the workers' quarters.

Casey relied on the evidence of Mr Lewis who supported the proposed Myer house HO and submitted that the building was potentially of 'state significance'. He recommended an expanded HO (as shown in Figure 13) *"to provide a generous setting to the form, materials and all elevations to fully appreciate the significant fabric and values of the place"*. The extended curtilage would include the garden area and various trees adjacent to the building.

Figure 13 Alternative Myer house HO curtilage



Mr Lewis also supported the application of the HO to the workers' quarters, noting that it represents:

... an unusual residential building form, and demonstrates the lost role of the farm based rural worker. They also demonstrate an unusual and advanced manner for the provision of farm workers' accommodation in the post war

period. Despite assertions to the contrary, they do have historical and architectural interest, and demonstrate a refinement of detailing. They have the potential to create interest and awareness in history the former use of the site, and the lifestyle of workers on the farm.

The Minta Group opposed the Myer house HO on the basis that:

It has not been demonstrated to have significance at the local level;

Its significance is not context-dependent, evidenced by the acknowledgement of Mr Raworth and Dr Martin that it could be feasibly relocated; and

Weighed against the competing considerations such as the desirability to develop the land for residential, employment and community based uses with flexibility to ensure the best urban design outcome, heritage protection is not warranted.

The Minta Group also submitted that if the Panel supported the HO, it should recommend that it be limited to the exhibited curtilage and that it should make a finding that “*the house is suitable for relocation within the Minta farm land*”.

The Minta Group also opposed the application of the HO to the workers’ quarters as sought by Casey, on the basis that:

It has not been demonstrated to have significance at all;

Assumptions by Context and Mr Lewis about its design and purpose have been revealed to be false; and

Weighed against the competing considerations such as the desirability to develop the land for residential, employment and community based uses with flexibility to ensure the best urban design outcome, heritage protection is not warranted.

The Minta Group relied on the evidence of Mr Raworth who ‘broadly supported’ the exhibited Myer house HO, while noting that “*the site (and building) is of questionable significance to the local context*” and “*is a relatively marginal candidate*” for the HO. In terms of the HO curtilage, Mr Raworth supported the exhibited extent of the HO, although he noted that:

While the retention of the oak and hedge as suggested by Context might be encouraged, it is accepted that these are elements of lesser interest and not of key importance in relation to the major aspects of significance, which are found in the building’s technical and historical interest as prefabricated postwar building.

Mr Raworth did not support the application of the HO to the workers’ quarters, submitting that the building did not exhibit any architectural, social or historical features that warranted heritage protection.

The VPA supported the exhibited Myer house HO and the associated heritage provisions, but did not support the application of the HO to the workers’ quarters as sought by Casey. The VPA relied on the evidence of Mr Martin who also supported the exhibited Myer house HO, although he questioned the finding of some that the house was of State significance. He

submitted that the siting of the building was less important than its fabric and that *“while the preferred option in heritage terms is to maintain the building on its current location, its relocation within the extent of the Minta Farm complex (with which it is historically associated) may be an acceptable heritage outcome...”* He noted that the HO curtilage is generally comparable to other examples of prefabricated houses, including other Myer houses, that are subject to a HO.

Mr Martin did not support the application of the HO to the workers’ quarters, concluding that it is *“a modest vernacular structure created from available materials to meet the immediate needs of Minta Farm. They are not of any particular architectural or historical merit and the attribution of rarity to this structure is questionable”*.

(iii) Discussion

Myer house

The Panel agrees with evidence and submissions that the Myer house meets Criterion A (historical significance), B (rarity) and H (associative significance) described in Planning Practice Note 1 Applying the Heritage Overlay (PPN1) and warrants heritage protection. In forming this view, the Panel notes the role that prefabricated houses played in post-war Australia, the relative rarity of this type of house and the association between the Ballieu and Myer families. The Panel also notes that other examples of prefabricated houses, including Myer houses, are subject to the HO elsewhere in Victoria. Whether the house is of State significance, as suggested by some, is not relevant to the Panel’s considerations and it has not formed a view about this.

In terms of the HO curtilage, the Panel agrees that providing a larger setting (including elements of the existing garden) and views to the building would contribute to its sense of place and significance within the Precinct, but does not believe that these outcomes are necessary in order to protect the heritage values of the building or that they justify an expanded HO. The Panel is satisfied that these matters can be addressed through Requirement R9 in the PSP that requires consideration of the building’s street frontage/orientation and that it be a *“key and visible component within the urban structure”*. These considerations are reflected in the UGZ14 provisions and the Panel is satisfied that they can be addressed through the subdivision process.

The Minta Group sought a finding from the Panel that the house is suitable for relocation within the Precinct. The implications of relocating the house would need to be considered during the planning permit application process under the HO and is not a matter that the Panel has formed a view about. Nevertheless, the Panel notes that relocating heritage buildings can diminish their heritage significance.

Workers’ quarters

The Panel does not believe that the workers’ quarters warrants the HO as sought by Council and recommended by Mr Lewis. Although Mr Lewis identified some elements of architectural and historical interest, Mr Martin and Mr Raworth did not believe that they met any of the PPN1 criterion for applying the HO. Having reviewed this material, the Panel believes that the workers’ quarters, while having some elements of interest, fall well short of meeting any of the PPN1 criterion and do not warrant the HO.

Section 173 agreement

Casey submitted that the UGZ14 should require a s173 agreement that implements a conservation management plan and that this approach would be consistent with its Growth Area Heritage Places Policy. The VPA submitted that the HO and other 'heritage' provisions provided adequate heritage protection.

While the Panel understands the rationale for Casey's position, Council has the opportunity to include its proposed conditions on relevant permits without the need to make them a 'requirement' in the UGZ14. The Panel believes that there should be discretion about if a s173 agreement is appropriate and what it might contain, and does not support a 'standard' requirement in the UGZ14.

(iv) Conclusions

The Panel concludes:

- The Myer house warrants the application of the Heritage Overlay.
- The exhibited curtilage of the Myer house Heritage Overlay is appropriate.
- The workers' quarters do not warrant the application of the Heritage Overlay.
- The exhibited heritage provisions should be adopted.

5.8 Bushfire

(i) The issue

The issue is whether the Amendment is consistent with Clause 13.05 of the State Planning Policy Framework that addresses Bushfire planning.

The provisions were substantially amended in December 2017. As the exhibited version of the PSP had been completed before the revised Bushfire planning policy was adopted, revisions to the PSP are required respond to the updated policy provisions.

Minta Farm is currently designated as being within a Bushfire Prone Area (BPA). The VPA submitted that this designation will be reviewed following implementation of the PSP. It noted that the designation along the eastern boundary at the Cardinia Creek Conservation Area may remain given the intention for this area to be set aside for conservation purposes.

(ii) Submissions

The VPA submitted that it will undertake further consultation with the Country Fire Authority (CFA) and also engage and seek formal guidance from a specialist in 'Bushfire Planning and Design' to review various elements of the PSP. The Panel supports this undertaking by the VPA. No party opposed the VPA's suggested modifications to the PSP, which are to be subject of the further review by the CFA and specialist bushfire planning and design input.

The Panel notes that the Key Changes Table, Version 3 does not include all of the changes proposed by the VPA in its closing submission and therefore a separate recommendation is required. The Panel also notes that the VPA proposes to update the Minta Farm Draft Precinct Structure Plan Background Report to explain the bushfire response. The Panel supports this

action, although it does not require a recommendation given that the Background report does not form part of the Amendment.

The adequacy of the bushfire planning response in respect of the accompanying planning permit application is addressed in section 6.3 of this report.

(iii) Conclusions

The Panel concludes that:

- The PSP, UGZ14 and Background Report should be modified to better address SPPF Clause 13.05.

(iv) Recommendations

The Panel recommends the following changes to the Minta Farm Precinct Structure Plan:

Include the following changes, subject to seeking specialist bushfire planning and design input and further consultation with the Country Fire Authority to validate the adequacy of the changes:

- **Include the following additional Requirement in Section 3.4.2 (Bushfire management):**

For the purpose of Clause 13.05, land identified in Plan 5 where development abuts a conservation area or open space that is not managed as grassland under AS3959-2009, the nature strip in the road reserve must be an appropriate width to ensure a BAL rating of no greater than BAL-12.5 is achieved.

- **Revise Plan 5 (Image, Character, Heritage & Housing) (in accordance with Figure 5 in Document 75) to indicate minimum fuel reduction area location, where necessary.**
- **Amend relevant road cross-sections in Section 4.8 (Road Cross Sections) to ensure the required bushfire defendable space and building setback distance standards are met.**

The Panel recommends the following change to the Urban Growth Zone Schedule 14:

Revise the Site Management Plan dot point within Clause 3.0 (Application Requirement for Subdivision – Residential Development) to include the additional words (as underlined):

- ***... An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 rating under AS3959-2009.***

5.9 Urban design framework

(i) The issue

The issue is whether the required Urban Design Framework (UDF) for the Local Town Centre should be able to be prepared in stages.

The Minta Group proposed various changes in relation to the UDF's as part of the Minta City proposal. These changes are not supported given the Panel's position on the proposal.

The exhibited PSP includes Requirement R11:

An Urban Design Framework (UDF) must be approved by the responsible authority for the local town centre area identified in Plan 3.

The Requirement lists a number of matters that must be addressed.

The exhibited UGZ14 (Clause 2.5) repeats the requirement to prepare a UDF for the Local Town Centre and includes various other provisions, including the opportunity to prepare the UDF in stages.

(ii) Evidence and submissions

Casey submitted that the scope of the proposed UDF requirement should be broadened to include a wider area and that the matters it must address should be expanded to include:

- *The interface between residential and the heritage place*
- *The interface between residential and community facilities, and*
- *Provision for pedestrian connectivity between the main street and community facilities.*

These were in addition to a number of other detailed proposals, including the provision of a landscape masterplan. Casey also submitted that the provision allowing the UDF to be prepared in stages should be removed, citing concerns about a scenario *"where different landowners can develop site specific UDFs following subdivision. A precinct based approach prevents that occurring."*

The VPA supported the changes sought by Casey²², except for removing the opportunity to prepare the UDF in stages.

The VPA noted that the UDF provision *"gives Council the ability to refuse an application that requests for a UDF to be prepared in stages."* The VPA also noted that Clause 2.6 of the UGZ14 *"requires that any application where works exceed \$500,000 are referred to the VPA for comment. Should an application be put to Council which is staged inappropriately, Council can refuse after receiving comments from the VPA."*

The VPA also advised that allowing UDFs to be staged was consistent with other PSPs.

(iii) Discussion

The Panel supports the additional UDF 'material' agreed between Council and the VPA, and is satisfied that it will provide a more considered basis for preparing and assessing the UDF.

However, the Panel agrees with the VPA that there should be some flexibility around whether a single or a staged UDF is prepared. In forming this view, the Panel notes that Casey has the opportunity to refuse the preparation of a staged UDF and can take into account the ownership pattern as part of its deliberations. The Panel also notes that the PSP's Figure 2 (Local Town Centre Concept Plan) already provides some guidance about how this area is to

²² Document 77

be developed and will inform the future UDF, even if it is staged. In the absence of that Concept Plan, the Panel would be more inclined to support Casey's position but is satisfied that the mechanisms are in place to address the concerns that were raised.

The agreed changes are described in the VPA's closing submission (Document 75) and do not require a separate recommendation.

