

Planning and Environment Act 1987

Panel Report

**Cardinia Planning Scheme Amendment C232
Officer Precinct Structure Plan**

8 February 2019

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Cardinia Planning Scheme Amendment C232

Officer Precinct Structure Plan

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Con Tsotsoros, Chair



Geoffrey Carruthers, Member

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List of Abbreviations

AS/NZS 2107:2016	Joint Australian/New Zealand Standard 2017:2016 (Acoustics - Recommended design sound levels and reverberation times for building interiors)
BAL	Bushfire Attack Level
DELWP	Department of Environment, Land, Water and Planning
draft PEC Report	Draft review of GHD Report prepared by Tim Pollock of PEC, July 2018
EPA	Environment Protection Authority
EPA Publication 1518	<i>Recommended separation guideline distances for industrial residual air emissions</i> , Publication 1518, EPA March 2013
GHD Report 2011	Report for Hy Gain Feeds Pty Ltd, Buffer Assessment, September 2011
GHD Report 2018	Officer PSP Buffer Assessment Review, 31 July 2018 (amended August 2018)
NIRV	Noise from Industry in Regional Victoria, Publication 1411, EPA 28 October 2011
Officer DCP 2018	<i>Officer Development Contributions Plan (September 2011, Amended March 2018)</i>
Officer PSP 2011	<i>Officer Precinct Structure Plan, September 2011</i>
Officer PSP 2018	<i>Officer Precinct Structure Plan (September 2011, Amended March 2018)</i>
Planning Scheme	Cardinia Planning Scheme
SEPP N-1	State Environment Protection Policy (Control of noise from commerce, industry and trade), No. N-1
the Town Centre	Officer Town Centre
the Tribunal	Victorian Civil and Administrative Tribunal
UDF	Urban Design Framework
UGZ	Urban Growth Zone
VLGA	Victorian Local Government Association
VPA	Victorian Planning Authority

Note: A number following a zone or overlay acronym in this report refers to a schedule number

Overview

Amendment summary	
The Amendment	Cardinia Planning Scheme Amendment C232
Common name	Officer Precinct Structure Plan
Brief description	The Amendment proposes to implement the revised Officer Precinct Structure Plan (Amended February 2018) by changing zone, overlay and ordinance provisions of the Cardinia Planning Scheme
Subject land	Land in the Officer Precinct Structure Plan area (the Precinct), as shown in Figure 1
The Proponent	Victorian Planning Authority and Cardinia Shire Council
Planning Authority	Victorian Planning Authority
Exhibition	Between 22 March and 27 April 2018
Submissions	Submissions were received from: 1. Department of Education and Training 2. Sarah Brockman 3. Victorian Local Government Association 4. BMA Development Advisory on behalf of Coles Group Property Developments 5. Hy Gain Feeds Pty Ltd 6. Environment Protection Authority Victoria 7. Victoria Papas 8. AV Jennings 9. Officer and District Community Association Inc 10. Outlook (Vic) Inc 11. Spiire on behalf of Thompson Land Pty Ltd 12. Transport for Victoria 13. Tract on behalf of Development Victoria 14. Cardinia Shire Council 15. Sweet 46 Pty Ltd 16. Croft Developments 17. Bethany Ellen Christine Rice

Panel process

The Panel	Con Tsotsoros (Chair) and Geoffrey Carruthers, appointed 6 June 2018
Directions Hearing	Planning Panels Victoria, 15 June, 13 August and 8 October 2018
Panel Hearing	Municipal Association of Victoria, 4 December 2018 Planning Panels Victoria, 5, 6, 7, 10 and 12 December 2018
Site inspection	Unaccompanied, 19 November 2018
Appearances	- Victorian Planning Authority represented by John Hannagan of Harwood Andrews, calling expert evidence on dust and odour emissions from Tim Pollock of PEC Environmental - Cardinia Shire Council represented by Maria Marshall of Maddocks Lawyers - Hy Gain Feeds Pty Ltd represented by Mark Bartley of HWL Ebsworth Lawyers, calling expert evidence on: - air and odour from Dr Iain Cowan of ERM - acoustics from Nicholas Peters of Renzo Tonin & Associates - Coles Group Property Developments Ltd represented by Marita Foley of Counsel, with James Bryce of Norton Rose Fulbright, calling expert evidence on: - urban design from Mark Sheppard of David Lock Associates - traffic engineering from Jason Walsh of Traffix Group - Development Victoria represented by Peter O'Farrell, with Jessica Kaczmarek of Norton Rose Fulbright, calling expert evidence on: - ecology from Aaron Organ of Heritage Partners Ecology - bushfire from Hamish Allan of Terramatrix - Environment Protection Authority Victoria represented by Trisha Brice and Rund Gorgis - Victorian Local Governance Association represented by Susan Rennie - Croft Developments Pty Ltd represented by Nick Robins of Taylors Development Strategists - Outlook (Vic) Inc represented by Tom Harrington of PLC Consulting
Further information	The Panel considered further information received on 21 December 2018, as shown in Appendix A
Citation	Cardinia PSA C232 [2018] PPV
Date of this Report	8 February 2019

Executive summary

(i) Summary

The Officer Precinct comprises 1,021 hectares in the western part of the Cardinia Shire and is approximately 50 kilometres southeast of Melbourne's Central City. The *Casey-Cardinia Growth Area Framework 2006* anticipates the growth area population to grow from 135,000 to 170,000 people and employment to grow from 100,000 to 140,000 jobs. It plans to accommodate 10,000 dwellings and 30,000 people in the Officer Precinct.

Cardinia Shire Council prepared the Officer Precinct Structure Plan in 2011 (Officer PSP 2011) with the Growth Areas Authority (now Victorian Planning Authority) and other stakeholders to guide future urban development through the development of approximately 10,900 dwellings for 28,300 people and land for a range of new activity centres, roads, education and community facilities, conservation and public recreation areas.

Since implementing the Officer PSP, the Officer Town Centre has seen the development of new Council Offices and Civic Centre, main street including intersection with Princes Highway and rail underpass, recently upgraded Officer train station, government secondary school with 1,200 students, commercial premises with a service station, two-storey developments of offices and shops including a bottle shop, food and drink premises, offices and medical centre.

In 2016, the Minister for Planning wrote to the (now) Victorian Planning Authority (VPA) with concern that the Officer PSP 2011 may not be able to facilitate private sector investment needed to stimulate the Officer Town Centre. He asked that the Officer PSP 2011 be reviewed with a focus on the Town Centre. The review sought to consolidate and simplify Town Centre related planning provisions and balance outcomes with timely development without revisiting the underlying assumptions of the Officer PSP. The *Officer Precinct Structure Plan (September 2011, Amended March 2018)*, (Officer PSP 2018) is the outcome of that review.

Cardinia Planning Scheme Amendment C232 (the Amendment) applies to the Officer Precinct, including the Officer Town Centre, and seeks to implement the Officer PSP 2018.

The Amendment was exhibited between 22 March and 27 April 2018 and received 17 submissions. Issues raised in submissions related to whether or how any potential odour, dust and noise impacts associated with the Hy Gain Feeds Mill in the Officer Town Centre where sensitive land uses are proposed should be managed. Other issues included access to the Hy Gain Feeds and Coles Group Property Developments Ltd sites, built form and urban design, bushfire management, recommending and determining statutory referral authority designations, third party notice and review for an electronic gaming machines permit, site specific matters and drafting issues.

VPA resolved several submissions before requesting the appointment of a Planning Panel. At the request of VPA, the Panel adjourned the scheduled Hearing to enable further assessment around the Hy Gain Feeds Mill. Following the assessment, VPA requested a further adjournment to enable further notice to affected parties.

Like many Precinct Structure Plan Amendments, the Amendment was complicated by the volume of information, number of different document versions and comprehensive submissions and evidence. VPA is commended for the way in which it communicated and

steered parties at the Hearing through the breadth of information. The Panel notes that the Environment Protection Authority attended the entire Hearing and made its officers available to inform the Hearing participants and to respond to questions. This added considerable value to the process.

Strategic justification

The Amendment represents a timely opportunity to apply planning provisions which balance good planning outcomes and flexibility to attract future investment, ahead of achieving a sufficient trade catchment to support a new supermarket and other commercial activities. The Panel acknowledges that changes proposed by the Amendment are predominantly focussed on achieving this intent and do not seek to significantly change strategic intent of the Officer PSP or Future Urban Structure.

The Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework. It is strategically justified and should proceed subject to addressing the more specific issues raised in submissions. Some of the drafting do not align with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act. Chapter 9 of this report recommends one way to address drafting issues without delaying the Amendment.

Hy Gain Feeds Mill environs

Submissions and evidence regarding the Hy Gain Feeds Mill and surrounding land highlighted the tension between an industry with existing use rights and the intention to continue operating and sensitive land uses proposed in its environs through the Officer PSP 2018 and Cardinia Planning Scheme.

Odour and dust separation distance

A 250-metre directional separation distance should be applied to the Hy Gain Feeds Mill to manage surrounding sensitive land uses. It should be measured from the activity boundary recommended by Dr Cowan which includes existing process buildings, permitted silos and the area where containers are fumigated with methyl bromide. Applying the separation distance with this measure aligns with *Recommended separation guideline distances for industrial residual air emissions*, Publication 1518, EPA March 2013.

Separation distance planning provisions

The exhibited Urban Growth Zone Schedule 4 (UGZ4) planning provisions, which require a planning permit for a sensitive land use in the 250-metre separation distance, are an appropriate land use response for managing potential industrial and sensitive land use interface issues.

Separation distance land excluded from the Amendment

The UGZ4 planning provisions for the Hy Gain Feeds Mill should be applied to UGZ3 so that future planning permits proposing a sensitive land use on land in the entire separation distance can be appropriately assessed. Applying the UGZ4 planning provisions for the Hy Gain Feeds Mill to UGZ3 is in the scope of the Amendment. VPA should investigate whether this change would need further notice to affected property owners.

Noise

There is insufficient evidence to conclude that Hy Gain Feeds Mill complies with SEPP N-1/NIRV noise limits at all existing dwellings during full operation and to quantify noise impact on potential new sensitive land uses. A dwelling within 300 metres from the Hy Gain Feeds Mill should be designed and constructed to align with noise standards in Clause 55.07-6. This requirement would have applied if the Hy Gain Feeds Mill was in an industrial zone.

Victorian Planning Authority, with Environment Protection Authority and Cardinia Shire Council should further investigate the suitability of a building for uses other than residential being designed and constructed to meet the median value of the design level range of AS/NZS 2107:2016 before considering it as an application requirement. Additional noise-related application requirements beyond those recommended by the Environment Protection Authority are not appropriate or justified.

Other matters

EPA should be designated as a recommending referral authority for a permit application to use land in the Hy Gain Feeds Mill 'separation distance' area for Accommodation, Childcare centre, Education centre, or Informal outdoor recreation.

A section 173 agreement should not apply to each property title of a dwelling in the separation distance area to inform them of potential amenity issues related to the Hy Gain Feeds Mill.

Access

Heavy freight transport needs should be assessed to achieve a more strategic response to interim and ultimate network access and circulation in the Officer Town Centre; avoid B-Double transports or similar from routing through the Core sub-precinct; and inform changes to Officer PSP 2018 Plan 15 (Road Traffic Network).

An access point to the future supermarket and specialty retail proposed west of Siding Avenue should be provided at Siding Avenue, either at Orchard Street or between Orchard Street and Gumleaf Lane. The Officer PSP 2018 should enable some flexibility until further urban design and contextual details are known and to avoid any unintended consequences.

Built form and urban design

The specific mandatory two-storey built form requirement in Table 10a of the Officer PSP 2018 should be translated into a more flexible planning and design guideline. Table 10a should be amended to provide clarity and flexibility regarding continuous active building frontages. Figures 1-4, 5b, 6a, 6b, 6c, and 6e of the Officer PSP 2018 should include additional notations.

Other Town Centre issues

Dwelling density

Table 6 of the Officer PSP 2018 should be changed to separate the average net dwelling densities for the Town Centre and the Whiteside Road centre from the entire Officer Precinct density estimates and to add figures for different residential area types in these centres. These differences should be noted below Table 6.

Bushfire management

Reducing the setbacks from Leber and Gilbertson Reserves by extending the Asset Protection Zone widths within the reserves is appropriate, subject to approval to remove vegetation. Requiring a specified site management plan through UGZ4 responds to Clause 13.02 and would provide an improved framework plan for assessing each permit application.

VPA determining referral authority designation

Designating VPA as a determining referral authority is appropriate and justified.

The referral threshold of 1,000 square metres or more of leasable floor space is appropriate and justified.

Notice and review for an electronic gaming machines permit

A planning permit proposing to use or install a gaming machine in permitted parts of the Town Centre should be subject to third party notice and review. However, the Amendment cannot change the Urban Growth Zone to enable third party notice and review.

Site specific issues

4A Hickson Road

Outlook can apply to amend its existing planning permit before it expires. There is insufficient strategic support to vary the UGZ4 land use provisions beyond what is proposed by the Amendment. It is not appropriate to remove or amend the drainage and vegetation reserve encumbrances through the Amendment.

20A Tivendale Road

The Amendment should address anomalies associated with this site. The southeast portion should be rezoned to UGZ3 and the Parking Overlay should be deleted from the site. The Officer PSP 2018 should be revised to show the site as Residential Land, outside the Town Centre and to show the Access Place road running entirely through commercial land in UGZ4. Maps in UGZ3 and UGZ should be updated to reflect these changes.

Drafting issues

UGZ3 and UGZ4 should be redrafted to make the following changes, were relevant, so that they align with the Ministerial Direction 7(5) clarify provisions and improve their operation:

1. Add clear street names to maps and plans
2. Designate a relevant applied zone to the arterial road, local access streets and the railway land
3. Replace the non-compliant Table of uses in UGZ4 with a UGZ3 Use requirements table (see UGZ3) which achieves the intended outcomes in a simpler format.
4. Reorder the precincts in the Plan 2 legend with those in Table 1
5. Delete provisions which are already enabled through the parent UGZ provisions
6. Delete unnecessary detail, or terminology and format to align with Ministerial Direction 7(5) and plain English.

VPA, with Council, should differentiate between requirements and guidelines in the Officer PSP 2018 when next reviewing the document.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Cardinia Planning Scheme Amendment C232 be adopted as exhibited subject to the following:

PLANNING PROVISIONS

1. Amend Urban Growth Zone Schedule 3, as shown in Appendix B1, to:
 - a) add a condition in Section 1 (Permit not required) that the land must not be in the 'separation distance' from the Hy Gain Feeds Mill at 10 Hickson Road, Officer shown on Plan 2 of the Schedule and Figure 6 in the incorporated *Officer Precinct Structure Plan*.
 - b) make drafting changes which align with the *Ministerial Direction on the form and content planning schemes*, clarify provisions and improve its operation.
2. Amend Urban Growth Zone Schedule 4, as shown in Appendix B2, to:
 - a) include changes in the post-Hearing version (Document 59c), unless otherwise recommended.
 - b) redraft Clause 2.3 (Specific provisions – Use of land) Section 1 and 2 provisions to require, as originally intended, a planning permit for specified sensitive land uses in the Hy Gain Feeds 'separation distance' area
 - c) add new application requirements for a permit application to use land in the 'separation distance' area to the existing HyGain site at 10 Hickson Rd, Officer for specified sensitive land uses.
 - d) add new application requirements for a permit application proposing buildings and works associated with the HyGain Feeds facility.
 - e) require a permit application proposing to use land within 300 metres from the Hy Gain Feeds Mill to be accompanied by an acoustic report which demonstrates how a dwelling will be designed and constructed to achieve the noise levels specified in Standard B40 of Clause 55.07-6.
 - f) require a site management plan with a permit application which addresses bushfire risk to the satisfaction of the responsible authority.
 - g) make drafting changes which align with the *Ministerial Direction on the form and content planning schemes*, clarify provisions and improve its operation.
3. Amend the Clause 66.04 Schedule, as shown in Appendix B3, to designate the Environment Protection Authority as a recommending referral authority for a permit application to use land in the Hy Gain Feeds Mill 'separation distance' area for Accommodation, Childcare centre, Education centre, or Informal outdoor recreation.
4. Rezone the portion of 20A Tivendale Road currently zoned Urban Growth Zone Schedule 4 to Urban Growth Zone Schedule 3 to address an anomaly and so that it is one zone.
5. Delete the Parking Overlay from 20A Tivendale Road, Officer.

OFFICER PRECINCT STRUCTURE PLAN

6. Amend the Officer Precinct Structure Plan (September 2011, Amended March 2018) to:

- a) include changes prepared by the Victorian Planning Authority on 21 December 2018 described in the Precinct Structure Plan Table of changes (Document 59d) and Agreed changes to tables, maps, figures, pre and post-exhibition (Document 59e), unless otherwise recommended
- b) add to 04 (Elements) before 4.1 (Image and character):

Any Planning and Design Guideline that:

- *'must be met' is a requirement that must be adhered to in developing the land. Where they are not demonstrated on the planning application, these requirements will usually be included as a condition of the planning permit whether or not they take the same wording as in this structure plan. A 'must be met' requirement may reference a plan, table, or figure in the PSP.*
- *'should be met' is a guideline expressing how discretion will be exercised by the responsible authority in certain matters that require a planning permit. If the responsible authority is satisfied that an application for an alternative to a guideline implements the outcomes the responsible authority may consider the alternative. A 'should be met' requirement may reference a plan, table, or figure in the PSP.*

- d) replace the third mandatory requirement in Table 10a with:

Buildings within the Officer Town Centre must be either a minimum of two storeys in height along street frontages or present a minimum seven metre street wall height to create a sense of enclosure to the public realm. Where provided, upper storeys should be sufficient to enable appropriate uses, but do not need to extend the full depth of the ground floor. Single storey buildings should be designed to accommodate a future second storey

- c) delete in Table 10a the second guideline for two-storey buildings along street frontages

- e) change the fourth dot point in Table 10a (Major Activity Centre) to:

Non-residential built form along Siding Avenue should provide continuous ground floor frontages to the public realm unless providing:

- *A pedestrian link to the entrance of a use set back from the street boundary*
- *Access to upper floor uses*
- *A vehicle access point where indicated in Figure 6a: 'Officer Town Centre Concept Plan'*

- f) Add the following notation to Figures 1-4, 5b, 6a, 6b, 6c, and 6e:

Note: The Figure provides an indicative example of how a development application could respond to the requirements of the PSP. Alternative design responses that are consistent with relevant objectives and planning and design guidelines may be considered.

- g) revise Table 6 (Distribution of Housing Densities) to:

- add under Officer Town Centre (Major Activity Centre) figures for High Density Residential A, High Density Residential B, Medium Density Residential and Commercial (residential permitted)
- add under Whiteside Road Neighbourhood Activity Centre figures for High Density Residential B and Commercial (residential permitted)
- replace the note under the table with:

Note: Subdivision in the Officer Town Centre should achieve the minimum dwellings / Net Developable Area specified in the table above. Applications for subdivision that can demonstrate how target densities can be achieved over time, to the satisfaction of the responsible authority, shall be considered. Dwelling densities in the Whiteside Road Neighbourhood Activity Centre and balance of the PSP area are intended to be average net densities.

- h) specify in Figures 10a and 10b an alternative reduced setback from Scrub and Woodland of 27 metres for BAL-12.5 buildings, subject to approval from the Country Fire Authority
- i) apply the 27-metre alternative setback consistently for Leber and Gilberston Reserves, subject to approval from the Country Fire Authority.
- j) include in Plan 5 (Future Urban Structure) and Plan 6 (Land Use Budget) the following notation for the Outlook site:
 - * *exact requirements to be determined by the relevant authorities and any unused portion will revert to the underlying zone.*
- k) include in Plan 12 (Community Facilities and Design Guidelines) the following notation:
 - * *Stormwater quality treatment and drainage assets and waterway widths on this plan are subject to confirmation through detailed design to the satisfaction of Melbourne Water. Any unused portion will revert to the underlying zone.*
- l) include in Plan 13 (Open Space Categories) the following notation:
 - * *Biodiversity assets on this plan are subject to confirmation through detailed design to the satisfaction of DELWP. Any unused portion will revert to the underlying zone*
- m) show in Figure 6a (Officer Town Centre Concept Plan) an indicative 'vehicle access point' at Siding Avenue into 458 Princes Highway, Officer
- n) change the proposed guideline in Table 10a to "*The vehicle access point on Siding Avenue should be located generally where indicated in Figure 6a: 'Officer Town Centre Concept Plan'*"
- o) identify 20 Tivendale Road, Officer as outside the Officer Town Centre in all plans
- p) show the Access Place road running entirely through commercial land south of 20 Tivendale Road, Officer.

The Panel further recommends:

7. Victorian Planning Authority seek a detailed traffic assessment, through a separate process, which:

- a) strategically responds to interim and ultimate heavy freight transport needs in the Officer Town Centre to inform a future review of Officer Precinct Plan 2018 Plan 15 (Road Traffic Network).**
- b) responds to service and delivery vehicle and bus access and connectivity in the core business area.**

1 Introduction

1.1 The Amendment

Cardinia Planning Scheme Amendment C232 (Amendment) proposes to implement the *Officer Precinct Structure Plan (September 2011, Amended March 2018)*, (Officer PSP 2018) by changing the Cardinia Planning Scheme (Planning Scheme) to:

- introduce the Residential Growth Zone and Parking Overlay into the Planning Scheme
- amend Urban Growth Zone Schedule 3 (UGZ3) to reference:
 - Officer PSP 2018
 - *Officer Development Contributions Plan September 2011, Amended March 2018* (Officer DCP 2018)
 - *Officer Native Vegetation Precinct Plan September 2011, Amended March 2018* (Officer NVPP 2018)
- amend Urban Growth Zone Schedule 4 (UGZ4) to reflect changes to the Officer PSP 2018
- amend Development Contributions Plan Overlay Schedule 4 (DCPO4) to reference the Officer DCP 2018
- introduce Schedule 1 to the Parking Overlay and apply the overlay to all UGZ4 land in the Officer Town Centre (Town Centre)
- delete the Land Subject to Inundation Overlay from all the land in the Amendment area
- amend the Clause 66.04 Schedule to include the Victorian Planning Authority (VPA) as a referral authority for permit applications that include 1,000 square metres or more of retail floor space on land in the Town Centre
- amend the Clause 72.03 Schedule to update the list of maps
- amend the Clause 72.04 Schedule to incorporate Officer PSP 2018 and Officer DCP 2018
- amend Planning Scheme maps to make associated changes.

The Amendment applies to the Officer Precinct and focusses on the Officer Town Centre. This is reflected in the letter from the Minister for Planning to the former Metropolitan Planning Authority (now VPA) which states:

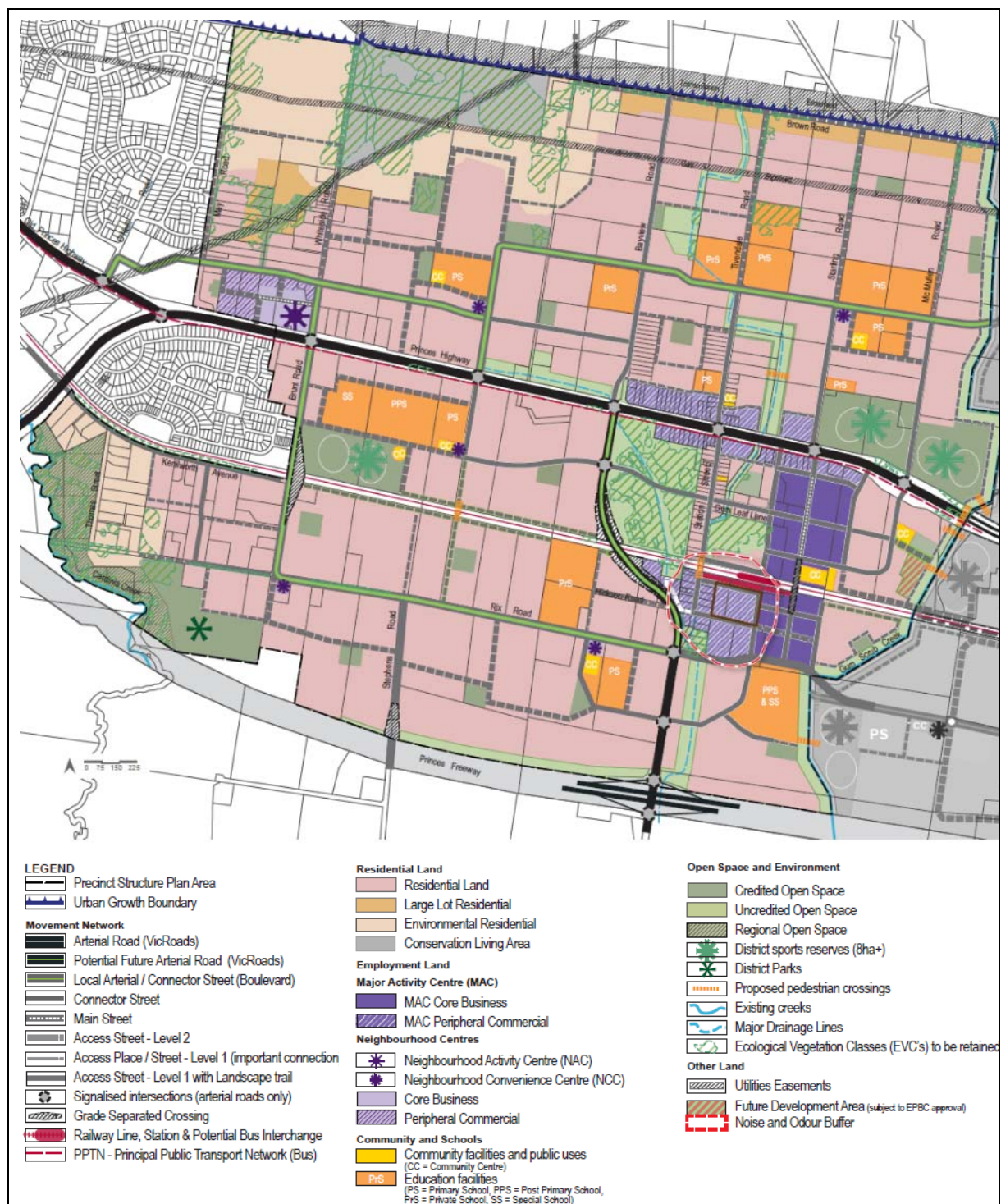
Under section 46AU of the *Planning and Environment Act 1987*, I direct you to undertake a review of the Officer Precinct Structure Plan, with a particular emphasis on the Officer Town Centre.

1.2 The subject land

The Amendment applies to the Officer Precinct which comprises 1,021 hectares in the western part of the Cardinia Shire and is approximately 50 kilometres southeast of Melbourne's Central City. The *Casey-Cardinia Growth Area Framework 2006* anticipates the growth area population to grow from 135,000 to 170,000 people and employment to grow from 100,000 to 140,000 jobs. It plans to accommodate 10,000 dwellings and 30,000 people in the Officer Precinct.

The Officer Precinct, as shown in shown in Figure 1, is generally bound by the major electricity transmission line easement to the north; Gum Scrub Creek to the east; Princes Freeway to the south; and May Road, Princes Highway, Brunt Road (part), Kenilworth Avenue and Cardinia Creek to the west. It is currently zoned UGZ3 and UGZ4. The UGZ4 applies to the Officer Town Centre.

Figure 1 Subject land: Officer PSP 2018 Future Urban Structure



1.3 Background

Council's Part A submission provided a chronology of events and most of these are replicated below.

