

Planning and Environment Act 1987

Panel Report

**Casey Planning Scheme Amendment C269case
Minta Farm Infrastructure Contributions Plan**

19 November 2020

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Casey Planning Scheme Amendment C269case

Minta Farm Infrastructure Contributions Plan

19 November 2020



Sarah Carlisle, Chair



John Hartigan, Member



Michael Ballock, Member

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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Cardinia	Cardinia Shire Council
Casey	Casey City Council
CU-01	Culvert 01 described in the Minta Farm ICP
DCP	Development Contributions Plan
EDW	Early Delivery of Works

ICO	Infrastructure Contributions Overlay
ICO2	Schedule 2 to the Infrastructure Contributions Overlay
ICP	Infrastructure Contributions Plan
ICP Guidelines	<i>Infrastructure Contributions Plan Guidelines</i> , DELWP, November 2019
ICP Ministerial Direction	<i>Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans</i> , 1 July 2018
IN-[number]	Intersection project [number] described in the Minta Farm ICP
NDHa	Net Development Hectare
PAO	Public Acquisition Overlay
PIP	Precinct Infrastructure Plan
PPF	Planning Policy Framework
PSP	Precinct Structure Plan
RD-[number]	Road project [number] described in the Minta Farm ICP
TfV	Head, Transport for Victoria
VicRoads guidance	<i>VicRoads Guidance for Networks in Growth Areas</i> , working document, September 2015
VPA	Victorian Planning Authority

Overview

Amendment summary

The Amendment	Casey Planning Scheme Amendment C269case
Common name	Minta Farm Infrastructure Contributions Plan
Brief description	<ul style="list-style-type: none"> - Replaces the interim Minta Farm Infrastructure Contributions Plan incorporated into the Casey Planning Scheme with a final Minta Farm Infrastructure Contributions Plan - Makes associated updates to the standard and supplementary levy rates in the Infrastructure Contributions Overlay Schedule 2 - Applies a Public Acquisition Overlay over the land required for the ultimate construction of the north-south arterial road and associated intersections referred to in the Minta Farm Precinct Structure Plan
Subject land	All land within the Minta Farm Infrastructure Contributions Plan
The Proponent and Planning Authority	Victorian Planning Authority
Exhibition	8 August to 9 September 2019
Submissions	5 submissions, all of which requested changes: <ul style="list-style-type: none"> - Stockland (Submission 1) - Cardinia Shire Council (Submission 2) - Minta Farm Group (Submission 3) - Department of Transport (subsequently Head, Transport for Victoria) (Submission 4) - Casey City Council (Submission 5)

Panel process

The Panel	Sarah Carlisle, John Hartigan, Michael Ballock
Directions Hearing	Planning Panels Victoria, 12 December 2019 and 4 March 2020
Panel Hearing	3, 4, 7, 8, 9, 10 and 11 September 2020 via video conference
Appearances	Refer to Appendix B
Site inspections	Not required
Citation	Casey PSA C269case [2020] PPV
Date of this Report	19 November 2020

Executive summary

Casey Planning Scheme Amendment C269case (the Amendment) applies to all land in the Minta Farm Precinct Structure Plan (PSP) area. It seeks to incorporate the final Minta Farm Infrastructure Contributions Plan (ICP) into the Planning Scheme, and to revise Schedule 2 to the Infrastructure Contributions Overlay (ICO2) to (among other things) update the standard levy rate and supplementary levy rate that currently apply under the interim ICP.

The ICP projects

The exhibited ICP includes a list of projects, largely consistent with the projects identified in the Minta Farm PSP. They consist of:

- a primary arterial road running north-south through the middle of the precinct, connecting O'Shea Road in the north and Grices Road in the south
- five intersections along the north-south arterial road, including intersection IN-01 in the north (on O'Shea Road) and intersection IN-05 in the south (on Grices Road)
- a culvert roughly half way along the north-south arterial road (CU-01)
- a pedestrian operated signal crossing along O'Shea Road
- a shared pedestrian and cyclist bridge over Cardinia Creek
- a multipurpose community centre
- a sports reserve.

All projects are 100 percent apportioned to the ICP except for:

- the pedestrian crossing along O'Shea Road (which is 50 percent apportioned to the ICP and 50 percent to Casey City Council)
- the pedestrian and cyclist bridge across Cardinia Creek (which is 50 percent apportioned to the ICP and 50 percent to the future Officer South Employment Precinct ICP).

The exhibited ICP contemplates an early works package involving the construction of the interim north-south arterial road (RD-01) and two intersections (IN-01 and IN-05), providing a north-south connection through the PSP area. It was agreed at the Hearing that the early works package should also include CU-01. The financing costs associated with bringing forward the early works are proposed to be funded from the supplementary levy.

Under the PSP and the applicable Urban Growth Zone Schedule 14, residential development in the precinct is capped at 1,000 lots until the interim north-south arterial road is delivered. Completion of the early works package would satisfy this requirement.

The issues

Issues in relation to the design and costings for many of the individual projects listed in the ICP were resolved by the time the Hearing commenced. The Panel acknowledges the efforts of the parties and their experts in continuing to seek resolution of these issues. Key issues that remained in dispute included:

- the apportionment of the north-south arterial road
- the appropriate design for IN-01, IN-02, IN-03 and IN-05 (IN-04 was agreed)
- the elements and staging of the early works package
- the treatment of the financing costs for the early works

- shared user paths along the north-south arterial road
- the lot cap
- the appropriate design and costings for culvert CU-01
- whether the ICP should fund the extension of Grices Road to the future bridge connecting to the Officer South Employment Precinct
- the treatment of credits for works in kind.

Submissions and evidence also raised a number of threshold or systemic issues which are not unique to this Amendment, but impact on ICPs more broadly. They are:

- the impacts of the separation of the PSP and ICP processes
- shortfalls in the capped community and recreation standard levy
- possible changes to State standard provisions of the Planning Scheme, and the *Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans and Ministerial Reporting Requirements for Infrastructure Contributions Plans* (the ICP Ministerial Direction).