(iv) Conclusions

The Panel concludes:

- The changes to the UDF provisions agreed between the VPA and Casey should be adopted.
- The Local Town Centre UDF should be capable of being prepared in stages.

5.10 Average household size

(i) The issue

The issue is whether the PSP should reflect the average household size for Clyde North described in the 2016 Australian Bureau of Statistics Census.

Table 3 (Estimated residential dwelling yield) in the exhibited PSP applies an estimated residential population based on 2.8 persons per dwelling.

(ii) Submissions

Casey advised that the 2016 Census indicates that the average household size in Clyde North is 3.1 persons per dwelling and that the PSP potentially underestimates the future population by approximately 1,000 people. This raised concerns about future service and infrastructure delivery.

Casey submitted that Table 3 should be amended to increase the number of persons per dwelling from 2.8 to 3.2 and that other consequential changes should also be made.

The VPA did not support using a revised average household size at this time, submitting that:

The use of 2.8 persons per dwelling is a standard that is applied to all PSPs within growth areas. The VPA recognises that there may be a need to revise this standard with the recent release of the 2016 ABS data, which will have implications to separate works to revise the applied standard for the broader growth area. Potential additional works will consider sensitivity tests to ensure that the appropriate community infrastructure is provided to accommodate the demographic make-up.

The VPA confirmed during the Hearing that it will be commissioning "a detailed study of the population growth within the growth corridors".

(iii) Discussion

The Panel agrees with Casey that ideally the most recent average household size data should be reflected in the PSP. However, the Panel also notes the VPA's advice that the 2016 Census

data has potentially broader implications for growth area PSPs, beyond just the Minta Farm PSP and that further analysis of the data is required and will be undertaken.

Although the Panel is satisfied that the 2.8 persons per dwelling should be retained in Table 3 for the moment, it encourages the VPA to undertake the proposed study and implement any necessary changes to this and other PSPs.

(iv) Conclusion

The Panel concludes:

- The estimated 2.8 persons per dwelling in the PSP should be retained.
- The VPA's proposed review of population growth in the Growth Corridors is warranted.

5.11 Built form requirements

(i) The issue

The issue is whether three built form Requirements relating to the Commercial and Office Sub-Precinct should be converted to Guidelines.

(ii) Submissions

Casey submitted that the following exhibited Requirements should be converted to Guidelines in order to provide built-form flexibility:

R32 Buildings at the gateway sites, as illustrated in Figure 4, must have:

- *12 metre minimum street walls (to create a visible street edge).*
- *6 metre front setbacks (to anchor the intersection and for landscaping).*

R33 Buildings at the key intersection sites, being at the intersections of the north-south arterial road and the boulevard connector streets as illustrated in Figure 5, must have:

- *8 metre minimum street walls (to create a visible street edge).*
- *6 metre front setbacks (to anchor the intersection and for landscaping).*

R34 Buildings fronting the north-south arterial road, other than one the gateway and key intersection sites as illustrated in Figure 6, must have:

- *8 metre minimum street walls (to create a visible street edge).*
- *8 metre front setbacks (for landscaping).*

Casey submitted that while it supported the intent of these Requirements, they were unnecessarily prescriptive and at odds with a performance based approach to planning.

The VPA did not support these changes, but proposed to “*update Figures 4, 5 and 6 with additional potential street wall heights and indicate the gateway sites on concept plans and other relevant plans*”. The VPA noted that “*the minimum street walls are modest and considered to be appropriate to achieving a minimum of 10,000 jobs*”.

(iii) Discussion

The Panel agrees with Casey that the proposed Requirements, while well intentioned, are overly prescriptive and might stifle alternative design approaches. In forming this view the Panel has had regard to Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes which establishes various criteria for when mandatory provisions might be suitable. The Practice Note establishes that:

Mandatory provisions will only be considered in circumstances where it can be clearly demonstrated that discretionary provisions are insufficient to achieve desired outcomes.

The Panel is not satisfied that the VPA has adequately demonstrated that the proposed design provisions warrant being expressed as mandatory Requirements and agrees with Casey that they should be converted to Guidelines.

(iv) Conclusion

The Panel concludes that exhibited Requirements R32, R33 and R34 should be converted to Guidelines in order to provide greater built form flexibility.

(v) Recommendation

The Panel recommends the following change to the Minta Farm Precinct Structure Plan:

Convert Requirements R32, R33 and R34 into Guidelines.

5.12 The Conservation Area**(i) The issues**

The issues are:

- Whether Figure 7 (Conservation Area Concept Plan) should include additional notes
- The route of the shared path
- Whether changes to requirement R47 are appropriate

The Conservation Area is shown in PSP Figure 7 that identifies various habitat and infrastructure features. It is supported by a number of Requirements and Guidelines.

(ii) Submissions**PSP Figure 7 (Conservation Area Concept Plan)**

Casey submitted that Figure 7 should include additional notes relating to the management of native vegetation.

The VPA advised that it had discussed these matters with DELWP which had opposed the inclusion of additional notes on the basis that there were unnecessary and potentially inappropriate within Figure 7 and the PSP more generally. The VPA noted that DELWP will manage the Conservation Area when it is transferred to the Crown.

Shared Path

Casey also submitted that the 'shared path' shown in Figure 7 should loop around the water bodies.

The VPA did not support this change, noting that DELWP requires paths to avoid native vegetation and that the proposed extension to the path would traverse the Growling Grass Frog conservation area. The VPA also noted that the proposed paths are indicative and may be changed as part of the detailed design of the area and in response to the finalised drainage strategy.

Requirement R47

The VPA proposed to amend the exhibited Requirement R47 as follows:

Development within the Conservation Area ~~must be generally in accordance with Figure 7 to the satisfaction of the Department of Land Water, Planning and Environment.~~²³ (sic)

This was in response to the DELWP submission that sought a change to:

Development within the BCS Conservation Area must be in accordance with Figure 7.

Stockland opposed the change noting that it "converts "generally in accordance" to "in accordance" and deletes the secondary consent mechanism". Stockland raised a number of practical difficulties associated with the revised Requirement associated with drainage works that will be required within the Conservation Area.

(iii) Discussion

PSP Figure 7 (Conservation Area Concept Plan)

The Panel is satisfied with the responses from the VPA and DELWP (as the future public land manager) and does not believe that the additional 'notes' sought by Casey need be included in the PSP.

Shared path

The Panel agrees with the VPA that the location of paths within the Conservation Area is a matter for future detailed design that will need to take into account a range of factors. It is not necessary at this stage of the planning process to be more definitive about where paths and other infrastructure might be located.

Requirement R47

The Panel agrees with Stockland that the exhibited R47 should be retained in preference to the revised versions proposed by the VPA and DELWP.

As the VPA noted in relation to Casey's submissions, Figure 7 (or at least some elements of it) are indicative and might change, particularly as a result of finalising the drainage strategy and the detailed planning for the Conservation Area that is yet to be undertaken.

²³ Document 77

For these reasons, the Panel prefers that the Requirement be expressed as “*generally in accordance with*”. In this context, the secondary consent provision protects DELWP’S interests and should also be retained.

This requires a recommendation from the Panel given that the VPA proposes to modify this Requirement.

(iv) Conclusions

The Panel concludes:

- Figure 7 does not require the additional ‘notes’ sought by Casey.
- The location and route of the shared path and other infrastructure can be refined at a later time.
- Requirement R47 should be retained as exhibited.

(v) Recommendation

The Panel recommends the following change to the Minta Farm Precinct Structure Plan:

Retain the exhibited Requirement R47.

5.13 Scattered tree protection

(i) The issue

The issue is whether the PSP should better identify and protect three scattered trees that are designated for retention.

(ii) Submissions

Casey sought revisions to PSP Plan 8 (Native vegetation retention and removal) and a new Requirement to support the retention of three scattered trees designated to be retained. The three trees are in the south-east corner of the Precinct.

The VPA noted that the trees are identified on Plan 8 and will be within the proposed RCZ and ESO6. The VPA submitted that:

The proposed requirement is not needed as trees for retention are within the Conservation Area and the proposed ESO6 includes triggered controls to protect vegetation. This matter is considered to be resolved as ESO6 achieves the desired outcomes.

(iii) Discussion

The Panel agrees with the VPA that no additional protection is necessary for the three scattered trees, although it notes that it is difficult to identify the trees on Plan 8. At first glance there appears to be single tree and it is not clear that there are three. The Panel believes that the plan should include a note or some other mechanism to better identify the trees.

(iv) Recommendation

The Panel recommends the following change to the Minta Farm Precinct Structure Plan:

Modify Plan 8 (Native Vegetation Retention and Removal) to more clearly identify the three scattered trees to be retained.

5.14 Other issues

(i) Public Open Space

In response to the exhibited PSP, Casey raised a number of issues related to the amount, location and configuration of public open space. Stockland also proposed some minor changes to the configuration of open space within its landholding.

Following its consideration of these submissions, the VPA proposed various changes to the provision of open space. There were further discussions about open space issues during the course of the Hearing and the VPA advised the Panel in its closing submissions that all outstanding matters, including Casey's concern about the size of LP-07, had been resolved. The VPA's final Future Urban Structure plan (Figure 4) indicates a new LP-08 and a revised LP-07.

The Panel has reviewed the proposed changes and supports them, although it notes that consequential changes may be required to some open space areas depending on the drainage strategy that is adopted. The agreed changes are documented in the VPA's final version of its closing submission²⁴ and the Key Changes Table Version 3²⁵ and do not require a separate recommendation from the Panel.

Casey foreshadowed the possible need to revisit elements of the open space plan in the event that the Panel supported the Minta City proposal. In light of the Panel's findings on that issue, no consequential changes to public open space will be required.

(ii) PSP Requirement R44

Casey submitted that Requirement R44 should be converted to a Guideline:

R44 Schools, community facilities and sports reserves that are co-located must be designed to maximise land use efficiencies through the sharing of complementary infrastructure including car parking.

The VPA submitted that this is a 'standard' Requirement supported by DET.

The Panel is satisfied that this is a sensible approach to designing public facilities and should be retained as a Requirement.

(iii) Earthworks in applied residential zones

Casey submitted that the UGZ14 should include a permit for earthworks prior to subdivision in an applied residential zone and provided a provision for inclusion in the schedule. Casey noted that the residential zones do not include a "*a broad 'works' trigger, instead only*

²⁴ Document 75

²⁵ Document 76

requiring a permit to constrict a building or construct or carry out works for a Section 2 use". Casey submitted that this "poses risks to Council and the broader community including, but not limited to, the inability of the responsible authority to manage topography, the protection of vegetation or the flow of water".

The VPA submitted that because the proposed change *"relates to altering standard controls set out by the Victoria Planning Provisions, this matter is more appropriately raised with DELWP"*. It also noted that *"earthworks are associated with the residential subdivision of the land and would be a condition of that permit"*.

The Panel is satisfied that the UGZ schedule can include the type of provision sought by Casey, but is not satisfied that the need for the provision has been adequately demonstrated. As noted in submissions, the residential zones do not include a permit trigger for earthworks and it is not clear why an applied residential zone should differ. If Casey has broader issues with earthworks controls in the residential zones it should take this up with DELWP. At a more practical level, the Panel agrees with the VPA that some earthworks issues can be addressed through residential subdivision permits.

(iv) Clause 22.10

Casey submitted that Clause 21.10 should be amended to require that use and development be generally in accordance with the Minta Farm PSP.