Table 1: Chronology of events

Date	Event
July 2011	Landowners were notified of the intent to approve the Officer PSP 2011 and associated documentation through Amendment C149 and were given an opportunity to comment and meet with VPA to discuss the amendment
January 2012	Officer PSP 2011, including the Officer Native Vegetation Precinct Plan and Officer Development Contributions Plan introduced into the Planning Scheme [Amendment C149]
July 2016	The Minister for Planning requested that VPA review the Officer PSP 2011, through section 46AU of the <i>Planning and Environment Act 1987</i> , with particular emphasis on the Town Centre
August 2016 to February 2018	VPA reviewed the Officer PSP 2011 and associated Scheme ordinances
November 2016	Landowners in the Town Centre were notified of the commencement of the Officer PSP 2011 review
28 July 2017	Informal landowner information session held. Council and VPA staff were available to answer questions about the review scope and process. The session was attended by approximately 60 landowners and interested parties
October 2017	A revised draft Officer PSP was circulated to 35 government departments, agencies, non-government organisations, and Council for 'agency' consultation. A total of 11 submissions were received.
November 2017	Officer Development Contributions Plan (amended July 2017) was amended [Amendment GC75]
12 December 2017	Bushfire related State planning policy was changed [Amendment VC140]
27 February 2018	VPA formally submitted the proposed Amendment C232 to the Minister for Planning to consider for public exhibition
22 March to 27 April 2018	VPA formally exhibited the Amendment, including all landowners and occupiers in the Officer Precinct being notified
April to June 2018	VPA considered submissions to the Amendment, refined the Officer PSP 2018 and planning provisions and sought to resolve outstanding issues
1 June 2018	VPA formally requested a Planning Panel and to refer submissions (resolved and unresolved) to Planning Panels Victoria
15 June 2018	First Panel Directions Hearing was held, and the Hearing was scheduled to commence on 13 August 2018

Date	Event
1 August 2018	In response to a VPA request, the Panel: - adjourned the Hearing to enable affected parties to consider the GHD Report - scheduled a second Directions Hearing The Panel agreed
3 August 2018	<i>Bushfire Assessment and Development Report for the Officer Precinct Structure Plan</i> prepared by Terramatrix
13 August 2018	Second Directions Hearing was held
21 August 2018	EPA received an updated GHD Report and the draft PEC Report
30 August 2018	EPA provided VPA with comments on the GHD Report and the draft PEC Report and recommended that further assessment be conducted around the Hy Gain Feeds Mill
31 August 2018	VPA wrote to Planning Panels Victoria requesting that the Hearing be further adjourned to enable it to: - further consult with EPA to formulate a position - further consult with parties - convene a meeting of experts. The Panel agreed
8 October 2018	Third Panel Directions Hearing was held
12 October to 12 November 2018	Landowners and occupiers of land potentially impacted by the revised buffer to the Hy Gain Feeds site given the opportunity to make submissions to VPA

1.4 Procedural issues

(i) Directions hearings

On 10 August 2018, Harwood Andrews, on behalf of VPA, circulated:

- Officer PSP Buffer Assessment Review prepared by GHD, 31 July 2018 (GHD Report)
- Draft review of the GHD Report prepared by Tim Pollock of PEC, August 2018 (draft PEC Report).

VPA noted that it had sought input from EPA Victoria and Council and that EPA had requested further time to review the GHD Report. At VPA's request, the Panel wrote to parties on 14 August 2018 with further directions and timeframes.

On 31 August 2018, the Panel received correspondence from VPA. This included a letter from EPA Victoria dated 30 August 2018, which provided comments on the GHD Report and the draft PEC Report and recommended that further assessment be conducted around the Hy Gain Feeds Mill facility at Officer. VPA requested that the Panel adjourn the scheduled Hearing for VPA to further consult with EPA to formulate a position, further consult with parties and convene an expert meeting.

The Panel held a further Directions Hearing on 8 October 2018.

(ii) Further notice

At the Directions Hearing on 8 October 2018, the Panel directed that, by 12 October 2018, VPA notify all owners and occupiers of land, identified by Council located, in the recommended buffer identified in the GHD Report. It noted that VPA may, at its discretion, notify landowners and occupiers beyond this area. The Panel also directed that notice include:

- the GHD Report dated August 2018 and draft PEC Report dated July 2018
- EPA letters dated 30 August 2018 and 4 August 2018
- VPA's position on the reports
- background traffic and strategic planning reports supporting the Amendment, or equivalent information where such documents do not exist
- any revised Urban Growth Zone schedule affected by the buffer area.

On 16 October, VPA notified the Panel and parties that it complied with the Panel's directions for further notice and it included the sample letter sent to affected landowners and occupiers. The sample letter specified post-exhibition changes to the Amendment propose to:

- Replace the existing 'noise and odour buffer' around the HyGain Feed facility with a '250m separation distance' measured from the envelope of sources that create dust and odour emissions, with additional adjustments for local meteorological conditions (see attached plan).
- Amend Urban Growth Zone Schedule 4 (UGZ4), which applies to land within the Officer Town Centre, to require a planning permit for use of land for sensitive uses (this includes Accommodation; Child care centre; Education centre; and, Informal outdoor recreation) located within the separation distance area.
- Include in the UGZ4, application requirements and decision guidelines for sensitive use applications on land within the separation distance area.
- Include EPA as a recommending referral authority for applications for sensitive uses within the separation distance area.

The letter provided a link to relevant reports and correspondence on the VPA website. It stated that permit triggers in UGZ3 were not proposed to be changed because this area is outside the scope of the Amendment.

Any person notified through this process had an opportunity to make a submission on these specific matters by 12 November 2018. On 14 November 2018, VPA referred further submissions received from Council, Development Victoria, Hy Gain Feeds and EPA.

(iii) Hy Gain Feeds query regarding possible further notice

On the final day of the Hearing, Hy Gain Feeds tabled further written submission¹ regarding the possible need for further notice. Its submission, which referred to Dr Cowan, an expert witness called by Hy Gain Feeds to provide air and odour evidence, stated that:

- owners and occupiers notified of the exhibited Amendment would have concluded that it possibly permits sensitive land uses near the Hy Gain Feeds Mill and in the 2011 GHD separation distance
- it is unclear whether VPA further notified land owners in Dr Cowan's recommended separation distance area, as shown on a plan provided by HWL Ebsworth Lawyers to VPA on 9 October 2018

¹ Document 47

- land in Dr Cowan's recommended separation distance is owned by Development Victoria except for 44 to 58 Station Street and the industrial properties on the east and west side of Officer South Road
- owners and occupiers notified of the post-exhibited Amendment would have understood that sensitive land uses would require a planning permit to have regard to the Hy Gain Feeds Mill when conducting an amenity impact assessment or similar type of assessment.

Hy Gain Feeds added that on this basis, any proposal to prohibit sensitive land uses should arguably be renotified.

The Panel notes that notified owners of land affected by the exhibited and post-exhibited Hy Gain Feeds Mill separation distance. The post-exhibited separation distance includes land in Dr Cowan's recommended separation distance area except for some properties on the east and west side of Station Street and north and south side of Gumleaf Lane.

The Panel considers that VPA has appropriately provided further notice to property owners affected by the Amendment's post-exhibition changes. However, if the Panel agrees with the extent of Dr Cowan's separation distance and with prohibiting sensitive land uses in that area, VPA may have to consider whether further notice is required before the Amendment is finalised.

Matters related to the Hy Gain Feeds Mill environs are considered in Chapter 4.

(iv) Land use budget

On 8 October 2018, the Panel directed that Council was must provide background information which supports the land use budget to all parties on the distribution list by 19 October 2018. Council complied with this Direction. In correspondence dated 12 November 2018, VPA stated that following discussions with Council's lawyers, HWL Ebsworth, and Development Victoria, it proposed to withdraw the Land Use Budget from the Amendment and would not be making any submissions with respect to the Land Use Budget.

Sweet 46 Pty Ltd and Bethany Ellen Christine Rice, who originally requested to be heard at the Hearing, subsequently withdrew as parties.

VPA remained open to other parties to make submissions in relation to the Land Use Budget on the basis that it was included with the exhibited materials as part of the Amendment. There was no further submission on the land use budget at the Hearing.

1.5 Issues dealt with in this Report

The Panel considered all written submissions made in response to the exhibition of the Amendment, 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. The Panel has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Hy Gain Feeds Mill environs
- Access
- Built form and urban design
- Other Town Centre issues
- Site specific issues
- Form and content of the Amendment.

1.6 Revisions to the Amendment

For the purposes of this report, the Panel refers to the following Amendment versions:

- **Exhibited** – the version publicly exhibited between 22 March and 27 April 2018, which formed the basis for submissions and the Panel’s recommendations
- **Further notification** – the version for further notice in October 2018
- **Hearing** – the version included in the VPA Submission before the Hearing closed
- **Post-Hearing** – the 21 December 2018 version which includes changes ventilated during the Hearing and subsequently accepted by VPA.

VPA identified proposed changes to the exhibited Amendment, including the Officer PSP 2018 and UGZ4 in VPA’s Part A Submission (Document 19c). Having considered submissions at the Hearing, VPA provided a post-Hearing version with further proposed changes to:

- Urban Growth Zone Schedule 4 (Document 59c)
- Officer PSP 2018: Table of changes (Document 59d)
- Officer PSP 2018: Agreed changes to tables, maps, figures, pre and post-exhibition (Document 59e).

The Panel considered submissions which were identified as resolved when it reviewed all versions of the Amendment documents. For the purposes of this report, the Panel has accepted post-Hearing changes except where it has made recommendations for further changes in response to matters raised in submissions. From that perspective, there may be recommendations in this report which also appear as proposed changes in VPA’s post-Hearing changes. Many of these changes are reflected in Appendix B of this report.

The Panel commends VPA and parties who worked collaboratively to resolve a considerable proportion of issues before the Hearing. While the Panel has had regard to all issues raised in submissions to the exhibited Amendment, it has focussed on issues which remained unresolved.

1.7 Recommendations

Having considered all issues in this report, the Panel recommends:

Amend Urban Growth Zone Schedule 4, as shown in Appendix B2, to:

- a) include changes in the post-Hearing version (Document 59c), unless otherwise recommended.

Amend the Officer Precinct Structure Plan (September 2011, Amended March 2018) to:

- b) include changes prepared by the Victorian Planning Authority on 21 December 2018 described in the Precinct Structure Plan Table of changes (Document 59d) and Agreed changes to tables, maps, figures, pre and post-exhibition (Document 59e), unless otherwise recommended.**

2 Planning context

Chapter 2 outlines the planning context relevant to the Amendment including relevant Planning Policy Framework clauses, strategies, policies, guidelines, planning scheme provisions, Ministerial Directions and planning practice notes.

Matters related to the Amendment's strategic justification, including VPA's response, submissions and the Panel's discussion, are in Chapter 3.

2.1 Planning Policy Framework

The strategic assessment in the Amendment's Explanatory Report refers to Planning Policy Framework clause numbers before Amendment C148. The Panel has translated these into the current Planning Policy Framework clauses, as shown in Table 2.

Table 2 Relevant Planning Policy Framework clauses

State and regional	
Clauses	
10	State Planning Policy Framework
▶	10.01 Integrated decision making Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.
11	Settlement
▶	11.03 Planning for Places To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.
▶	11.03-1R Activity centres – Metropolitan Melbourne Support the development and growth of Metropolitan Activity Centres by ensuring they: - Are able to accommodate significant growth for a broad range of land uses - Are supported with appropriate infrastructure - Are hubs for public transport services - Offer good connectivity for a regional catchment - Provide high levels of amenity. Locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or Major Activity Centres with good public transport.
▶	11.03-2S Growth areas To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.
12	Environmental and landscape values
	Planning is to help protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas.
▶	12.01 Biodiversity

► **12.01-2S Native vegetation management**

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

13 Environmental risks and amenity

Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

► **13.02 Bushfire**

13.02-1S Bushfire planning

- To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

16 Housing

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

► **16.01 Residential development**

- To promote a housing market that meets community needs.

17 Economic Development

Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

17.02 Commercial

► **17.02-1S Business**

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

18 Transport

Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

19 Infrastructure

Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

Local

Clauses

21 Municipal Strategic Statement

► **21.03 Settlement and Housing**

► **21.04 Economic development**

The Amendment:

- Facilitates development within the Officer Town Centre to encourage economic development and deliver the services and amenities required for the growing community.

► **22.04 Highway Development**

2.2 Relevant planning strategies, policies and guidelines

(i) South East Growth Corridor Plan

In June 2012, the Minister for Planning released VPA's Growth Corridor Plans which:

- provide a strategy for developing Melbourne's growth corridors over the next 30 to 40 years
- guide the delivery of key housing, employment and transport infrastructure and open space in Melbourne's newest metropolitan suburbs.

The Officer PSP 2018, like other Precinct Structure Plans in the corridor, is a vehicle for implementing the South East Growth Corridor Growth Corridor Plan. The Plan includes the municipalities of Casey and Cardinia and informs the preparation of future strategies, structure plans and other planning tools. They also provide a strategic basis for infrastructure and service planning, and the sequencing of land release.

(ii) Plan Melbourne 2017-2050

The Urban Growth Boundary (UGB) came into effect in 2002 with the release of Melbourne 2030. The UGB designates the long-term limits of urban development. The Officer Precinct has been included in the UGB since 2002. Plan Melbourne 2017-2050 and the Plan Melbourne Implementation Plan outlines a target of 1.6 million new homes and 1.5 million new jobs over the next 35 years. Melbourne's Southern Region is anticipated to deliver 105,000 jobs by 2031 and 125,000 new homes in Greenfields areas up to 2051.

(iii) Precinct Structure Planning Guidelines 2009

The Officer PSP 2018 was informed by the Precinct Structure Planning Guidelines which sets out following seven objectives for growth area planning:

- To establish a sense of place and community
- To create greater housing choice, diversity and affordable places to live
- To create highly accessible and vibrant activity centres
- To provide for local employment and business activity
- To provide for transport choices
- To respond to climate change and increase environmental sustainability
- To deliver accessible, integrated and adaptable community infrastructure.

2.3 Planning scheme provisions

The Amendment proposes to apply the UGZ, Residential Growth Zone, Development Contributions Plan Overlay and Parking Overlay. Table 3 shows the purposes of the zone and overlays.

Table 3 Zone and overlay purposes

Zones		Overlays	
Urban Growth	Residential Growth	Parking	Development Contributions Plan
Common purpose			
To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.			
Other purposes			
- To manage the transition of non-urban land into urban land in accordance with a precinct structure plan. - To provide for a range of uses and the development of land generally in accordance with a precinct structure plan. - To contain urban use and development to areas identified for urban development in a precinct structure plan. - To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs. - To ensure that, before a precinct structure plan is applied, the use and development.	- To provide housing at increased densities in buildings up to and including four storey buildings. - To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres. - To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas. - To ensure residential development achieves design objectives specified in a schedule to this zone. - To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.	- To facilitate an appropriate provision of car parking spaces in an area. - To identify areas and uses where local car parking rates apply. - To identify areas and uses where local car parking rates apply. - To identify areas where financial contributions are to be made for the provision of shared car parking.	- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

VPA submitted that the Amendment meets the relevant requirements of:

- Ministerial Direction 9 (Metropolitan Strategy)
- Ministerial Direction 11 (Strategic Assessment of Amendments)

- Ministerial Direction 12 (Urban Growth Areas)
- Ministerial Direction on the Preparation and content of Development Contributions Plans and Ministerial reporting requirements for Development Contributions Plans
- Ministerial Direction 19 on the preparation and content of amendments that may significantly impact the environment, amenity and human health and Ministerial requirement for information for authorisation or preparation of amendments that may significantly impact the environment, amenity and human health
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act. For simplicity, the Panel refers to this as Ministerial Direction 7(5) in this report.

The Panel considers that the Amendment does not align with Ministerial Direction 7(5) for reasons identified in Chapter 9.

Planning Practice Notes

The following planning practice notes are relevant to the Amendment:

- Planning Practice Note 10 (PPN10) Writing Schedules, January 2018
- Planning Practice Note 47 (PPN47) Urban Growth Zone, June 2015
- Planning Practice Note 54 (PPN54) Referral and Notice Provisions, June 2015
- Planning Practice Note 83 (PPN83) Assessing external noise impacts for apartments, August 2017.

3 Strategic justification

3.1 Officer Precinct Structure Plan

(i) Background

Officer PSP 2011

Cardinia Shire Council prepared the Officer PSP 2011 with the Growth Areas Authority (now Victorian Planning Authority) and other stakeholders in 2011. It is a long term strategic plan which has been guiding future urban development such as approximately 10,900 dwellings for 28,300 people and land for a range of new activity centres, roads, education and community facilities, conservation and public recreation areas. It describes how the land is expected to be developed, the infrastructure and services planned to support the new community and how they will be delivered.

Officer PSP 2011 was introduced into the Planning Scheme in January 2012 through Amendment C149. Amendment C149 provided arrangements for monetary contributions towards development and community infrastructure and to manage the protection and removal of remnant native vegetation in the Precinct through the incorporated Officer DCP 2011 and Office NVPP 2011 respectively.

On 17 July 2016, the Minister for Planning wrote to the Metropolitan Planning Authority, now VPA, stating:

It has been brought to my attention that the current Precinct Structure Plan is onerous and may not be able to facilitate the necessary private sector investment needed to stimulate development of the Officer Town Centre.

He requested VPA to review the Officer PSP 2011, with a particularly emphasis on the Town Centre.

Officer PSP 2018

Adopting the same role as the 2011 version, the Officer PSP 2018:

- enables the transition of non-urban land to urban land
- sets out the vision for how land should be developed and the desired outcomes to be achieved
- determines the overall layout of future land use and development
- outlines projects required to ensure that future residents, visitors and workers within the Precinct can be provided with timely access to services, transport, jobs, shops, open space and recreation facilities to support a quality, affordable lifestyle
- details the form and conditions that must be met by future land use and development
- informs the use and development controls that apply in the schedule to the UGZ and what permits may be granted under the Schedule to the Zone
- provides developers, investors and local communities with certainty about future development.

The Officer PSP 2018 is an outcome of the Officer PSP 2011 review.

(ii) Vision for the Officer Town Centre

The Officer PSP 2018 identifies the vision for the Town Centre as a Major Activity Centre. The Town Centre is founded on a transit-oriented design with an active main street connecting the Princes Highway (PPTN bus route) to the Officer Railway Station. The Officer PSP 2018 states that the Officer Town Centre will:

- perform a sub-regional retail function with retail anchor stores, supporting commercial and office uses with a diversity of discretionary and higher-order goods and services
- be a key focus of the Precinct, providing residents with local access to jobs, community facilities and services
- create a sense of place with a distinct character, high quality and engaging urban design
- be an attractive, pedestrian-focused, urbanised town centre that incorporates higher dwelling densities
- support an active and lively street environment from the early morning to late evening, seven days a week
- encourage sustainable transport options by maximising housing density within a walkable catchment of the Officer train station and integrating the station into the broader town centre
- promote adaptable land use and built form outcomes so that it can evolve with changing community needs.

The Officer PSP 2018 states that the station will be supported by a range of community facilities immediately adjacent to it, including the new regional library and potentially health services. A new grade separated crossing of the railway reservation and the new Main Street will form part of the Officer Town Centre.

The Officer PSP 2018 envisages that Station Street will provide opportunities for a range of services, including professional/commercial, medical and personal services, in addition to service business within the Precinct. Importantly, it will complement the uses proposed for the core of the Town Centre and enable Station Street properties to progressively redevelop over time into more land-intensive uses.

This is further expanded with the inclusion of specific objectives to be achieved for the Town Centre. These objectives include:

- Provide a clear structure and layout, including:
 - a grid that is well integrated with surrounding development
 - a block size that is capable of accommodating additional development
 - a central north-south Main Street from Princes Highway to Rix Road, that provides the primary activity spine
 - supporting east-west streets, that provide secondary spines
 - a 'multiple-loop' circulation system, with several roads providing access to the retail core and its edges
 - a road hierarchy and reservation widths that cater for all modes of transport
 - a structure that allows for flexibility and change over time.
- Establish sub-precincts to provide a clear framework for land use and development, including:
 - a defined retail core area north of the railway line as the primary location for major retail anchor stores

- civic and entertainment precincts, located in proximity to the Officer Railway Station
- a mixed use urban village south of the railway line
- dedicated high density residential areas in proximity to high amenity open space, creek corridors and public transport.
- Respond to existing uses and manage change in use over time.

3.2 Submissions

Council submitted that since Amendment C149 was approved, the following has been developed in the Officer Town Centre:

- new Council Offices and Civic Centre
- constructed main street including intersection with Princes Highway and rail underpass
- recently upgraded Officer train station
- adjoining government secondary school with 1,200 students.

It noted that private sector development includes:

- commercial premises north of Princes Highway with a service station and two-storey developments of shops including a bottle shop, food and drink premises, offices and medical centre comprising 4,570 square metres of floor area
- two-storey, 513 square-metre office development on the corner of Tivendale Road and Princes Highway.

In response to a question from the Panel, Coles Group Property Developments Ltd (Coles Group) clarified that it needed a catchment trade area of 20,000 people before it would commence operating in the Town Centre. It explained that this is likely to be around 2025 to 2026

VPA submitted that there has been little private investment in the Town Centre, resulting in a lack of services and amenities, partly due to:

- restrictive built form requirements, such as mandatory minimum building heights across the town centre
- repetitive planning and design guidelines that make it difficult for landowners, applicants and planners to understand what is required of development proposals;
- highly specific planning and design guidelines that are inconsistent with the strategic nature of a PSP and allow little flexibility
- a complex table of uses in the schedule to the Urban Growth Zone that make it difficult for landowners, applicants and planners to understand what types of development are or are not allowed within the town centre sub-precincts.

VPA explained that the review process sought to consolidate and simplify Town Centre related planning provisions, while balancing the sought outcomes with the need to facilitate timely development. It emphasised that the PSP review did not intend to:

- revisit the underlying assumptions of the Officer PSP
- significantly change the Future Urban Structure of the Town Centre
- change land outcomes beyond the Town Centre
- change the strategic intent of the approved Officer PSP or UGZ4
- change the land budget or impose significant changes on the Officer DCP 2018.

Council endorsed these principles.

Ms Foley, representing Coles Group, noted that the Officer PSP 2018 needs to sufficiently guide future land use and built form so that landowners can proceed with confidence to invest in the Town Centre. She added:

It is apparent that the 2011 Officer PSP has been assessed as failing to provide the appropriate framework for transition of the precinct...

Mr Bartley, representing Hy Gain Feeds, submitted that when the Officer PSP 2011 was introduced through Amendment C149, supporting material excluded an existing conditions survey or strategic planning assessment regarding Hy Gain Feeds development and excluded a comprehensive traffic analysis. He added that the buffer assessment supporting Amendment C149 was inadequate.

Mr Bartley emphasised that while seeking to understand the rationale underpinning the Officer PSP 2011, Hy Gain Feeds questioned whether Amendment C149 was supported by sufficient strategic justification.

Council rejected Hy Gain Feeds' submission which questioned the strategic justification for Amendment C149 and observed that the Minister for Planning was the planning authority. It submitted that Amendment C149 went through the appropriate approval processes required by the *Planning and Environment Act 1987*. It explained that Hy Gain Feeds:

- commented on draft Amendment C149 in July 2011 when an opportunity was provided to affected parties
- attended at least one of the 50 meetings convened by Council with landowners and interested parties to resolve issues.

Referring to *Spencer v Knox CC* [2006] VCAT 1775, Council submitted:

Whilst plainly Member Keaney was writing in the context of a statutory planning application, it should be observed that even in this strategic planning context, the Panel must proceed on the basis that previously approved planning scheme amendments contained within the Scheme are there because they have gone through an appropriate planning scheme amendment process (remembering that the PE Act specifically contemplates that not every planning scheme amendment will go through an identical process). In that regard, this amendment ought to be seen as the next iteration of the relevant Scheme provisions rather than an opportunity to revisit Amendment C149 or to undermine it. Planning Schemes are dynamic instruments and each amendment builds on what came before it. Each new planning scheme amendment or even each Scheme or part of Scheme review is not an opportunity to start again.

3.3 Discussion

The Panel considers that the Officer Town Centre has been developing in a timely and orderly manner, with a solid foundation to attract future investment. This is supported by the considerable public investment through the Council offices, Civic Centre, road and streetscape infrastructure, road connections, public secondary school and associated uses and train station upgrades. The Town Centre is yet to have a major retail anchor such as a supermarket to attract further speciality shops. However, Coles Group considered that Officer is approximately six to seven years away from achieving a sufficient retail trade catchment to support a viable supermarket.

The Amendment represents a timely opportunity to apply planning provisions which balance good planning outcomes, as sought through the Planning Policy Framework, and flexibility to attract future investment, ahead of achieving a sufficient trade catchment to support a new supermarket and other commercial activities. The Panel acknowledges that changes proposed by the Amendment are predominantly focussed on achieving this intent and do not seek to significantly change strategic intent of the Officer PSP or Future Urban Structure.

While the Amendment is focussed on the Town Centre, it proposes changes to land in other parts of the Officer Precinct. The Panel considers that it is within the scope of the Amendment to propose changes in other parts of the Officer Precinct if they relate to changes proposed in the Town Centre.

Like Council, the Panel agrees with VPA's principles for reviewing the Officer PSP 2011. The Panel also agrees with Council that this is not an opportunity to revisit Amendment C149, however, there are many proposed changes and issues in submissions which intersect with that amendment. The appropriateness and strategic justification of these matters are considered in the following chapters of this report.

3.4 Conclusion

The Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework
- is strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

4 Hy Gain Feeds Mill environs

Submissions and evidence regarding the Hy Gain Feeds Mill and surrounding land highlighted the tension between an industry with existing use rights and the intention to continue operating and sensitive land uses proposed in its environs through the Officer PSP 2018 and Cardinia Planning Scheme. Issues associated with the Hy Gain Feeds Mill environs were relatively complicated because of their nature, varying versions of reports and documents, and generally varying views between VPA, EPA, Council, Hy Gain Feeds, Development Victoria and expert witnesses. Relevant issues, which were thoroughly explored throughout the Hearing, include:

- what odour and dust separation distance should be applied between the Hy Gain Feeds Mill and sensitive land uses and how should it be measured?
- what separation distance planning provisions, if any, should be applied?
- should any planning provisions be applied to the full extent of the separation distance area or just to the Town Centre (UGZ4)?
- should further planning provisions, beyond what is proposed by the Amendment, be applied to respond to potential noise issues around the Hy Gain Feeds?
- should EPA be a recommending referral authority for specified sensitive land uses in the separation distance area?
- should a section 173 agreement be used to inform prospective purchasers of potential amenity issues related to the Hy Gain Feeds Mill?