Overall assessment of the Amendment

The Panel concludes that the Amendment is strategically justified and should be supported, subject to the recommendations in this Report. The Planning Policy Framework (PPF) expressly encourages the preparation of ICPs, particularly in growth areas, to ensure planned infrastructure is delivered and funded with certainty, efficiency and timeliness.

Unresolved issues

Apportionment of the north-south arterial road and associated intersections

The north-south arterial road, in both its interim and ultimate configurations, will serve both a local access function as well as a broader regional function. It will unlock development within Minta Farm, as well as relieving existing congestion in the area.

The ICP fully funds the interim north-south arterial road. The landowners sought some external apportionment, given its partly regional function. The key question for the Panel was whether it is inequitable to fully fund an item of infrastructure under an ICP for which there is also an external demand.

It is not, in the Panel's view, necessarily inconsistent with the need, nexus and equity principles to fully fund infrastructure under an ICP that performs some regional function. All arterial roads perform a regional function to some degree, even in their interim configurations. It is standard practice to fully fund the ultimate land and the interim construction (a single 2 lane carriageway) of an arterial road under an ICP or DCP. Equity is achieved by the consistent application of this practice across different PSP areas.

Further, if the Panel were to recommend external apportionment, it would need some basis on which to determine an appropriate apportionment. This requires some understanding of the proportion of the need for the interim north-south arterial road that will be generated internally (by development within Minta Farm) and externally. The predicted volumes put to the Panel all related to the north-south arterial road in its ultimate configuration, and varied considerably. The Panel was not persuaded they were accurate, or that they provide a suitable basis for determining the proportion of internal and external demand. In addition, no material

was put to the Panel about the proportions of traffic volumes that will use the interim north-south arterial road. The Panel therefore has no evidentiary basis on which to recommend apportionment of any interim elements of the road, including the early works.

Design of intersection IN-01

The design of intersection IN-01 was largely agreed by the time the Hearing commenced. Only one relatively small point of disagreement remained – whether the interim design should incorporate a left turn slip lane from O’Shea Road (west bound) to the north-south arterial road (south bound), or a left turn lane adjacent to the through lanes.

The Panel considers that the Cardno design (March 2020) with a slip lane is more appropriate. It adopts the usual practice of an outside-in design by aligning the left turn slip lane with the ultimate third left slip lane. The Cardno interim design accords with the ultimate design, fits within the land to be set aside in the ICP for the ultimate intersection treatment and will minimise any redundant works when the ultimate intersection is constructed.

Design of intersections IN-02 and IN-03

The points of dispute in relation to intersections IN-02 and IN-03 essentially came down to the configuration of the east-west connector legs – in particular, whether they should be a ‘template’ interim design that would need to be upgraded in future when the (largely internal) demand requires, or whether they should initially be constructed in what could be described as the ultimate configuration.

The Panel was not persuaded that a ‘template’ design is the appropriate solution. The Panel understands that it is now usual practice in the development of growth areas for an ICP to fund an arterial road/connector road intersection to include the ultimate lane configuration on the connector legs. Construction to the ‘ultimate’ standard when the intersection is first delivered avoids a piecemeal and disruptive approach to road construction, avoids redundant works and will not unfairly burden later developers for upgrade works on the connector legs.

Design of intersection IN-05

The issue in dispute relating to the design of intersection IN-05 was whether the existing roundabout should be retained and upgraded, or whether the intersection should be signalised in its interim configuration.

The Panel supports the amended Cardno design (March 2020) of IN-05 as a signalised intersection in its interim configuration. The Panel notes the evidence of Mr Mentha and the submissions of the VPA that it is now standard practice for arterial road intersections in Melbourne’s growth areas to be signalised. The Panel agrees with Mr Mentha that there are no apparent extenuating circumstances to support retaining the existing roundabout instead of upgrading to a signalised intersection.

The landowners also sought some external apportionment of the costs of IN-05 as part of the north-south arterial. For the reasons stated above, the Panel does not consider that external apportionment is appropriate.

The early works package

The Panel is satisfied that, subject to the inclusion of culvert CU-01, the ICP includes the appropriate projects needed to facilitate the early delivery of the north-south arterial road. Should a staged delivery of the early works package be considered appropriate, this could be facilitated under the ICP as exhibited. No further changes are required to provide for a staged delivery of the early works package.

Financing costs for the early works package

The Panel considers it essential that the ICP include a mechanism to fund the early works. There was no substantive opposition to the inclusion of financing costs as a supplementary item. However, there was concern about how to treat the financing costs where the north-south arterial road (or elements of it) are delivered as works in kind.

Some flexibility is required, including the ability to 'switch off' elements of the financing costs of the early works package where Casey is not required to borrow funds to finance those works (such as when the works are delivered as works in kind). The Panel supports the additional wording proposed by the VPA and Casey to deal with this situation, subject to some minor modifications for clarity.

Shared user paths

The particular circumstances of Minta Farm make it appropriate to require and fund a shared user path on both sides of the north-south arterial road in its interim (2 lane) configuration, notwithstanding that this may not be standard practice. The exhibited ICP provides for a shared user path on both sides of the arterial legs of the intersections. If the second shared user path is not provided between intersections as part of RD-01, the path on the eastern side of the road will be fragmented with potentially relatively short gaps between constructed sections. In the Panel's view that would be a poor outcome, even in the short term.

The lot cap

The C228 Panel concluded that a lot cap was a necessary incentive to deliver the north-south arterial road early. This Panel was not presented with any material that persuaded it that the lot cap should no longer apply.

The culvert

The Panel agrees with the parties that culvert CU-01 is essential infrastructure, and should be included in the early works package. In the absence of any evidence to the contrary, the Panel supports fully apportioning the cost of CU-01 to the Minta Farm ICP.