The VPA advised that it agreed to this and other changes to Clause 21.10 sought by Casey.

The Panel supports the agreed changes included in Document 76.

(v) Northern interface

Mr Micallef raised interface issues between the existing residential area to the north of the Precinct (north of O'Shea Road) and the proposed Mixed Use sub-precinct (south of O'Shea Road), particularly three storey development within the sub-precinct.

The VPA submitted that the mixed use designation and the proposed three storey building height were consistent with the designation of the Precinct for employment uses since 2002. The VPA also submitted that the PSP contained various design Requirements and Guidelines that would ameliorate any amenity or visual impacts on the residential area to the north.

The Panel notes Mr Micallef's concerns but believes that the potential impacts from the mixed use sub-precinct have been overstated, particularly in light of the width and carrying capacity planned for the intervening O'Shea Road extension.

(vi) Growth Corridor Plans

Cardinia submitted that the Growth Corridor Plans should be reviewed to ensure that *"they remain up to date and relevant having regard to the development and PSPs approved"*.

The Panel acknowledges that greater certainty and clarity might be provided by updating the Growth Corridor plans, but notes that they are only intended to be 'high-level' strategic plans. Ultimately this is a matter for the State government and the Panel notes that any benefits that might be derived from updating the plans would need to be balanced against their intended

role and the practical difficulties associated with having to update them every time a PSP or other planning strategy is approved that might alter the plans.

(vii) Public transport infrastructure

Casey submitted that the PSP should provide indicative locations for bus stops and public transport infrastructure, and connections to the existing network.

The Panel agrees with the VPA that this level of detail need not be included on a “*high level strategic document*” such as the PSP.

(viii) Further changes sought by the Minta Group and Stockland

The Minta Group and Stockland sought changes to the following PSP provisions:

- Requirement R3 (subdivision works). The Panel is satisfied that this is a reasonable requirement.
- Requirement R4 (subdivision application requirements). The Panel agrees with the VPA that this requirement provides adequate flexibility.
- Requirement R6 (building envelopes). The Panel is satisfied that the identification of building envelopes in subdivision applications is a reasonable requirement.
- Requirement R8 (transitional housing area). The Panel agrees with the VPA that the interface between this area and the Conservation Area will need to be reviewed depending on the preferred drainage strategy and the inclusion of bushfire provisions. Under the current arrangements, the Panel is satisfied that the requirement is appropriate.
- Requirement R46 (location of community facilities). The Panel supports the intent of the requirement and is satisfied that it provides adequate flexibility.
- Guideline G64 (integrated water management). The Panel supports the intent of the guideline and is satisfied that it provides adequate flexibility.

6 Planning permit issues

Following the Hearing, the VPA provided various additional material requested by the Panel, including a copy of the VPA's most recent 'draft' planning permit conditions²⁶. The VPA's covering letter advised that:

It should be noted that the VPA does not provide a detailed response to the TMG and Stockland proposed section 96A permit conditions. The VPA has noted that the tabled subdivision plan is likely to require further refinement and that the permit conditions will be prepared in accordance with a final subdivision plan.

The Panel would have preferred that the VPA be in a position to provide its final planning permit conditions at the close of the Hearing, but this was not possible given the ongoing discussions about elements of the proposed subdivision.

For this reason, the Panel has recommended that the permit be issued 'generally in accordance' with the VPA's proposed conditions, but subject to further review as outlined by the VPA. The Panel has also responded to key issues that were unresolved at the close of the Hearing and provided guidance to the parties about how these issues should be addressed. The Panel relies on the VPA to reflect these findings in the final planning permit.

Recommendation

The Panel recommends that planning permit PlnA00384/17 be issued, generally in accordance with the conditions proposed by the Victorian Planning Authority and included at Appendix D of the Panel's report, subject to final review by the Victorian Planning Authority to address any outstanding issues raised in submissions and subject to the Panel's other recommendations.

6.1 Revised subdivision plan

(i) The issue

The issue is whether the proposed subdivision should be reconfigured in accordance with a revised subdivision plan provided by Stockland during the Hearing (Document 52).

The revised subdivision plan is shown at Figure 14 and the earlier plan is shown at Figure 6. The key difference is a reduction of the number of lots fronting Soldiers Road.

(ii) Submissions

Stockland advised that the revised subdivision plan was largely in response to Mr Hunt's evidence that direct lot access not be provided to the east side of Soldiers Road until the north-south arterial road is constructed. As well as reducing the number of lots fronting Soldiers Road, Stockland proposed that these lots be used for display homes and that they be accessed, in the interim, from the rear.

²⁶ These are included at Appendix D

The VPA advised that it had no ‘in principle opposition’ to the revised plan, but noted that it “will continue to work with the proponent and Council to address minor transport and conductivity measures”, including possible treatments to Soldiers Road.

Casey sought a recommendation from the Panel that the application be amended so that it “provides for the relocation of the 35 lots that currently front Soldiers Road to elsewhere within the precinct”. Casey proposed that these ‘display home’ lots be located in the south of the Precinct and provide impetus for the construction of the north-south arterial road in that area.

Figure 14 Revised subdivision plan



(iii) Discussion

The revised subdivision plan is a refinement of the initial plan and is supported by the Panel, subject to the permit including appropriate conditions that will address the issues discussed in the following sections of this report, particularly access to Soldiers Road. The Panel also notes the VPA's advice that the revised plan will require further analysis before being finalised.

The Panel does not support Casey's proposal that the subdivision be split, with the display home component be developed at the southern end of the Precinct. Firstly, this would be a significant change and the Panel was not presented with any evidence that this was feasible or desirable, or that it would provide an impetus for constructing the southern section of the north – south arterial road. Secondly, the Panel is satisfied that the recommended permit condition limiting access to Soldiers Road (refer to section 6.2 below) and provisions such as those that limit how many lots can be developed before the north-south arterial is constructed are more effective ways to address Casey's concerns.

(iv) Conclusion

The Panel concludes that:

- The revised subdivision plan warrants 'in principle' support, although it will require more detailed analysis by the VPA, Casey and other stakeholders.
- There is no basis for the Panel to recommend that some lots be located in the southern area of the Precinct.

(v) Recommendation

The Panel recommends that planning permit PInA00384/17:

Implement the revised subdivision plan (Document 52) proposed by Stockland, subject to further detailed review and analysis by the Victoria Planning Authority, the City of Casey, Stockland and other stakeholders.

6.2 Access to Soldiers Road

(i) The issue

The issue is whether conditions should be included in the subdivision permit that:

- prohibit direct access onto Soldiers Road until the north-south arterial road is delivered and Soldiers Road is closed at the Grices Road/north-south arterial road intersection
- require the construction of a modified cross-section along the Soldiers Road frontage of the subdivision.

Secondary issues relate to the cross-section of Soldiers Road, specifically:

- should a central right turn lane be created as an interim measure to improve access to existing dwellings on the west side of Soldiers Road
- should a cross-section for Soldiers Road be included in the PSP to guide design treatment for the eastern side of the road.

The Precinct is bounded on the west by Soldiers Road, but Soldiers Road is not part of the PSP area. The properties on west side of Soldiers Road have direct access to it. The road is managed by Casey and is classified as a 'connector' road south of O'Shea Road and a 'secondary arterial' road to the north of O'Shea Road. Along the Minta Farm frontage, Soldiers Road sits within a 20.0 metre road reserve with typically a 3-4 metre wide traffic lane in each direction, a 2.3 metre parking lane on the west side, 4.5 metre wide verge on the west side and a 5-7 metre wide verge on the east side. There are traffic calming measures in place at Viewgrand Drive (a chicane type treatment) and at Chase Boulevard (a roundabout).

(ii) Evidence and submissions

Access to Soldiers Road

Several residents of Soldiers Road and the adjoining residential area to the west made submissions regarding the existing volume of traffic on Soldiers Road and the impact of traffic generated by the proposed subdivision and further future development of the Precinct. Submitters raised concerns about amenity and safety on Soldiers Road and the difficulties in accessing and, in particular, leaving their properties due to existing traffic volumes which they feared would be exacerbated by increased traffic on Soldiers Road with development of the Precinct. The Panel discussed these broader issues in section 4.3 of this report.

Mr Sasikumar Mani (Submitter 33 representing 25 signatories) told the Panel that the existing volume and speed of the traffic on Soldiers Road made it very difficult for residents to exit their driveways. The problem for abutting residents was egress more so than turning into their properties. He stated a preference for a west side 'service lane' rather than a central right turn lane. He also questioned the 60 km/hr speed limit and suggested that speed humps or other traffic calming measures should be installed on Soldiers Road.

Recent traffic counts by the Traffix Group in March 2018 show two-way 24 hour volumes on Soldiers Road of between 5,800 and 7,800 vpd south of Chase Boulevard, in excess of 8,600 vpd to the north of Chase Boulevard and in excess of 9,800 vpd north of Viewgrand Drive.

The Traffix Group analysis predicts that these daily volumes will increase to between 8,600 and 14,500 vpd by 2022 without any contribution from development within the Precinct. This Traffix analysis estimates an additional 1,500 vpd on Soldiers Road between O'Shea Road and Viewgrand Boulevard due to traffic generated by the proposed subdivision.

In his expert statement, Mr de Waard stated that the only road on the surrounding network forecast to carry above its environmental capacity in 2022 is Soldiers Road. He noted that Soldiers Road will carry daily traffic volumes well above its 7,000 vpd environmental capacity even without any development in the Precinct. Therefore, he considered that Casey would need to take some action in the interim until the north-south arterial road is constructed to manage traffic volumes on Soldiers Road. Mr de Waard identified two options:

- a modified cross-section for Soldiers Road to include a central turn lane to improve access to abutting properties. This would involve shifting the southbound traffic lane onto the existing verge.
- the early truncation of Soldiers Road at Grices Road and the provision of local traffic management measures to minimise 'rat running' through the local streets.

Although the additional traffic generated by the subdivision would represent only a small proportion of the overall traffic volume on Soldiers Road, Mr de Waard recommended that some permit conditions should be placed on the permit as follows:

- require the construction of a modified cross-section along its Soldiers Road frontage
- that there be no direct property access to or from Soldiers Road.

The conclave of traffic experts agreed that Soldiers Road could carry volumes higher than a 'connector' street in the interim. They considered it reasonable for no lots (on the east side) to front Soldiers Road until delivery of the north-south arterial road and for the modified cross-section as proposed by Mr de Waard to be implemented as an interim measure.

Mr Hunt did not attend the conclave. In his written evidence, he noted that volumes on Soldiers Road are already approaching target volumes for a connector road and that Soldiers Road was already effectively functioning as a sub-arterial road. He stated that it would be desirable to restrict development of lots with direct access to Soldiers Road until the north-south arterial road is established. He did consider, however, that development of lots fronting Soldiers Road as a display village with vehicular access provided from a car park established within the "Estate" would be acceptable.

In oral evidence at the hearing, Mr Hunt expressed a dissenting view to the conclusions reached at the traffic conclave with respect to the interim modified cross-section for Soldiers Road proposed by Mr de Waard. Mr Hunt said that he was "*uncomfortable*" with the relatively narrow central turning lane. He considered that a more functional and safer option would be to mark double lines along Soldiers Road and to introduce more roundabouts to calm traffic and reduce speeds. Double lines would discourage residents making right turns into and out of their properties abutting Soldiers Road but would encourage and facilitate the safer option of left in/left movements. He also noted that Mr de Waard's modified cross-section would require the relocation of services under the verge on the east side of Soldiers Road, whereas a parking lane (as proposed by Stockland in its subdivision application) could be constructed without the need to relocate services.