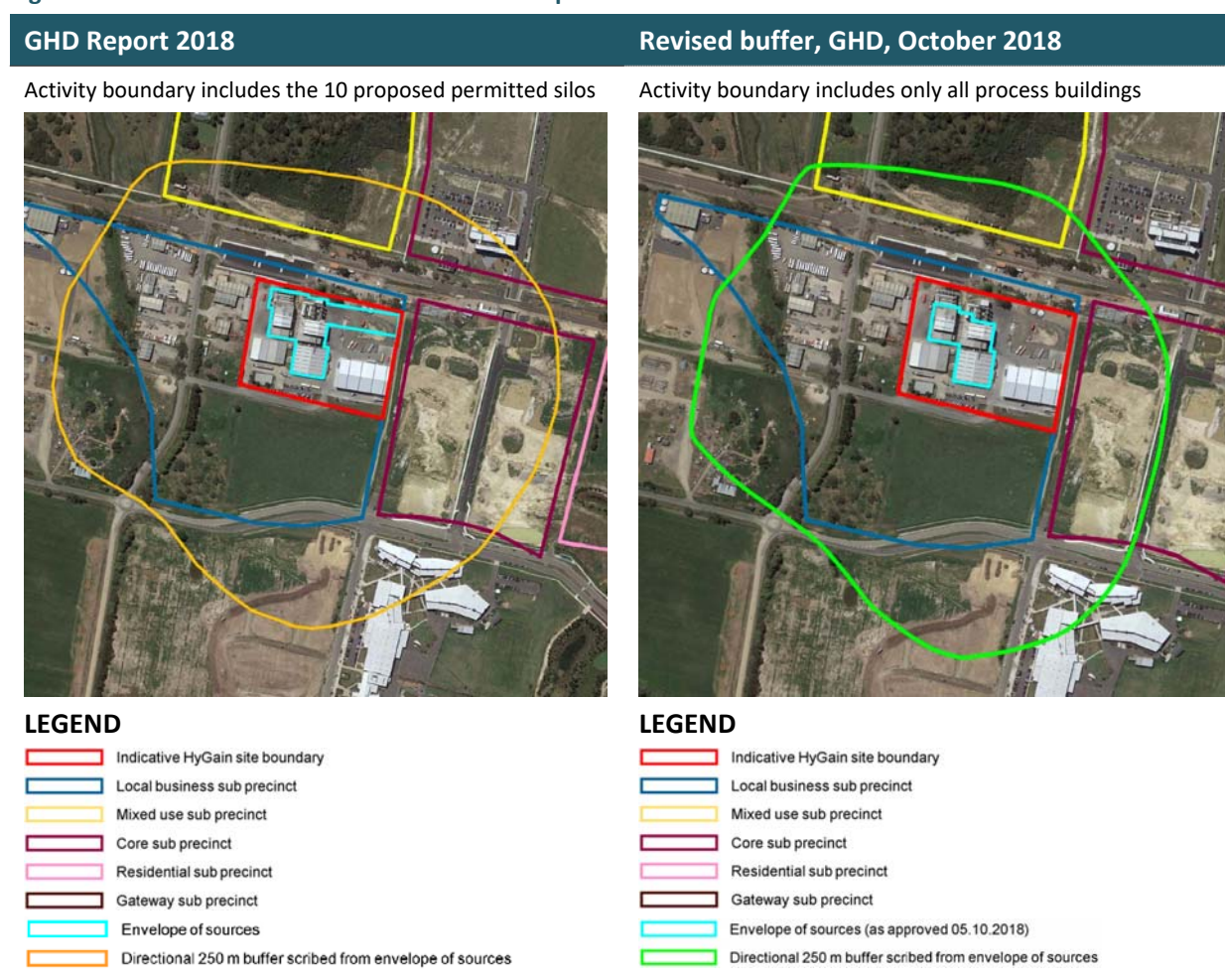
4.1 Odour and dust separation distance measurement

(i) Background

Table 4 Odour and dust separation distance background

Date	Event
1992	Hy Gain Feeds Mill was established at 10 Hickson Road, Officer.
September 2011	GHD Report 2011 was prepared to determine an appropriate amenity buffer around the Mill. The report was prepared before the current EPA Publication 1518 was released in March 2013. The report outlines its limitations and states that its data and advice must be reviewed by a competent engineer or scientist before being used for any other purpose. Based on its limitations, it concluded that the default 300-metre separation distance for a 'rural industry handling, processing or packing agricultural produce' specified in Clause 52.10 (now 53.10) could be reduced to 85 metres for the Hy Gain Feeds Mill. It recommended applying a directionally dependent 200-metre buffer as a conservative upper limit to guide the Officer PSP.

Date	Event
March 2013	EPA Publication 1518 was introduced and defines a sensitive land use as: Any land uses which require a particular focus on protecting the beneficial uses of the air environment relating to human health and wellbeing, local amenity and aesthetic enjoyment, for example residential premises, child care centres, pre-schools, primary schools, education centres or informal outdoor recreation sites. It recommends a 250-metre residual air emission separation distance for a grain and stockfeed mill and handling facility. It states that responsibility to provide evidence to the planning authority or other responsible authority to vary the separation distance should be from: - industry for a proposed new or expanded industrial land use - the proponent of a proposed development which includes a sensitive land use.
July 2018	A draft version of the GHD Report was prepared on 19 July 2018 The draft PEC Report reviewed the GHD Report (2011 and draft July 2018 versions). It considered: - the 250-metre directional buffer recommended in the draft GHD Report to be appropriate and to be consistent with EPA Publication 1518 - the property boundary to measure the separation distance (as a conservative measure of the future activities boundary) to be appropriate.
15 August 2018	GHD Report 2018 was completed to make findings and recommendations which inform precinct planning relating to potential amenity impacts resulting from air emissions from the Hy Gain Feeds Mill. It recommended a 250-metre directional separation distance based on the existing and permitted envelope of sources, as shown in Figure 2.
10 October 2018	Ministerial Direction 19 applies to, among other things, the preparation of planning scheme amendments and any strategies, policies, plans or reviews forming the strategic basis for an amendment, including precinct structure plans, that may: ... Allow the use or development of land within a buffer or separation distance for industry, including as set out in the Recommended Separation Distances for Industrial Residual Air Emissions – Guideline – EPA Publication 1518, as amended, and other relevant EPA guidelines. The Direction requires a planning authority to: - seek EPA's views about potential impacts of the amendment and any precinct structure plan on the environment, amenity and human health include in the explanatory report a statement of how the proposed amendment addresses EPA's views.

Figure 2 Revised buffers scribed from envelope of sources**(ii) The issue**

The issue is whether the proposed 250-metre directional separation distance between the Hy Gain Feeds Mill and sensitive land uses is appropriate and justified.

(iii) Expert witness conference

Experts agreed that a default 250-metre separation distance should be applied but did not agreed on the methodology for measuring this distance.

(iv) Evidence and submissions

EPA supported a noise and odour buffer being implemented to land surrounding the Hy Gain Feeds Mill. It added that the proposed buffer *“strengthens the awareness of amenity impacts within the vicinity of this facility and supports the ongoing operation of the facility without an increase in land use conflict or amenity impacts on surrounding land users”*.

EPA referred to the EPA Hy Gain Feeds Pty Ltd Odour Audit, October 2018 which stated that during a site inspection on 26 September 2018, strong odour was observed 611 metres from the Mill. The Audit added that these emissions are expected to be easily smelled in the

proposed development areas and there is no evidence to reduce the default 250-metre separation distance at the Hy Gain Feeds Mill.

There were submissions and evidence which agreed with the 250-metre separation distance but had different views on how it should be measured. EPA submitted that it could be applied as a circular distance or adjusted for meteorological conditions (directional buffer). Based on odour and dust considerations, it stated that the 250-metre separation distance should be applied as a directional buffer and measured from the envelope of sources, in line with EPA Publication 1518. EPA considered the proposed separation distance in UGZ4 (further notice version) to be acceptable.

Mr Pollock supported the 250-metre directional separation distance recommended in EPA Publication 1518, GHD Report 2018 and draft PEC Report. He also agreed with GHD's revised October 2018 activity boundary area (Figure 2 of this report), which excludes the proposed permitted 10 silos in the north-east corner of the site from the activity area. GHD's October 2018 report states that the revised activity boundary excludes the proposed permitted silos because they have little potential for upset conditions leading to elevated levels of emission.

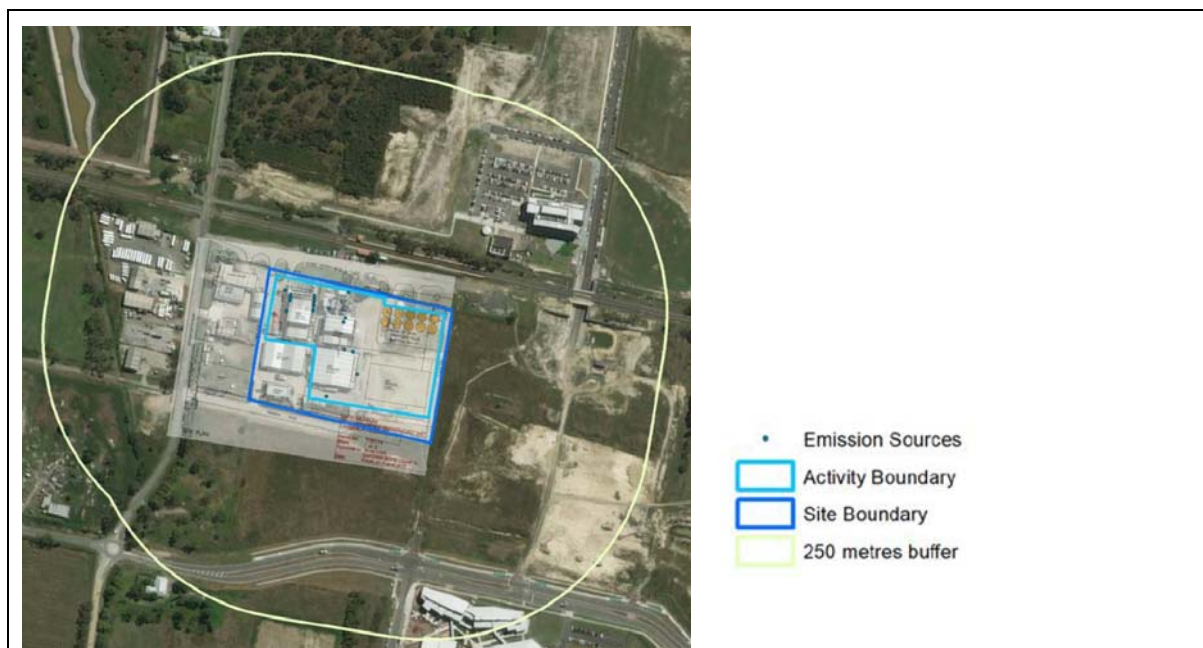
Dr Cowan gave evidence that the separation distance has been measured incorrectly because it:

- adopts the incorrect operational area following the expansion
- applies the Ausplume dispersion model which was replaced by AERMOD in January 2014
- applies one year of meteorological data instead of the five years required by EPA Publication 1551
- assumes that grain elevation is the only activity on the site and does not consider grain being heated through gas and steam or shipping containers being fumigated
- does not consider Hy Gain Feeds' existing and permitted processing volumes because EPA Publication 1518 requires a 250-metre separation distance for a 'grain and stockfeed mill and handling facility' which processes more than 20,000 tonnes each year.

Dr Cowan explained that the Hy Gain Feeds Mill processes 60,000 tonnes each year and is permitted to double its volume to 120,000 tonnes each year. At the Hearing, Hy Gain Feeds explained that it intended to increase production by extending its operational hours instead of intensifying hourly output.

Dr Cowan considered EPA's 250-metre separation distance to be a starting point. He added that without significant mitigation measures, the likelihood of reducing this distance is low. To determine whether the 250-metre separation distance should be reduced, he applied the AERMOD dispersion model and five years of meteorological data. He recommended that the 250-metre separation distance in EPA Publication 1518 be adopted because he found the separation distance for protecting surrounding land uses in normal and upset conditions to be similar to the EPA distance. However, he considered that the activity boundary should be measured to include the proposed permitted 10 silos and the existing warehouse directly south of it, as shown in Figure 3.

Hy Gain Feeds adopted Dr Cowan's approach to measuring the separation distance, *"as this factors in normal and worst case upset conditions for Hy Gain Feeds"*.

Figure 3 Dr Cowan's recommended separation distance for normal and upset conditions

EPA responded that Dr Cowan's evidence relied on conservative emissions data and modelling which has not been validated. It added that the emission sources and estimates of increases during upset conditions were from generic emission rates was one reason why the estimates were conservative. EPA highlighted that Hy Gain Feeds has an onsite maintenance team and preventative maintenance regime.

Mr O'Farrell submitted that the 250-metre separation distance is a generic distance which also applies to an offensive mill which includes tallow, meat meal and animal products. He said that the Hy Gain Feeds Mill did not process such products. Mr O'Farrell referred to some of the facility's planning permit conditions which require it to:

- not pollute
- not emit off-site, particularly in relation to dust, odour, waste products or otherwise
- not cause a nuisance or annoyance to persons beyond the site
- not cause injury to or prejudicially affect the amenity of the locality by reasons of the emissions of smoke, dust, fumes, odour, noise, vibration, transport of materials, goods or commodities to or from the land, waste products or otherwise
- not emit odour beyond the site boundary
- not emit noise levels from the site which exceed the permissible levels specified in SEPP N-1.

Mr Bartley provided the Panel with planning permits and approved plans for the Hy Gain Feeds site at 10 Hickson Road, Officer, dating since 1986.

Hy Gain Feeds submitted that containers that export feed stock are fumigated with methyl bromide to meet quarantine requirements. It explained that up to six containers may be fumigated at any one time. Hy Gain Feeds added that the Mill's silos are fumigated using profume, comprising 99.98 per cent sulfuryl fluoride.

EPA referred the Panel to the Department of Health and Human Services Community Factsheet, updated June 2018 which informs about methyl bromide in Victoria.

(v) Discussion

Hy Gain Feeds Mill has existing use rights through continued activity on its Officer site since 1992. A separation distance should be applied so that the Mill can continue to operate without adversely impacting on existing and future surrounding sensitive land uses and for these uses not to adversely impact on the Mill's operation. The Panel does not consider the separation distance to be a substitute to existing planning permits which require the Mill to meet specified amenity-related conditions.

The buffer recommended in the GHD Report 2011 is inappropriate because EPA Publication 1518 provides current and different advice, and because existing and permitted future activities have, and will, change the envelope of sources. The Panel has reviewed more recent reports, submissions and evidence to determine:

- what separation distance should be applied between the Hy Gain Feeds Mill and sensitive land uses
- how the separation distance should be measured.

What separation distance should be applied?

The Panel agrees with the relevant expert witnesses that a 250-metre separation distance should be applied, and it agrees with EPA it should be measured in line with EPA Publication 1518. As acknowledged in the GHD Report 2018, this publication specifies that Method 1 (the urban measurement method) should be applied if the industry is in an urban area on land greater than 4,000 square metres. This reflects the Hy Gain Feeds Mill. Method 1 measures the separation distance from the activity boundary of the industry within its property to the property boundary of the nearest sensitive land use. It recommends a 250-metre separation distance for a grain and stockfeed mill and handling facility which processes more than 20,000 tonnes each year and receives, stores, fumigates, bags, transports and loads grain or stock feed.

The Panel finds no reason to reduce the recommended 250-metre distance separation distance.

How should the separation distance be measured?

The Panel considers that the 250-metre separation distance should be measured using the methodology in the EPA Publication 1518. This publication specifies that Method 1 (the urban measurement method) should be applied if the industry is in an urban area on land greater than 4,000 square metres. This reflects the Hy Gain Feeds Mill. Method 1 measures the separation distance from the industry's activity boundary within its property to the property boundary of the nearest sensitive land use.

Generally, reports, submissions and expert witnesses had different views on what should be included in the activity boundary. The Panel refers to EPA Publication 1518 which states:

The activity boundary of the industrial activity is the area (within a convex polygon) that includes all current or proposed industrial activities (including the plants, buildings or

other sources) from which IRAEs² may arise (including stockpiles, windrows, leachate ponds and odour control equipment).

The Panel considers that the Mill's existing processing buildings, permitted silos and area where containers are fumigated with methyl bromide should be included in the default activity area. Dr Cowan's activity boundary includes these buildings and area, and the GHD Report 2018 includes these buildings but excludes the fumigation area.

The Panel then turned its mind to whether the activity boundary should be varied to exclude certain buildings, as recommended in the GHD October 2018 letter report (Figure 2 of this report) and supported by Mr Pollock. While there is little potential for the permitted silos and container fumigation area to generate industrial residential air emissions, this outcome is not highly unlikely. The Panel is not persuaded that the permitted silos and fumigation area should be excluded from the activity area for the purposes of measuring the separation distance.

The Panel accepts Dr Cowan's recommended activity boundary.

The Panel notes that the *Recommended Buffer Distances for Industrial Residual Air Emissions* (Environment Protection Authority, 1990) referred to in Clause 17.03-2S of the Planning Scheme was replaced by EPA Publication 1518 in March 2013.

(vi) Conclusions

The Panel concludes:

- A 250-metre directional separation distance should apply around the Hy Gain Feeds Mill to manage surrounding sensitive land uses and to align with EPA Publication 1518.
- The separation distance should be measured from the activity boundary recommended by Dr Cowan which includes existing process buildings, permitted silos and the area where containers are fumigated.

4.2 Separation distance planning provisions

(i) Background

GHD Report 2018 states:

Based on current guidance relating to buffer distance and available information, GHD recommends that sensitive uses are not established within the applicable 250 m directional buffer distance.

The exhibited and post-exhibition versions of UGZ4 require a permit for land in the separation distance in two different drafting forms.

² Industrial residual air emissions

Table 5 Exhibited and post-exhibition UGZ4

Exhibited UGZ4		Hearing version UGZ4	
Section 1 – Permit not required		Section 1 – Permit not required	
Use	Condition	Use	Condition
Section 2 – Permit required		Section 2 – Permit required	
Use	Condition	Use	Condition
Accommodation Child care centre Education centre Hospital Place of worship	On land where the applied zone is Commercial 1 Zone within the noise and odour buffer area surrounding the Hygain site shown on Plan 2 of this Schedule and Figure 6 in the incorporated <i>Officer Precinct Structure Plan</i> .	Where the applied zone is Commercial 1 Zone: - Accommodation (other than Corrective institution) - Child care centre - Education centre - Informal outdoor recreation	Must not be on land within the 'separation distance' area from the existing Hygain site at 10 Hickson Rd, Officer shown on Plan 2 of this Schedule and Figure 6 in the incorporated Officer Precinct Structure Plan. Must meet the conditions associated with these land uses under Section 1 of Clause 34.01-1
		Where the applied zone is Mixed Use Zone: - Bed and breakfast - Child care centre - Community care accommodation - Dependant person's unit - Dwelling - Education centre - Informal outdoor recreation - Residential aged care facility - Rooming house	Must not be on land within the 'separation distance' area from the existing Hygain site at 10 Hickson Rd, Officer shown on Plan 2 of this Schedule and Figure 6 in the incorporated Officer Precinct Structure Plan. Must meet the conditions associated with these land uses under Section 1 of Clause 32.04-1.

The Hearing version UGZ4 introduced the following application requirements:

HyGain 250m separation distance area

An application to use land within the 'separation distance' area to the existing HyGain site at 10 Hickson Rd, Officer for Accommodation, Childcare centre, Education centre, or Informal outdoor recreation must be accompanied by an Amenity Impact Plan which includes, as appropriate:

- A site plan identifying the proposal site in relation to the existing HyGain Feed site;
- An assessment of the amenity impact of the existing use at HyGain Feeds upon the proposed use;
- Measures to mitigate potential amenity impacts from the existing use.

Buildings and Works associated with the HyGain Feeds facility

An application for buildings and works associated with the existing HyGain Feeds facility at 10 Hickson Road, Officer must be accompanied by a report which must identify all potential adverse amenity impacts to nearby uses and consider, as appropriate:

- Whether the proposed buildings and works are likely to increase the potential for adverse amenity impacts to existing nearby land uses, in particular the impact of:
 - Odour; and / or
 - Dust.

- Whether the proposed buildings and works are likely to cause adverse amenity impacts to future land uses in accordance with the Officer Town Centre Precinct Structure Plan, in particular by the impact of:

- Odour; and / or
- Dust.

What ameliorative or remedial measures can and will be taken to ensure that Hygain does not cause off-site amenity impacts.

(ii) The issue

The issue whether the planning provisions proposed in UGZ4 for the Hy Gain Feeds Mill 250-metre separation distance are appropriate and justified.

(iii) Expert witness conference statement

Recommended sensitive land use within buffer

All agreed that 'outdoor information recreation' was the one sensitive land use that could be placed within a buffer as the exposure of individuals would be sporadic and the potential for disamenity very small. However all agree that the caveat was on the basis that the emissions were only nuisance dust and/or odour – if health-based emissions are to be accepted to be allowed an external buffer, then the return interval for impact would have to be increased substantially and even this land use should not be allowed within the buffer.

Recommended Mitigation Measures

All agreed that the only effective mitigation measure to reduce impact at sensitive land uses within the buffer are at-source, rather than at the receptor.

(iv) Evidence and submissions

VPA submitted that UGZ4 intended to require a planning permit for specified sensitive land uses in the Hy Gain Feeds separation distance area, where land is in the Commercial 1 Zone or Mixed Use Zone. It explained that exhibited UGZ4 was drafted in a manner which inadvertently prohibited the sensitive land uses on land outside the separation distance area. At the Hearing, VPA presented a revised UGZ4 which was drafted to achieve the intended outcome.

EPA explained that, in principle, it did not support sensitive land uses in an area with potential adverse amenity or health impacts. However, it considered that the amenity or health impact associated with the Hy Gain Feeds Mill did not require sensitive land uses to be entirely prohibited. EPA added:

Rather, it is considered that there is an ability to apply a risk based approach whereby if it is considered that the impact of a particular proposal would be too great, the responsible authority has the option to impose conditions, or to refuse a planning permit.

In line with EPA's submission, Mr O'Farrell submitted that sensitive land uses should not be prohibited within the 250-metre separation distance area. He emphasised that the existing Planning Scheme enables sensitive uses to locate without a permit throughout large areas of the Town Centre, including within 250 metres of the Hy Gain Feeds Mill. He submitted that proposals for a sensitive land use near Hy Gain Feeds should be assessed on its merits and added:

It would be a perverse outcome of this Amendment, which is seeking to overcome an onerous PSP and facilitate investment if the outcome was the imposition of what Hygain advocate here – that is effective sterilisation of the Officer Town Centre from sensitive uses on the premise that Hygain out be allowed to pollute.

In its original submission, Hy Gain Feeds referred to an ‘agreed 300-metre buffer zone’ around its site where no dwellings can be constructed. It added that the proposed separation distance provisions infringe its existing use rights.

Mr Bartley submitted that Hy Gain Feeds did not intend to relocate or cease operating its Mill, which had a future operation life of up to approximately 30 years. He said that the Mill employs 39 direct employees and its products are sold throughout Australia and in 21 countries. It has invested approximately \$36 million in developing its Officer site and it intends to spend a further \$9 million on capital works over the three nine years.

Mr Bartley referred to the objective of planning and Clauses 11, 17.03 and 17.03-2S of the Planning Scheme which seek, among other matters:

- fair, orderly, economic and sustainable use, and development of land
- a pleasant, efficient and safe working, living and recreational environment
- to prevent environmental and amenity problems created by siting incompatible land uses together
- to protect industrial activity in industrial zones from encroaching commercial, residential and other sensitive uses that would adversely affect industry viability.

Mr Bartley stated that Council has continued to approve sensitive land uses to locate within its existing separation distance and noted that the Amendment proposed to possibly allow sensitive land uses to locate near the Mill. He submitted that Hy Gain Feeds would not have the opportunity to comment on any of these future permit applications because the UGZ exempts notice and review rights if the application is consistent with the Officer PSP 2018.

Following the Expert witness conference, Dr Cowan clarified³:

I would agree with that statement, residential, schools, hospitals, aged care facilities, kindergartens should be prohibited in all circumstances.

Mr Bartley requested that the Panel accept Dr Cowan’s evidence and prohibit new sensitive land uses in the separation distance. He referred to the GHD Report 2018 which recommends prohibiting sensitive land uses in the separation distance and the draft PEC Report which recommends sensitive land uses subject to a permit.

(v) Discussion

The Hy Gain Feeds Mill has existed at 10 Hickson Road in Officer since 1992 and it benefits from existing use rights. This was demonstrated when Council recently approved a planning permit to enable the Mill’s future expansion. The default 300-metre threshold distance in Clause 53.10, referred to in Hy Gain Feeds original submission, applies to the design and location of uses with adverse amenity potential, which may be varied. It does not prohibit sensitive land uses, like the existing secondary school and Council offices from locating in the threshold distance area.

³ email dated 3 December 2018 in response to query from Mr Hannagan on behalf of VPA

The Officer PSP 2018 Future Urban Structure seeks to establish sensitive land uses, including medium and high-density dwellings, on land in the Mixed-Use Core and Local Business sub-precincts. Part of these sub-precincts are in the Hy Gain Feeds Mill separation distance area. The existing UGZ4 does not require a permit to use land for a dwelling, residential building or office in different parts of the Town Centre. The Amendment proposes to require a planning permit to use land for a sensitive land use in the separation distance area.

The Panel considers that there is a tension between industrial and activity centre policy. There is existing planning policy which seeks to protect industry from encroaching sensitive land uses, provide adequate separation and buffer area and reduce potential conflict between industry and sensitive land uses. There is also existing State planning policy seeking to develop Melbourne's activity centres and local planning policy to develop the Town Centre.

Any planning provisions for land in the 250-metre separation distance need to carefully manage the policy tension between enabling the Hy Gain Feeds Mill to operate while enabling surrounding land, and ultimately the Mill site itself, to transition into use and development envisaged in Officer PSP 2018.

The question before the Panel is whether sensitive land uses should be prohibited or permitted in the separation distance area while the Hy Gain Feeds Mill continues to operate. The Panel would have to be persuaded that a sensitive land use on *any* land in the separation distance is likely to result in an adverse health and wellbeing impact or an unreasonable amenity impact which may subsequently affect the Mill's future operation.

After extensively exploring this matter at the Hearing, the Panel finds that there may be an opportunity to have some sensitive land uses on some land in the separation distance area while the Mill is operating. It is acknowledged that there are sensitive land uses which currently exist in this area with no known complaints to date.

The Panel accepts Hy Gain Feeds' submission that it is a well-managed facility which has experienced only one operational failure event in its history. This was effectively managed to minimise offsite impact. Unlike a major hazard facility, the Mill's operational failure is unlikely to result in an adverse health and wellbeing impact. Where the Mill continues to meet its planning permit conditions and State and Commonwealth regulations regarding onsite processing, there should be minimal amenity impact on surrounding sensitive land uses. However, it is important that each permit proposing a sensitive use in the separation distance area be assessed on its own merits.

Regarding odour, existing planning permits prohibit the Mill from generating offsite odour. While odour is evident beyond the Mill's property boundary, the Panel is satisfied with expert evidence that it does not achieve the threshold to cause potential health impact.

Regarding dust emissions, the Panel accepts the evidence that any dust emission from grains or seeds is unlikely to adversely impact human health.

While prohibiting sensitive land uses within 250 metres of the Hy Gain Feeds Mill would enable it to operate with minimal interface issues, it would affect the ability to develop some of the most strategically located land in the Town Centre and entire PSP. The Panel is not persuaded that sensitive land uses need to be prohibited to respond to odour or dust emission.

Conversely, enabling sensitive land uses without a planning permit may conflict with the Local Business sub-precinct's aspiration to *"encourage uses that are compatible with existing industrial uses, but provide a transition to mixed-use in the longer term."*

The Officer PSP 2018 and the proposed post-exhibition planning provisions achieve a practical and balanced response. Requiring a planning permit for a specified sensitive land uses in the separation distance area would enable each proposal to be assessed on its individual merits to determine whether the uses are compatible with the Mill over the next 30 years. This approach is practical because circumstances can change over time. For example, the Hy Gain Feeds Mill may modify its operation over time which may vary potential impacts to surrounding land.

(vi) Conclusion and recommendation

The Panel concludes that the exhibited UGZ4 planning provisions, which require a planning permit for a sensitive land use in the 250-metre separation distance, are an appropriate land use response for managing potential industrial and sensitive land use interface issues.

The Panel recommends:

Amend Urban Growth Zone Schedule 4, as shown in Appendix B2, to:

- a) redraft Clause 2.3 (Specific provisions – Use of land) Section 1 and 2 provisions to require, as originally intended, a planning permit for specified sensitive land uses in the Hy Gain Feeds 'separation distance' area**
- b) add new application requirements for a permit application to use land in the 'separation distance' area to the existing Hy Gain site at 10 Hickson Rd, Officer for specified sensitive land uses.**
- c) add new application requirements for a permit application proposing buildings and works associated with the Hy Gain Feeds facility.**

4.3 Separation distance land excluded from the Amendment

(i) The issue

The Hy Gain Feeds 250-metre separation distance applies to land in UGZ3 and UGZ4. The Amendment does not implement the entire separation distance because the relevant planning provisions proposed for UGZ4 have been excluded from UGZ3. The issue is whether the entire separation distance should be applied.