The experts agreed on a cost of \$2,954,000 for CU-01. The Panel finds this somewhat curious, given the significant discrepancies between the experts in relation to the scope of the project and the design parameters for CU-01. The VPA should undertake further work to determine the appropriate scope and cost of CU-01 before adopting the Amendment.

Grices Road extension

The Panel does not consider that there is sufficient nexus between the development of the Minta Farm precinct and the need to construct the extension of Grices Road to Cardinia Creek to warrant including a contribution for this section of the road in the ICP.

Works in kind credits

Flexibility in the negotiation of works in kind agreements is essential. The works in kind provisions in the Minta Farm ICP are consistent with those in other recent ICPs that have been supported by previous panels. No changes to the exhibited works in kind provisions are required.

Recommendations

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

- 1. Adopt Amendment C269case to the Casey Planning Scheme as exhibited, subject to the specific recommendations in this report.**
- 2. Adopt the Option 1 designs and costings for intersections IN-02 and IN-03, and adjust the costs and levies in the revised Infrastructure Contributions Plan (Document 113) and the Infrastructure Contributions Overlay Schedule 2 accordingly.**
- 3. Replace the text after Table 6 of the revised Infrastructure Contributions Plan (Document 113) with the following:**

The rate of each of the components of the Supplementary Levy as set out in Table 6 as they relate to early works projects is subject to adjustment downwards by the Collecting Agency in the following circumstances:

- a) Where the Collecting Agency does not borrow funds for the purpose of providing any or all of the projects identified as EDW RD-01, EDW IN-01, EDW IN-05 and CU-01 (together EDW) being those projects which are to be financed by early works funding; and**
 - b) The Development Agency enters into an agreement for the delivery as works in kind of any or all of the EDW projects which were intended to be financed by early works funding, and that agreement does not require the Development Agency or the Collecting Agency to procure a loan of funds for the purpose of satisfying its obligations to the person undertaking the works in kind.**
- 4. The Victorian Planning Authority should:**
 - a) prepare a cost estimate for a continuous shared user path on the east side of the interim north-south arterial road (RD-01)**
 - b) give further consideration to including an allowance for a continuous shared user path on the east side of the interim north-south arterial road based on the cost estimate**
 - c) if necessary, adjust the costings and levies in the revised Infrastructure Contributions Plan (Document 113) and the Infrastructure Contributions Overlay Schedule 2 accordingly.**
 - 5. The Victorian Planning Authority should:**
 - a) undertake further work to finalise the scope and costings for culvert CU-01**
 - b) update the costings and levies in the revised Infrastructure Contributions Plan (Document 113) for CU-01 and EDW and the levies in the Infrastructure Contributions Overlay Schedule 2 accordingly.**

- 6. Update the exhibited Infrastructure Contributions Plan as follows:**
 - a) make the changes required as a consequence of the agreement reached on the design and functional layout matters recorded in Table 4 of this report**
 - b) update the levies to reflect the 2020/2021 indexed rates**
 - c) make the other changes shown in the revised Infrastructure Contributions Plan (Document 113) to improve clarity.**
- 7. Update the Public Acquisition Overlay alignment to:**
 - a) reflect the alignment of the southern portion of the north-south arterial road shown on the plans endorsed under the permit for the subdivision of Stockland's land at 80 Grices Road, Berwick into 697 lots**
 - b) reflect the recommendation of Mr Gnanakone regarding alignment**
 - c) (if required) make further consequential changes :**
 - at Intersection IN-01 – the correction to the design vehicle for the left turn slip lane from O'Shea Road into the North South Arterial Road**
 - at Intersection IN-02 – the inclusion of a north to east left turn slip lane.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The Amendment as exhibited proposes to:

- remove the *Minta Farm Infrastructure Contributions Plan*, May 2019 (the interim ICP) from the Casey Planning Scheme, and incorporate an updated ICP into the Scheme
- update the standard and supplementary levy rates in the Infrastructure Contributions Overlay Schedule 2 (ICO2).

The Victorian Planning Authority (VPA) prepared the Amendment and the ICP, and is the planning authority for the Amendment.

(ii) The subject land

The Amendment applies to all land within the Minta Farm Precinct Structure Plan (PSP) area, as shown in Figure 1.