In closing submissions, the VPA noted that all parties generally agreed in the Panel Hearing that background traffic is resulting in daily vehicle trips exceeding ideal performance levels on Soldiers Road and that these volumes will continue regardless of development occurring within the Precinct in the initial stages of development.

The VPA stated that it was essential that existing residents with direct access to Soldiers Road be able to access their properties safely. It submitted that traffic mitigation measures can be delivered through developer works as the subdivision to mitigate impacts that the development might create on the surrounding network.

The VPA supported further consideration of recommendations put forward by Stockland and its transport expert to manage traffic movement on Soldiers Road through:

- reduced speeds at this location
- managing property access and turning movements through painted central double lining and roundabouts
- consideration of the need for additional roundabouts to manage future access points for the Precinct.

The VPA submitted that:

Ultimately, a more comprehensive response is required for Soldiers Road which is a responsibility of the City of Casey to address as part of its role in managing the performance of the Local Road Network.

The VPA submitted that the Panel provide recommendations that, inter alia, support:

Casey City Council to work with TfV and the proponents to implement effective traffic management measures to mitigate the impact of traffic on the surrounding network (e.g. Soldiers Road) as key improvements are delivered, as per its role as road manager of the local road network.

It noted that all the experts agreed that it would be reasonable for no lots to front Soldiers Road until the delivery of the north-south arterial road and that Stockland had provided a revised subdivision plan for review by the VPA. Stockland also outlined measures to manage the impact of development on the immediate network, including:

- a proposal to develop 8 display village homes along the Soldiers Road frontage, limited to rear access in interim stages
- manage turning movements through double lines and roundabouts
- traffic calming through reduced speeds.

The VPA stated that the Traffix Group alternative cross-section is not feasible. It recommended that Casey consider any other interim works within Soldiers Road that might contribute to traffic calming, for instance the painted central double line proposed by Mr Hunt.

The VPA submitted that:

(the) Panel provide recommendations that:

- *Note general support for the subdivision to proceed*
...
- *Invite the inclusion of a condition requiring an agreement pursuant to section 173 of the Planning and Environment Act 1987 to prohibit lots fronting Soldiers Road from having new direct property access to Soldiers Road until the North-South Arterial is constructed and Soldiers Road is truncated at Grices Road.*

Casey submitted that:

With respect to Soldiers Road the Panel should make findings on the evidence to the following effect:

- *the experts agree that lots should not front Soldiers Road until the North South Road is delivered;*
- *Mr De Waard's uncontested evidence is that:*
 - *the 'absolute capacity' of Soldiers Road is 18,000 – 20,000 vpd;*
 - *traffic volumes on Solders Road at 2022 would be between 12,644 and 14,494 (without contribution from Minta Farm);*

- 1000 dwellings would generate 8,000 vehicle movements per day (8 trips per additional household);

Casey argued that there was no policy basis to accept an interim role for Soldiers Road well above its classification and while the modified cross-section in Mr De Waard's statement is supported by the experts, there is no agreement as to how this can be delivered, and it is beyond the scope of the PSP.

Casey submitted further that:

The Panel is asked to note that Council officers are not supportive of any changes to the cross-section in the permit application, if it be thought that these would need to be retrofitted by Council. The solution to safety and amenity concerns along Soldiers Road is to deliver the N-S Arterial sooner. The construction of the eastern side of Soldiers Road is not a matter for the PIP. It is an obligation that would typically be delivered as a condition of subdivision of a relevant stage abutting that boundary.

Casey sought a recommendation from the Panel that the section 96A permit application be amended so that the development plan shows that there are no lots with direct access to Soldiers Road prior to its truncation.

Stockland confirmed its commitment to upgrading Soldiers Road as described in the section 96A application including the construction of a roundabout (at Hazelnut Drive) and a parking lane along the eastern side of Soldiers Road at the time of the works for delivery of the relevant lots.

Stockland submitted that the Panel should recommend that the application be approved with the reconfigured lot layout in Document 52.

Stockland further submitted that:

Mr de Waard's proposed addition of a narrow central turning lane is resisted as it requires retro-fitting an existing road with existing services at considerable cost that will become redundant when the road is ultimately truncated and down-graded in traffic function (see documents 21 to 23). The Panel should instead accept Mr Hunt's evidence that left-in/left-out access to properties via a double line treatment and lowered speed limits, assisted by the roundabouts, is a preferable access strategy for this interim situation.

PSP cross-section for Soldiers Road

The traffic conclave agreed that a cross-section for Soldiers Road should be included in the PSP. Mr Butler stated in his written evidence that the Soldiers Road cross-section set out in the One Mile Grid report (and reproduced as figure 7-1 in his evidence) would be suitable to adopt for the length of Soldiers Road, south of O'Shea Road.

The VPA supported the inclusion in the PSP (at Section 4.8) of cross-section(s) for Soldiers Road to guide design treatment for the eastern boundary of the road in a manner which will duplicate the existing western treatment of Soldiers Road.

Casey submitted that:

The VPA traffic experts sought to infer that Council deliver the Soldiers Road cross section. Put simply, there has never been any proposal as part of the PIP to upgrade Soldiers Road. The Panel should not make any inference as to whether this will be delivered by Council, as there are no powers in the Planning and Environment Act that require Council to deliver any road infrastructure. The Panel can, however, make a recommendations (sic) that it be delivered as a mandatory permit condition requirement, described in the UGZ14.

Casey argued that the construction of the eastern side of the Soldiers Road reserve are works that would not generally be funded by an ICP and would be delivered as part of a future subdivision as a permit condition.

(iii) Discussion

The Panel has sympathy with the residents of Soldiers Road and those living in the residential area to the west. The existing volume and speed of traffic on Soldiers Road are clearly undesirable and all the traffic experts agree on that point. However, the evidence before the Panel demonstrates that these traffic conditions are the result of traffic generated by residential development to the south of the Minta Farm Precinct and will continue to worsen regardless of development in the Precinct. The evidence also shows that the initial development proposed by Stockland will contribute a relatively small proportion of the forecast increase in traffic on Soldiers Road. The volume of traffic on Soldiers Road will exceed its environmental capacity with or without the Precinct being developed. Existing traffic volumes on Soldiers Road, to the north of Chase Boulevard, already exceed the desirable maximum for its connector classification of 7,000 vpd and in reality, Soldiers Road is already functioning as a sub-arterial road and will continue to do so until the north-south arterial road is delivered and Soldiers Road is closed at Grices Road. That will provide a final solution to the problems facing residents of Soldiers Road and residential areas to the west.

There is clearly a need for interim measures on Soldiers Road to manage the existing volume and speed of traffic and to facilitate safe access to and from abutting properties. Mr de Waard proposed that a central, painted median be installed to make it easier for residents to make right turns into and out of their properties. Mr Hunt expressed some concerns with this concept. He and Mr Morris both pointed out that the implementation of a central right-turn lane would require the relocation of existing services below the verge on the east side of Soldiers Road. The Panel agrees with Mr Hunt and instead prefers his proposal for central painted double lines along Soldiers Road to restrict right turn movements coupled with the installation of traffic calming measures to promote left in/left out access to abutting properties. Additional roundabouts, as proposed by Stockland in its revised subdivision layout, would be beneficial in reducing traffic speeds and creating gaps in the flow of traffic. Restricting right turn access would cause some inconvenience to residents but would in the Panel's view contribute to a safer traffic environment.

The Panel urges Council to work with TfV, Stockland and the Minta Group to develop and implement traffic management measures to mitigate the impact of traffic on Soldiers Road and the surrounding network.

Soldiers Road is not within the PSP area and any works to improve safety and conditions are not part of the PSP PIP. Measures such as those proposed by Mr Hunt are ultimately a matter for Council. Given the existing conditions on Soldiers Road and the likelihood that they will deteriorate even without development on Minta Farm, the Panel urges Council to give serious consideration to installing traffic calming measures on Soldiers Road. This was echoed by the VPA which advocated that Casey “*work with Transport for Victoria and the proponents to implement effective traffic management measures to mitigate the impact of traffic on the surrounding network (e.g. Soldiers Road ...)*”

There are, however, some steps that can be taken as part of the approval of Stockland’s permit application. There is general agreement that in the interim, until the north-south arterial road is delivered, direct access to Soldiers Road from lots within the Stockland subdivision should be prohibited. The Panel concurs that there should be a condition on the permit to that effect.

Stockland’s revised subdivision plan shows display houses along Soldiers Road with, importantly, no direct access onto Soldiers Road. That revised subdivision also includes the construction of a roundabout at the intersection of Hazelnut Drive and Soldiers Road. The Panel considers that the display village concept is reasonable and meets the requirement of there being no interim direct access onto Soldiers Road.

There appears to be consensus on the cross-section for Soldiers Road to be constructed as part of the subdivision and future subdivisions abutting Soldiers Road. Stockland has agreed to deliver the proposed cross-section i.e. a parking lane and path on the east side.

There is also agreement that although Soldiers Road is not within the PSP area, a cross-section should be included in the PSP to guide future development. The Panel suggests that an appropriate cross-section would be one based on the cross-section set out in the One Mile Grid statement.

(iv) Conclusions

The Panel concludes:

- Traffic conditions on Soldiers Road, particularly to the north of Chase Boulevard, are already undesirable in terms of its environmental capacity (i.e. 7,000 vpd) and will deteriorate even further without development of the Precinct.
- Direct access to Soldiers Road from lots on the east side should be prohibited until the north-south arterial road is constructed.
- A condition restricting direct access in the interim period should be included in the permit and any further subdivision permits that may be issued in the interim period.
- A display village with no direct access to Soldiers Road as shown on Stockland’s revised subdivision plan (Document 52) is an acceptable interim use for lots abutting Soldiers Road.
- The Panel supports the construction of the roundabout at the Hazelnut Drive/Soldiers Road intersection shown on the revised subdivision plan.
- A Soldiers Road cross-section should be added to the PSP noting that the addition of a Soldiers Road cross-section does not imply that delivery of that cross-section should be part of the PSP PIP and is only intended to guide how this interface might be developed.

- Casey should, in consultation with TfV, urgently develop and implement traffic calming measures on Soldiers Road to improve safety and safe access to abutting properties and mitigate the impact of traffic on Soldiers Road and the surrounding road network. Such measures could include, for Soldiers Road, a central painted double line, a reduced speed limit and the installation of additional roundabouts to create gaps in the traffic and to facilitate u-turns.

(v) Recommendations

The Panel recommends that planning permit PlnA00384/17:

Require an agreement under S173 of the Act that prohibits direct vehicular access from lots along Soldiers Road until the north-south arterial road is constructed.

The Panel recommends the following change to the Minta Farm Precinct Structure Plan:

Include a cross-section for Soldiers Road that guides future development of the Precinct along this interface, including:

- **a constructed parking land on the east side, and**
- **a constructed path on the east side.**

In addition, the Panel recommends that:

The City of Casey, in consultation with Transport for Victoria and other stakeholders, urgently develop and implement traffic calming measures on Soldiers Road to improve safety and safe access to abutting properties and mitigate the impact of traffic on Soldiers Road and the surrounding road network.