(ii) Evidence and submissions

EPA was concerned that permit applications for a sensitive use on land in UGZ3 would not be assessed by Council, with regarding to the amenity impact the separation distance is intended to recognise. It requested that permit applications on land in UGZ3 be considered the same way as proposals in UGZ4.

Hy Gain Feeds submitted that the full extent of the 250-metre separation distance, as recommended by Dr Cowan should be applied.

(iii) Discussion

The Panel supports a 250-metre separation distance for the Hy Gain Feeds Mill, implemented through planning provisions which require a planning permit for a proposal to use land for a sensitive land use. Assessing each application would determine whether the development can be designed to be compatible with the existing industrial use.

Enabling as-of-right sensitive land uses in a portion of the separation distance:

- falls short of implementing the 250-metre separation distance which is supported by EPA, VPA, Council and experts.
- may adversely impact both the Hy Gain Feeds Mill and affected future residents during the Local Business sub-precincts transition phase.

The Panel considers that applying planning provisions to the entire separation distance area is in the scope of the Amendment. The Amendment's explanatory report acknowledges that the Amendment applies to all PSP land in response to the reviewed Officer PSP 2018.

The planning provisions proposed for UGZ4 should therefore be applied to the entire extent of the separation distance to avoid any unintended consequences.

(iv) Conclusions and recommendation

The Panel concludes:

- The UGZ4 planning provisions for the Hy Gain Feeds Mill should be applied to UGZ3 so that future planning permits proposing a sensitive land use on land in the entire separation distance can be appropriately assessed.
- Applying the UGZ4 planning provisions for the Hy Gain Feeds Mill to UGZ3 is in the scope of the Amendment.
- VPA should investigate whether this change would need further notice to affected property owners.

The Panel recommends:

Amend Urban Growth Zone Schedule 3, as shown in Appendix B1, to:

- a) add a condition in Section 1 (Permit not required) that the land must not be in the 'separation distance' from the Hy Gain Feeds Mill at 10 Hickson Road, Officer shown on Plan 2 of the Schedule and Figure 6 in the incorporated *Officer Precinct Structure Plan*.**

4.4 Noise

(i) Background

As replicated throughout the Officer PSP 2018, Figure 6 identifies a noise and odour buffer around the Hy Gain Feeds Mill site. Clause 55.07-6 applies noise standards for apartments proposed in a 300-metre noise influence area. This is measured from the Industrial 1, 2 and 3 Zone where there is an industrial noise source. UGZ4 proposes to apply a 250-metre buffer.

(ii) The issue

The issue is whether applying further noise-related planning provisions in the Town Centre is appropriate and justified.

(iii) Evidence and submissions

Mr Bartley submitted that given the nature of its use, the Hy Gain Feeds Mill generates noise emissions which may impact future nearby sensitive land uses. He submitted that Hy Gain Feeds operates between 5.00am and 10.00pm Monday to Friday and 8.00am to 2.00pm on Saturdays and intends to operate 24 hours each day, seven days a week.

Mr Carney explained that the Mill currently operates between 6.00am and 10.00pm. While Hy Gain Feeds did not specifically refer to noise as an issue in its original submission, it called expert evidence on acoustic engineering from Mr Peters of Renzo Tonin. Mr Peters conducted an acoustic assessment of the Hy Gain Feeds Mill which included attended and unattended noise monitoring on land surrounding the Mill. This included assessing existing noise impacts at existing dwellings and on land where dwellings are proposed. Mr Peters found that:

- the Hy Gain Feeds Mill complied with SEPP N-1/NIRV noise limits at all existing dwellings
- SEPP N-1 noise limits would be exceeded at locations where residential development is proposed
- the Mill's Future operational expansion is expected to increase noise impacts at the future residential development locations.

Mr Peters considered that Planning Scheme Clauses 53.06, 58.04-3 D16, 55.07-6 B40, which specify noise design targets for residential developments, do not apply for noise from the Mill. He stated that he preferred the residential submission application requirements in Clause 53.06 because they applied to a larger area. He considered the 250-metre separation distance to be inadequate for assessing noise related matters. As shown in Table 6, he suggested either one or both of the following application requirements for UGZ4:

- replicating Clause 53.06 residential subdivision requirements
- additional requirements for proposals in the Hy Gain 250m separation distance area.

Table 6 Mr Peters' recommended noise-related application requirements

Residential subdivision	Hy Gain 250m separation distance area
In addition to the general subdivision requirements, an application that includes subdivision of land shown as 'Residential' where the applied zone is Residential Growth Zone and 'Mixed use' where the applied zone is Mixed Use Zone on Plan 2 of this Schedule must: ... - <u>Be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any commercial, industrial or trade premises to below the noise limits specified in State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.</u> - <u>For the purpose of assessing whether the above noise standard is met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule A Section A1.4(a) does not apply.</u> - <u>The primary responsibility for noise attenuation rests with the agent of change.</u>	An application to use land within the 'separation distance' area to the existing HyGain site at 10 Hickson Rd, Officer for <u>Residential</u>, Accommodation, Childcare centre, Education centre, or Informal outdoor recreation must be accompanied by an Amenity Impact Plan which includes, as appropriate: - <u>Accompanied by an Amenity Impact Plan which includes, as appropriate:</u> ... - <u>Designed and constructed to include acoustic attenuation measures that will reduce noise levels from any commercial, industrial or trade premises to below the noise limits specified in State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.</u> - <u>For the purpose of assessing whether the above noise standard is met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule A Section A1.4(a) does not apply.</u> - <u>The primary responsibility for noise attenuation rests with the agent of change.</u> <u>to the satisfaction of the responsible authority.</u>

Note: Changes shown in underlined and strikethrough text

Mr Peters' evidence included detailed monitoring results which were thoroughly interrogated through cross-examination. In response to questions, Mr Peters acknowledged that:

- there were several noise observations between 5.00am and 6.00am, one hour before the Mill's commencement time identified by Mr Carney
- he did not know enough about the Mill to understand its full operation
- his assessment was not conducted during full operation to confirm compliance
- his application requirements would require new development to comply with SEPP N-1 on land which is currently exempt from this policy.

EPA responded that, while it was satisfied that Mr Peters' applied the correct zoning levels in his assessment, *"the information in the statement of evidence is insufficient to quantify the impact that the subject facility would have on proposed sensitive uses"*.

EPA disagreed with Mr Peters' suggested planning provisions, and instead proposed to:

- apply NIRV and SEPPN-1 where commerce, trade premises or industry, including the Hy Gain Feeds Mill, is the agent of change
- apply the measurement method in SEPP N-1 for an assessment
- design and construct new sensitive land uses within 300 metres from the Hy Gain Feeds Mill with measures to achieve:
 - for residential uses/dwellings:
 - Not greater than 35dB(A) for bedrooms, assessed as an LAeq, 8h from 10pm to 6am

- Not greater than 40dB(A) for living areas, assessed as an LAeq, 16h from 6am to 10pm
- for uses other than residential: the median value of the design sound level range of AS/NZS 2107:2016⁴.
- support the design with an acoustic report that confirms adequacy of measures taken to reduce external noise to meet these levels
- follow the “*technical requirements for measuring noise*” in Planning Practice Note 83 for assessing whether these limits have been met.

In response to questions from the Panel, EPA explained that a noise assessment would be at the permit application stage because noise impacts will vary, depending on design and location.

Mr O’Farrell submitted that noise was never part of the Amendment and the submission on noise should be dismissed. He added that Hy Gain Feeds’ existing permits require it to comply with noise levels specified in SEPP N-1.

(iv) Discussion

The Panel acknowledges that Clause 55.07-6 (Apartment developments) applies a 300-metre noise influence area from the Industrial 1, 2 and 3 Zone where there is an industrial noise source. The Hy Gain Feeds Mill would normally be in one of these zones and future surrounding apartment proposals within 300 metres would be assessed accordingly. Clause 55.07-6 does not differentiate between industry with noise-related permit conditions, such as those for the Hy Gain Feeds Mill, and industry without such permit conditions.

UGZ4 designates the Commercial 1 Zone as the applied zone for the Mill, which removes the need to design and construct new apartments to standards normally afforded in areas near industrial zones. The Panel considers this to be a shortfall of the existing and proposed UGZ4. When considering that Hy Gain Feeds intends to continue operating for up to 30 years, the Panel agrees with EPA that new sensitive land uses within 300 metres from the Hy Gain Feeds Mill should be designed and constructed with measures to not exceed specified noise levels.

The Panel notes that Clause 55.07-6 also specifies that the noise influence area applies to land 135 metres from the centre of the nearest track. While this represents part of the 300-metre radius, it would exclude an unreasonable area from being assessed for potential noise impacts.

Clause 55.07-6 does not apply to other sensitive land uses and the Panel agrees, in principle, with EPA on the need to consider potential noise impacts on other sensitive land uses. The Panel recommends that this measure is not introduced through the Amendment until VPA, EPA and Council further investigate its suitability. Should this work be investigated and included in the Amendment before it is finalised, VPA should consider whether further notice is required on this matter.

The Panel is not persuaded that the existing framework needs to be supported with the additional permit application requirements proposed by Mr Peters. His suggested planning

⁴ Joint Australian/New Zealand Standard 2017:2016 (Acoustics - Recommended design sound levels and reverberation times for building interiors)

provisions represent a significant policy shift in how noise is considered in the Town Centre. The Victoria Planning Provisions apply the agent of change principle specifically to live music venues. Applying this principle to the Town Centre without understanding its potential impact may result in unintended adverse consequences.

SEPP N-1, which applies to the Hy Gain Feeds Mill but not to other land in the Town Centre, places responsibility for noise attenuation on the emitting industry. Shifting this responsibility to future residential developments is beyond the intended operation of SEPP N-1, would be unnecessarily onerous and may increase housing costs.

The Panel therefore considers any additional noise-related application requirements beyond those recommended by EPA to be inappropriate and unjustified.

(v) Conclusions and recommendation

The Panel concludes:

- There is insufficient evidence to:
 - conclude that Hy Gain Feeds Mill complies with SEPP N-1/NIRV noise limits at all existing dwellings during full operation
 - quantify noise impact on potential new sensitive land uses.
- A dwelling within 300 metres from the Hy Gain Feeds Mill should be designed and constructed to align with noise standards in Clause 55.07-6.
- VPA, EPA and Council should further investigate the suitability of a building for uses other than residential being designed and constructed to meet the median value of the design level range of AS/NZS 2107:2016 before considering it as an application requirement.
- Additional noise-related application requirements beyond those recommended by EPA are not appropriate or justified.

The Panel recommends:

Amend Urban Growth Zone Schedule 4, as shown in Appendix B2, to:

- a) **require a permit application proposing to use land within 300 metres from the Hy Gain Feeds Mill to be accompanied by an acoustic report which demonstrates how a dwelling will be designed and constructed to achieve the noise levels specified in Standard B40 of Clause 55.07-6.**

4.5 EPA recommending referral authority

(i) The issue

The issue relates to the proposal, since exhibition, to designate EPA as a recommending referral authority for a planning permit application in UGZ4 proposing to use land in the Hy Gain Feeds Mill 'separation distance' area for Accommodation, Dwelling, Childcare centre, Education centre, or Informal outdoor recreation.

(ii) Submissions

In its Part A Submission, VPA referred to further notice provided to affected property owners in October 2018 regarding further proposed changes. They included changing the Clause

66.04 Schedule to designate EPA as a recommending referral authority for a planning permit application in UGZ4 proposing to use land in the Hy Gain Feeds Mill 'separation distance' area for Accommodation, Dwelling, Childcare centre, Education centre, or Informal outdoor recreation.

EPA agreed to be a recommending referral authority and noted that it was consistent with other strategic planning matters such as Fisherman's Bend.

(iii) Discussion, conclusion and recommendation

The Panel acknowledges that no party objected to EPA being a recommending referral authority and that EPA has agreed to this designation.

The Panel concludes that EPA should be designated as a recommending referral authority for a permit application to use land in the Hy Gain Feeds Mill 'separation distance' area for Accommodation, Childcare centre, Education centre, or Informal outdoor recreation.

The Panel recommends:

Amend the Clause 66.04 Schedule, as shown in Appendix B3, to designate the Environment Protection Authority as a recommending referral authority for a permit application to use land in the Hy Gain Feeds Mill 'separation distance' area for Accommodation, Childcare centre, Education centre, or Informal outdoor recreation.

4.6 Separation distance awareness

(i) The issue

The issue is whether a section 173 agreement should apply to each property title of a dwelling in the separation distance area to inform prospective purchasers of potential amenity issues related to the Hy Gain Feeds Mill.

(ii) Evidence and submissions

VPA referred to the draft PEC Report which stated that sensitive land uses could be allowed in the separation distance area in certain circumstances. It considered that registering a section 173 agreement could protect Hy Gain Feeds from complaint in the event of dust emission.

VPA adopted this advice and proposed to require a section 173 agreement to be registered on property titles in the separation distance area. It referred to a letter from EPA dated 8 October 2018 which states:

...the proposal to require a s173 agreement to be registered on the title of residential properties within the 250 metre separation distance will provide some transparency regarding potential odour impacts associated with HyGain's operations. However, a s173 agreement would not alter the requirements of the Environment Protection Act 1970 or change EPA's advice regarding appropriate separation distances. Residents of those properties would retain their rights under the Environment Protection Act 1970, including rights to complain about impacts.

VPA subsequently no longer proposed to require a section 173 agreement.

(iii) Discussion

The Panel agrees with VPA that a section 173 agreement should not be required.

The Panel agrees with Mr Pollock, EPA and VPA that a section 173 agreement may provide some transparency regarding potential impacts associated with the Hy Gain Feeds Mill but it would not change the requirements of, and residents' rights in, the *Environment Protection Act 1970*. It therefore does not agree with the PEC Review Report that a section 173 agreement would protect Hy Gain Feeds from complaints related to dust emission.

The Panel notes that there are existing means of informing future property owners. A section 32 vendor statement for prospective property purchasers includes relevant planning information such as the planning scheme zone and overlays. The Panel's recommended UGZ3 and UGZ4 would include relevant plans showing the separation distance and associated provisions which sufficiently informs prospective purchasers about potential amenity impacts associated with the Hy Gain Feeds Mill.

(iv) Conclusion

The Panel concludes that a section 173 agreement should not apply to each property title of a dwelling in the separation distance area to inform them of potential amenity issues related to the Hy Gain Feeds Mill.

5 Access

5.1 Hy Gain Feeds site

(i) Background

Since the Officer PSP 2011, Station Street has been identified to not continue south of the railway line once Officer South Road has been upgraded. The upgrade will include a North-South Road arterial over the railway line, and interchange at Princes Highway. Access to the Hy Gain Feeds site would be through a connector street (see Plan 15: Road Network).

The Officer PSP 2011 Road Network layout was based on traffic analysis undertaken at that time by SMEC consultants.

(ii) The issue

The issue is whether the Amendment appropriately considers future road network access for the Hy Gain Feeds Mill site.

(iii) Evidence and submissions

Hy Gain Feeds sought continued direct road transport access to the realigned Station Street and Officer South Road, or an alternative direct access point from Hickson Road to the future North-South Road. It submitted that, since the Officer PSP 2011, production at its Officer Mill has increased and Council approved a planning permit to expand the Mill facility and its operations.

VPA submitted that the proposed closure of Station Street is consistent with the existing Officer 2011 PSP and no change is proposed in the Officer PSP 2018. It considered the requested road layout change to be outside the scope of the Amendment. VPA added that Hy Gain Feeds Mill site would remain connected to Station Street until the site can access the local road network following the delivery of Officer South Road.

VPA prepared the Road Network Plan anticipating that existing industrial uses are unlikely to operate in the Town Centre in the long term. Siding Avenue will be the main retail and pedestrian strip in the Town Centre, and as such will be designed to minimise and slow traffic flows. Siding Avenue will likely not provide an appropriate route from the Princes Highway (in the north) to the Hy Gain Feeds site.

VPA added that the north-south connectivity will be provided by a North-South Road arterial from the Princes Highway to the Princes Freeway interchange. This upgrade and the local road network would be delivered by landowners and developers. VPA informed the Panel that a review of the Land Use Budget and Development Contribution Plan are not in the scope of the Amendment.

Council noted that there were numerous inconsistencies in the Plans and Figures relating to land south of Leber Reserve that were included in the exhibited Officer PSP 2018. Ms Marshall, representing Council at the Hearing, noted that Plan 15 appears to show an 'access street' from east to west, whereas Figure 6a shows it as running from north to south.

Hy Gain Feeds presented comprehensive information regarding the history and future operations of the subject site. The company had invested \$92 million in the site, including \$92,000 to construction the Hickson Road access to the site. Inbound primary produce and export value-added products are freighted by heavy road transport, with approximately 90 sea containers per month to and from the Port of Melbourne.

Mr Bartley submitted that the Officer PSP 2011 Road Network Plan appeared to have been based on the estimates prepared by SMEC that do not allow for Hy Gain Feeds Mill traffic. The SMEC document was a precinct wide assessment that was prepared with no regard for current and future operations at the subject site. He noted that the document introduced into the Planning Scheme through Amendment C149 proposed to close Station Street between the Hy Gain Feeds Mill and the Princes Highway and discontinue Station Street at Rix Road once the North South Road arterial is constructed. Such an outcome would result in Hy Gain Feeds not being able to access the broader road network.

Transport from the Hy Gain Mill Feeds Mill would have to route through Siding Avenue or Bridge Road, requiring travel under the railway line or past the school, community centre and early learning precinct to access the Princes Freeway. There appears to be no simpler route in the current Road Network Plan. Several of these routes will be designed to encourage low speed environments, walking, and cycling thereby creating conflict with existing industrial transport movements.

Given its current existing use operations and future expansion plans, Hy Gain Feeds sought direct access to the realigned Officer South Road or an alternate direct access point to the future North-South arterial road.

In its closing submission, VPA responded that there was insufficient evidence to support any change to the Road Network Plan and that this was beyond the scope of the Amendment. Mr Hannagan stated that this was a non-negotiable proposition. VPA considered that this matter relates to the DCP and could form part of the proposed PSP review in 2020.

(iv) Discussion

The Officer PSP 2011 appears to have been prepared based on the Hy Gain Feeds not continuing to operate its Officer Mill in the longer term, resulting in its traffic access needs not being considered. Officer PSP 2018 adopts the same response. The Panel was not provided the SMEC analysis which informed the Road Network Plan, therefore it has relied on information provided by VPA and Hy Gain Feeds. VicRoads was not a party to the Hearing.

The Panel agrees with Council's observations that several plans and figures in the Officer PSP 2018 are inconsistent. It is difficult to identify which roads are referred to in the text (Main Street is Siding Avenue) and correlating this with the related plans. The Panel was provided with several different iterations of plans that showed road discrepancies, causing confusion at the site inspection and creating uncertainty during the Hearing.

The premise on which VPA prepared the Road Network Plan does not coincide with the long-term plans expressed by Hy Gain Feeds. This is a production business operating with existing use rights which relies on heavy road transport connections to highways and freeways and has some employee and local contractor traffic. Some of this traffic is B-Double transports

which requires more detailed analysis of routes and safety. There is associated freight of methyl bromide chemical fumigation products.

The 2011 SMEC analysis is seven years old, and there have been many road and traffic changes in the Officer Precinct including:

- Princes Freeway construction (and consequent lesser demand upon the Princes Highway)
- Siding Avenue (providing access to the new multi-storey Council office building).

A precinct immediately south of the Hy Gain Feeds Mill now locates education facilities, a community centre and residential areas, with an early childhood learning centre currently being constructed.

The road network upgrades are managed through the Officer DCP 2018, which VPA has advised is beyond the scope of the Officer PSP review. There were no submissions at the Hearing about the Officer DCP 2018 or the Land Use Budget, apart from VPA advising that the upgrades will be provided by the landowners and developers, and that land reserves will have to be acquired.

Officer PSP 2018 Table 17a (Road Hierarchy for Officer Residential Areas) identifies the respective responsibilities for the road in the network surrounding the subject site, with the north to south arterial (VicRoads) being outside the Town Centre. Council will consequently be responsible for ensuring that the heavy freight road transport to and from Hy Gain Feeds Mill is appropriately and safely routed. The Officer PSP 2018 routing options appear to be inefficient and unsafe, particularly for the precinct immediately south of the subject site. They are also likely to affect road maintenance cost considerations at the detailed pavement design stage.

Before Station Street is closed at the railway line, freight transport to and from the Hy Gain Feeds Mill should have direct access to the North-South Road arterial so that it can route to the interchange at the Princes Freeway and the Princes Highway. The Panel considers that this cannot be achieved in the current Road Network Plan. It agrees with VPA that there was insufficient evidence at the Hearing for the Panel to recommend an appropriate strategic planning outcome at this stage.

The Panel finds that additional detailed traffic assessment is required for this part of the Town Centre, specifically focussing on heavy freight transport connectivity while the Mill continues to operate (interim) and after it ceases, and the centre is well established (ultimate). This assessment will enable VPA and Council, in consultation with VicRoads and existing use landholders, to:

- determine how B-Double transports can move around the Town Centre without routing through the Core sub-precinct
- review PSP 2018 Plan 15 (Road Traffic Network).

This would should be undertaken as part of the Urban Design Framework process in 2019 and before the Officer PSP 2018 is reviewed in 2020.

(v) Conclusions and recommendations

The Panel concludes that heavy freight transport needs should be assessed to:

- achieve a more strategic response to interim and ultimate network access and circulation in the Officer Town Centre
- avoid B-Double transports or similar from routing through the Core sub-precinct
- inform changes to Officer PSP 2018 Plan 15 (Road Traffic Network).

The Panel recommends:

Victorian Planning Authority seek a detailed traffic assessment, through a separate process, which:

- b) strategically responds to interim and ultimate heavy freight transport needs in the Officer Town Centre to inform a future review of Officer Precinct Plan 2018 Plan 15 (Road Traffic Network).**

5.2 Coles Group site**(i) The issue**

The issue is whether the Amendment appropriately responds to vehicle access for the future supermarket and specialty retail proposed west of Siding Avenue.

(ii) Evidence and submissions

Coles Group submitted that the Officer PSP 2018 did not recognise VicRoads' approved plan for the signalised intersection at the Princes Highway/Siding Avenue included a median/lane separator along Siding Avenue from the Princes Highway intersection to south of Orchard Street. It added that making vehicles travel 280 metres south to access sites near the Princes Highway and west of Siding Avenue would result in an unbalanced and less developed Town Centre.

VPA acknowledged that the, now constructed, median prohibits south bound traffic from accessing Orchard Street. It submitted that since exhibiting the Officer PSP 2018 and in response to the Coles Group issue, it proposed to amend Figure 6a (Officer Town Centre Concept Plan) to show vehicle access from Siding Avenue. It also proposed the following in Table 10A:

The vehicle access point on Siding Avenue must be located where indicated in Figure 6a: Officer Town Centre Concept Plan.

...

The vehicle access point on Siding Avenue should be:

- constructed to be at grade with the footpath
- designed to be utilised by/customer and residential vehicles only and to restrict use by large delivery vehicles.

Coles Group submitted that "*must be located*" is too restrictive and noted that further detailed design is needed to determine the orientation and layout of the subject site. Ms Foley explained that a supermarket is a key anchor business for shopping centres, and act as an attractor for specialty retail and a broad range of complementary uses. She added:

The OTC will not attract end-users and development – including anchor retail sites such as the Coles site in the core unless key segments of the intended retail catchment can access the site safely and conveniently.

Coles Group sought to directly connect the rear car parking at Siding Avenue, somewhere between Orchard Street and Gumleaf Lane, subject to adequate separation.

Coles Group called traffic engineering expert evidence from Mr Walsh. Mr Walsh detailed the potential for customer and service vehicle traffic to be subjected to a circuitous and convoluted route to carparking and accessing retail shops. No eastward turn into Orchard Street can be performed from Siding Avenue due to a medium strip extending from the Princes Highway intersection. Traffic would have to further travel south, past the Coles Group site, then proceed to the proposed signalised intersection at Gumleaf Lane. Access to the site from either Siding Avenue or Gumleaf Lane would be inefficient or compromised.

Mr Walsh recommended that Figure 6a in the Officer PSP 2018 be revised to identify a new vehicle access to the Coles Group site at Siding Avenue, between Orchard Street and Gumleaf Lane. He also proposed the following guideline for Table 10a:

The vehicle access point on Siding Avenue should be located generally where indicated in Figure 6a: Officer Town Centre Concept Plan.

Mr Walsh doubted whether VicRoads would approve a roundabout treatment at Siding Avenue/Orchard Street due to its proximity to the Princes Highway intersection. Toward the end of the Hearing, Council submitted that VicRoads had verbally advised that this option could be considered.

VPA agreed with Coles Group that permanent access from Siding Avenue should be permitted, and that the Town Centre concept plan show a 'vehicle access point' at Siding Avenue into the Coles Group site. This should be supported by a new Planning and Design Guideline in Table 10a (Officer Major Activity Centre):

The vehicle access point on Siding Avenue should be constructed to be at grade with the footpath, and designed to be utilised by customers' vehicles only and to restrict use by large delivery vehicles.

VPA's Post-Hearing Officer PSP 2018 List of Changes proposed the following new requirement in Table 10A:

The vehicle access point on Siding Avenue must be located where indicated in Figure 6a: Officer Town Centre Concept Plan.

In its closing submission, Council agreed to access on Siding Avenue, as described by Mr Walsh and Mr Shepherd, subject to it being constructed in three years because:

- it is likely that issues relating to Orchard Street would be resolved between Coles Group, VicRoads and Council by then
- the North South Road would be in place beyond then and could be accessed by customers in addition to Orchard Street.

(iii) Discussion

It is not apparent whether VicRoads considered the access plans for the Coles Group site when approving the intersection design at Princes Highway/Siding Avenue. It may be that VicRoads considered Orchard Street to a Laneway – Commercial Access (section M6a) and not a

Connector Street (section M3). Officer PSP 2018 is unclear on this matter, and both Council and VPA appear to seek to defer these matters until the Urban Design Framework stage.

The Panel agrees that the Officer PSP 2018 should provide appropriate strategic guidance to attract users and investment in the Town Centre. Inconvenient and complicated traffic access can cause congestion and gridlock around the Core sub-precinct. Clause 52.06 of the Planning Scheme encourages that safe pedestrian movement be prioritised over vehicle traffic, and that bicycle use be facilitated. The Panel considers that delivery and service vehicles should be segregated from customer traffic where possible, and particularly during peak volume periods.

The Panel finds that an access point should be provided at Siding Avenue, between Orchard Street and Gumleaf Lane. Figure 6a of the Officer PSP 2018 should show an indicative access point. Further details from the Urban Design Framework process and the Coles Group site design and layout stage will better inform the ultimate access point location.

Until further urban design and contextual details are known, it would be premature to specify a definitive access point location at this stage of the planning process. The Officer PSP 2018 should enable some flexibility to avoid any unintended consequences. It is noted that greater flexibility was the fundamental basis for the Officer PSP review.

The Panel does not agree with Council's proposed three-year expiry date for this guideline because:

- it would likely expire before Coles Group achieves a trade catchment population which can viably support its supermarket development
- a guideline of this nature should not expire if it is practical and supported through traffic engineering evidence.

(iv) Conclusions and recommendations

The Panel concludes:

- An access point to the future supermarket and specialty retail proposed west of Siding Avenue should be provided at Siding Avenue, either at Orchard Street or between Orchard Street and Gumleaf Lane.
- The Officer PSP 2018 should enable some flexibility:
 - until further urban design and contextual details are known
 - to avoid any unintended consequences.