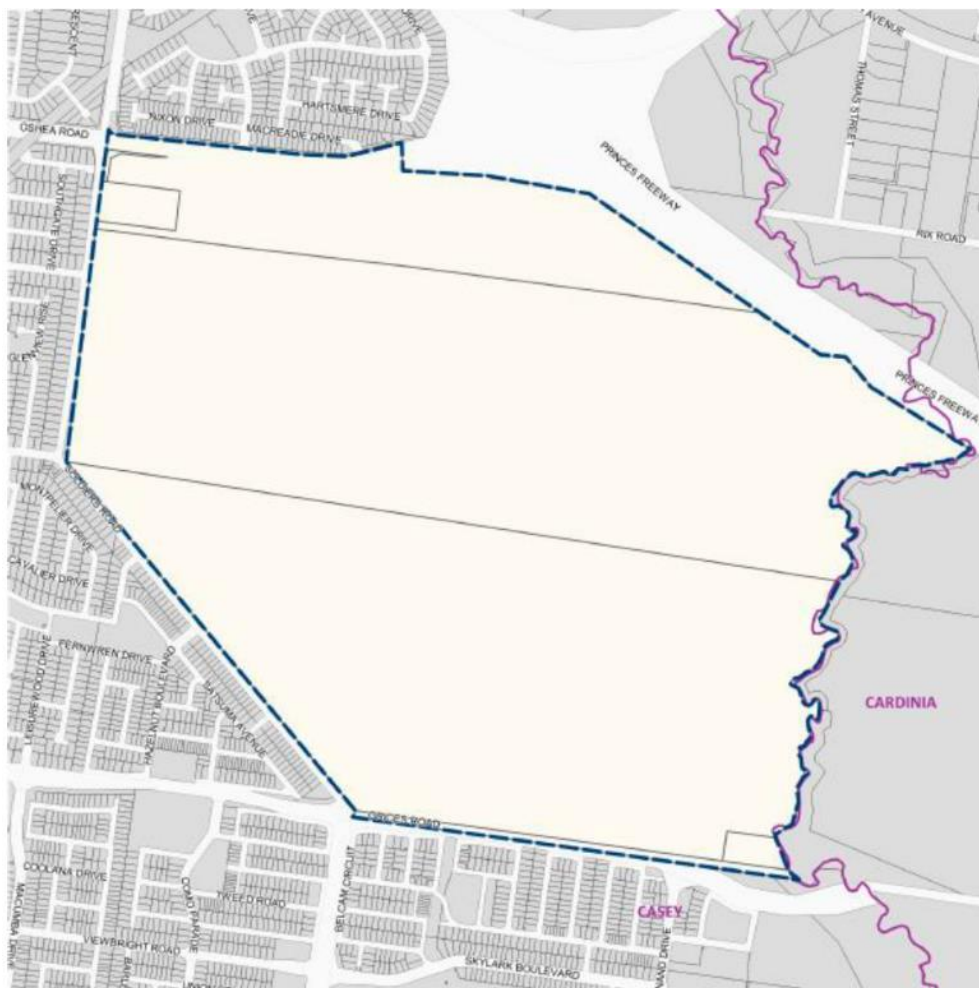


Figure 1 Subject land
Source: Explanatory Report

The PSP area is bordered by:

- the O'Shea Road extension (currently under construction) to the north
- the Monash Freeway to the north-east
- Cardinia Creek to the east
- Grices Road to the south
- Soldiers Road to the west.

Stockland owns the southern portion of the PSP area, while the northern portion is owned by The Minta Group.

Stockland intends to develop the southern portion for residential development. The southern portion has capacity for around 1,800 residential lots. This area already has approval for 980 lots, with around 374 lots already created and a further 250 under construction. Stockland anticipates that all of the approved lots will have been constructed by late 2021.

The PSP provides for some residential development of the northern portion, mainly along Soldiers Road, with the rest being developed for an innovation and technology business sub-precinct, a mixed use sub-precinct and a commercial and office sub-precinct, along with a local town centre, a government school and open space and drainage infrastructure.

(iii) The infrastructure projects

The exhibited ICP includes a list of projects, largely consistent with the projects identified in the Minta Farm PSP. They consist of:

- a primary arterial road running north-south through the middle of the PSP area, connecting O'Shea Road in the north and Grices Road in the south (the north-south arterial road)
- five intersections along the north-south arterial road, with Intersection IN-01 in the north (on O'Shea Road) and Intersection IN-05 in the south (on Grices Road)
- a culvert roughly half way along the north-south arterial road (CU-01)
- a pedestrian operated signal crossing along O'Shea Road
- a shared pedestrian and cyclist bridge over Cardinia Creek
- a multipurpose community centre
- a sports reserve.

All projects are 100 percent apportioned to the ICP except for:

- the pedestrian crossing along O'Shea Road (which is 50 percent apportioned to the ICP and 50 percent to Casey City Council)
- the pedestrian and cyclist bridge across Cardinia Creek (which is 50 percent apportioned to the ICP and 50 percent to the future Officer South Employment Precinct ICP).

The ICP contemplates an early delivery of works (EDW) package involving the interim construction of the north-south arterial road, IN-01 and IN-05, providing a north-south connection through the PSP area. The financing costs associated with bringing forward the early works are proposed to be funded from the supplementary levy under the ICP.

The strategic justification or need for the projects was not before the Panel, having been resolved through the PSP process and Amendment C228 which introduced the Minta Farm

PSP into the Casey Planning Scheme. That said, submissions from the two landholders within the PSP area challenged the strategic justification of the 100 percent apportionment of the north-south arterial road, its associated intersections and the financing costs for the EDW to the Minta Farm ICP. They submitted that some external apportionment should be applied.

(iv) The levies

The ICP specifies a standard levy and a supplementary levy.

The maximum standard levy rates are set by the *Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans* dated 1 July 2018 (the ICP Ministerial Direction). Different rates apply to residential land, and commercial and industrial land.

The exhibited total levies, and amounts to be collected, are set out in Table 1. These rates are based on the 2019/2020 indexed rates, and will need to be updated to reflect 2020/2021 rates.

Table 1 Levies applicable under the final recommended ICP

Levy	Rate/NDHa*	Total amount
Residential development		
Standard levy	\$213,862	\$30,944,820
Supplementary levy	\$105,267	\$15,231,668
Total levies	\$319,129	\$46,176,488
Commercial and industrial development		
Standard levy	\$124,344	\$8,137,544
Supplementary levy	\$105,267	\$6,889,087
Total levies	\$229,611	\$15,026,630
Total levies to be collected		\$61,203,118

* Net Developable Hectare

1.2 Context

(i) Surrounding PSPs, ICPs and DCPs

Minta Farm sits at the northern end of the South East Growth Corridor. It is one of the last of the PSP areas west of Cardinia Creek to develop. Clyde North PSP area is to its immediate south, with several other PSP areas further south. Figure 2 below shows Minta Farm in the context of some of these other PSP areas as well as other key features in the surrounding area.