6.3 Bushfire

(i) The issue

The issue is how planning permit PlnA00384/17 should reflect and respond to the updated Bushfire planning provisions at Clause 13.05 of the State Planning Policy Framework.

(ii) Evidence and submissions

Stockland engaged Brett Lane & Associated Pty Ltd to carry out a bushfire hazard assessment for the proposed 231-lot subdivision in response to the introduction in December 2017 of the updated Bushfire planning provisions. The key findings resulting from the Bushfire Hazard Assessment (May 2018), as summarised by the Minta Group, include:

- (a) no bushfire hazards will remain within the permit area once development is completed;*
- (b) it is considered likely that the existing Bushfire Prone Area mapping covering the site and all adjacent land will be removed once the land becomes a built-up area and for this reason, it is considered that no potential bushfire hazards will remain in the study area and the construction rating for any new dwellings within the subdivision area would not need to exceed BAL-LOW, nor is any permanent defensible space required; and*

- (c) *for interim protection (while cropping land is adjacent to the subdivision), a defensible space of 19 metres to all sides of the subdivision (except the south which is established properties) is recommended.*

The VPA submitted that it seeks to ensure that the Planning Permit PlnA00384/17 (and future Planning Permits) appropriately respond to Clause 13.05. The VPA submitted that a condition will be required to ensure interim management of bushfire risk around the first stage of subdivision. In respect of this, the VPA stated that it will refer the revised subdivision plan to the CFA to determine what, if any, conditions are necessary. It noted that subject to advice from the CFA, the VPA suggest that the section 173 agreement already required for other purposes may constitute a useful vehicle to provide for this interim management.

Casey and Stockland both agreed verbally to the VPA's proposed approach to resolving this issue.

(iii) Discussion

The Panel supports the VPA's proposal to refer the revised subdivision plan to the CFA to determine what conditions are necessary to ensure adequate defensible space to all sides of the subdivision are implemented. The Panel has not turned its mind to the merits or otherwise of using a Section 173 agreement as a possible control mechanism.

(iv) Conclusions

The Panel concludes that:

- Permit conditions are required to address bushfire planning and management of bushfire risk.
- It is appropriate that the CFA assess the revised subdivision plan to ensure appropriate conditions are included in the planning permit.

(v) Recommendation

The Panel recommends that:

The revised subdivision plan provided by Stockland (Document 52) be referred to the Country Fire Authority to determine what, if any, bushfire related conditions should be included.

6.4 Changes proposed by Casey and Stockland

(i) The issue

The issue is whether further changes should be made to the proposed planning permit conditions.

(ii) Submissions and discussion

Casey sought the following recommendations from the Panel in its consolidated recommendations (Document 73):

- 6.1 *The Panel recommend that:*

- 6.1.1 *The permit application be amended to provide so that the development plan provides there are no lots provided with direct access to Soldiers Road prior to the truncation of that road;*
- 6.1.2 *an amendment to the section 96A permit application prepared and referred to Council that provides for the relocation of the 35 lots that currently front Soldiers Road to elsewhere in the Precinct;*
- 6.1.3 *conditions 4 and 5 as proposed by the City of Casey be supported in a modified form that:*
 - (a) requires delivery of the north south road in accordance with R96; and*
 - (b) is consistent with the sections 173 agreement to be executed before Amendment C228 is adopted*
- 6.2 *Conditions 4 and 5 be amended to require implementation of the section 173 agreement to be executed before adoption of Amendment C228.*

In addition, Casey recommended that the Panel “*should support the drafting of permit conditions requiring GAIC liability to be discharged by the permit applicant before a plan of subdivision is certified, where GAIC pregnant land or reserves are to vest in the City of Casey or any other public authority*”.

These issues have been discussed elsewhere in this report and the Panel’s findings and recommendations are not repeated here.

Stockland proposed various changes to the proposed planning permit conditions (Document 64) that sought:

- A reference to the revised subdivision plan (Document 52) (Condition 1). The Panel supports this outcome as discussed in section 6.1.
- Changes to the proposed roadworks (Condition 1). Condition 1(c) should be retained. Contrary to the reason put forward by Stockland, this roundabout at the Soldiers Road/Hazelnut Boulevard/local street intersection is included in the subdivision plan (see Document 52). Condition 1(d) should be amended to replace the reference to a “*painted median*” with “*painted double line treatment*”. The Panel supports the change to Condition 1(e) as sought by Stockland. These matters are discussed in section 6.2.
- Changes to the matters to be addressed in the S173 agreement and deletion of the proposed reference to GAIC (Condition 4). Most of the changes involve the repositioning of material and are supported. The Panel considers the GAIC reference should be retained for the reasons discussed in section 5.3.
- Changes to requirements relating to the Design Guidelines/Memorandum of Common Provisions (Condition 6) to reflect the requirements of the VPA’s Small Lot Housing Code. This should be considered by the VPA.
- Including a reference to the Brett Lane and Associated Bushfire Risk Assessment dated May 2018 (Condition 14). The merits of this should be considered via the further review proposed by the VPA.

- Deletion of Conditions 38 and 39 because the standard intersection designs in the ICP mean that all land in the intersections is provided through the ICP. The Panel considers that they should be retained because they provide clarity as to what is intended to be included on the Plan of Subdivision.

As noted earlier, the VPA did not provide a detailed response to proposed changes to the permit conditions sought by Stockland on the basis that the revised subdivision plan *“is likely to require further refinement and that the permit conditions will be prepared in accordance with a final subdivision plan”*.

The Panel believes that the other more detailed permit condition issues should be reviewed by the VPA once it has adopted a position on the revised subdivision plan.

(iii) Recommendation

The Panel recommends that the Victorian Planning Authority review the ‘draft’ permit conditions to address any outstanding matters raised in submissions once it has confirmed whether the revised plan of subdivision (Document 52) should be implemented.

Appendix A Submitters to the Amendment

No.	Submitter
1	S Tarrant
2	T Mastroianni
3	A Haribhakti
4	G Beecroft
5	M Brown
6	P Bruders
7	M Hooper
8	A and P Walton
9	S Wanklyn
10	M Morris
11	K Slifka
12	C Clark
13	D Dissanayake
14	D and F Hurren
15	A Dabraio
16	I and A Jones
17	J Ford
18	R Micallef
19	V Honeyford
20	D Purton
21	K McLaren
22	R Weng
23	K Gough
24	J Thom
25	P Roos
26	M Brabham
27	Environment Protection Authority
28	J Stead and J Morrish-Stead
29	J Bird, A Bird and L Britton-Bird
30	P Terro
31A	H Induruwa

31B	T Kadigamuwa
31C	S Vidanage
31D	C Dasanayake
31E	A Dasanayake
31F	W Wickramaratne
31G	C Leelarathna
31H	C De Silva
32	C and G Haberle
33	S Mani (with 25 resident signatures)
34	Department of Economic Development, Jobs, Transport and Resources
35	The Minta Group
36	Stockland
37	A Klaric
38	Department of Education and Training
39	Department of Environment, Land, Water and Planning
40	Cardinia Shire
41	K and B Hurren
42	Transport for Victoria
43	Melbourne Water
44	City of Casey
45	Country Fire Authority
46	Ausnet Services
47	APA O&M Services Pty Ltd
48	J Wood

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Victorian Planning Authority	<p>Greg Tobin (Harwood Andrews Lawyers) and Brent McLean (Victorian Planning Authority) who called the following expert witnesses:</p> <ul style="list-style-type: none"> - Chris Butler, Traffic, Cardno - Will de Waard, Traffic, Traffix Group - Matt Ainsaar, Economics, Urban Enterprises
City of Casey	<p>Barnaby McIlrath (Maddocks) who called the following expert witnesses:</p> <ul style="list-style-type: none"> - Michael Campbell, Economics, Lucid Economics - John Richardson, Traffic, Jacobs - Nigel Lewis, Heritage, Nigel Lewis Pty Ltd
The Minta Group and Stockland	<p>Stuart Morris (Counsel) and Emily Porter (Counsel) instructed by Norton Rose Fulbright and King & Wood Mallesons who called the following expert witnesses:</p> <ul style="list-style-type: none"> - Dean Landy, Urban Design, Clarke Hopkins Clarke - Sarah Horsfield, Planning, Urbis - Mark Woodland, Planning, Echelon - Justin Ganly, Economics, Deep End Services - Rhys Quick, Economics, Urbis - Bryce Raworth, Heritage, Bryce Raworth Pty Ltd - Steve Hunt, Traffic, Ratio
Cardinia Shire	David Vorchheimer (HWBL Ebsworth Lawyers)
Raymond Micallef	
Brad Hurren	
Adrian Dabraio	
Sasikumar Mani	

Appendix C Document list

No.	Date	Description	Presented by
1	16/04/2018	Folder: City of Casey Supporting Documents	B. McIlrath
2	"	VPA Part B Submission	G. Tobin
3	"	VPA Part B Submission – Other Documents	G. Tobin
4	"	Nearmap Images	B. McIlrath
5	"	Photos – Myer house	L. Martin
6	"	Expert Heritage Evidence	L. Martin
7	17/04/2018	Revised PSP and TMG Proposal – Dwellings	G. Tobin
8	"	Citation – Englefield Woolshed	B. McIlrath
9	"	Extract – Casey Central Town Centre PSP	S. Morris
10	"	Extract – Berwick Health & Education Development Plan	S. Morris
11	"	Stockland – Minta Farm Masterplan	S. Morris
12	18/04/2018	City of Casey Submission	B. McIlrath
13	"	Extract – East Werribee Education Precinct PSP	S. Morris
14	23/04/2018	Google map – Macquarie Park	B. McIlrath
15	"	City of Casey Recommendations	B. McIlrath
16	"	Planning Map LSIO	B. McIlrath
17	"	Presentation – Lucid Economics	M. Campbell
18	24/04/2018	Emails – Melbourne Water to G. Tobin	G. Tobin
19	"	Submission – R. Micallef	R. Micallef
20	"	Submission – B. Hurren	B. Hurren
21	"	Cross section – Section 96A application	S. Morris
22	"	Cross section – 2 metre median proposal	S. Morris
23	"	Cross section – 3 metre median proposal	S. Morris
24	"	Plan Melbourne 2017 - extract	S. Morris
25	"	Opening Submissions of the Minta Group and Stockland	S. Morris
26	"	Minta Demonstration Project	S. Morris
27	"	Table – Minta Farm ICP	S. Morris
28	26/04/2018	Submission - Cardinia Shire Council	D. Vorchheimer
29	"	Schematic – 2-4 levels City Block	D. Landy