The Panel recommends:

Amend the Officer Precinct Structure Plan (September 2011, Amended March 2018) to:

- a) show in Figure 6a (Officer Town Centre Concept Plan) an indicative 'vehicle access point' at Siding Avenue into the 458 Princes Highway, Officer site
- b) change the proposed guideline in Table 10a to: *"The vehicle access point on Siding Avenue should be located generally where indicated in Figure 6a: 'Officer Town Centre Concept Plan'".*

Victorian Planning Authority seek a detailed traffic assessment, through a separate process, which:

- a) responds to service and delivery vehicle and bus access and connectivity in the core business area.**

6 Built form and urban design

6.1 Minimum mandatory building height

(i) Background

The 2018 Officer PSP was exhibited with a guideline for mandatory two storey (minimum) buildings to be developed along Siding Avenue and Gumleaf Lane only. This was in response to the 2011 PSP. The exhibited Officer PSP 2018 states that:

Buildings must be a minimum of two storeys in height:

- along Main Street
- along Gumleaf Lane within the Core sub-precinct (Figure 6)
- at intersections with the Princes Highway
- where offices, medical centres, leisure and recreation uses are proposed.'

Upper storeys must be sufficient to enable appropriate uses, but do not need to extend the full depth of the ground floor.

(ii) The issue

This issue is whether requiring buildings along Siding Avenue and Gumleaf Lane to be a minimum two storeys is appropriate and justified.

(iii) Evidence and submissions

Coles Group supported the intent behind the two-storey requirement because it seeks to create a street wall that frames the main street and creates a sense of enclosure to the public realm. It considered that the requirement itself may make development economically unviable because there is unlikely to be demand for second-storey tenancies in the near future.

Coles Group submitted that the spatial effect created by two-storey built form could be achieved by a tall single storey wall, similar to one that exists in other locations such as Aquatic Drive at Highpoint Shopping Centre. The ground floor could be designed to enable a second storey later. To achieve this, Coles Group requested that Table 10a be changed to:

- reword guidelines to allow for a single-storey built form fronting Siding Avenue, provided it is two storeys in scale and appearance
- introduce a new guideline stating that single storey development fronting Main Street be designed to enable its future redevelopment to greater height.

Coles Group called expert evidence on urban design from Mr Sheppard of David Lock Associates. Mr Sheppard considered that the intent for a street wall which frames the main street and creates a sense of enclosure to the public realm is reinforced by the amended vision and objectives for the Town Centre that seek a distinct urban character. He supported the principle of good spatial definition, particularly in a 'main street' such as that proposed for Siding Avenue. Mr Sheppard considered that the spatial effect created by a two-storey form could be achieved by a taller single-storey wall. He supported Coles Group's request to allow single-storey built form that is two storeys in scale and appearance.

Mr Sheppard referred to Clause 21.03, which includes a key principle to manage the development of Officer through “*co-ordinating the appropriate staging and development of land*” and in a manner that provides ‘*good urban design outcomes to create a strong urban character*’. He said that the ideal urban design and planning outcome would be for more intensive development than two storeys at the street edge (where the ‘specialty retail’ is proposed in Figure 6a), in the form of multi-storey buildings with ‘shop top’ apartments or offices. He explained that this would provide a stronger sense of place and vibrancy.

At the Hearing, VPA agreed with the Coles Group that the requirement should be translated into a guideline to enable further flexibility. VPA’s post-Hearing response to the Officer PSP 2018 proposed to revise the third mandatory requirement in Table 10a to:

Buildings within the Officer Town Centre must be either a minimum of two storeys in height along street frontages or present a minimum 7 metre street wall height to create a sense of enclosure to the public realm. Where provided, upper storeys should be sufficient to enable appropriate uses, but do not need to extend the full depth of the ground floor. Single storey buildings should be designed to be able to accommodate a future second floor.

(iv) Discussion

The Panel was not referred to evidence or information in any background report or the Officer PSP 2018 to show that the two-storey built form requirement will:

- be supported by demand at this stage of the Town Centre
- not make development unviable, thereby potentially stifling investment in the Town Centre.

The Panel does not support the mandatory requirement for two storeys because there is insufficient evidence to support its basis and it is inappropriate because it may potentially delay development until there is demand to cover development costs. This outcome contradicts the flexibility and private investment opportunities sought through the Officer PSP review process.

While it would be ideal for the Town Centre to develop in its ultimate form, it is more likely to evolve over a longer time horizon, when increasing demand makes it feasible to invest in additional floorspace. The Town Centre should attract this upfront private investment where it can continue to achieve urban design outcomes sought through the Officer PSP 2018.

The Panel accepts Mr Sheppard’s evidence that a taller single-storey wall can achieve the sought urban design outcomes by framing the main street and creating a sense of enclosure to the public realm. A street wall less than seven metres is unlikely to present itself as built form which can achieve these outcomes. The Panel supports VPA’s Post-Hearing version requirement because it offers two flexible options which achieve a consistent built form outcome, while enabling additional future floors if a single storey building is constructed.

(v) Conclusions and recommendations

The Panel concludes that the specific mandatory two-storey built form requirement in Table 10a of the Officer PSP 2018 should be translated into a more flexible planning and design guideline.

The Panel recommends:

Amend the Officer Precinct Structure Plan (September 2011, Amended March 2018) to:

a) replace the third mandatory requirement in Table 10a with:

Buildings within the Officer Town Centre must be a minimum of two storeys in height along street frontages or present a minimum seven metre street wall height to create a sense of enclosure to the public realm. Where provided, upper storeys should be sufficient to enable appropriate uses, but do not need to extend the full depth of the ground floor. Single storey buildings should be designed to be able to accommodate a future second storey.

b) delete in Table 10a the second guideline for two-storey buildings along street frontages.

6.2 Active building frontages

(i) The issue

This issue is whether continuous active building frontages in the Town Centre's Core is appropriate.

(ii) Evidence and submissions

Council submitted that indicating active frontages for only some building footprints could result in the Figure 6a being misinterpreted. Commercial areas north of Princes Highway do not require active frontages, while some areas located to the south do (west of Station Street). Ms Marshall suggested that one interpretation of Figure 6a could be that built form along the Princes Highway does not have to have any activation at all.

Council explained the pending Town Centre Urban Design Framework (UDF) will help shape the future built form and character of the Town Centre. Council and VPA commenced drafting the UDF in October 2016, based upon the 2011 PSP guiding land use and development in the Town Centre. Council recommended that the active frontages be removed from Figure 6a and managed through the future UDF.

Mr Sheppard gave evidence that, while continuous active frontage is preferred, breaks in the frontage are inevitable. He said that occasional breaks in active frontages to accommodate vehicle access are not 'fatal' to the principle of encouraging active street frontages if the breaks are minimised to avoid significant gaps in the active frontage. He added that having one crossover at the 156-metre Cole's site frontage along Siding Avenue would be reasonable and not detrimental to pedestrian amenity.

Coles Group submitted that the proposed continuous active frontages across the length of street blocks would be unusually long. Ms Foley considered that main street centres across metropolitan Melbourne operate successfully with much shorter distances between vehicle crossovers. To enable this, Coles Group requested that the fourth mandatory requirement in Table 10a be translated into a guideline (that should be met) and changed to:

Non-residential built form along Siding Avenue should provide continuous ground floor frontages to the public realm unless providing:

- a pedestrian link to the entrance of a use set back from the street boundary
- access to upper floor uses
- a vehicle access point where indicated in Figure 6a: 'Officer Town Centre Concept Plan'

Coles Group also requested that the ninth Planning and Design Guideline (that should be met) in Table 19a should be amended to:

Where practical, continuous active frontages should be created along key retail streets as shown in Figure 6a: 'Officer Town Centre Concept Plan', unless providing a pedestrian link, vehicle access to off-street carparking north of Gum Leaf Lane, or access to upper floor uses.

In its 'summary of key changes' document, VPA supported the following notation on Figures 1-4, 5b, 6a, 6b, 6c, and 6e:

Note: the Figure provides an indicative example of how a development application could respond to the requirements of the PSP. Alternative design responses that are consistent with relevant objectives and planning and design guidelines may be considered.

Development Victoria submitted that such a notation is sensible and would allow for the merits of development applications to be assessed, rather than seeking fixed outcomes that might be incapable of being met without a further planning scheme amendment.

VPA considered many of the Table 10a changes proposed by Coles Group to be unnecessary, partly because Orchard Street is designated a Connector Street in Figure 6a, and an Access Street Level 2 in Plan 15. In its Post-Hearing response to the Officer PSP 2018, VPA did not designate Orchard Street as a Laneway-Commercial Access.

(iii) Discussion

Figure 6a includes a relatively large amount of detail for the concept illustration, making it difficult to clearly understand the intended extent of active building frontages. The strategic intent of the Officer PSP 2018 consequently relies on the wording in Table 10a. Deferring this until the UDF stage does not align with the Amendment's intent. The Panel considers that the intent for active building frontages should be clarified in the Officer PSP 2018 and the associated guidelines should be flexible to enable outcomes that can continue to achieve the aspired intent.

The supermarket and retail part of the Town Centre should be clear enough to encourage and facilitate development planning and investment. The Panel agrees with Coles Group's request to change the fourth mandatory requirement in Table 10a and translate it into a guideline that should be met. Similarly, the Panel agrees that the ninth guideline should be changed in line with the Coles Group submission.

VPA's proposed notations to Figures 1-4, 5b, 6a, 6b, 6c, and 6e of the Officer PSP 2018 should be included to clarify that they are indicative examples and that alternative designs may be considered on their merits.

(iv) Conclusions and recommendation

The Panel concludes:

- Table 10a of the Officer PSP 2018 should be amended to provide clarity and flexibility regarding continuous active building frontages.
- Figures 1-4, 5b, 6a, 6b, 6c, and 6e of the Officer PSP 2018 should include additional notations.

The Panel recommends:

Amend the Officer Precinct Structure Plan (September 2011, Amended March 2018) to:

- a) change the fourth dot point in Table 10a (Major Activity Centre) to:**

Non-residential built form` along Siding Avenue should provide continuous ground floor frontages to the public realm unless providing:

- ***A pedestrian link to the entrance of a use set back from the street boundary***
- ***Access to upper floor uses***
- ***A vehicle access point where indicated in Figure 6a: 'Officer Town Centre Concept Plan'***

- b) Add the following notation to Figures 1-4, 5b, 6a, 6b, 6c, and 6e:**

Note: The Figure provides an indicative example of how a development application could respond to the requirements of the PSP. Alternative design responses that are consistent with relevant objectives and planning and design guidelines may be considered.

6.3 Dwelling density**(i) Background**

The Officer PSP states at 3.2.2:

- in the 2011 version – “*there is an average net density of 15 dwellings per developable hectare within the Precinct*”
- in the 2018 version – “*there is an average net density of 19 dwellings per developable hectare within residential areas.*”

Table 6 (Distribution of housing densities) of the Officer PSP 2011 has been revised in the 2018 version to separate housing figures for the Officer Town Centre (Major Activity Centre) and Whiteside Road Neighbourhood Activity Centre. Other identified residential area types are: High Density Residential A; High Density Residential B; Medium Density Residential; Standard Density Residential; Large Lot Residential; and Environmental Residential.

(ii) The issue

The issue is whether the average net density of 19 dwellings per developable hectare within residential areas is appropriate.

(iii) Evidence and submissions

VPA submitted that, while the average density identified for standard residential areas is 15 dwellings in each developable hectare, the overall average density of the precinct is higher when high and medium density areas are considered. It considered that the proposed revised figure does not reflect a change in the proposed density, and instead reflects the actual average density set out in the Officer PSP 2018.

VPA referred to Clause 11.03-2S of the Planning Scheme which considered the following relevant to growth areas:

Encourage average overall residential densities in the growth areas of a minimum of 15 dwellings per net developable hectare, and over time, seek an overall increase in residential densities to more than 20 dwellings per net developable hectare.

Council submitted that the proposed change is outside the scope of the review and the original average net density of 15 dwellings for each developable hectare should be retained.

Development Victoria was concerned that the numbers in Table 6 would be read literally, noting that Table 6 in Officer PSP 2011 did not provide an average dwelling number of each hectare in the Town Centre. To clarify the difference, it suggested the following alternative text:

Average net residential densities are set out in Table 6 (with the exception of dwelling densities for the Officer town centre, which are minimum dwelling densities).

VPA supported Development Victoria's proposed wording, however, Council responded with an alternative:

Any change to the estimated population should be considered in the overall OPSP review 2019-20.

Following further submissions at the Hearing, VPA subsequently proposed changes to Table 6 in its post-Hearing version which:

- added specific residential area type figures within Officer Town Centre and Whiteside Road Centre
- revised table to:

Note: Subdivision within the Officer Town Centre should achieve the minimum dwellings / NDA specified in the table above. Applications for subdivision that can demonstrate how target densities can be achieved over time, to the satisfaction of the responsible authority, shall be considered. Dwelling densities in the Whiteside Road Neighbourhood Activity Centre and balance of the PSP area are intended to be average net densities.⁵

(iv) Discussion

The Panel agrees with VPA that the revised figure does not reflect a change in the proposed density. The 15 dwellings a hectare density reflects the average over the entire Officer Precinct. The medium and high-density dwellings proposed for the Town Centre is likely to increase the number of persons residing in each hectare. The average net dwellings figure for the entire Officer Precinct would increase because of the proposed changes to the Town

⁵ NDA: Net developable area

Centre. It is anticipated that there will be a density of 2.8 persons for each dwelling across the entire Officer Precinct.

Clause 11.3-2S seeks to increase this average density over time to more than 20 dwellings in each hectare and does not imply an upper limit. The density figures stated in Table 6 are regarding as target minimums for each of the area types.

The Panel considers that Development Victoria's proposed wording for Table 6 appropriately clarifies the difference in dwelling densities between the Town Centre and other residential areas through the Officer Precinct. Accordingly, it accepts VPA's proposed changes to Table 6.

(v) Conclusions and recommendations

The Panel concludes that Table 6 should clarify that the net residential densities are averages, except for the Town Centre where minimum dwelling densities are specified.

The Panel recommends:

Amend the Officer Precinct Structure Plan (September 2011, Amended March 2018) to:

a) revise Table 6 (Distribution of Housing Densities) to:

- **add under Officer Town Centre (Major Activity Centre) figures for High Density Residential A, High Density Residential B, Medium Density Residential and Commercial (residential permitted)**
- **add under Whiteside Road Neighbourhood Activity Centre figures for High Density Residential B and Commercial (residential permitted)**
- **replace the note under the table with:**
- ***Note: Subdivision in the Officer Town Centre should achieve the minimum dwellings / Net Developable Area specified in the table above. Applications for subdivision that can demonstrate how target densities can be achieved over time, to the satisfaction of the responsible authority, shall be considered. Dwelling densities in the Whiteside Road Neighbourhood Activity Centre and balance of the PSP area are intended to be average net densities.***

7 Other Town Centre issues

7.1 Bushfire management

(i) Background

Officer PSP 2011 and 2018 identify and respond to bushfire risk. Bushfire related planning policy was changed in the Planning Policy Framework through Amendment VC140 on 12 December 2017. One change introduced the following in Clause 13.02 (previously 13.05):

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

...

- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL- 12.5 rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).⁶

VPA engaged Terramatrix to prepare the *Bushfire Assessment and Development Report for the Officer Precinct Structure Plan*, August 2018 which considered changes introduced through Amendment VC140.

(ii) The issue

The issue is whether the Amendment appropriately responds to bushfire management.

(iii) Evidence and submissions

In its Part A Submission, VPA noted that it proposes to work with Council and the CFA to implement the outcomes of the bushfire assessment and development report to be consistent with the approach taken in Cardinia Creek South and Minta Farm PSPs. VPA indicated that it “*might need to update Schedule 4 of the UGZ to include requirements for bushfire risk management measures as per Schedule 4 of the UGZ to include requirements for bushfire risk management measures as per Schedule 14 of Casey’s UGZ.*”

Council submitted that the urban design concepts contemplated in the Town Centre need to be cognisant of the bushfire risk, particularly because of the extent of the Bushfire Management Overlay and Bushfire Prone Areas in the Town Centre near the Leber and Gilbertson reserves.

Council supported VPA’s further consultation with CFA and DELWP (Environment), and formal guidance from a specialist in ‘Bushfire Planning and Design’. Council requested to be a participant in consultations, because it would ultimately be responsible for implementing any new requirements in the Planning Scheme.

Development Victoria called expert evidence on bushfire from Mr Allan. He gave evidence that:

⁶ BAL: Bushfire Attack Level

The landscape will increasingly become overwhelmingly urban-residential, it is relatively low risk. It is not credible that a fully developed, large landscape scale fire will burn into Leber reserve. Rather, the reserve would likely be subject to only a local fire, from an ignition within the reserve itself, either from arson or accidental ignition, or from embers associated with a fire in the wider landscape or surrounding neighbourhood.

The default applicable setbacks for future buildings that require a BAL, from Woodland and Scrub, are 33m and 27m respectively. These could be achieved almost wholly or partially within the reserve, depending on the extent to which vegetation in the reserve can be modified (removed) to create a reliably low threat setback in perpetuity.

Subject to the CFA agreeing to the application of modified fuel loads, which were determined from onsite, historical and EVC benchmark analysis, an alternative reduced setback from Scrub and Woodland of 27m, could be applied for BAL-12.5 buildings.

If the existing approximately 10m wide fuel reduced asset protection zone (APZ) along the northern and western reserve boundaries, can be extended around the whole perimeter of the reserve, this results in only a 17m setback being needed outside the reserve. In many directions, most, or all, of this 17m setback can be provided by existing or proposed roads, resulting in little or no constraint for future development on abutting or neighbouring parcels.

VPA responded that:

- it did not support applying the setbacks within the reserve because Leber Reserve is an identified conservation reserve, so it is unlikely that vegetation can be removed to provide these setbacks
- it understands that CFA has not agreed to applying a 27-metre setback for Scrub and Woodland for BAL-12.5 building, based on modified fuel loads
- it understands CFA or DELWP would need to approve allowing the APZ within the reserve and this approval has not been granted
- providing most or all the 17-metre setback relies on approval that has not been granted.

VPA submitted that, since exhibiting the Amendment, it proposed to:

- include bushfire setbacks and remove building envelopes in bushfire setback areas in Figure 6a of the Officer PSP 2018
- include access roads between private land and Leber and Gilbertson Reserves and Gum Scrub Creek
- introduce a new section 2.3.11 on urban bushfire management in the Officer PSP 2018 which addresses CFA requirements and Clause 13.02.
- introduce requirements in UGZ4 which provide bushfire setbacks for buildings to achieve a maximum BAL rating of 12.5 under AS3959-2009.

VPA's Part B submission included a revised UGZ4 with the following bushfire planning provisions:

A Site Management Plan that addresses bushfire risk during, and where necessary, after construction, which is approved by the Responsible Authority. The plan must specify, amongst other things:

- The staging of development and the likely bushfire risks at each stage;
- An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 rating under AS3959-2009;

- The land management measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape to protect residents and property from the threat of grassfire and bushfire; and
- How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

VPA explained that its role is to satisfy itself that the issue of bushfire management and the protection of human life can be prioritised over all other policy considerations. It submitted that, following advice from DELWP and CFA, the Officer PSP 2018 and UGZ4 would be revised so that the requirements are met.

Regarding Clause 13.02, Mr O'Farrell submitted that the Amendment does not seek any change to existing zoning patterns which would introduce or intensify development. He considered that this occurred when Amendment C149 was gazetted. Mr O'Farrell considered that this aspect of Clause 13.02 was therefore not relevant to the Amendment.

Mr O'Farrell added that attempting to associate the Minta Farm PSP (which is ostensibly a greenfield Farm Zone) to the Town Centre is erroneous. What is relevant is that the Officer PSP 2018 has Bushfire Management Overlay areas that are bushfire prone and designated in accordance with regulations made under the *Building Act 1993*.

(iv) Discussion

There is considerable existing bushfire policy and planning provisions in the Planning Scheme to guide future permit applications. However, the Officer PSP 2018 would benefit from further work, as proposed by VPA, to better respond to more recent State planning policy.

The Panel considers that the Amendment does not appear to introduce or intensify development, as referred to in Clause 13.02. Irrespective, the 2018 Terramatrix bushfire assessment and Mr Allan's expert evidence demonstrates that future development can achieve a BAL-12.5 rating. The Panel accepts Mr Allan's evidence on this matter and notes that more detailed bushfire risk assessments will be undertaken at a planning permit stage.

The Panel agrees with VPA's proposed provisions to require a site management plan which addresses bushfire risk during, and where necessary, after construction. They appropriately respond to Clause 13.02 and would provide an improved framework plan to assist the responsible authority when assessing each permit application.

(v) Conclusions and recommendations

The Panel concludes:

- Reducing the setbacks from Leber and Gilbertson Reserves by extending the Asset Protection Zone widths within the reserves is appropriate, subject to approval to remove vegetation.
- Requiring a specified site management plan through UGZ4 responds to Clause 13.02 and would provide an improved framework plan for assessing each permit application.

The Panel recommends:

Amend the Urban Growth Zone Schedule 4, as shown in Appendix B2, to:

- a) **require a site management plan with a permit application which addresses bushfire risk to the satisfaction of the responsible authority.**

Amend the Officer Precinct Structure Plan (September 2011, Amended March 2018) to:

- a) **specify in Figures 10a and 10b an alternative reduced setback from Scrub and Woodland of 27 metres for BAL-12.5 buildings, subject to approval from the Country Fire Authority**
- b) **apply the 27-metre alternative setback consistently for Leber and Gilbertson Reserves, subject to approval from the Country Fire Authority.**

7.2 VPA determining referral authority designation

(i) Background

The Amendment proposes to designate VPA as statutory referral authority for a planning permit application to subdivide land or construct a building or carry out works (if the application includes 1,000 square metres or more of leasable floor space) on land identified on Figure 6 in the incorporated Officer Precinct Structure Plan as 'Officer Town Centre Sub Precinct Plan'. Clause 66.04 designates VPA as:

- a determining referral authority where there is no approved Urban Design Framework for the Officer Town Centre
- a recommending referral authority where there is an approved Urban Design Framework.

(ii) The issues

The issues are:

- whether designating VPA as a determining referral authority is appropriate and justified
- if appropriate, whether the referral threshold is appropriate and justified.

(iii) Evidence and submissions

VPA considered that major town centres have a significant role in developing communities. It submitted that, as a determining referral authority, it would review how future development would be consistent with the Officer PSP 2018 and how it would affect the quality and function of the public realm. VPA said that it did not seek to duplicate the role of the responsible authority in the Town Centre.

Development Victoria supported VPA being a determining referral authority, as proposed by the Amendment.

Council opposed VPA being designated a determining referral authority for larger permit applications before the UDF is approved but did not oppose to it being a recommending referral authority. To inform itself, Council referred to Planning Practice Note 54 (Referral and Notice Provisions) which advises when a section 55 referral requirement should be applied. Having reviewed the advice, Council observed:

- There is no State Government policy or program that is likely to be impacted if the VPA is not a determining referral authority
- The relevant specialist and technical advice that is required to assess and make decisions on applications for subdivision and buildings and works in an activity centre is well and truly held within a Council's planning team (both planning and urban design)
- Council's team are well able to make an assessment about planning criteria or standards in planning legislation or other legislation
- No particular issues relating to public assets that are out of the ordinary for an activity centre are likely to arise.

Council considered that the determining referral authority designation would effectively make VPA a substitute for Council's own assessment of the permit application. It added that introducing further 'red tape' to the planning permit application process is inconsistent with the intent and scope of the Officer PSP review.

(iv) Discussion

The Panel supports VPA being designated a determining referral authority for larger permit applications before the UDF is approved. It is acknowledged that only a portion of all future permit applications are proposed to be referred to VPA as a determining referral authority as an interim process in the shorter term.

VPA has an overarching role to ensure that the Town Centre, like other centres within Melbourne's activity centre network, successfully evolve in line with State Government activity centre policy and the Officer PSP 2018. Larger scale developments in the early stage are important in the successful evolution of the Town Centre. In the absence of further guidance through the UDF, the determining referral authority designation would ensure that VPA is satisfied with larger development proposals.

The Panel considers that VPA's proposed interim oversighting role would not substitute Council's comprehensive assessment of each permit application. Once the UDF is approved, larger permit applications would continue to benefit from VPA's advice as a recommending referral authority.

The point of difference between a determining and recommending referral authority is the ability to require planning permit conditions and direct the outcome of the permit application. The process for referring larger planning permit applications and receiving advice would be mirrored for either designation. The Panel therefore does not agree with Council that designating VPA as a determining referral authority would add further 'red tape'.

(v) Conclusions

The Panel concludes:

- Designating VPA as a determining referral authority is appropriate and justified.
- The referral threshold of 1,000 square metres or more of leasable floor space is appropriate and justified.

7.3 Notice and review for an electronic gaming machines permit

(i) Background

The Clause 52.28 Schedule of the Planning Scheme prohibits a gaming machine being installed or used:

- Officer Town Centre – All land in Urban Growth Zone 4 (UGZ4) other than Town Centre Precincts 'Gateway' and 'Highway Business' shown in Plan 2 of UGZ4
- Officer – 404-432 Princes Highway (even numbers) and 4 Station Street.

(ii) The issue

The issue is whether a planning permit application for gaming machines should be subject to third-party notice and review.

(iii) Evidence and submissions

Victorian Local Governance Association (VLGA) submitted, that due to the significant social and economic impacts of gaming machines on local communities, UGZ4 should be amended to remove the third-party notice and appeal exemption for a planning permit application that include this use. VLGA considered that the issue has broader implications for other PSPs in which EGMs are considered an ancillary use to uses that are generally in accordance with land uses in the PSP.

VPA acknowledged that a permit application proposing gaming machines are ordinarily subject to third party notice. However, the UGZ exempts all permit applications in the Planning Scheme from third party notice and review where they are consistent with the relevant strategic plan.

As an alternative approach, VPA referred to 52(3) of the Act which specifies:

The responsible authority may give any further notice that it considers appropriate of an application for a use or development which is likely to be of interest or concern to the community.

VPA submitted that this section of the Act provides Council with the option of giving notice of a planning permit application if the Planning Scheme exempts notice requirement if it determines the application is 'of community interest or concern'.

VPA acknowledged that this does not enable an objector to seek a review at the Tribunal.

VPA considered any changes to the Planning Scheme which have broader implications for planning policy are outside the scope of the Amendment and should be addressed at a broader level across the State.

(iv) Discussion

The Planning Scheme enables a planning permit which proposes to use or install a gaming machine on land in the Gateway precinct, abutting the location for a proposed supermarket. It also enables a permit application for gaming machines to be considered on land along Princes Highway, directly opposite this location. The Panel agrees with VLGA that formal statutory notice should be provided for a permit application proposing gaming machines in

the Highway Business and Gateway precincts to comprehensively assess the social and economic impact.

Section 52 notice requires Council to give notice of a permit application whereas section 52(3) specifies notice as an option. According to VLGA, optional notice was not exercised for a permit application proposing gaming machines in the Officer Town Centre.

However, the Panel cannot recommend any change to the State-based Urban Growth Zone⁷. Therefore, enabling third party notice and review for a gaming permit application in the Urban Growth Zone cannot be achieved through the Amendment.

(v) Conclusions

The Panel concludes:

- A planning permit proposing to use or install a gaming machine in permitted parts of the Town Centre should be subject to third party notice and review.
- The Amendment cannot change the Urban Growth Zone to enable third party notice and review.

⁷ *Planning and Environment Act 1987*, section 25(3)

8 Site specific issues

8.1 4A Hickson Road

(i) Background

The Outlook site at 4A Hickson Road is zoned UGZ4, which identifies the Commercial 1 Zone as the applied zone and part of the site in the 'Transition' precinct (Map 2). The Amendment proposes to redesignate the site to the 'Local Business' precinct (Plan 2). The Commercial 1 Zone prohibits using the land for industry if it is for a purpose listed in Clause 53.10 of the Planning Scheme.

The existing UGZ4 requires a permit for industry, such as the one operating from the Outlook site, conditional to being in the Transition precinct; not being a land use specified in the Clause 52.10 (now 53.10) Table; and applying a 10-year expiry date to any permit. Industry is prohibited in the Town Centre in other circumstances. The Amendment proposes to delete these land use conditions.