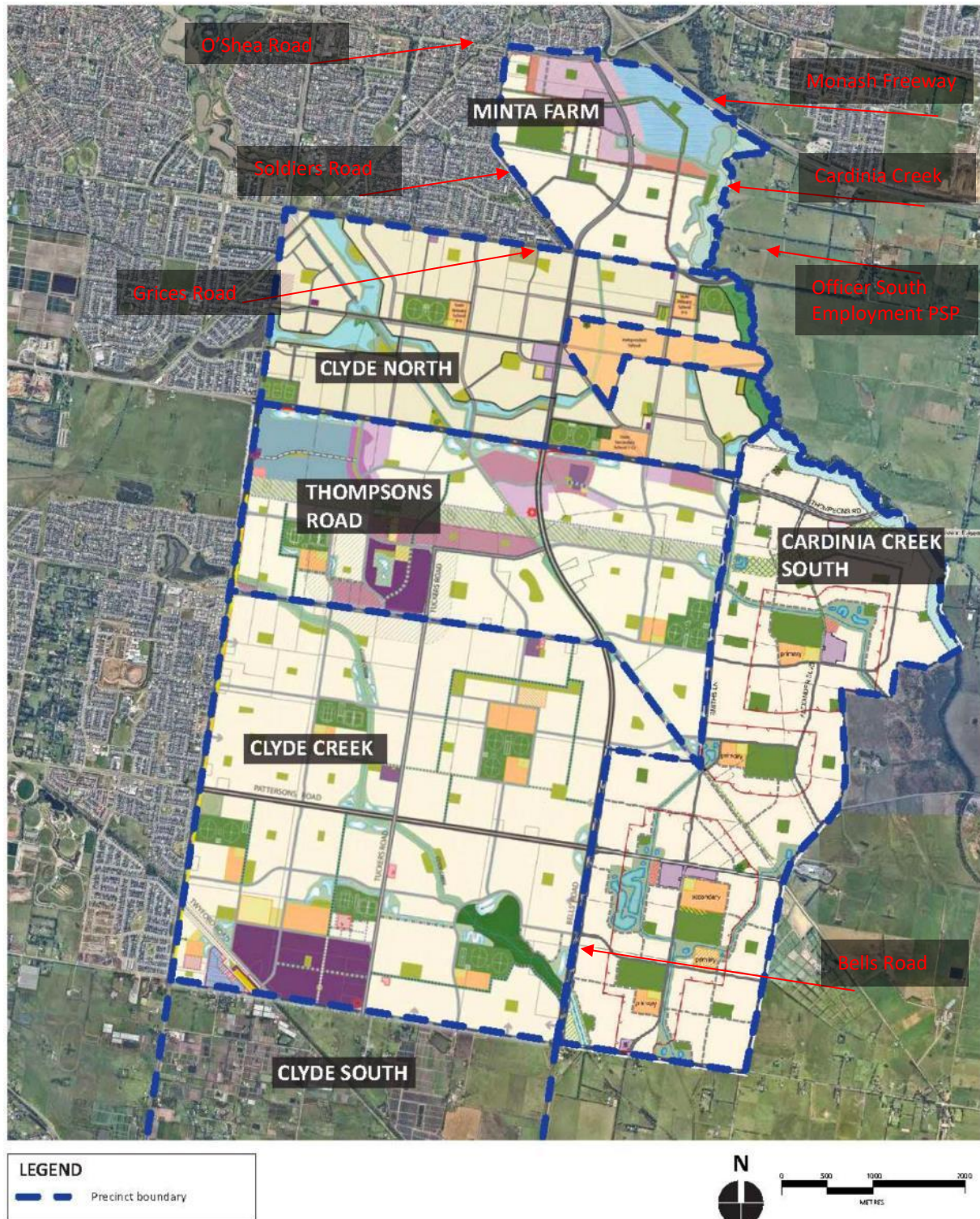


Figure 2 Approved PSPs and ICPs/DCPs in the South East Growth Corridor

Source: Mr Woodland's evidence, Document 71, with the Panel's annotations

PSPs and ICPs or Development Contributions Plans (DCPs) have been approved for many of the surrounding PSP areas, as summarised in Table 2.

Table 2 **Approved PSPs, ICPs and DCPs in the surrounding area**

PSP area	PSP	ICP/DCP
Clyde North	Clyde North PSP September 2011 [Amendment C153]	Clyde North DCP August 2011 [Amendment GC75]
Thompsons Road	Thompsons Road PSP October 2014 [Amendment C185]	Clyde DCP November 2014 [Amendment C187]
Clyde Creek	Clyde Creek PSP October 2014 (amended October 2015) [Amendment C186]	Clyde DCP November 2014 [Amendment C187]
Cardinia Creek South	Cardinia Creek South PSP March 2018 [Amendment C221]	Cardinia Creek South ICP March 2019 [Amendment C261]
Clyde South	Not yet approved	Not yet approved
Officer South Employment	Not yet approved	Not yet approved

(ii) The north-south arterial road

Many of the projects to be funded by the ICP make up various elements of the north-south arterial road, and many of the issues in dispute relate to the north-south arterial road, its scope and its apportionment. The north-south arterial road is described in more detail in Chapter 2.

(iii) The lot cap

The north-south arterial road, including its early delivery, is required not just to provide access to the PSP area, but also to relieve traffic congestion in the surrounding road network, particularly on Soldiers Road. The Minta Farm PSP Panel recommended development within the PSP area be capped at 1,000 residential lots until the interim north-south arterial road (RD-01) and intersections IN-01 and IN-05 are constructed, providing a connection through the PSP area. The lot cap is included as a requirement in the PSP (R94), and has been translated into the applicable Urban Growth Zone schedule.

(iv) O'Shea Road

O'Shea Road currently terminates at Soldiers Road, which runs along the western boundary of the PSP area. O'Shea Road is being extended along the PSP area's northern boundary, to connect to the Princes Highway and the Monash Freeway via the Beaconsfield Interchange. This project is being undertaken (and funded) by the State as part of the Monash Freeway Upgrade Stage 2 project.