No.	Date	Description	Presented by
30	26/04/2018	Planning map	B. McIlrath
31	"	Residential Density Table	B. McIlrath
32	"	Minta City – Place Activation Strategy	S. Morris
33	04/05/2018	Casey Planning Scheme – Schedule to clause 37.07	S. Morris
34	"	Extract – Creating Vibrant Communities	S. Morris
35	"	Extract – Changes to Cranbourne West PSP	S. Morris
36	"	Presentation	Sarah Horsfield
37	7/05/2018	Tonsley – Device manufacturer	G. Tobin
38	"	Nearmap – Tonsley	G. Tobin
39	"	Not allocated	
40	"	Table – Classification of occupations	R. Quick
41	"	Table – Estimated annual office demand – Casey	R. Quick
42	"	Office Floorspace Planning Budget – July 2005	S. Morris
43	8/05/2018	Google maps – Essendon Fields	B. McIlrath
44	"	CEDA – Innovation Precincts	B. McIlrath
45	"	City of Melbourne – Melbourne Innovation Districts	B. McIlrath
46	"	SE Melbourne Innovation Partnerships	B. McIlrath
47	"	Minta Farm Outcomes	P. Tero
48	"	Economic Expert Witness Statement – Amendment C73 – Justin Ganly	G. Tobin
49	"	Table – land consumption for 180,000 square metre office demand	B. McIlrath
50	"	Photo – Workers Cottage	B. McIlrath
51	"	Presentation	S. Hunt
52	"	Locality Plan – s96A application masterplan – revision 12	S. Morris
53	21/05/2018	Submissions on behalf of the Minta Group and Stockland	S. Morris
54	"	Minta Farm Documents: Interaction between the Minta Group and VPA	S. Morris
55	"	Letter – DEDJTR to VPA – 18 May 2018	G. Tobin
56	"	Letter – DET to VPA – 18 May 2018	G. Tobin
57	"	Letter – Transport for Victoria to VPA – 18 May 2018	G. Tobin
58	"	Stockland Amendments to Permit conditions	S. Morris

No.	Date	Description	Presented by
59	21/05/2018	Minta Farm Development – Proposed North-South Arterial Road Cross Section Alignment	S. Morris
60	“	Stockland and the Minta Group Proposed Amendments 21 May 2018	S. Morris
61	“	Subdivision Minta Farm – Bushfire Hazard Assessment	S. Morris
62	“	Cultural Heritage Management Plan – Notice of Approval	S. Morris
63	“	Table – Stockland and the Minta Group Recommendations to Panel 21 May 2018	S. Morris
64	22/05/2018	Stockland Amendments to Permit conditions 22 May 2018	S. Morris
65	“	Table – Stockland and the Minta Group Recommendations to Panel 22 May 2018	S. Morris
66	“	Closing Submissions for City of Casey	B. McIlrath
67	“	Info Sheet – Growth Areas Infrastructure Contribution	B. McIlrath
68	“	Minta Farm PSP 11 – Submission Summary – VPA	G. Tobin
69	“	Panel Hearing Closing Submission – VPA	G. Tobin
70	“	Key Changes Table Version 2 – VPA	G. Tobin
71	“	Table – Land take/Built form/Jobs	G. Tobin
72	“	PSP Plan – Distances from Town Centre	G. Tobin
73	29/05/2018	Casey’s suggested drafting changes to UGZ14, and to the Minta Group’s suggested drafting of provisions relating to the Urban Design Framework	B. McIlrath
74	29/05/2018	Casey officer level response to the revisions to the Public Infrastructure Plan suggested by Stockland/the Minta Group	B. McIlrath
75	7/06/2018	VPA’s closing submission (updated, 6 June 2018)	Harwood Andrews
76	“	Key Changes Table Version 3	Harwood Andrews
77	“	Submissions summary (dated 30 May 2018)	Harwood Andrews

Appendix D VPA's 'draft' planning permit conditions

1. Prior to the certification of the first plan of subdivision, an amended subdivision layout plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three (3) copies must be provided (hard copies at an A1 scale). The plan must be generally in accordance with the *96A Masterplan* prepared by Charlton Degg, dated 18 September 2017 (Ref: 1149 CP-A Revision 10) (Sheet 1 of 1), but modified to show:
 - (a) The pedestrian crossing opportunities identified in Figure 9 – Internal Road Network Layout of the Transport Impact Assessment of the Minta Farm Precinct Structure Plan
 - (b) The integration of traffic management devices for the local street that runs parallel to Soldiers Road, spaced between 200 to 240 metres or every second intersection.
 - (c) Revised street layout to include a roundabout treatment at the connector street/local street intersection consistent with Figure 8 of the Minta Farm Berwick – S96A Traffic Impact Assessment, prepared by One Mile Grid, dated 4 October 2017.
 - (d) A modified cross-section along the Soldiers Road frontage of the application area to include a painted median to assist property access to the existing dwelling on the south/west side of the road and include pedestrian refuge islands at key pedestrian desire points consistent with the recommendations at Section 7.3.6 of the Traffic Engineering Assessment prepared by Traffix Group, dated 5 April 2018.
 - (e) Removal of direct property access from created lots to Soldiers Road, consistent with the recommendations at Section 7.3.6 of the Traffic Engineering Assessment prepared by Traffix Group, dated 5 April 2018.

2. Prior to the certification of the first plan of subdivision, a public infrastructure plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three (3) copies must be provided. The plan must address the following:
 - (a) What land may be affected or required for the provision of infrastructure works and the timing of when such land will be provided.
 - (b) The provision, staging and timing of stormwater drainage works, including any temporary drainage works.
 - (c) The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment.
 - (d) The provision of public open space and tree reserves.
 - (e) Any distinction between the timing of the creation of any reserve or lot and its embellishment / servicing as necessitated to achieve allowed Growth Areas Infrastructure Contribution exemptions. Such must include a notation identifying the prohibition of the sale of lots or vesting of reserves created prior to their embellishment/ servicing until such time as they are embellished / serviced with respect to the applicable conditions of the permit and a statement of compliance has been issued for the relevant stage in which they

- will be embellished / serviced.
 - (f) The landscaping of any land.
 - (g) What (if any) infrastructure set out in the *Minta Farm Infrastructure Contributions Plan* applying to the land is sought to be provided as “works in lieu” subject to the consent of the responsible authority.
 - (h) The plan may be amended with the consent of the responsible authority.
3. Prior to the certification of the first plan of subdivision, a street tree master plan for the land formally described as Portion 32 Parish of Berwick and to the west of the proposed arterial road, prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three (3) copies must be provided. The plan must show:
- (a) Vegetation that is approved to be retained.
 - (b) Buildings and trees (including botanical names) on neighbouring properties where impacted on by the proposed subdivision.
 - (c) The proposed road reserve widths including proposed areas within the road reserves set aside for the retention of existing vegetation.
 - (d) The general layout of street tree plantings including the proposed tree species,
 - (e) The indicative location of paths and trails as per the PSP and approved subdivision master plan.
 - (f) The location of fencing including tree, walkway and vehicle exclusion fencing.
 - (g) Indicative road reserve cross-sections with street tree planting illustrated.
 - (h) Consistency of streetscape planting where streets continue from adjoining developments into the subject site. Note: It is the developer’s responsibility to liaise with adjoining developer(s) to ensure planting consistency.

All species selected must be to the satisfaction of the responsible authority.

4. Unless otherwise agreed by the Responsible Authority, prior to the certification of the first plan of subdivision, the owner must enter into an agreement or agreements under Section 173 of the Planning and Environment Act 1987 (the Act) with the Responsible Authority which provide/s for:
- a) The transfer to or vesting in Council of any land required for road widening or public open space or any other infrastructure project funded under the Minta Farm Infrastructure Contributions Plan at a time which is agreed with Council and the Development Agency under the Minta Farm Infrastructure Contributions Plan.
 - b) The requirement that, unless Council agrees, land which is required for an infrastructure project funded under the relevant Infrastructure Contributions Plan must not be created as a separate lot or as a reserve in advance of the issue of a Statement of Compliance in respect of the residential subdivision stage which that lot or reserve would normally naturally form a part of. Where Council agrees to the creation of the lot or reserve in respect of the land required for an infrastructure project, then:
 - a) No payment or credit to the owner in respect of that lot or reserve will be allowed unless the amount of the payment or credit and the timing of the provision of the payment or credit is authorised by the Collecting Agency under the Minta Farm Infrastructure Contributions Plan; and
 - b) The lot or reserve as appropriate must be embellished and provided

- with access by a trafficable road and serviced; and
- c) The lot or reserve must be maintained by the owner in a safe manner in regards to fire protection and free of weeds and noxious plants until the lot or reserve is required by the relevant Development Agency under the Minta Farm Infrastructure Contributions Plan; and
- d) If applicable, the prohibition of the sale of lots or vesting of reserves created prior to their embellishment/servicing having regard to the endorsed public infrastructure plan until such time as they are embellished/serviced with respect to the applicable conditions of the permit and a statement of compliance has been issued for the relevant stage in which they will be embellished/serviced, unless with the written consent of the Responsible Authority.

Where such lots/reserve are created and if relevant, the production of a certificate issued by the State Revenue Office stating that there will be no Growth Areas Infrastructure Contribution liability in respect of any land to be vested in Council or alternatively evidence of payment of that Contribution to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for the relevant stage in which the land will be embellished/serviced in accordance with the endorsed public infrastructure plan.

5. Prior to the certification of the plan of subdivision for a stage which creates an open space reserve, an open space landscape master plan for the respective reserve prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three (3) copies must be provided. The plan must show:
 - (a) Vegetation that is approved to be retained, removed and/or lopped.
 - (b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - (c) Site contours and any proposed changes to existing levels including any structural elements such as retaining walls.
 - (d) The area and dimensions of the open space reserve.
 - (e) The general layout of reserve plantings including the proposed location of evergreen and deciduous tree species, and an indicative species list of all proposed planting.
 - (f) The proposed location of structures and furniture items.
 - (g) The proposed location of paths, trails and any other pavement areas.
 - (h) The proposed location of playgrounds including a list of proposed play elements and age groups of play.
 - (i) The location of fencing including tree, walkway, vehicle exclusion and open space reserve fencing.

All species selected must be to the satisfaction of the responsible authority.

6. Prior to the certification of any plan of subdivision (or a relevant stage of a subdivision), building envelope plans in accordance with Part 4 of the Building Regulations must be submitted to the responsible authority for approval for lots of between 250 square metres and 500 square metres where the Small Lot Housing Code is not applied, all to the satisfaction of the responsible authority. Once approved the plans will be endorsed and form part of the permit. The building envelope plans must be designed to consider the provision of solar access and

any other requirements provided on the plans endorsed to the permit as relevant, and must show:

- (a) At least a 4 metre front setback to all lots, except:
 - (i) for lots of between 250 and 300 square metres opposite or abutting a passive or active open space area or local town centre / activity centre where the front setback can be reduced to 3 metres; or
 - (ii) for lots over 300 square metres which adjoin a bank / row of Small Lot Housing Code lots whereby a reduced setback may be considered to the satisfaction of the responsible authority.
 - (b) At least a 1 metre offset from any boundary abutting a reserve.
 - (c) At least a 2 metre offset from any boundary abutting a side street.
 - (d) A Build to Boundary Zone must only apply to one side boundary. This can be shown on both side boundaries with a notation stipulating that only one of these zones can be utilised per lot in relation to the location of the crossover provided to that lot.
7. Prior to the certification of any plan of subdivision (or a relevant stage of a subdivision), any restrictions on the plan of subdivision including relevant “Design Guidelines” and / or Memorandum of Common Provisions must be submitted to the responsible authority for approval and applied to all lots to the satisfaction of the responsible authority. Once approved, the restrictions and associated documentation will be endorsed and form part of the permit. The restrictions / Design Guidelines / Memorandum of Common Provisions must include:
- (a) A restriction that does not allow garage openings to occupy more than 40% of the width of the primary frontage, unless the building is two or more storeys and on a lot with an area between 250 to 300 square metres whereby the garage opening must not exceed 30% of the area of the front façade of the dwelling with the area of the front façade measured from a two dimensional elevation plan of the façade excluding the area of the roof of the dwelling.
 - (b) A restriction that does not allow garages or carports to be setback less than 5.5 metres from the primary frontage, unless a building envelope within an associated plan of subdivision allows a primary frontage setback of 3 metres, whereby the garage or carports shall not be setback less than 5 metres from the primary frontage; or, in special circumstances where lots are identified on the building envelope within an associated plan of subdivision as having an alternative garage setback whereby garages on those lots must not be setback between 3 and 5 metres from the primary frontage.
 - (c) Differentiation of fencing restrictions for corner lots as opposed to standard lots in relation to fencing of a side boundary, acknowledging that corner lots should address both the primary and secondary street frontage.
 - (d) A consent mechanism with respect to building outside of a building envelope with the written consent of the responsible authority.
8. Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provisions of the *Small Lot Housing Code* incorporated in the Casey Planning Scheme.