Planning Permit T140182, as issued by Council on 6 October 2014, enables Outlook (Vic) Inc (Outlook) to operate its Industry and Plant Nursery. The permit will expire in 2024.

The Outlook site is encumbered by a Melbourne Water drainage easement and separate parcel which will enable a proposed road flyover. The Officer PSP 2018 (Plan 13) proposes a vegetation reserve on the north-east part of the site. The Amendment proposes to delete the Land Subject to Inundation Overlay from all land in the Amendment area, including part of the site.

(ii) The issues

The issues are whether the Amendment appropriately responds to:

- UGZ4 land use provisions in the proposed Local Business precinct
- identified encumbrances on the Outlook site.

(iii) Submissions

Outlook Environment (Outlook) submitted that it acquired 4A Hickson Road, Officer in 2016 to create a resource recovery precinct that will include an e-waste processing facility, resource recovery centre, recycled goods shop/plant nursery, men's shed/upcycling workshop, parkland and student education centre. It added that a \$1,100,000 e-waste processing facility stage 1 has been constructed with Victorian government grant support, and further resource recovery is proposed. It provides direct employment, training and long-term career paths for people with disabilities who face barriers to employment.

At the Hearing, Outlook was represented by Mr Harrington of PLC Consulting.

Land use

Mr Harrington submitted that Outlook sought greater flexibility through the Amendment to enable its existing use to continue. He explained that the applied Commercial 1 Zone prohibits a Recycling and Resource Recovery Centre because:

- it specifies that a permit can only be considered if not for a purpose listed in the Clause 53.10 Table
- a Recycling and Resource Recovery centre is listed in the Clause 53.10 Table.

Outlook supported the applied Commercial 1 Zone but requested that UGZ4 be changed so that a resource recovery centre either does not require a permit or can be considered through a permit process.

VPA responded that the Officer PSP 2018 protects the existing use rights of current landowners, while allowing for the transition of land to the preferred planning outcomes; balancing the needs of current landowners against the long-term vision for the Officer Town Centre. The vision for the local business sub-precinct is set out in Figure 6 which provides that this area should *“encourage uses that are compatible with existing industrial uses, but provide a transition to mixed-use in the longer term”*.

VPA added that industrial uses that impact the amenity of the surrounding area are inconsistent with the vision for the Town Centre, specifically the local business sub-precinct. It did not support changing UGZ4 to enable a waste transfer station to either not require a permit or to be considered through a permit process. VPA explained that if the use is characterised as an innominate use (as it currently is), Outlook could request Council to extend the existing planning permit before it expires.

Encumbrances

Mr Harrington submitted that the encumbered space drainage reserve separates the Outlook site into two parts and reduces its capacity to be used and developed. Accordingly, Outlook requested that the reserve be removed.

VPA responded that Melbourne Water has confirmed that the reserve shown on the Outlook site may not all be required for drainage purposes because a pipe is proposed to be installed through the land instead of overland flows. It added that DELWP has confirmed, that except for the area of vegetation to be retained shown on Plan 13 of the Officer PSP 2018, the reserve is not required for biodiversity conservation.

VPA submitted that some of the encumbered land is still required for drainage and vegetation purposes, therefore it is not appropriate to remove or amend it at this stage. It added that this issue would be more appropriately considered at the planning permit stage but acknowledged that some certainty should be provided to Outlook. Accordingly, VPA proposed the following changes:

In Plan 5 (Future Urban Structure) and Plan 6 (Land Use Budget) include the notation in relation to the Outlook site:

*exact requirements to be determined by the relevant authorities and any unused portion will revert to the underlying zone.

In Plan 12:

*Stormwater quality treatment and drainage assets and waterway widths on this plan are subject to confirmation through detailed design to the satisfaction of Melbourne Water. Any unused portion will revert to the underlying zone.

In Plan 13:

*Biodiversity assets on this plan are subject to confirmation through detailed design to the satisfaction of DELWP. Any unused portion will revert to the underlying zone.

(iv) Discussion

Land use

The Panel acknowledges that deleting the existing UGZ4 land use condition requiring a permit for industry to specify a ten year expiry date on the planning permit, as proposed by the Amendment, will enable an opportunity for Outlook to request to vary its existing permit. It also understands that Outlook can continue to operate through its existing planning permit until 2024. Variables which may affect whether the permit should be amended include how the existing land use aligns with Clause 63.01, and the extent of existing or approved transformation in the relevant sub-precinct. The Panel considers that these are matters between Outlook and Council at the time of any request when further details are known. This planning permit process aligns with one of the flexible options sought by Outlook. Irrespective of the outcome of this permit process, it is important to note that the Officer PSP 2018 does not envisage industry as a land use in this location when the Town Centre is fully established. It ultimately proposes peripheral commercial and residential land uses and a potential future arterial road on the Outlook site.

The Panel considers that there is insufficient support to vary the UGZ4 land use provisions beyond what is proposed by the Amendment or to redesignate the Outlook site to another applied zone. Regarding the applied Commercial 1 Zone, the Act does not enable the Panel to recommend that the Amendment change a State planning scheme zone to enable an industry listed in the Clause 53.10 Table.

Encumbrances

The encumbered area for a drainage reserve should remain at least until the Urban Design Framework is compiled in response to the Amendment, and a more detailed consideration of the whole precinct drainage requirements is undertaken by Melbourne Water. At that stage, Melbourne Water should consider whether the overland flow path can be replaced by an underground drainage pipe.

VPA advised that DELWP (Environment) confirmed the proposed vegetation reserve at the northern boundary of the site is mostly not required for biodiversity conservation purposes. VPA added that this should be more clearly defined at the Urban Design Framework stage. The Panel supports VPA's recommended inclusion to Plan 13.

Outlook submitted that it has been aware of the proposed road flyover that would dissect the site and has been planning for any resultant impacts for some time. Outlook has been provided with reasonable notice, through the Officer PSP 2011 and 2018 and the Amendment, of the strategic intent of the road network. It is noted that further detailed design will be considered at the Urban Design Framework stage.

The Panel supports VPA's proposed notations to Plans 5, 6, and 12.

(v) Conclusions and recommendation

The Panel concludes:

- Outlook (Vic) Inc can apply to extend its existing planning permit before it expires.
- There is insufficient strategic support to vary the UGZ4 land use provisions in the proposed Local Business precinct beyond what is proposed by the Amendment.
- The Amendment appropriately responds to identified encumbrances on the Outlook site and they should not be removed or changed through the Amendment.

The Panel recommends:

Amend the Officer Precinct Structure Plan (September 2011, Amended March 2018) to:

- a) include in Plan 5 (Future Urban Structure) and Plan 6 (Land Use Budget) the following notation for the Outlook site:

**exact requirements to be determined by the relevant authorities and any unused portion will revert to the underlying zone.*

- b) include in Plan 12 (Community Facilities and Design Guidelines) the following notation:

**Stormwater quality treatment and drainage assets and waterway widths on this plan are subject to confirmation through detailed design to the satisfaction of Melbourne Water. Any unused portion will revert to the underlying zone.*

- c) include in Plan 13 (Open Space Categories) the following notation:

**Biodiversity assets on this plan are subject to confirmation through detailed design to the satisfaction of DELWP. Any unused portion will revert to the underlying zone.*

8.2 20A Tivendale Road**(i) The issues**

Croft Developments Pty Ltd, which has entered a contract to purchase 20A Tivendale Road, raised issues relating to the exhibited UGZ3, Parking Overlay and Officer PSP 2018.

(ii) Submissions

In response to the exhibited Amendment, Croft Developments Pty Ltd submitted that:

- the southeast portion of its site currently zoned UGZ4 should be rezoned to UGZ3 so that the entire site is in the same zone
- the Parking Overlay should be deleted from its site
- the Officer PSP 2018 should be revised to:
 - show its entire site as Residential Land and outside the Town Centre on all plans
 - relocate the Access Place road shown in part to run through its site to reflect what has already been constructed
- update maps in UGZ3 and UGZ to reflect the above changes.

Mr Robins, who represented Croft Developments at the Hearing, explained that on 24 July 2018, he notified Planning Panels Victoria that its client's submission had been resolved through agreement between Croft Developments, VPA and Council.

VPA's Part A Submission included its response to submissions, which proposed to:

- revise all plans in the Officer PSP 2018 to show the entire site as Residential Land and outside the Town Centre
- rezone the southeast portion of the site to UGZ3 so that the entire site is in the same zone and outside of the Town Centre
- delete the Parking Overlay from the site.

Regarding the access road, VPA responded that it would not change the Amendment documentation and that:

The VPA is satisfied and Cardinia Shire Council has confirmed that the road constructed as part of the commercial development the commercial development to the south of Lot A PS725686 is the 'Laneway – Commercial Access – Section M6a' as shown in Plan 15: Road Network (OPSP 2018 and 2011 version). The PSP will be amended to show this access road located entirely within the commercial land within UGZ4.

Mr Robins requested that the Panel include recommendations that the Amendment proceed with the agreed responses.

(iii) Discussion

The Panel acknowledges the agreement between Croft Developments, VPA and Council on issues raised in the submission. The Panel considers them to be practical changes which align with the Amendment's intent and address inadvertent anomalies.

The Panel considers rezoning part of the site so that it is in one zone to be good planning practice. The Panel supports this change primarily because it appears that this relatively small portion of the site was inadvertently included in the Town Centre and accordingly zoned UGZ4. Accordingly, the Parking Overlay seeks to identify appropriate car parking rates for the Town Centre which would not be relevant to 20A Tivendale Road which would be entirely outside the centre.

(iv) Conclusions and recommendations

The Panel concludes:

- The southeast portion of 20A Tivendale Road, currently zoned UGZ4, should be rezoned to UGZ3 so that the entire site is in the same zone.
- The Parking Overlay should be deleted from its site.
- The Officer PSP 2018 should be revised to:
 - show its entire site as Residential Land and outside the Town Centre on all plans
 - show the Access Place road running entirely through commercial land in UGZ4
- Maps in UGZ3 and UGZ should be updated to reflect the above changes.

The Panel recommends:

Rezone the portion of 20A Tivendale Road currently zoned Urban Growth Zone Schedule 4 to Urban Growth Zone Schedule 3 to address an anomaly and so that it is one zone.

Delete the Parking Overlay from 20A Tivendale Road, Officer.

Amend the Officer Precinct Structure Plan (September 2011, Amended March 2018) to:

- a) identify 20A Tivendale Road, Officer as outside the Officer Town Centre in all plans**
- b) show the Access Place road running entirely through commercial land south of 20A Tivendale Road, Officer.**

9 Form and content of the Amendment

There was ‘without prejudice’ drafting discussion at the Hearing. Some of the matters below were specifically discussed, while others were more broadly discussed but referred to more specifically in this chapter. The Panel has recommended some changes to provisions not proposed to be changed where it believes that they may affect the operation of provisions proposed to be changed through the Amendment.

The Panel referred to the following documents when considering drafting matters:

- *A Practitioner's Guide to Victorian Planning Schemes Version 1.1*, October 2018
- Planning Practice Note 10 (Writing Schedules).

9.1 Urban Growth Zone Schedules 3 and 4

The Panel considers that UGZ3 and UGZ4 should be redrafted to align with Ministerial Direction 7(5) and to address:

- navigation issues with maps and plans due to insufficient street/place names – no names in UGZ4 Plan 4
- no applied zones for the arterial road, local access streets and railway land
- inconsistent content in the UGZ4 Table of Uses table
- planning provisions which are enabled through the parent UGZ
- other formatting or drafting matters which may affect their clarity or operation.

Due the nature of what is proposed, the UGZ4 Table of Uses could be simply presented as a Use Requirements table, which is an alternative format available through Ministerial Direction 7(5), while achieving the intended outcomes. Other schedules such as Whittlesea Planning Scheme UGZ5 have this format.

(i) Conclusions

UGZ3 and UGZ4 should be redrafted to make the following changes, were relevant, so that they align with the Ministerial Direction 7(5) clarify provisions and improve their operation:

1. Add clear street names to maps and plans
2. Designate a relevant applied zone to the arterial road, local access streets and the railway land
3. Replace the non-compliant Table of uses in UGZ4 with a UGZ3 Use requirements table (see UGZ3) which achieves the intended outcomes in a simpler format.
4. Reorder the precincts in the Plan 2 legend with those in Table 1
5. Delete provisions which are already enabled through the parent UGZ provisions
6. Delete unnecessary detail, or terminology and format to align with Ministerial Direction 7(5) and plain English.

The numbers above correspond with notations in the Panel preferred provisions in Appendix B.

9.2 Officer Precinct Structure Plan 2018

(i) Background

Officer PSP 2018 states:

Any Planning and Design Guideline that:

- ‘must be met’ is a requirement that must be reflected in planning permits, where the responsible authority considers that the guideline is relevant to a proposal.
- ‘should be met’ is a preferred outcome for developments that should be reflected in planning permits. To meet the objective, an alternative may be proposed. If the responsible authority is satisfied that the alternative meets the objective, then the alternative may be considered to the satisfaction of the responsible authority.

(ii) Issues

The issues are whether it is appropriate for the Officer PSP 2018 to:

- refer to a mandatory requirement as a guideline that must be met
- specify that use and development “*must be generally in accordance with*”
- express requirements with the proposed degree of specificity.

(iii) Submissions

Development Victoria submitted that some of the drafting in the Officer PSP 2018 should be changed to clarify some of its terminology and operation.

It found the terminology “*planning and design guidelines which much be met*” confusing because it is either a guideline or a mandatory requirement. It suggested differentiating between the two because it cannot be both.

Coles Group submitted that the language used in the Officer PSP 2018 should clarify terms like ‘should’ and ‘must’ in relation to what is intended to be mandatory and what is discretionary. Coles Group proposed explanatory changes to Table 10 at Paragraph 4.1 to clarify what is intended by ‘must be met’ and ‘should be met’. The VPA agreed with the proposed changes.

Development Victoria found “*must be generally in accordance with*” contradictory because it either must be in accordance or should be generally in accordance. Development Victoria suggested applying ‘must’ instead of ‘must be generally’.

Development Victoria considered the ‘must be met’ requirements in the first column of relevant tables to be:

- too restrictive – they eliminate the ability for unique design solutions and will outdate quickly
- ambiguous – prompting different interpretations
- too specific – providing limited development solutions
- too thorough – almost every element of design and use has been covered like an ‘instruction manual’ for a town centre.

It submitted that the Officer PSP 2018 needs to clarify the direction in applying the objective and requirements.

During the ‘without prejudice’ drafting discussion, VPA did not oppose addressing drafting issues such as differentiating between requirements and guidelines. It explained that this exercise would require considerable time and resources to ensure that existing guidelines are accurately translating without any unintended consequences.

(iv) Discussion

The Panel considers that the Amendment, in line with the request from the Minister for Planning, has somewhat become more flexible to encourage future investment and visitors to the Town Centre. However, there are aspects of the Officer PSP 2018 which should be clarified to improve its operation.

Referring to mandatory requirements in the Officer PSP 2018 as ‘Planning and design guidelines that must be met’ is confusing. This is evident in the first part of the definition:

Any Planning and Design Guideline that ‘must be met’ is a requirement...⁸

The Panel considers that a mandatory requirement differs from a guideline which expresses a preferred outcome that can be altered to the satisfaction of the responsible authority. The Officer PSP 2018 would benefit from clearly differentiating between a requirement and a guideline. The Panel agrees with VPA that, based on the scale of the Officer PSP 2018 and the need to translate existing ‘guidelines’ to achieve intended outcomes, this exercise should occur as part of the next PSP review process. This will enable the Amendment to progress without delay.

Applying ‘must be generally in accordance with’ clearly articulates that a proposal needs to be broadly in line with the sought objectives. The Panel notes that this terminology is consistent with Part B of the Urban Growth Zone, specifically:

A permit granted must be generally in accordance with the precinct structure plan applying to the land.

Applying ‘should’ may result in proposals which are not generally in accordance with what is sought through the Officer PSP 2018, which may adversely impact the Town Centre’s evolution.

After the Amendment is implemented, the Officer PSP 2018 should be monitored until its next review process to overview its more flexible content and to see whether it requires further refinement.

(v) Conclusion

VPA, with Council, when next reviewing the Officer PSP 2018, should:

- differentiate between requirements and guidelines in the Officer PSP 2018 when next reviewing the document
- consider whether further flexibility can be enabled while achieving the intended aspirations and objectives for the Officer Precinct, including the Town Centre.

⁸ Emphasis added by the Panel

9.3 Recommendations

The Panel recommends:

Amend Urban Growth Zone Schedule 3, as shown in Appendix B1, to:

- a) make drafting changes which align with the *Ministerial Direction on the form and content of planning schemes*, clarify provisions and improve its operation.

Amend Urban Growth Zone Schedule 4, as shown in Appendix B2, to:

- a) make drafting changes which align with the *Ministerial Direction on the form and content of planning schemes*, clarify provisions and improve its operation.

Amend the Officer Precinct Structure Plan (September 2011, Amended March 2018) to:

- a) add in 04 (Elements) before 4.1 (Image and character):

Any Planning and Design Guideline that:

- *'must be met' is a requirement that must be adhered to in developing the land. Where they are not demonstrated on the planning application, these requirements will usually be included as a condition of the planning permit whether or not they take the same wording as in this structure plan. A 'must be met' requirement may reference a plan, table, or figure in the PSP.*
- *'should be met' is a guideline expressing how discretion will be exercised by the responsible authority in certain matters that require a planning permit. If the responsible authority is satisfied that an application for an alternative to a guideline implements the outcomes the responsible authority may consider the alternative. A 'should be met' requirement may reference a plan, table, or figure in the PSP.*

Appendix A Document list

No	Description	Provided by
29 June 2018		
1	Letter – HWL Ebsworth Lawyers to the Panel	Eleni Carol of HWL Ebsworth Lawyers
19 July 2018		
2	Letter – Ms Ringersma to Ms Lofting dated 18 July 2018	Ms Carol
3	Letter – HWL Ebsworth Lawyers to Ms Ringersma	Ms Ringersma
20 July 2018		
4	email – Ms Carol to Ms Ringersma	Ms Carol
5	email – Ms Ringersma to Ms Carol	Ms Ringersma
23 July 2018		
6	Letter – Mr Bartley and Ms Markis of HWL Ebsworth Lawyers to the Panel	Teagan Hughes of HWL Ebsworth Lawyers
1 August 2018		
7	Letter – Harwood Andrews to Planning Panels Victoria requesting an adjournment	Thomas Patereskos
8	Letter – to parties regarding Directions Hearing on 13 August and expert witness statements circulation	Panel
6 August 2018		
9	email – Ms Markis to Panel and parties requesting GHD report	Ms Markis
7 August 2018		
10	email – Steve Barclay of Victorian Planning Authority to Planning Panels Victoria	Mr Barclay
10 August 2018		
11a	Letter – Harwood Andrews to Planning Panels Victoria and parties	Ms McKenna of Harwood Andrews
11b	Officer PSP Buffer Assessment Review, GHD, July 2018	Ms McKenna
11c	Review (draft) of GHD report of July 2018	Ms McKenna
11d	Victorian Planning Authority requested directions	Ms McKenna
31 August 2018		
12	Letter – Harwood Andrews to Planning Panels Victoria and parties	Mr Patereskos

No	Description	Provided by
5 October 2018		
13a	Letter – Harwood Andrews to Planning Panels Victoria and parties	Mr Patereskos
13b	Letter – Ruth Davies, Environment Protection Authority to Victorian Planning Authority dated 4 October 2018	Mr Patereskos
13c	Hy Gain Feeds Pty Ltd Odour Audit, Environment Protection Authority, October 2018	Mr Patereskos
13d	Victorian Planning Authority requested directions	Mr Patereskos
14	Letter – Elain Jusic of AV Jennings to Victorian Planning Authority	Ms Jusic
16 October 2018		
15	Letter – Harwood Andrews to Planning Panels Victoria and parties confirming further notice to affected property owners	Mr Patereskos
19 October 2018		
16	Office Precinct Structure Plan Land Use Budget	Ms Marshall
14 November 2018		
17	Letter – Jessica Kaczmarek to the Panel Chair on procedural matters	Ms Kaczmarek
	Further submissions from:	Mr Patereskos
18a	- Cardinia Shire Council	
18b	- Development Victoria	
18c	- Environment Protection Authority (Victoria)	
18d	- Hy Gain Feeds Pty Ltd	
20 November 2018		
19	Victorian Planning Authority Part A Submission including:	Mr Patereskos
19a	- Appendix 1: Minister for Planning direction to undertake review	
19b	- Appendix 2: Summary of submissions and responses	
19c	- Appendix 3: Key post-exhibition changes table	
19d	- Appendix 4a: Urban Growth Zone Schedule 4	
19e	- Appendix 4b: Clause 66.04 Schedule	
19f	- Appendix 5: Table 10 and Table 10a changes	
19g	- Appendix 6: Key pre-exhibition changes table	
19h	- Appendix 7: Development Victoria - Leber Reserve Draft Wording	
19i	- Appendix 8: PEC Review of GHD FINAL Buffer Assessment 31 July 2018	
19j	- Appendix 9: Bushfire Development Assessment	
27 November 2018		
20	Expert witness statement – Tim Pollock	Mr Patereskos
21	Expert witness statement – Dr Iain Cowan	Mr Bartley
22	Expert witness statement – Nicholas Peters	Mr Bartley
23	Expert witness statement – Jason Walsh	Mr Bryce

No	Description	Provided by
24	Expert witness statement – Mark Sheppard	Mr Bryce
28 November 2018		
25	Expert witness statement – Aaron Organ	Ms Kaczmarek
26	Expert witness statement – Hamish Allan	Ms Kaczmarek
4 December 2018		
27	Victorian Planning Authority Maps & Plans for Panel	Mr Hannagan
28	Victorian Planning Authority Hearing Folder	Mr Hannagan
29	Victorian Planning Authority Part B Submission including: - Tab 1: Aerial photo of Officer Town Centre and surrounds - Tab 2: Melway map of Officer PSP - Tab 3: Existing zone and overlay maps - Tab 4: Planning property report for 19 Hickson Road, Officer - Tab 5: Expert witness conference statement, 30 November 2018 - Tab 6: Urban Growth Zone - Tab 7: Existing UGZ3 - Tab 8: Existing UGZ4 - Tab 9: Victorian Planning Authority preferred UGZ4 (tracked changes) - Tab 10: Victorian Planning Authority preferred UGZ4 (clean version) - Tab 11: Victorian Planning Authority response to Coles Group's requested changes to Tables 10 and 10a - Tab 12: <i>EPA Publication 1518: Recommended separation distances for industrial residential air emissions</i>, March 2013 - Tab 13: State Environment Protection Policy (Air quality Management) - Tab 14: Clause 53.10 (Uses with adverse amenity impact) - Tab 15: Ministerial Directions 7(5) and 19 - Tab 16: <i>PSP Guidelines Part 1: Overview of Planning New Communities</i>, 2009, revised 2013 - Tab 17: Planning Practice Note 47 (Urban Growth Zone), June 2015 - Tab 18: VCAT decisions: <i>Knol v EPA & Greater Geelong CC [2018] VCAT 33</i> <i>Villawood Properties Pty Ltd v Casey CC [2014] VCAT 1522</i> - Tab 19: Panel report: <i>Melbourne PSA C221 [2017] PPV</i>, pp38-49 - Tab 20: Major Hazards Facilities Advisory Committee Final Report, 19 July 2016, p1-5 and p34-35	Mr Hannagan
30	Email – from Mr Pollock (PEC) regarding expert witness conference	Mr Hannagan
31	Letter – Echelon Planning to Cardinia Council, 30 September 2018	Mr Hannagan
5 December 2018		
32	Submission – Cardinia Shire Council	Ms Marshall
33	Presentation – Cardinia Shire Council	Ms Marshall

6 December 2018

34	Aerial photo – Hy Gain Feeds site with annotations	Mr Carney of Hy Gain Feeds
35	Environment Protection Act Licence No 114043 – Unigrain Pty Ltd	Mr Hannagan
36	Submission – Hy Gain Feeds Pty Ltd	Mr Bartley
37	Submission attachments – Hy Gain Feeds Pty Ltd	Mr Bartley
38	Folder – Planning permits for Hy Gain Feeds site	Mr Bartley

7 December 2018

39	Submission – Coles Group	Ms Foley
40	Presentation – Mr Sheppard's supplementary evidence	Ms Foley

10 December 2018

41	Submission – Development Victoria	Mr O'Farrell
42	Submission attachments – Development Victoria	Mr O'Farrell
43	Victoria Planning Provisions Clause 13.02 (Bushfire planning)	Mr O'Farrell
44	Urban Growth Zone Schedule 4 – Development Victoria preferred version with tracked changes	Mr O'Farrell
45	Summarised details – planning permits issued for the Hy Gain Feeds site	Mr O'Farrell
46	Urban Growth Zone	Mr O'Farrell

12 December 2018

47	Further submission – Hy Gain Feeds regarding possible requirement for further notice, Mr Bartley	Ms Chi
48	Submission – Environment Protection Authority	Ms Brice
49	Submission attachments – Environment Protection Authority	Ms Brice
50	Submission – Croft Developments	Mr Robins
51	Submission attachments – Croft Developments	Mr Robins
52	Submission – Outlook Vic Inc	Mr Harrington
53	Closing submission – Victorian Planning Authority	Mr Hannagan
54	Closing submission attachments – Victorian Planning Authority	Mr Hannagan
55	Coles Group preferred drafting changes – Officer PSP 2018	Ms Foley
56	Drafting instructions – Officer PSP 2018	Ms Marshall
57	Victorian Planning Authority preferred drafting changes – Urban Growth Zone Schedule 4	Mr Hannagan
58	Development Victoria preferred drafting changes – Urban Growth Zone Schedule 4	Mr O'Farrell

21 December 2018

59a	Victorian Planning Authority response to Coles Group's requested changes to Officer PSP 2018 (Tables 10 and 10a) – Post hearing	Ms Ringersma
59b	Victorian Planning Authority response to Council's preferred Officer PSP 2018 Town Concept Plan (Figure 6a) – Post hearing	Ms Ringersma
59c	Urban Growth Zone Schedule 4 – Post hearing version	Ms Ringersma
59d	Officer PSP 2018: Table of changes – Post hearing	Ms Ringersma
59e	Officer PSP 2018: Agreed changes to tables, maps, figures, pre and post-exhibition – Post hearing	Ms Ringersma

Appendix B Panel preferred provisions

Panel Version of Documents

Tracked Added

~~Tracked Deleted~~

The numbered notations in UGZ3 and UGZ4 align with the drafting numbers in Chapter 9.1 of this report.

Appendix B1

SCHEDULE 3 TO THE URBAN GROWTH ZONE

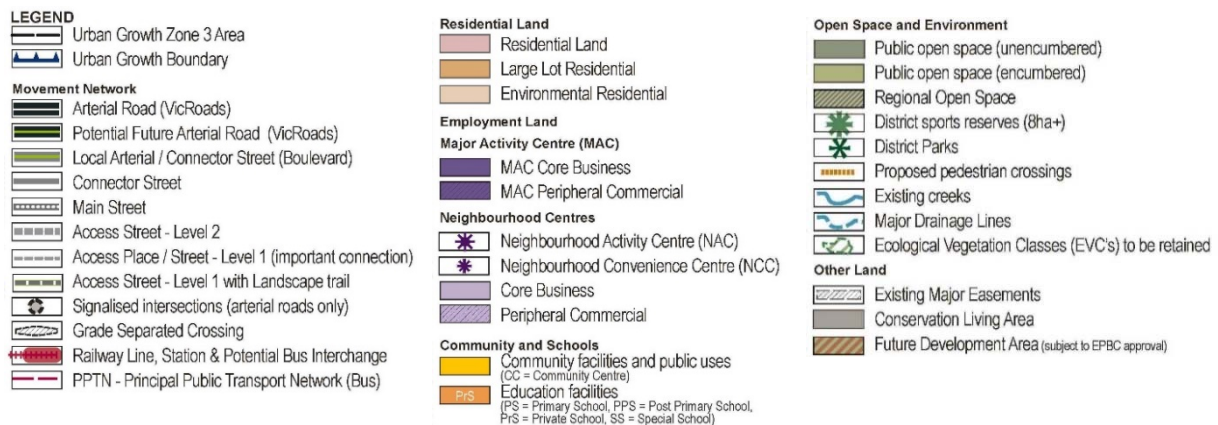
Shown on the planning scheme map as **UGZ3**.