(v) Grices Road

Grices Road runs along the southern boundary of the PSP area, and connects through to Clyde Road to the west. Grices Road west of Soldiers Road is built to an arterial road standard. East of Soldiers Road (the section that forms the southern boundary of the PSP area) is a two lane

road that currently terminates near Bellhaven Circuit which forms part of the Clyde North PSP area. A large portion of this section of Grices Road is currently gravel.

Grices Road east of Soldiers Road is being extended to Ferdinand Drive and upgraded to interim arterial standard under the Clyde North Development Contributions Plan (DCP). The upgrade is fully funded under the Clyde North DCP.

Grices Road will eventually be extended from Ferdinand Drive to cross Cardinia Creek and extend into the Officer South Employment PSP area to the east of the creek. The bridge crossing the creek is State infrastructure, and will be delivered at some future time. The section of Grices Road from Ferdinand Drive to the bridge is currently unfunded, and is not included in either the Minta Farm ICP or the Clyde North DCP.

1.3 Exhibited and revised ICP

The exhibited ICP is dated July 2019. It includes detailed cost sheets and drawings (functional layout plans) for each infrastructure project in Appendix 3.

The VPA provided a list of changes to the exhibited ICP as at 26 August 2020 with its Part A submission (Document 72(b)).

On the final day of the Hearing, the VPA provided:

- an updated list of changes to the ICP as at 11 September 2020 (Document 111)
- revised interim functional payout plans for intersections IN-01, IN-02 and IN-04 (Document 112)
- a marked up revised ICP (Document 113).

A note on the cover of the revised ICP (Document 113) notes that the track changes represent changes recommended by the VPA, and that the figures are not final as additional changes are still pending through the Panel process.

1.4 Issues

(i) Unresolved issues

The unresolved issues are:

- the apportionment of various elements of the north-south arterial road
- the appropriate design for IN-01, IN-02, IN-03 and IN-05
- the elements and staging of the early works package
- the treatment of the financing costs for the early works package
- shared user paths along the north-south arterial road
- the lot cap
- the appropriate design and costings for the culvert
- whether the ICP should fund the extension of Grices Road to the future bridge connecting to the Officer South Employment Precinct
- the treatment of credits for works in kind.

Unresolved issues are dealt with in Chapter 6.

(ii) Resolved issues

Through the circulation of expert evidence and the expert conclaves, many of the matters in dispute were resolved by the time the Hearing commenced. The Panel has briefly recorded the resolved issues in Chapter 7, but has largely accepted the submissions and evidence of the parties in relation to these matters, including the matters recorded in the conclave statements. It has not generally interrogated resolved matters.

(iii) Threshold and systemic issues

The submissions also raised some threshold and systemic issues that impact not just on this Amendment, but also on the preparation of future ICPs. Chapter 5 deals with these issues.

1.5 Procedural issues

A number of procedural matters arose in the lead-up to the Hearing.

(i) Relevance of land valuation methodology issues

Stockland's submission to the Amendment raised issues relating to the land valuation methodology and the methodology behind the calculation of the land equalisation rate specified in the ICP.

At the first Directions Hearing, the Panel indicated that those issues may be beyond the Panel's remit, based on section 25(5)(a) of the *Planning and Environment Act 1987* (the Act). Stockland indicated that it was aware of section 25(5)(a), but considered that valuation issues were before the Panel and within its remit, and that it would be making submissions to the Panel to that effect at the Hearing.

The Panel determined that the issue of whether valuation issues are within scope should be ventilated and determined at a second Directions Hearing, rather than at the Hearing, and directed Stockland to circulate a written submission outlining why it considered that these issues were within scope prior to the second Directions Hearing.

The second Directions Hearing was convened for 4 March 2020 to (among other things):

- consider and take submissions from the parties as to whether the Panel has power to consider issues relating to the land valuation methodology for public purpose land, and the methodology behind the calculation of the land equalisation rate set out in the ICP
- obtain further clarity in relation to the nature of the evidence to be called from Stockland's planning and economic experts, and to consider and take submissions from the parties regarding the relevance of that evidence to the matters before the Panel.

A preliminary hearing was set down to further consider the matter of the relevance of valuation issues, and evidence that Stockland intended to call in relation to the same.

On 17 July 2020 Stockland wrote to the Panel and the parties (Document 57) indicating that it no longer intended to pursue the land valuation methodology and land equalisation rate methodology issues at the Hearing. Accordingly, the Panel vacated the preliminary Hearing, and has not considered those issues any further.

(ii) The lot cap

Prior to the first Directions Hearing, Stockland indicated that it would be seeking directions from the Panel that:

- a meeting of traffic experts be convened to discuss the design for the north-south arterial road
- a mediation take place between Stockland, VPA and Casey City Council (Casey) on whether the lot cap should be removed based on the outcome of the meeting of traffic experts.

The Panel invited submissions from the parties in relation to Stockland's request at the first Directions Hearing.

In summary, the VPA submitted that it would participate in a mediation process if directed to do so, but would defer to Casey on whether or not the cap is required. It submitted that the VPA would actively work to seek to resolve matters raised in submissions in the leadup to the Hearing, and did not consider that a formal order for mediation is required. It submitted that the lot cap issue was addressed through the PSP process and was not strictly within the scope of the ICP and the Amendment.

Casey submitted that while it was willing to work toward resolving the lot cap issue, the issue was fully tested and determined through the PSP process. Council's concern was that if a mediation was ordered by the Panel and was unsuccessful, parties may seek to re-ventilate the lot cap issue at the ICP Hearing, which Council considered would not be appropriate.

Minta Farm Group indicated that it was not aware of Stockland's request, and accordingly was not in a position to make detailed submissions about the matter. Its main concern was ensuring that the meeting of traffic experts remained productive and not unduly focussed on the lot cap issue to the exclusion of other relevant traffic matters.