The plan of subdivision submitted for certification must identify whether Type A or Type B of the *Small Lot Housing Code* applies to each lot to the satisfaction of the

responsible authority.

9. Before any plan of subdivision is certified under the *Subdivision Act 1988*, for each stage of the subdivision, a schedule of lots created and housing densities, must be submitted to the responsible authority showing the number of lots created in the stage together with cumulative totals of any lots created and housing densities in earlier stages of the subdivision, to the satisfaction of the responsible authority.
10. Prior to the certification of the relevant plan of subdivision, streets must be named to the satisfaction of the responsible authority.
11. Prior to the certification of any plan of subdivision, the plan must be referred to the following authorities under Section 8 of the *Subdivision Act 1988*:
 - (a) APA Group (APT O&M Services Pty Ltd).
 - (b) AusNet Electricity Services Pty Ltd.
 - (c) Country Fire Authority.
 - (d) Melbourne Water.
 - (e) Public Transport Victoria, only where the plan of subdivision contains a bus capable road identified on Plan 9 – Public Transport and Path Network of the *Minta Farm Precinct Structure Plan*.
 - (f) South East Water.
12. The plans submitted for certification must be in accordance with the endorsed plans but modified to show to the satisfaction of the responsible authority and relevant servicing authorities:
 - (a) All easements required by servicing authorities as well as any easements required by the responsible authority over any temporary drainage assets which are to be managed by the responsible authority.
 - (b) Building envelopes and the creation of restrictions to accord with those identified on plans / documents endorsed to the permit.
 - (c) Unless otherwise agreed in writing by the responsible authority, road reserve and court head dimensions in accordance with the Growth Area Authorities standard drawings.
 - (d) Any land required to be set aside for the purpose of road widening and to be vested in Council in accordance with any relevant condition of this permit.
 - (e) Any tree reserves to be vested with the City of Casey.
 - (f) All bearings, distances, street names, lot numbers, lot sizes, reserves and easements.

Layout Not Altered

13. The subdivision and creation of easements or restrictions shown on the endorsed plans and any other documentation endorsed to form part of the permit must not be altered without the written consent of the responsible authority.

Staged Subdivision

14. The subdivision must proceed in the order of stages shown on the endorsed plans unless otherwise agreed in writing by the responsible authority.

Prior to Works

15. Before the commencement of works for any stage of subdivision a Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be submitted to and approved by the responsible authority. The plan must specify, amongst other things:

- (a) The staging of development and the likely bushfire risks at each stage;
- (b) An area of land between the development edge and non-urban areas consistent with the separation distances specified in *AS3959-2009*, where bushfire risk is managed;
- (c) The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire;
- (d) How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

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

16. Fourteen (14) days before the development starts a site specific Environmental Management Plan (Site EMP) must be submitted to and approved by the responsible authority. The Site EMP must be prepared in accordance with Council's 'Site EMP Kit' to the satisfaction of the responsible authority. No alterations to the Site EMP may occur without the consent of the responsible authority. All works must be undertaken in accordance with the approved Site EMP to the satisfaction of the responsible authority.
17. Before any road/drainage works associated with each stage of the subdivision start, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions and three (3) copies must be provided. The plans must include, as relevant:
 - (a) Functional layout plans for the interim and ultimate intersection of any internal road and existing or future arterial road as approved by VicRoads and the responsible authority, along with detailed design of the interim intersection;
 - (b) Detailed design of any roadworks being undertaken by the applicant external to the site to the satisfaction of VicRoads and the responsible authority;
 - (c) Fully sealed pavements with kerb and channel (or rollover kerbs where appropriate) to dimensions generally in accordance with the standard cross sections outlined in Appendix 4.6 of the *Minta Farm PSP* but including approximately 30% of streets (including connector streets) that apply an alternative cross section to the standard street cross sections and incorporate, but are not limited to, the following:
 - (i) varied street tree placement;
 - (ii) varied footpath or carriageway placement;
 - (iii) varied carriageway or parking bay pavement material;
 - (iv) introduction of elements to create a boulevard effect; and
 - (v) differing tree outstand treatments.

For the purposes of this requirement, variation to tree species between or within streets does not constitute a standard street cross section variation.

Alternative cross sections must ensure that:

- (i) minimum required carriageway dimensions are maintained to ensure safe and efficient operation of emergency vehicles on all streets as well as buses on connector streets;
- (ii) the performance characteristics of standard cross sections as they relate to pedestrian and cycle use are maintained; and
- (iii) relevant minimum road reserve widths for the type of street (illustrated in Appendix 4.6) are maintained, unless otherwise

- approved by the responsible authority;
- (d) Traffic management measures and devices;
- (e) Safe pedestrian crossing points;
- (f) Vehicle exclusion fencing where necessary;
- (g) Where a detailed construction plan incorporates a bus capable road nominated on Plan 9 of the *Minta Farm PSP*, the cross section of the road must comply with the corresponding cross section in the PSP and in accordance with the *Public Transport Guidelines for Land Use and Development*;
- (h) Corner splays, as required, to suit the road function;
- (i) Driveway links designed to provide one (1) visitor space per lot served by the link;
- (j) Concrete footpaths and/or shared paths in accordance with the *Minta Farm PSP* on both sides of each roadway with the exception of the side of a road that abuts a public open space;
- (k) A vehicular crossing to each lot, except those nominated as a medium density lot or superlot on the endorsed plan, designed in accordance with the Growth Areas Authority Standard Drawings unless otherwise agreed. Unless an alternative treatment is approved by the responsible authority, crossovers on lots with frontages of 10 metres or less must abut a crossover on an abutting lot to create a combined crossover of no more than 3 metres in width (excluding splays) at the kerb. Crossovers should be:
 - (i) located on the long side of corner sites where roundabout splitter islands will hinder access;
 - (ii) located a minimum of 1 metre from any service facilities;
 - (iii) offset a minimum of 6 metres from the tangent point of any side streets (refer to Australian Standards, Parking Facilities, Part 1: Off-street car parking);
- (l) Temporary turnaround areas within the site for waste collection vehicles (8.8 metres in length) at the dead end of any road;
- (m) Drainage systems, including:
 - (i) all aspects of the stormwater drainage system including drainage reserves and retarding basins, wetlands, stormwater connections and outfalls and any Water Sensitive Urban Design Measures (if relevant);
 - (ii) features to prevent litter, sediment and oils from entering the drainage system and/or cut-off drains to intercept stormwater run-off from adjoining properties. Such features may be suitably sized litter traps for surface rubbish, oil and sediment. These devices must be constructed within the works upstream of the outfall drain for the subdivision;
 - (iii) measures to meet the current best practice performance objectives for stormwater quality, as contained in the *Urban Stormwater Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999); and
 - (iv) construction details of any temporary drainage works approved by Melbourne Water and the responsible authority, along with details of any safety measures, edge treatments and separation distances between those works and the land being subdivided;
- (n) Permanent survey marks, levelled to the Australian Height Datum and coordinated to the Australian Map Grid;
- (o) The location of street lighting;
- (p) Details of any cut and fill;

- (q) Services located in shared trenches wherever possible;
- (r) Fibre optic conduit network throughout the subdivision; and
- (s) All concrete and construction materials used on site must comply with AS 2159-2009 and AS 3600-2009.

The detailed construction plans must include, at the relevant stage as identified on the public infrastructure plan endorsed to form part of the permit, any lot or reserve previously created from the parent title that has yet to be embellished/serviced in accordance with the requirements of the permit.

18. For the purpose of Clause 56.06-7 of the *Casey Planning Scheme*, the requirements of the relevant fire authority are, unless otherwise approved by the CFA:
 - (a) Constructed roads must be a minimum of 7.3m trafficable width where cars park on both sides, or:
 - (i) A minimum of 5.4m in trafficable width where cars may park on one side only.
 - (ii) A minimum of 3.5m width no parking and 0.5m clearance to structures on either side, and if this width applies, there must be passing bays of at least 20m long, 6m wide and located not more than 200m apart.
 - (b) Roads must be constructed so that they are capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - (i) The average grade of a road must be no more than 1 in 7 (14.4% or 8.1°).
 - (ii) The steepest grade on a road must be no more than 1 in 5 (20% or 11.3°) with this grade continuing for no more than 50 metres at any one point.
 - (iii) Dips on the road must have no more than 1 in 8 grade (12.5% or 7.1°) entry and exit angle.
 - (iv) Constructed dead end roads more than 60 metres in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll over curbs if they are provided).
19. Before approval of the engineering plan/s submitted under Section 15(1) of the *Subdivision Act 1988*, the developer must pay the responsible authority an amount equivalent to 0.75% of the estimated cost of constructing the works proposed on the engineering plan.
20. Before the start of any landscaping works for any stage of the subdivision, a detailed landscape plan and plant schedule for that stage prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plan must show the proposed landscape and plant schedule for all public open space areas, including streetscapes, parkland water retention areas, buffer zones, service corridors and community uses. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must be generally in accordance with the landscape master plan endorsed under the permit, except that the plan must show:
 - (a) Existing vegetation that is approved to be retained.
 - (b) New plantings including their layout to be provided in all road, open space, plantation and municipal reserves.
 - (c) A detailed plant schedule including all proposed tree, shrub, groundcover and climbing plant species.
 - (d) The proposed location and final set out of paths, areas of pavement,

- playgrounds, play items, structures and street furniture.
- (e) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls.
- (f) Additional supporting information, such as certified structural designs or

building forms Note:

Before the responsibility for the future care and maintenance of the works is transferred to Council, the developer must provide to the responsible authority A-Spec digital documentation for open space assets in a format consistent with the Street Tree Master Plan and/or Open Space Landscape Master Plan endorsed under this permit.

All species selected must be to the satisfaction of the responsible authority.

21. The developer must notify the responsible authority a minimum of seven days prior to commencing street tree planting and landscaping so that surveillance of the works can be undertaken.

During Works

22. The works must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) Transport of materials, goods or commodities to and from the land.
 - (b) Appearance of any building, works or materials.
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Payment of Infrastructure Contribution Levies

23. Infrastructure contribution levies must be paid to the Collecting Agency for the land, after certification of the relevant plan of subdivision but cannot be required more than 21 days prior to the issue of a Statement of Compliance with respect to that plan.
24. Where the subdivision is to be developed in stages, the infrastructure levy for the stage to be developed only may be paid to the Collecting Agency within 21 days prior to the issue of a Statement of Compliance for that stage, provided that a Schedule of Infrastructure Contributions is submitted with each stage of the plan of subdivision. The Schedule must show the amount of the infrastructure contributions payable for each stage and the value of the contributions for prior stages to the satisfaction of the Collecting Agency.
25. If the Collecting Agency agrees to works or provision of land in lieu of payment of the infrastructure levy, the land owner must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* in respect of the proposed works or provision of land in lieu.