OFFICER PRECINCT STRUCTURE PLAN (SEPTEMBER 2011, [Amended March 2018](#)) – RESIDENTIAL AREA

1.0 The Plan

Map 1 shows the future urban structure proposed in the Officer Precinct Structure Plan (September 2011, [Amended March 2018](#)).

Map 1 to Schedule 3 to Clause 37.07

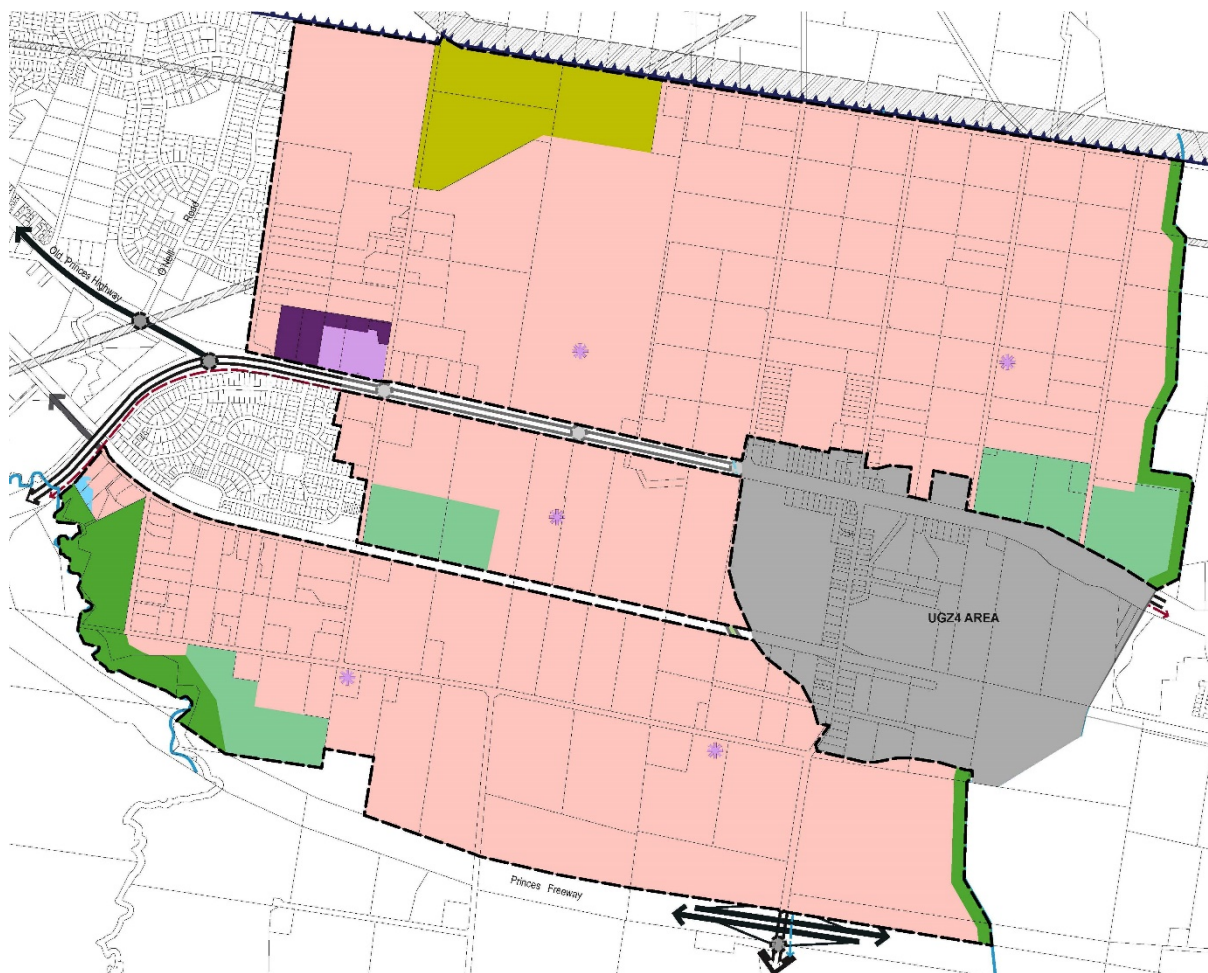


2.0 Use and development

2.1 The Land

The use and development provisions specified in this schedule apply to the land shown in Map 2.

Map 2 to Schedule 3 to Clause 37.07



APPLIED ZONES LEGEND

- UGZ3 Boundary
- Residential
- Core Business
- Peripheral Commercial
- Convenience Centre
- Conservation Living Area
- District Park
- Conservation Area
- Floodway

2.2 Applied zone provisions

The applied zones set out in Table 1 apply to the land shown on Map 2.

Table 1: Applied zone provisions

Land shown on Map 2 of this Schedule	Applied Zone Provisions
Core Business / Convenience Centre / Peripheral Commercial	Clause 34.01 – Commercial 1 Zone
Conservation Living Area	Clause 35.06 – Rural Conservation Zone
District park	Clause 36.02 – Public Park and Recreation Zone
Conservation area	Clause 36.03 – Public Conservation and Resource Zone
Floodway	Clause 37.03 – Urban Floodway Zone
All other land	Clause 32.08 – General Residential Zone

The precise boundary of the zone is to be determined by the designation of land in a relevant plan of subdivision to the satisfaction of the responsible authority.

Where a public land zone is applied in Table 1 and the land is in private ownership the bodies specified below are the public land manager for the purposes of the applied zone.

Applied Zone	Public Land Manager
Public Park and Recreation Zone	Cardinia Shire Council
Public Conservation and Resource Zone (adjacent to Cardinia Creek)	Parks Victoria
Public Conservation and Resource Zone (adjacent to Gum Scrub Creek)	Melbourne Water or Cardinia Shire Council as appropriate

2.3 Specific provisions - Use of land for a dwelling

Prior to the use of any dwelling:

- the dwelling must be connected to a reticulated recycled water supply system for toilet flushing and garden watering where available to the lot; or
- where a reticulated recycled water supply system is not available to the lot, the dwelling must be connected to a rainwater tank with a minimum capacity of 2,500 litres for toilet flushing and garden watering or an alternative grey water recycling system to the satisfaction of the responsible authority; and
- the dwelling must be connected to a reticulated sewerage system.

2.4 Specific provisions - Use of land

The following provisions apply to the use of land.

Table 2: Use

Use	Requirement
<u>Bed and breakfast, Dwelling, Community care accommodation, Dependant person's unit, Dwelling, Informal outdoor recreation and Rooming house where the applied zone is General Residential Zone and in the 'separation distance' area shown on Plan 2.</u>	<u>A permit is required to use land.</u>
Where the applied zone is General Residential Zone: Car wash, Food and drink premises (other than Restaurant) <u>and</u> Service station <u>where the applied zone is General Residential Zone</u>	The use is a Section 3 Use <u>Prohibited.</u>
Residential Aged Care Facility where the applied zone is General Residential Zone	The use is a Section 2 Use. <u>A permit is required to use land.</u>
On land marked as peripheral commercial on Map 1: Beauty salon <u>and</u> Hairdresser <u>on land marked as peripheral commercial on Map 1</u>	The use is a Section 2 Use. <u>A permit is required to use land.</u>
On land marked as peripheral commercial on Map 1: Retail Premises (other than beauty salon and hairdresser) <u>and</u> Industry <u>on land marked as peripheral commercial on Map 1</u>	The use is a Section 3 Use <u>Prohibited.</u>
Shop where the applied zone is Commercial 1 Zone (except where shown as peripheral commercial on Map 1 to this schedule)	A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds the following areas (square metres) for the relevant centre as described in the Officer Precinct Structure Plan: 8000 – Neighbourhood Activity Centre – Princes Highway and Whiteside Road 2000 – Neighbourhood Convenience Centre – Timbertop Boulevard North 500 – any other neighbourhood convenience centre

2.5 Specific provisions - Berwick Pottery Site

A permit may be granted for the following uses on properties numbered 185 & 186 in the Officer Precinct Structure Plan (Lot 1 on TP20791 and Lot 1 on TP20642), also known as the Berwick Pottery:

Use	Condition
Retail premises (other than Food and drink premises, Community market, Convenience shop, Plant nursery, Tavern, Betting agency, Gambling premises, Gaming premises, Motor vehicle, boat, or caravan sales and Shop)	

Use	Condition
Restricted retail premises	Must be in one occupation with a leasable floor area of at least 1000 square metres.

2.6 **Specific provisions - Subdivision of area shown as Environmental Residential (north of Princes Highway)**

An application to subdivide land in the area shown as Environmental Residential B in Plan 8 of the Officer Precinct Structure Plan (September 2011, [Amended March 2018](#)) and Lot 2 PS312844 must provide lots that are a minimum of 4000 square metres where any proposed lot contains native vegetation to be retained in the Officer Native Vegetation Precinct Plan (September 2011, [Amended March 2018](#)) unless a planning permit has been granted for the removal of native vegetation within the proposed lot.

2.7 **Specific provisions - Subdivision of Whiteside Road Neighbourhood Activity Centre**

An application to subdivide land in the Whiteside Road Neighbourhood Activity Centre including all land south of the Boulevard Connector between May and Whiteside Roads in Map 1 must be consistent with an urban design framework approved under this schedule.

2.8 **Specific provisions - Construction of one dwelling on a lot**

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where an approved building envelope as defined in Part 4 of the Building Regulations 2006 applies to the lot.

2.9 **Specific provisions - Construction and extension of one dwelling on a lot of 1000 square metres or more**

A permit is required to construct or extend one dwelling on a lot of 1000 square metres or more where the applied zone is General Residential Zone, except where buildings and works are generally in accordance with an approved building envelope (as defined in Part 4 of the Building Regulations 2006).

2.10 **Specific provisions – Buildings and works on Encumbered Open Space**

A permit is required for buildings and works on land shown as Encumbered Open Space in Map 1 except works carried out by or on behalf of the public land manager.

2.11 **Public transport referral requirements**

For the purpose of Clause ~~52.36-1~~[66.02-11](#) of the scheme a development is generally in accordance with the Officer Precinct Structure Plan (September 2011, [Amended March 2018](#)) where the following requirements are met:

- A road nominated on *Plan 17 – Public Transport* in the *Officer Precinct Structure Plan* as a potential bus route is constructed in accordance with its corresponding cross section in the *Officer Precinct Structure Plan*; and
- Signalised intersections that contain a proposed Principal Public Transport Network (PPTN) route in the *Officer Precinct Structure Plan* include bus priority measures to mitigate delays to bus travel times, to the satisfaction of the Director of Public Transport; and
- Any roundabouts or other road management devices on potential bus routes are constructed to accommodate ultra low floor buses in accordance with the Public Transport Guidelines for Land Use and Development; and

- The proposal includes the construction of the bus stops shown on *Plan 16 – Public Transport* in the *Officer Precinct Structure Plan* (September 2011, [Amended March 2018](#)), including bus stop hard stands with direct and safe pedestrian access to a pedestrian path (all 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) at no cost to the Director of Public Transport all to the satisfaction of the Director of Public Transport.

A responsible authority may address any of the above matters through planning permit conditions.

3.0 Application requirements

If the responsible authority is satisfied that a requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement unless otherwise indicated below.

3.1 General subdivision

All applications for subdivision must be accompanied by the following information to the satisfaction of the responsible authority.

- Details of the proposed use and development of each part of the land.
- A table setting out:
 - the amount of land allocated for the proposed uses; and
 - the mix of lot sizes.
- An indication of staging of subdivision and timing.
- Details of how the road connections, open space, pedestrian and bicycle linkages and drainage networks of the proposed development integrates with and responds to existing and planned developments on adjacent sites.
- Include a Transport Impact Assessment Report to the satisfaction of the relevant roads authority (be it VicRoads or Council).
- A plan showing access arrangements for properties adjacent to all existing and future arterial roads.
- A Public Infrastructure Plan which addresses:
 - The extent of any stormwater drainage works and road works proposed or required under this permit.
 - The land which is required to be set aside for infrastructure identified in the Officer Development Contributions Plan (September 2011, [Amended March 2018](#)) or the Officer Precinct Structure Plan (September 2011, [Amended March 2018](#)) including land required for public open space and community facilities and any proposed reconciliation payment in respect of the land having regard to its value set out in the Officer Development Contributions Plan (September 2011, [Amended March 2018](#)).
 - An estimate of the extent of equalization which is required in respect of public open space to be provided having regard to the Officer Precinct Structure Plan (September 2011) and the Officer Development Contributions Plan (September 2011, [Amended March 2018](#)).
 - Subject to the consent of the Collecting Agency, any infrastructure works set out in the Officer Development Contributions Plan (September 2011, [Amended March 2018](#)) which can be provided “in lieu” of development contributions in accordance with the Officer Development Contributions Plan (September 2011, [Amended March 2018](#)).
 - The effects of the provision of infrastructure on the land or any other land.
 - Any other relevant matter related to the provision of infrastructure reasonably required by the responsible authority.

- A hydrogeological assessment of groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions on the development.
- An approved Cultural Heritage Management Plan that is endorsed by the future public land manager/s of any reserve to be created as part of the development or advice from a suitably qualified cultural heritage professional that confirms that a Cultural Heritage Management Plan is not required. This requirement may not be waived.
- A Conservation Management Plan for land within the Heritage Overlay, prepared in accordance with Conservation Management Plans: Managing Heritage Places – A Guide (Heritage Council of Victoria 2010).
- A Safety Management Study for any land adjacent to or including a gas pipeline easement to the satisfaction of Energy Safe Victoria.
- A site assessment of the land by a suitably qualified environmental professional including:
 - detail of the nature of the previous and existing land use/activities on the land;
 - an assessment of the potential level and nature of contamination on the land.
 - advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE, as amended from time to time.

3.2 Residential subdivision

In addition to the general subdivision requirements, an application that includes subdivision of land shown as residential on Map 1 must be accompanied by the following information to the satisfaction of the responsible authority:

- An overall masterplan for all land in contiguous ownership of the landowner demonstrating the lot yield, diversity and distribution across the subject area, consistent with the principles outlined in the *Officer Precinct Structure Plan (September 2011, [Amended March 2018](#))*.
- Subdivision and Housing Design Guidelines prepared to the satisfaction of the responsible authority in accordance with the *Officer Precinct Structure Plan (September 2011, [Amended March 2018](#))*.
- A building envelope plan that addresses the planning and design guidelines set out in the *Officer Precinct Structure Plan (September 2011, [Amended March 2018](#))* for land:
 - shown as Environmental Residential (north of the Princes Highway) in Map 1;
 - included in Character Area 1c (CA1c) shown in Plan 7 of the Officer Precinct Structure Plan (September 2011).

The building envelope must provide for:

- All outbuildings and water tanks to conform with the building envelope on the relevant lot;
- A setback of at least 30 metres from any native vegetation in the relevant lot, which is identified to be protected and retained under the *Officer Native Vegetation Precinct Plan (September 2011)*, unless a planning permit is approved for the removal of that vegetation.

This requirement may not be waived or reduced.

- A Fire Risk Assessment prepared by a suitably qualified bushfire risk management professional for all land in contiguous ownership that is located within the area shown as Environmental Residential (north of the Princes Highway) in Map 1, including:
 - identification of the Bushfire Attack Level (BAL) curves generated by the fire threat/s;
 - an assessment of the BAL standards applicable to each individual building envelope;
 - advice about the impact of dwellings in closer proximity to the identified fire threat/s on the requirements for lots within than 100 metres of the fire threat/s, including requirements for defensible space and applicable BAL standards for dwellings.

This requirement may not be waived or reduced.

3.3 Neighbourhood Convenience Centres

Applications for buildings and works must be accompanied by a Site Context Report to the satisfaction of the responsible authority for Neighbourhood Convenience Centres.

The site context report must address the requirements set out in the *Officer Precinct Structure Plan* (September 2011, [Amended March 2018](#)) (specified in section 4.3.3b).

An application to use land for a shop in a Neighbourhood Convenience Centre must be accompanied by a retail demand assessment to the satisfaction of the responsible authority.

3.4 Whiteside Road Neighbourhood Activity Centre

An application to use or subdivide land, or to construct a building or construct and carry out works within the Whiteside Road Neighbourhood Activity Centre must be accompanied by an urban design framework which is to the satisfaction of the responsible authority.

The urban design framework must be generally in accordance with the Officer Precinct Structure Plan (September 2011, [Amended March 2018](#)). The urban design framework may be amended to the satisfaction of the responsible authority.

3.5 Sustainability statement requirements

An application for subdivision of 60 or more lots, or to construct a building in the areas shown as Peripheral Commercial or Core Business must be accompanied by a Sustainability Statement as set out in the Officer Precinct Structure Plan (September 2011, [Amended March 2018](#)).

3.6 HyGain separation distance area

An application to use land within the 'separation distance' area to the existing HyGain site at 10 Hickson Rd, Officer for Accommodation, Childcare centre, Education centre, or Informal outdoor recreation must be accompanied by an Amenity Impact Plan which includes, as appropriate:

- A site plan identifying the proposal site in relation to the existing HyGain Feed site
- An assessment of the amenity impact of the existing use at HyGain Feeds upon the proposed use
- Measures to mitigate potential amenity impacts from the existing use.

Buildings and Works associated with the HyGain Feeds facility

An application for buildings and works associated with the existing HyGain Feeds facility at 10 Hickson Road, Officer must be accompanied by a report which must identify all potential adverse amenity impacts to nearby uses and consider, as appropriate:

- Whether the proposed buildings and works are likely to increase the potential for adverse amenity impacts to existing nearby land uses, in particular the impact of:
 - Odour
 - Dust.
- Whether the proposed buildings and works are likely to cause adverse amenity impacts to future land uses in accordance with the Officer Town Centre Precinct Structure Plan, in particular by the impact of:
 - Odour
 - Dust.

What ameliorative or remedial measures can and will be taken to ensure that Hygain does not cause off-site amenity impacts.

4.0 Conditions and requirements for permits - general

Urban Design Framework

A permit within an area of an approved urban design framework must be generally in accordance with the approved urban design framework.

A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the grant of the permit is consistent with the requirements for the Urban Design Framework as set out in the *Officer Precinct Structure Plan (September 2011)*.

4.1 Native Vegetation Precinct Plan Implementation

Any:

- Works carried out in respect of any subdivision;
- Construction of buildings and associated works; and
- Removal, lopping or destruction of native vegetation on the land as authorised by the Native Vegetation Precinct Plan (NVPP) applying to the land -

must be carried out in accordance with all of the requirements set out in the incorporated NVPP applying to the land to the satisfaction of the responsible authority.

Only the native vegetation which is identified for removal in the incorporated NVPP applying to the land may be removed, lopped or destroyed without a permit.

Before the removal, destruction or lopping of any native vegetation within any property (identified by the PSP Property Number in Map 1 of the Officer NVPP) the owner of the land from which the native vegetation is being removed must provide offsets consistent with the incorporated NVPP by either:

- providing an allocated credit extract issued by the Department of Sustainability and Environment; or
- preparing and submitting an Offset Plan to the satisfaction of the Department of Sustainability and Environment and have the Offset Plan approved by responsible authority.

Where an Offset Plan is approved:

- before the removal, destruction or lopping of any native vegetation, the owner of the land from which the native vegetation is being removed must provide on-title security for the Offset Site to the satisfaction of Department of Sustainability and Environment that provides for the implementation of the Offset Plan and pay the reasonable costs of the preparation, execution and registration of any on-title agreement; ~~and~~
- offsets must be initiated within 12 months of approval of the Offset Plan or before the removal of Very High Conservation Significance vegetation, whichever is earlier, and be implemented according to the schedule of works in the Offset Plan to the satisfaction of the responsible authority.

4.2 Environmental Assessment of Potentially Contaminated Land

Before the development associated with the subdivision starts, (this requirement does not apply to bore holes and excavation associated with an environmental site assessment), an environmental site assessment of the land by a suitably qualified environmental professional must be undertaken which provides information including:

- The nature of the previous and existing land use/activities on the land.
- An assessment of the potential level and nature of contamination on the land.
- Advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all or part of the land is recommended having regard to the

Potentially Contaminated Land General Practice Note June 2005, DSE, as amended from time to time.

If an environmental site assessment recommends an environmental audit of all or part of the land, then:

- prior to the commencement of any use for a sensitive purpose; or
- prior to any buildings or works; or
- prior to the certification of a plan of subdivision

whichever is the earlier of or in respect of all or that part of the land as the case may, the following must be provided to the responsible authority, either [of the following](#):

- A certificate of environmental audit issued for the relevant land in accordance with Part 1XD of the Environmental Protection Act 1970; ~~or~~
- A statement by an environmental auditor appointed under the Environment Protection Act 1970, in accordance with Part 1XD of that Act that the environmental conditions of the relevant land are suitable for a sensitive use (with or without conditions on the use of the site). ~~;~~

If a Statement of Environmental Audit is provided rather than a Certificate of Environmental Audit and the Statement of Environmental Audit indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 before the issue of a Statement of Compliance or before the construction of any building on the relevant land, whichever is the earlier;

- implementation of and on-going compliance with all conditions in the Statement of Environmental Audit; and
- the responsible authority's reasonable legal costs and expenses of drafting/reviewing and registering the agreement to be borne by the owner of the relevant land.

4.3 Construction Environmental Management Plan

Prior to the commencement of any buildings or works a Construction Environmental Management Plan (CEMP) is to be prepared, where appropriate.

The CEMP must specifically address significant flora and fauna where the buildings or works are within:

- 50 metres of any native vegetation to be retained in the *Officer Precinct Native Vegetation Precinct Plan (September 2011)*; ~~and/or~~
- 100 metres of any waterbody (including creeks, drains, dams and wetlands) under the provisions of the *Officer Precinct Structure Plan Conservation Management Plan (excluding Cardinia Creek) (15 September 2011)*; ~~and/or~~
- the area shown as Environmental Residential (south of the railway line) in Map 2.

The CEMP must address all requirements specified in the *Officer Native Vegetation Precinct Plan (September 2011)* and the relevant Conservation Management Plan and be to the satisfaction of the responsible authority.

4.4 Conservation Management Plan

Where the *Officer Precinct Structure Plan Conservation Management Plan (excluding Cardinia Creek) (Ecology Partners, 15 September 2011)* or the *Officer Precinct Structure Plan Cardinia Creek Conservation Management Plan (Ecology Australia, 8 September 2011)* has been approved by the Secretary to the Department of Sustainability and Environment and it applies to the land (refer Plan 13 of the *Officer Precinct Structure Plan (September 2011, Amended March 2018)*), any permit granted for subdivision or the construction of a building or the carrying out of works must include the following conditions:

- The actions which identify the responsible agent as the “landowner” or “developer” in the Conservation Management Plan (CMP) must be implemented to the satisfaction of the Department of Sustainability and Environment.

and the following conditions, where appropriate:

- Prior to any works commencing within 100 metres of the edge of any waterbody which is to be retained, a highly visible fence is to be installed 20 metres from the edge of the water body.
- No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.
- Pollution or litter traps must be provided on the land at appropriate points along the drainage system or drainage lines.
- A salvage and translocation plan must be prepared and implemented to the satisfaction of the Department of Sustainability and Environment and the approval of the responsible authority.

Where the land is identified to have suitable habitat approved to be removed in Appendix 8 of the *Officer Precinct Structure Plan: Cardinia Creek Conservation Management Plan (8 September 2011)*, any permit granted for subdivision or development must contain the following condition:

- Prior to the issue of a Statement of Compliance under the Subdivision Act, the landowner must enter into a legally binding agreement (or an alternative agreement approved by DSE) for the payment to implement the *Officer Precinct Structure Plan: Cardinia Creek Conservation Management Plan (8 September 2011)* in accordance with Section 2.3.1 Management Responsibilities and Funding and Appendix 8 to the satisfaction of the Department of Sustainability and Environment. The landowner must pay the reasonable costs of the preparation, execution, and registration of the agreement.

4.5 Subdivision permits

Any permit for subdivision must contain the following conditions [and requirements](#) as appropriate:

- The setback from the rail reserve and interface between the rail line and the proposed subdivision is to be to the satisfaction of the Department of Transport and the approval of the responsible authority.
- If any part of the land is shown in the incorporated *Officer Precinct Structure Plan (September 2011, Amended March 2018)* as unencumbered passive public open space that land must be transferred to Council subject to equalisation in accordance with the equalisation provisions in the incorporated *Officer Precinct Structure Plan (September 2011, Amended March 2018)*. This requirement does not apply if the responsible authority advises the owner that it does not require the land.
- Land required for road widening must be transferred to or vested in the relevant roads authority at no cost to the relevant road authority unless the land is funded by the *Officer Development Contributions Plan (September 2011, Amended March 2018)*.

4.6 Small lot housing code

Any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:

- The Small Lot Housing Code forming part of the *Officer Precinct Structure Plan (September 2011, Amended March 2018)* applies to the subdivision of the land under this permit and the application of the Small Lot Housing Code must be shown on any endorsed plans which are part of this planning permit.
- Before a plan is certified for a subdivision (or the relevant stage of a subdivision) where a building envelope is proposed, the plans endorsed under this planning permit must show a building envelope for each lot with an area less than 300 square metres that is in accordance with the Small Lot Housing Code forming part of the *Officer Precinct Structure Plan (September 2011, Amended March 2018)* to the satisfaction of the Responsible Authority.

4.7 Use of a building envelope plan

Where a building envelope plan is proposed and/or required, any permit for subdivision must contain the following conditions:

- The building envelopes must be applied as a restriction on the plan of subdivision or through an agreement under section 173 of the Act that is registered on the title to the land. The restriction or the agreement must provide for:
 - the building envelope plan to apply to each relevant lot;
 - all buildings being constructed in accordance with the building envelope on the relevant lot;
 - the construction of a building outside the building envelope only with the written consent of the Responsible Authority; ~~and~~
 - a building envelope to cease to apply to any building on a lot less than 300 square metres that is affected by the envelope after the issue of a Certificate of Occupancy for the whole of a dwelling and any garage or carport on the land.

5.0 Advertising signs

Advertising sign requirements are set out in the relevant applied zones shown in Table 1.

Despite the provisions of Clause 32.08, a permit may be granted to display an advertising sign that promotes the sale of land or dwellings. The permit must specify an expiry date of 5 years from the date the permit is issued.

5.1 Land and home sales signs

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

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

Appendix B2

SCHEDULE 4 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ4**.

OFFICER PRECINCT STRUCTURE PLAN (SEPTEMBER 2011, Amended March 2018) – OFFICER TOWN CENTRE

1.0 The Plan

Plan 1 shows the future urban structure proposed in the *Officer Precinct Structure Plan (September 2011, Amended March 2018)*.