Having considered the submissions, the Panel declined to make Directions for a mediation, stating in its Directions Letter dated 18 December 2019 (Document 5):

The Panel does not consider it necessary or appropriate to order a mediation between the parties in relation to the removal of the lot cap. The Panel was not persuaded by Stockland's submissions that the lot cap necessarily should be revisited through the ICP process. The Panel has directed a meeting of traffic experts (see Direction 8.a)), and it encourages the parties to continue to work toward resolving the issues in the leadup to the Hearing.

The Panel received further correspondence Stockland on 17 July 2020 (Document 57) indicating that it intended to make submissions about the lot cap at the Hearing. On 23 July 2020, the Panel received a request from Casey for Directions that Stockland provide details as to:

- exactly what change is sought to the UGZ14
- why the change is sought
- the basis on what Stockland says the lot cap arises as a result of Amendment C269case.

The Panel declined to make such Directions, stating in its letter dated 27 July 2020 (Document 64):

While the Panel appreciates Council's position, it considers that processes can be put in place during the Hearing (if required) to ensure that Council is given a fair opportunity to respond to Stockland's submissions about the lot cap, should the Panel ultimately decide that those submissions are relevant to Amendment C269. Accordingly, this matter will be dealt with at the Hearing.

(iii) Adjournments

Following the first Directions Hearing in December 2019, the Panel set the Hearing down for dates in June 2020. The Panel subsequently received correspondence from the VPA objecting to the scheduled hearing dates on the basis that its preferred Counsel was unavailable, and requesting the Hearing be adjourned to dates in September 2020.

The Panel wrote to all parties on 23 December 2019 indicating that it would not reschedule the hearing dates without taking submissions from all parties, and that the VPA's request would be dealt with at the second Directions Hearing on 4 March 2020. It requested any party seeking an adjournment should provide evidence in relation to the reasons for the request, and written reasons as to why they would be prejudiced if the Hearing were to proceed on the scheduled hearing dates.

No party opposed the VPA's proposed September 2020 hearing dates at the second Directions Hearing. Accordingly, the Panel adjourned the Hearing to the agreed dates, and the Hearing commenced on 2 September 2020.

2 The north-south arterial road

Many of the issues in dispute relate to the north-south arterial road. This chapter sets out some of the relevant background and descriptions of the north-south arterial road in the PSP, the exhibited ICP (which was based on a design speed of 80kph) and the VPA's revised design (which is based on a design speed of 60kph).

(i) Ultimate configuration

The north-south arterial road, in its ultimate 6 lane configuration, will be a primary arterial road. When constructed, the north-south arterial road will form an extension to Bells Road, a north-south arterial road that will eventually connect Ballarto Road in the south to O'Shea Road and the Monash Freeway in the north (as shown on Figure 2 on page 4). Some of the witnesses and parties referred to the north-south arterial road as Bells Road in their submissions and evidence.

(ii) Interim configuration shown in the PSP

The PSP describes the various components making up the north-south arterial road as 4 separate mid-block road sections (RD-01 to RD-04), and 5 intersections (IN-01 to IN-05). These are shown on Plan 13 in the PSP. Refer to Figure 3 below.

Table 8 (Precinct Infrastructure Plan) in the PSP includes the following items, all 100 percent apportioned to the Minta Farm ICP:

- for each of the four mid-block road sections:
 - the land required for the ultimate (6 lane) configuration
 - *"construction of a 2 lane carriageway (interim treatment)"*
- for each of the 5 intersections:
 - the land required for the ultimate configurations
 - construction of the intersections, all referred to as *"(interim treatment)"*.



Figure 3 North-south arterial road elements – PSP

Source: Plan 13 (Public Infrastructure Plan), Minta Farm PSP, Document 87

(iii) Interim configuration shown in the exhibited ICP

The exhibited ICP describes the various components making up the north-south arterial road differently to the PSP. It describes:

- an additional road project RD-01-04 which connects IN-01 in the north to IN-05 in the south (this is the early works component)
- the 5 intersections described in the PSP, but with intersections IN-03 and IN-04 slightly reconfigured to shorten the southern leg of IN-03 and extend the northern leg of IN-04 so they effectively meet
- midblock road sections RD-01, RD-02 and RD-04 (RD-03 was removed because IN-013 and IN-04 now effectively meet).

These components are shown on Plan 2 (Standard and Supplementary Levy Transport Projects) in the exhibited ICP. Refer to Figure 4 below.

Table 5 in the exhibited ICP describes these items (all of which are 100 percent apportioned to the ICP) as follows:

- RD-01-04 is described as *“construction of 1 through lane in each direction (interim treatment)”*
- RD-01, RD-02 and RD-04 are described as *“construction of one additional southbound lane to support [the intersection at either end] (Interim treatment)”*
- each of the intersections are described in detail, with each described as *“(interim treatment)”*.

In effect, the exhibited ICP contemplated 3 lanes for the interim north-south arterial road (1 northbound and 2 southbound lanes) rather than 2 lanes (a single lane in each direction).



Figure 4 North-south arterial road elements – exhibited ICP

Source: Plan 2, Exhibited ICP

(iv) The revised design

At the second Directions Hearing the VPA explained that the exhibited ICP was based on a design speed of 80kph for the north-south arterial road (interim construction). After consultation between the VPA, Casey and Transport for Victoria (TfV), it was agreed that the interim construction should be designed to 60kph, and that amended designs were under preparation.

The Panel directed the VPA to circulate the amended designs. Document 17, circulated on 13 March 2020, includes amended plans prepared by Cardno dated 11 March 2020 and a letter from Cardno dated 13 March 2020 explaining the changes. The Cardno March 2020 plans show a 2 lane interim configuration for the north-south arterial road, rather than the 3 lanes in the exhibited designs. This resulted in the need to revise turn lane configurations and taper lengths for the various intersections.

The VPA tabled a revised Plan 2 from the ICP on Day 1 of the Hearing, reflecting the revised design (Document 79). This is shown in Figure 5 below.