Prior to the Issue of Statement of Compliance

26. Before the issue of a Statement of Compliance for the plan of subdivision under the *Subdivision Act 1988*, the developer must pay Council an amount equivalent to 2.5% of the estimated cost of the works which are subject to supervision in accordance with Section 17(2)(b) of the *Subdivision Act 1988*.
27. Before the issue of a Statement of Compliance for any plan of subdivision under this permit which proposes to vest land in Council, the owner must provide Council with

written evidence from the State Revenue Office or Victorian Planning Authority which demonstrates that there will be no Growth Areas Infrastructure Contribution liability in respect of any land to be vested in Council on that plan, or alternatively evidence of payment of that Contribution to the satisfaction of the responsible authority must be provided prior to the issue of a Statement of Compliance for the relevant stage in which the land will be embellished/serviced in accordance with the endorsed public infrastructure plan.

28. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the developer must construct in accordance with the approved engineering construction plan/s and to the satisfaction of the responsible authority:
 - (a) Roads, including traffic management devices, kerb and channel, footpaths, shared foot/cycle paths and vehicular crossings to each lot;
 - (b) Drainage and any water sensitive urban design features;
 - (c) Fibre optic conduits;
 - (d) Permanent survey marks, levelled to the Australian Height Datum and coordinated to the Australian Map Grid;
 - (e) Temporary turnaround areas;
 - (f) Any tree protection fencing; and
 - (g) Lighting of roads and pedestrian/cycle paths designed and provided in accordance with Australian Standard 1158.1.
29. Prior to the issue of a Statement of Compliance, or such later date as approved in writing by the responsible authority, all public open space areas, including, parklands, water retention areas, buffer zones, service corridors, community use areas and all streetscapes including road and plantation reserves must be landscaped and planted as shown on the approved landscape construction plans, or bonded, to the satisfaction of the responsible authority.
30. The landscaping constructed in accordance with the endorsed approved landscape construction plans must be maintained to the satisfaction of the responsible authority, for a period of 24 months, or other period as approved in writing by the responsible authority, following the granting of practical completion of landscape construction works.
31. Prior to the issue of a Statement of Compliance for any plan of subdivision under this permit that creates any public open space (where not otherwise provided for under the *Minta Farm Infrastructure Contributions Plan*) the owner must re-grade, top dress, landscape and otherwise embellish the land to the satisfaction of the responsible authority including the following works:
 - (a) Removal of all existing disused structures, foundations, pipelines or stockpiles.
 - (b) Cleared of rubbish and environmental weeds, levelled, topsoiled and grassed with warm climate grass (unless a conservation reserve).
 - (c) Provision of water tapping.
 - (d) Provision of planting and park furniture as identified on the approved landscape construction plans.
 - (e) Vehicles exclusion devices (fence or other suitable method) with controlled access points.
 - (f) Shared paths and / or footpaths as shown in the plans both endorsed and approved under this permit and the approved Precinct Structure Plan applying to the land.

32. All filling on the site over 300mm must be carried out, supervised, completed and recorded in accordance with AS 3798 - 2007 (Guidelines on earthworks for commercial and residential developments) to specifications to the satisfaction of the responsible authority. The geotechnical authority responsible for supervision and testing under this condition must be independently engaged by the applicant and not be engaged by the contractor carrying out the works. Before the issue of a Statement of Compliance unless otherwise agreed in writing by the responsible authority, compaction test results and a report shall be provided to the satisfaction of the responsible authority.
33. Before the issue of any statement of compliance for a plan of subdivision, or, the final statement of compliance for a plan of subdivision if the land is to be developed in stages, all existing above ground electricity cables of less than 66kv voltage must be placed underground as part of the upgrade of existing roads at the cost of the developer and to the satisfaction of the responsible authority and relevant authority.
34. Prior to the issue of a statement of compliance, all new electricity supply infrastructure (excluding substations and cables of a voltage 66kv or greater) must be provided underground.

Conditions for Subdivision Permits Required by Section 4 of Schedule 14 to Clause 37.07 of the *Casey Planning Scheme*

35. Unless otherwise agreed by Public Transport Victoria, prior to the issue of Statement of Compliance for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:
 - a) In accordance with the Public Transport Guidelines for Land Use and Development; and compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.
 - b) At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Public Transport Victoria.
36. Land required for public open space as a local park as set out in the *Minta Farm Precinct Structure Plan* must be transferred to or vested in Council at no cost unless the land is funded by the *Minta Farm Infrastructure Contributions Plan*.
37. Prior to the certification of a plan of subdivision, the plan of subdivision must show the land affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.
38. Land required for road widening, including right of way flaring for the ultimate design of any intersection within an existing or proposed local road, must be transferred to or vested in Council at no cost to the acquiring agency unless funded by the *Minta Farm Infrastructure Contributions Plan*.
39. Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.
40. Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner,

the owner must enter into an agreement or agreements under section 173 of the Planning and Environment Act 1987 which provides for:

- a) The implementation of the Public Infrastructure Plan approved under this permit.
- b) The timing of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds in the Minta Farm Infrastructure Contributions Plan.

41. Before a plan of subdivision is certified under the Subdivision Act 1988, the recommendations of the Phase 2 Environmental Site Assessment submitted must be carried out to the satisfaction of the responsible authority.

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

42. The *Salvage and Translocation Protocol for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2014) must be implemented in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land Water and Planning.

Mandatory Conditions for Subdivision Permits Required by Clause 66.01-1 of the Casey Planning Scheme

43. The owner of the land must enter into an agreement with:
- (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
44. Before the issue of a Statement of Compliance for the plan of subdivision under the *Subdivision Act* 1988, the owner of the land must provide written confirmation from:
- (a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - (b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Final Construction Plans

45. Before the responsibility for the future care and maintenance of the works is transferred to the responsible authority the developer must provide responsible authority the following:

- (a) Copies of the “as constructed” engineering roads and drainage drawings in the format of one A1 tracing per drawing.
- (b) Survey enhanced “as constructed” digital data for all assets that will become the responsibility of Council, in accordance with the relevant current A-Spec specification. These Specifications and supporting information are available from www.dspec.com.au. Council’s preferred format for the submission of the data is “MapInfo Native Format”. A secondary format is “MapInfo MID/MIF”. Grid Coordinates must be MGA Zone 55 (GDA 94).
- (c) Sketches of the details of the permanent survey marks.

Title Office Plans

- 46. The applicant must within four (4) weeks of the registration of the plans at the Land Titles Office send to the responsible authority:
 - (a) A Certificate of Title for all land vested in the responsible authority on the plan of subdivision.
 - (b) A clear A3-size photocopy of the Title Office approved Plan of Subdivision.

Public Open Space and Reserves

- 47. Where a tree reserve is required to be created, the tree reserve must be shown as vesting in Casey City Council by a registered plan of subdivision at no cost to Council.
- 48. The developer must construct and suitably finish all fences along the common boundary between any tree/plantation reserves and the abutting lots to the requirements and satisfaction of the responsible authority.

Reticulated Services

- 49. Reticulated water supply, drainage, sewerage facilities and underground electricity, gas and telecommunication services including fibre optic cable conduits must be provided to each lot shown on the endorsed plan.
- 50. Any fibre optic conduits and associated infrastructure must be protected from damage to the satisfaction of the responsible authority.
- 51. Unless otherwise agreed by the responsible authority, ownership of any fibre optic conduits must vest in Council.
- 52. Where a conduit crosses private land, an easement may be required in favour of the relevant authority.
- 53. Subject to South East Water agreeing to do so, the developer must enter into an agreement with South East Water requiring the subdivision to be reticulated with a dual pipe recycled water system to provide for the supply of recycled water from a suitable source or scheme to all lots and open space reserves within the subdivision.
- 54. Irrespective of whether the relevant water authority has entered into an agreement as contemplated, connection points for the third pipe are to be provided by the developer/landowner to all public open space at no cost to the relevant water authority or Council to facilitate irrigation of public open space using recycled water if it is to become available.

Roads and Traffic

55. The developer must provide the allocated street number on the kerb in front of each lot. The kerbside numbers must be 100mm white lettering on a black background located on the front of the kerb at the property frontage to the satisfaction of the responsible authority.

Temporary Turning Areas

56. Any temporary turning areas to the land must be constructed in accordance with engineering construction plans approved by the responsible authority and maintained to the satisfaction of the responsible authority.
57. If the temporary turning area is to be retained after the relevant Statement of Compliance is issued, a bond of sufficient value to cover all reinstatement works must be lodged with the responsible authority before the Statement of Compliance is issued.
58. All works undertaken for a temporary turning area must be removed and all affected road pavement, concrete works, nature strips and other land must be reinstated to the satisfaction of the responsible authority when the turning area is no longer required.
59. A sign of at least 1 square metre in area must be displayed in a prominent position near the temporary turning area whilst the temporary turning areas are in operation advising that they are temporary turning areas only. The sign must be removed after the temporary turning areas are removed.

Substation / Kiosk Sites

60. Utility service substation/kiosk sites must not be located on any land identified as public open space or to be used for any Municipal purpose, unless otherwise agreed by the responsible authority.

Referral Authority Conditions**Melbourne Water Conditions**

61. Prior to the issue of a Statement of Compliance, the Owner must enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and stormwater from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
62. Prior to Certification, a detailed drainage strategy for the subdivision (including flood modelling files) must be submitted to the satisfaction of Melbourne Water in accordance with the relevant Development Services Scheme. The strategy must demonstrate the alignment for 1 in 5 year Average Recurrence Interval (ARI) flows and drainage infrastructure and the overland flow paths directions for the 1 in 100 year ARI flood event.
63. All new lots must be filled a minimum of 300mm above the 1 in 100 year ARI flood level associated with an existing or proposed Melbourne Water underground drainage assets.
64. All new lots must achieve appropriate freeboard in relation to local overland flow

- paths to the satisfaction of the responsible authority.
65. Prior to the issue of Statement of Compliance, a Certified Survey Plan must be submitted to the satisfaction of Melbourne Water and the responsible authority. The plan must include the 1 in 100 year ARI flood levels and a summary table indicating the freeboard above the flood level for each lot.
 66. The subdivision must make provision for overland flows from the upstream catchment utilising roads and/or reserves.
 67. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria as outlined in Melbourne Water's Land Development Manual.
 68. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
 69. At least 21 days prior to commencement of works, a Site Management Plan detailing pollution and sediment control measures, must be submitted to Melbourne Water for our records.

AusNet Conditions

70. Enter in an agreement with AUSTNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
71. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
72. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed AUSNET ELECTRICITY SERVICES PTY LTD.
73. Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Line" in the favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
74. Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
75. Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
76. Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
77. Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years. at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section

88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.

78. Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have required.
79. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
80. Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

Permit Expiry

81. This permit will expire if:
 - (a) The subdivision is not started within two years of the date of this permit; or,
 - (b) The subdivision is not completed within five years from the date of starting.

Where the subdivision is to be developed in stages, the time specified for the commencement of the first stage is two years from the date of the permit. The time specified for the commencement of any subsequent stage is ten years from the date of this permit and the time specified for the completion of each stage is five years from the date of its commencement.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.