Plan 1 of Schedule 4 to Clause 37.07



LEGEND

- Urban Growth Zone 3 Area
- Urban Growth Boundary

Movement Network

- Arterial Road (VicRoads)
- Potential Future Arterial Road (VicRoads)
- Local Arterial / Connector Street (Boulevard)
- Connector Street
- Main Street
- Access Street - Level 2
- Access Place / Street - Level 1 (important connection)
- Access Street - Level 1 with Landscape trail
- Signalised intersections (arterial roads only)
- Grade Separated Crossing
- Railway Line, Station & Potential Bus Interchange
- PPTN - Principal Public Transport Network (Bus)

Residential Land

- Residential Land
- Large Lot Residential
- Environmental Residential

Employment Land

- Major Activity Centre (MAC)
- MAC Core Business
- MAC Peripheral Commercial

Neighbourhood Centres

- Neighbourhood Activity Centre (NAC)
- Neighbourhood Convenience Centre (NCC)
- Core Business
- Peripheral Commercial

Community and Schools

- Community facilities and public uses (CC = Community Centre)
- Education facilities (PS = Primary School, PPS = Post Primary School, PrS = Private School, SS = Special School)

Open Space and Environment

- Public open space (unencumbered)
- Public open space (encumbered)
- Regional Open Space
- District sports reserves (8ha+)
- District Parks
- Proposed pedestrian crossings
- Existing creeks
- Major Drainage Lines
- Ecological Vegetation Classes (EVC's) to be retained

Other Land

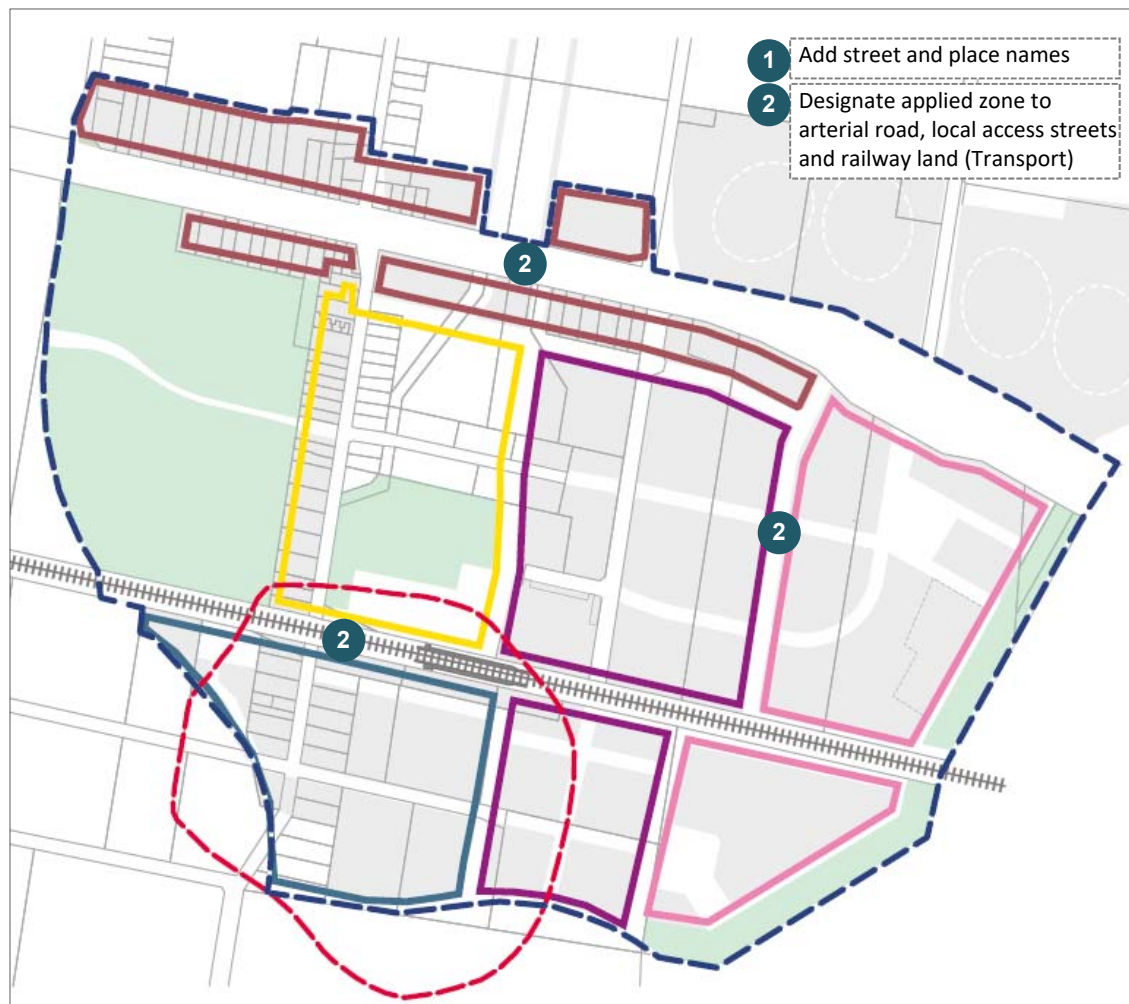
- Existing Major Easements
- Conservation Living Area
- Future Development Area (subject to EPBC approval)

2.0 Use and development

2.1 The Land

The use and development provisions specified in this schedule apply to the land shown in Plan 2 of this schedule and shown as UGZ4 on the planning scheme maps.

Plan 2



-  officer town centre boundary
-  gateway
-  core
-  mixed use
-  local business
-  residential
-  conservation land
-  separation distance

2.2 Applied zone provisions

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Plan 2 of this schedule

~~Table 1 allocates the land use/development shown on Plan 1 of this schedule with a corresponding zone from this scheme.~~

~~Where the use/development in the left column is carried out or proposed generally in accordance with the incorporated Officer Precinct Structure Plan, the use, subdivision, construction of a building and construction and carrying out of works provisions of the corresponding zone in the right column apply.~~

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

Note: *e.g. The Commercial 2 Zone specifies ‘Shop’ as a Section 1 Use with the condition, ‘The site must adjoin, or have access to, a road in a Road Zone.’ In this instance the condition should be read as, ‘The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land’*

Table 1: Applied zone provisions

4 Reorder with Plan 2 legend	Conservation land	Clause 36.03 - Public Conservation and Resource Zone
	Core	Clause 34.01 - Commercial 1 Zone
	Gateway	Clause 34.02 - Commercial 2 Zone
	Mixed Use	Clause 32.04 - Mixed Use Zone
	Residential	Clause 32.07 - Residential Growth Zone
	Local Business	Clause 34.01 - Commercial 1 Zone
	Transport	Clause 36.01 – Public Use Zone
	Arterial road	Clause 36.04 – Road Zone Category 1

Where a public land zone is applied in Table 1 and the land is in private ownership the bodies specified below are the public land manager for the purposes of the applied zone.

Public Conservation and Resource Zone (adjacent to Gum Scrub Creek)	Melbourne Water or Cardinia Shire Council as appropriate
Public Conservation and Resource Zone (all other land)	Cardinia Shire Council

2.3 Specific provisions – Use of land

The following provisions apply to the use of land.

Section 1 – Permit not required

Use	ConditionRequirement
<u>Accommodation (other than Corrective institution), Child care centre, Education centre, Informal outdoor recreation where the applied zone is Commercial 1 Zone and not in the 'separation distance' area shown on Plan 2.</u>	<u>A permit is not required to use land.</u>
<u>Bed and breakfast, Child care centre, Community care accommodation, Dependant person's unit, Dwelling, Education centre, Informal outdoor recreation, Residential aged care facility, Rooming house where the applied zone is Mixed Use Zone and not in the 'separation distance' area shown on Plan 2.</u>	<u>A permit is not required to use land.</u>
<u>Industry (except 'Service industry' and 'Research and development') where the applied zone is Mixed Use Zone</u>	<u>Prohibited</u>
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 – Permit required

Use	Condition
Accommodation Child care centre Education centre Hospital Place of worship	On land where the applied zone is Commercial 1 Zone within the noise and odour buffer area surrounding the Hygain site shown on Plan 2 of this Schedule and Figure 6 in the incorporated Officer Precinct Structure Plan.
Any other use not in Section 1 or 3 in the Table of uses in the applicable applied zone	

Section 3 – Prohibited

Use	
Industry (except 'Service industry' and 'Research and development')	On land where the applied zone is Mixed Use Zone within the 'Mixed Use' sub-precinct shown on Plan 2 of this Schedule and Figure 6 in the incorporated Officer Precinct Structure Plan.
Any use listed in Section 3 in the Table of uses of the applicable applied zone	

2.4 Specific provisions – Subdivision

An application to subdivide must be consistent with any urban design framework approved under this schedule.

2.5 Specific provisions - Buildings and works

Construction of one dwelling on a lot with an area under 300m square metres

In the area shown as 'Residential' where the applied zone is Residential Growth Zone and 'Mixed use' where the applied zone is Mixed Use Zone on Plan 2 of this Schedule, a permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where an approved building envelope as defined in Part 4 of the Building Regulations 2006 applies to the lot.

Buildings and works on Encumbered Open Space

A permit is required for buildings and works on land shown as Encumbered Open Space in Plan 1 of this Schedule except works carried out by or on behalf of the public land manager.

Modification or removal of Existing Turkeys Nest Dams

A permit is required for buildings and works ~~to modify or remove~~ associated with modifying or removing any existing waterbody on Lot 1 TP134961.

3.0

Application requirements

If the responsible authority is satisfied that a requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement unless otherwise indicated below.

Urban Design Framework

Except with the consent of the responsible authority and the Victorian Planning Authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works until an urban design framework for the area has been prepared to the satisfaction of the responsible authority and the Victorian Planning Authority.

An urban design framework approved under this schedule must be generally in accordance with the precinct structure plan applying to the land.

An application for use and/or development on land identified must be consistent with any urban design framework approved under this schedule.

A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the permit is consistent with the requirements for the urban design framework and the permit implements the objectives in the *Officer Precinct Structure Plan*.

The responsible authority may allow an urban design framework to be prepared in stages.

The urban design framework may be amended to the satisfaction of the responsible authority and the Victorian Planning Authority.

Public transport requirements

For the purpose of Clause ~~52.36-1~~ 66.02-11 of the scheme, a development is generally in accordance with the *Officer Precinct Structure Plan* where the following requirements are met:

- A road nominated on *Plan 17 – Public Transport* in the *Officer Precinct Structure Plan* as a potential bus route is constructed in accordance with its corresponding cross section in the *Officer Precinct Structure Plan*. ~~and~~
- Signalised intersections that contain a proposed Principal Public Transport Network (PPTN) route in the *Officer Precinct Structure Plan* include bus priority measures to mitigate delays to bus travel times, to the satisfaction of the Director of Public Transport. ~~and~~
- Any roundabouts or other road management devices on potential bus routes are constructed to accommodate ultra-low floor buses in accordance with the Public Transport Guidelines for Land Use and Development. ~~and~~
- The proposal includes the construction of the bus stops shown on *Plan 16 – Public Transport* in the *Officer Precinct Structure Plan*, including bus stop hard stands with direct and safe pedestrian

access to a pedestrian path (all 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) at no cost to the Director of Public Transport, all to the satisfaction of the Director of Public Transport.

A responsible authority may address any of the above matters through planning permit conditions.

General subdivision

All applications for subdivision must be accompanied by the following information to the satisfaction of the responsible authority.

- Details of the proposed use and development of each part of the land.
- A table setting out:
 - the amount of land allocated for the proposed uses; ~~and~~
 - the mix of lot sizes.
- An indication of staging of subdivision and timing.
- Details of how the road connections, open space, pedestrian and bicycle linkages and drainage networks of the proposed development integrates with and responds to existing and planned developments on adjacent sites.
- Details of how the land use pattern and urban structure provides appropriate buffers between sensitive land uses, in terms of open space, road reserves and landscape treatments.
- Include a Transport Impact Assessment Report to the satisfaction of the relevant roads authority (be it VicRoads or Council).
- The proposed road and street network, including pedestrian and cycling routes, intersection treatments, proposed bus routes and the interface treatment with arterial roads.
- A plan showing access arrangements for properties adjacent to all existing and future arterial roads.
- A Public Infrastructure Plan which addresses:
 - The extent of any stormwater drainage works and road works proposed or required under this permit.
 - The land which is required to be set aside for infrastructure identified in the *Officer Development Contributions Plan (September 2011, Amended March 2018)* or the *Officer Precinct Structure Plan (September 2011, Amended March 2018)* including land required for public open space and community facilities and any proposed reconciliation payment in respect of the land having regard to its value set out in the *Officer Development Contributions Plan (September 2011, Amended March 2018)*.
 - An estimate of the extent of equalisation which is required in respect of public open space to be provided having regard to the *Officer Precinct Structure Plan (September 2011, Amended March 2018)* and the *Officer Development Contributions Plan (September 2011, Amended March 2018)*.
 - Subject to the consent of the Collecting Agency, any infrastructure works set out in the *Officer Development Contributions Plan (September 2011, Amended March 2018)* which can be provided “in lieu” of development contributions in accordance with the *Officer Development Contributions Plan (September 2011, Amended March 2018)*.
 - The effects of the provision of infrastructure on the land or any other land.
 - Any other relevant matter related to the provision of infrastructure reasonably required by the responsible authority.
- An overall landscape concept for the development. This should be consistent with best practice Water Sensitive Urban Design techniques.
- A hydrogeological assessment of groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions on the development.

- An approved Cultural Heritage Management Plan that is endorsed by the future public land manager/s of any reserve to be created as part of the development or advice from a suitably qualified cultural heritage professional that confirms that a Cultural Heritage Management Plan is not required. This requirement may not be waived.
- A site assessment of the land by a suitably qualified environmental professional including:
 - detail of the nature of the previous and existing land use/activities on the land;
 - an assessment of the potential level and nature of contamination on the land.
 - advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE, as amended from time to time.
- A Site Management Plan that addresses bushfire risk during, and where necessary, after construction, which is approved by the Responsible Authority. The plan must specify, among other things:
 - The staging of development and the likely bushfire risks at each stage.
 - An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 rating under AS3959-2009.
 - The land management measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape to protect residents and property from the threat of grassfire and bushfire.
 - How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

Residential subdivision

In addition to the general subdivision requirements, an application that includes subdivision of land shown as 'Residential' where the applied zone is Residential Growth Zone and 'Mixed use' where the applied zone is Mixed Use Zone on Plan 2 of this Schedule must, to the satisfaction of the responsible authority:

- include an overall masterplan for all land in contiguous ownership of the landowner demonstrating the lot yield, diversity and distribution across the subject area, consistent with the principles outlined in the *Officer Precinct Structure Plan (September 2011, Amended March 2018)*.
- demonstrate how the proposed subdivision layout meets the requirements of Clause 56 (other than an application to subdivide land into lots each containing an existing dwelling or car parking space).

~~to the satisfaction of the responsible authority.~~

Buildings and works

All applications for buildings and works must be accompanied by following information to the satisfaction of the responsible authority:

- A Transport Impact Assessment Report to the satisfaction of the relevant roads authority.
- An overall landscape concept, including location of private open space of surrounding properties and the location of trees, fences and other landscape elements.

All applications for buildings and works (other than dwellings and residential buildings) must be accompanied by a design response report that demonstrates the following:

- how the layout and design of buildings contributes towards an attractive and safe public realm environment and complements adjacent uses, addressing active frontages, site servicing, car parking, lighting, landscaping and signage.

- how the design of buildings, including heights, massing and articulation, contributes to an attractive and cohesive built form environment, a diverse, interesting and complementary architectural form and responds to surrounding land uses.
- location and height of existing and proposed buildings on the site and surrounding properties.
- traffic and pedestrian circulation through and around the site.
- surrounding land uses.

If the responsible authority is satisfied that a requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

Sustainability statement requirements

An application for subdivision of 60 or more lots, or to construct a building [in the areas shown as 'Gateway' and 'Core' on Plan 2 of this Schedule](#) must be accompanied by a Sustainability Statement as set out in the *Officer Precinct Structure Plan (September 2011, Amended March 2018)*.

If the responsible authority is satisfied that this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

Specific requirements – Lot 1 TP134961 (PSP Property Number 217)

Any application to remove and/or modify the existing turkey nest dams on Lot 1 TP134961 (Princes Highway, Officer) shown as 'Existing Turkeys Nest Dams (Growling Grass Frog Habitat)' on Plan 13 of the *Officer Precinct Structure Plan (September 2011, Amended March 2018)* must include written approval from the Commonwealth Department of Sustainability Environment Water Population and Communities.

Hy Gain Feeds Mill separation distance area

[An application to use land within the 'separation distance' area to the existing Hy Gain Feeds Mill site at 10 Hickson Rd, Officer for Accommodation, Childcare centre, Education centre, or Informal outdoor recreation must be accompanied by an Amenity Impact Plan which includes, as appropriate:](#)

- [A site plan identifying the proposal site in relation to the existing Hy Gain Feeds site](#)
- [An assessment of the amenity impact of the existing use at Hy Gain Feeds upon the proposed use](#)
- [Measures to mitigate potential amenity impacts from the existing use.](#)

Buildings and Works associated with the Hy Gain Feeds Mill

[An application for buildings and works associated with the existing Hy Gain Feeds Mill at 10 Hickson Road, Officer must be accompanied by a report which must identify all potential adverse amenity impacts to nearby uses and consider, as appropriate:](#)

- [Whether the proposed buildings and works are likely to increase the potential for adverse amenity impacts to existing nearby land uses, in particular the impact of:](#)
 - [Odour](#)
 - [Dust.](#)
- [Whether the proposed buildings and works are likely to cause adverse amenity impacts to future land uses in accordance with the Officer Town Centre Precinct Structure Plan, in particular by the impact of:](#)
 - [Odour](#)
 - [Dust.](#)

[What ameliorative or remedial measures can and will be taken to ensure that the Hy Gain Feeds Mill does not cause off-site amenity impacts.](#)

Hy Gain Feeds Mill noise influence area

An application to use land within 300 metres from the existing Hy Gain Feeds Mill site at 10 Hickson Rd, Officer must be accompanied by an acoustic report which demonstrates how a dwelling will be designed and constructed to achieve the noise levels specified in Standard B40 of Clause 55.07-6.

4.0 Conditions and requirements for permits

Native Vegetation Precinct Plan Implementation

Any:

- Works carried out in respect of any subdivision;
- Construction of buildings and associated works; and
- Removal, lopping or destruction of native vegetation on the land as authorised by the Native Vegetation Precinct Plan (NVPP) applying to the land -

must be carried out in accordance with all of the requirements set out in the incorporated NVPP applying to the land to the satisfaction of the responsible authority.

Only the native vegetation which is identified for removal in the incorporated NVPP applying to the land may be removed, lopped or destroyed without a permit.

Before the removal, destruction or lopping of any native vegetation within any property (identified by the PSP Property Number in Map 1 of the Officer NVPP) the owner of the land from which the native vegetation is being removed must provide offsets consistent with the incorporated NVPP by either:

- providing an allocated credit extract issued by the Department of Sustainability and Environment; or
- preparing and submitting an Offset Plan to the satisfaction of the Department of Sustainability and Environment and have the Offset Plan approved by responsible authority.

Where an Offset Plan is approved:

- before the removal, destruction or lopping of any native vegetation, the owner of the land from which the native vegetation is being removed must provide on-title security for the Offset Site to the satisfaction of Department of Sustainability and Environment that provides for the implementation of the Offset Plan and pay the reasonable costs of the preparation, execution and registration of any on-title agreement; and
- offsets must be initiated within 12 months of approval of the Offset Plan or before the removal of Very High Conservation Significance vegetation, whichever is earlier, and be implemented according to the schedule of works in the Offset Plan to the satisfaction of the responsible authority.

Environmental Assessment of Potentially Contaminated Land

Before the development associated with the subdivision starts, (this requirement does not apply to bore holes and excavation associated with an environmental site assessment), an environmental site assessment of the land by a suitably qualified environmental professional must be undertaken which provides information including:

- The nature of the previous and existing land use/activities on the land.
- An assessment of the potential level and nature of contamination on the land.
- Advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all or part of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE*, as amended from time to time.

If an environmental site assessment recommends an environmental audit of all or part of the land, then:

- prior to the commencement of any use for a sensitive purpose; or
- prior to any buildings or works; or

- prior to the certification of a plan of subdivision

whichever is the earlier of or in respect of all or that part of the land as the case may, the following must be provided to the responsible authority, either:

- A certificate of environmental audit issued for the relevant land in accordance with Part 1XD of the Environmental Protection Act 1970, or
- A statement by an environmental auditor appointed under the Environment Protection Act 1970, in accordance with Part 1XD of that Act that the environmental conditions of the relevant land are suitable for a sensitive use (with or without conditions on the use of the site);

If a Statement of Environmental Audit is provided rather than a Certificate of Environmental Audit and the Statement of Environmental Audit indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 before the issue of a Statement of Compliance or before the construction of any building on the relevant land, whichever is the earlier;

- implementation of and on-going compliance with all conditions in the Statement of Environmental Audit; and
- the responsible authority's reasonable legal costs and expenses of drafting/reviewing and registering the agreement to be borne by the owner of the relevant land.

Construction Environmental Management Plan Requirements

Prior to the commencement of any buildings or works a Construction Environmental Management Plan (CEMP) is to be prepared, where appropriate

The CEMP must specifically address significant flora and fauna where the buildings or works are within:

- 50 metres of any native vegetation to be retained in the *Officer Precinct Native Vegetation Precinct Plan (September 2011)*; and/or
- 100 metres of any waterbody (including creeks, drains, dams and wetlands) under the provisions of the *Officer Precinct Structure Plan Conservation Management Plan (excluding Cardinia Creek) (September 2011)*.

The CEMP must address all requirements specified in the *Officer Native Vegetation Precinct Plan (September 2011)* and the relevant Conservation Management Plan and be to the satisfaction of the responsible authority.

Conservation Management Plan

Where the *Officer Precinct Structure Plan Conservation Management Plan (excluding Cardinia Creek) (Ecology Partners, 15 September 2011)* or the *Officer Precinct Structure Plan Cardinia Creek Conservation Management Plan (Ecology Australia, 8 September 2011)* has been approved by the Secretary to the Department of Sustainability and Environment and it applies to the land (refer Plan 13 of the *Officer Precinct Structure Plan (September 2011, Amended March 2018)*), any permit granted for subdivision or the construction of a building or the carrying out of works must include the following conditions:

- The actions which identify the responsible agent as the “landowner” or “developer” in the Conservation Management Plan (CMP) must be implemented to the satisfaction of the Department of Sustainability and Environment.

and the following conditions, where appropriate:

- Prior to any works commencing within 100 metres of the edge of any waterbody which is to be retained, a highly visible fence is to be installed 20 metres from the edge of the water body.
- No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.
- Pollution or litter traps must be provided on the land at appropriate points along the drainage system or drainage lines.

- A salvage and translocation plan must be prepared and implemented to the satisfaction of the Department of Sustainability and Environment and the approval of the responsible authority.

Where the land is identified to have suitable habitat approved to be removed in Appendix 8 of the *Officer Precinct Structure Plan: Cardinia Creek Conservation Management Plan* (8 September 2011), any permit granted for subdivision or development must contain the following condition:

- Prior to the issue of a Statement of Compliance under the Subdivision Act, the landowner must enter into a legally binding agreement (or an alternative agreement approved by DSE) for the payment to implement the *Officer Precinct Structure Plan: Cardinia Creek Conservation Management Plan* (8 September 2011) in accordance with Section 2.3.1 Management Responsibilities and Funding and Appendix 8 to the satisfaction of the Department of Sustainability and Environment. The landowner must pay the reasonable costs of the preparation, execution, and registration of the agreement.

Subdivision permits

Any permit for subdivision must contain the following conditions as appropriate:

- The setback from the rail reserve and interface between the rail line and the proposed subdivision is to be to the satisfaction of the Department of Transport and the approval of the responsible authority.
- If any part of the land is shown in the incorporated *Officer Precinct Structure Plan* (September 2011, Amended March 2018) as unencumbered passive public open space that land must be transferred to Council subject to equalisation in accordance with the equalisation provisions in the incorporated *Officer Precinct Structure Plan* (September 2011, Amended March 2018). This requirement does not apply if the responsible authority advises the owner that it does not require the land.
- Land required for road widening must be transferred to or vested in the relevant roads authority at no cost to the relevant road authority unless the land is funded by the *Officer Development Contributions Plan* (September 2011, Amended March 2018).

Small lot housing code

Any permit for subdivision of land in the area shown as 'Residential' where the applied zone is Residential Growth Zone and 'Mixed use' where the applied zone is Mixed Use Zone on Plan 2 of this Schedule must contain the following conditions:

- The Small Lot Housing Code forming part of the *Officer Precinct Structure Plan* (September 2011, Amended March 2018) applies to the subdivision of the land under this permit and the application of the Small Lot Housing Code must be shown on any endorsed plans which are part of this planning permit.
- Before a plan is certified for a subdivision (or the relevant stage of a subdivision) where a building envelope is proposed, the plans endorsed under this planning permit must show a building envelope for each lot with an area less than 300 square metres that is in accordance with the Small Lot Housing Code forming part of the *Officer Precinct Structure Plan* (September 2011, Amended March 2018) to the satisfaction of the responsible authority.
- The building envelopes must be applied as a restriction on the plan of subdivision or through an agreement under section 173 of the Act that is registered on the title to the land. The restriction or the agreement must provide for:
 - the building envelope plan to apply to each relevant lot;
 - all buildings being constructed in accordance with the building envelope on the relevant lot;
 - the construction of a building outside the building envelope only with the written consent of the Responsible Authority; and
 - a building envelope to cease to apply to any building on the lot affected by the envelope after the issue of a Certificate of Occupancy for the whole of a dwelling and any garage or carport on the land.

Where a building envelope is to be applied to the land through an agreement with the responsible authority under Section 173 of the Act, the building envelope plan may be approved after the plan of subdivision has been certified.

Requirement – Management of bushfire risk during subdivisional works

A permit for subdivision that contains a condition requiring a construction management plan must ensure that the relevant plan addresses any potential bushfire risks arising from the land during construction and must include a statement from a suitably qualified professional that the proposed bushfire risk management measures are appropriate.

5.0 Exemption from notice and review

None specified.

6.0 Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Before deciding on an application to use land for Accommodation, Child care centre, Education centre, Informal outdoor recreation within the ‘separation distance’ area from the existing HyGain site at 10 Hickson Rd, Officer, the responsible authority must consider whether the proposal includes appropriate mitigation measures to protect against offsite amenity impacts from the HyGain facility.
- Before deciding on an application for buildings and works associated with the existing HyGain Feeds facility at 10 Hickson Road, Officer, the responsible authority must consider whether the proposal includes appropriate mitigation measures to ameliorate any potential offsite amenity impacts to nearby land uses.

7.0 Advertising signs

Land is in the category specified in the applied zone.

Land and home sales signs

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

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

Appendix B3

SCHEDULE TO CLAUSE 66.04

1.0 Referral of permit applications under local provisions

Clause	Kind of application	Referral authority	Type of referral authority
Clause 3.0 of Schedule 3 to Clause 42.01 (ESO)	All Applications	Secretary to the Department of Environment, Land, Water and Planning	Determining referral authority
Clause 4.0 of Schedule 6 to Clause 37.01 (SUZ)	Any application within 200 metres of an existing gas pipeline.	Secretary to the Department of Economic Development, Jobs, Transport and Resources	Determining referral authority
Schedule 4 to Clause 37.07 (UGZ)	An application to subdivide land, or construct a building or carry out works (if the application includes 1,000 square metres or more of leasable floor space) on land identified on Figure 6 in the incorporated <i>Officer Precinct Structure Plan</i> as 'Officer Town Centre Sub Precinct Plan' where there is no approved Urban Design Framework in place.	Victorian Planning Authority	Determining referral authority
Schedule 4 to Clause 37.07 (UGZ)	An application to subdivide land, or construct a building or carry out works (if the application includes 1,000 square metres or more of leasable floor space) on land identified on Figure 6 in the incorporated <i>Officer Precinct Structure Plan</i> as 'Officer Town Centre Sub Precinct Plan' where there is an approved Urban Design Framework.	Victorian Planning Authority	Recommending referral authority
Schedule 4 to Clause 37.07 (UGZ)	Application to use land within the 'separation distance' area from the existing HyGain site at 10 Hickson Rd, Officer for Accommodation, Dwelling, Childcare centre, Education centre, or Informal outdoor recreation.	Environment Protection Authority	Recommending referral authority