Based on Document 79, the VPA's recommended final ICP will describe the various components making up the north-south arterial road as follows:

- RD-01, a 2 lane carriageway connecting IN-01 in the north and IN-05 in the south
- reconfigured intersections with longer north and south legs that (in the case of IN-03 and IN-04) overlap.



Figure 5 North-south arterial road elements – revised ICP

Source: Revised Plan 2 from the ICP, Document 79

(v) Early works package

In its Part A Submission (Document 72), the VPA noted the findings of the Minta Farm PSP (Casey C228) Panel that the north-south arterial road was a key element of the Minta Farm PSP road network and its early delivery to at least to an interim standard over its full length was essential to enable the development of the precinct. The Panel understands that the lot cap would be satisfied on delivery of the early works package, allowing Stockland to develop beyond 1,000 lots without requiring Casey's consent.

The exhibited ICP included the financing costs for an early works package (EDW-01) described in Table 6 as:

Early Delivery of Works

Financing first two lanes of North-South Arterial Road from IN-01 to IN-05 including:

- IN-01 (EDW)
- RD-01-04 (EDW)
- IN-05 (EDW)

The revised design of the north-south arterial road resulted in some changes to the description of the early works package. The revised ICP tabled by the VPA on the final day of the Hearing (Document 113) describes the early works as RD-01, IN-01, IN-05 and CU-01. Refer also to the revised Plan 2 in the ICP (Document 79) in Figure 5 above.

In closing submissions (Document 110), the VPA supported the inclusion of Culvert CU-01 in the early works package, noting that its exclusion from the package in the exhibited ICP was in error.

Mr Charlton (for Stockland) proposed an alternative early works package, which is discussed in Chapter 6.5.

(vi) Apportionment

The VPA proposed that all components of the north-south arterial road, including the early works financing costs, be 100 percent apportioned to the Minta Farm ICP. Stockland and Minta Farm Group opposed this, and submitted that some external apportionment should be provided. The apportionment issue is discussed in Chapter 6.1.

3 Planning context

3.1 Planning scheme provisions

Clause 19 of the Planning Schemes relates to infrastructure. It includes objectives to provide social and physical infrastructure in a way that is efficient, equitable, accessible and timely, and to ensure that growth and redevelopment of settlements is planned to provide for the logical and efficient provision and maintenance of infrastructure. Clause 19 specifically encourages planning authorities to consider the use of development and infrastructure contributions in funding infrastructure.

The purpose of the ICO are:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify the area where an infrastructure contributions plan applies for the purpose of imposing contributions for the provision of infrastructure.

To identify the infrastructure contribution imposed for the development of land.

3.2 Ministerial Directions

(i) Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans

The ICP Ministerial Direction guides the preparation and content of ICPs:

- clauses 10 to 19 relate to the monetary component of an infrastructure contribution and provide requirements for imposing a standard levy and a supplementary levy
- clauses 20 to 28 relate to the land component of an infrastructure contribution and include methods for calculating the value of public purpose land, land credit amounts and land equalisation amounts per land parcel, and the adjustment of public purpose land values.

Levies under an ICP can only be used to fund 'allowable items'. Annexure 1 of the ICP Ministerial Direction includes tables which list and describe the allowable items for each type of levy (refer to Table 3).

Table 3 Allowable items for standard and supplementary levies

Levy	Table	Allowable items
Standard – community and recreation	Table 2	Community and sport and recreation facilities, such as kindergartens, neighbourhood houses, football ovals, netball courts and the like
Standard – transport	Table 3	Arterial roads, intersections and minor culverts constructed up to specified standards. For example, for arterial road lanes, the standard of provision is 'construction of one through lane in each direction'
Supplementary – transport	Table 4	Arterial roads and intersections that exceed the specified standards for a standard levy allowable item, road bridges, pedestrian bridges and major culverts

Even where an ICP proposes to fund projects that qualify as supplementary allowable items, the planning authority must exercise its discretion as to whether to apply a supplementary levy. The matters that the planning authority must consider in exercising that discretion are set out in clause 17 of the ICP Ministerial Direction. They are:

- whether the item can be wholly or partially funded from the standard levy
- whether the item is essential to the orderly development of the area
- whether the item is identified in a PSP or equivalent strategic plan
- whether the land has particular topographical or other physical constraints that “significantly affect the estimated cost of allowable items to be funded through the infrastructure contributions plan”
- any other criteria specified in an Annexure to the Ministerial Direction.

(ii) Other Ministerial Directions

The VPA provided a response to *Ministerial Direction No. 9 – Metropolitan Strategy* and *Ministerial Direction No. 11 – Strategic Assessment of Amendments* in its Part A submission (Document 72). The Panel agrees that the Amendment is consistent with those Ministerial Directions, as it:

- facilitates the collection of developer levies to fund the required infrastructure to service future urban land within the Urban Growth Boundary
- implements the objectives of planning in Victoria by providing for the fair, orderly, economic and sustainable use of land identified for urban purposes
- provides for infrastructure items that are strategically justified through the PSP process
- provides opportunities for positive social effects by establishing a funding mechanism to provide essential services for the future community.

3.3 Infrastructure Contributions Plan Guidelines

The *Infrastructure Contributions Plan Guidelines* (DELWP, November 2019) (the ICP Guidelines) provide a high level overview of the ICP system, and advice on how to prepare, implement and administer an ICP. The Guidelines have been updated from the original October 2016 version to reflect the introduction of the *Planning and Environment Amendment (Public Land Contributions) Act 2018*.

The ICP Guidelines state on page 8:

Infrastructure contributions help fund basic and essential infrastructure for new and growing communities, such as local roads, community centres, kindergartens, maternal and child health facilities, local parks and sporting facilities, which are vital for creating sustainable communities. They help to ensure that new communities have the essential infrastructure to meet their needs.

The ICP Guidelines outline a number of principles of the ICP system on page 9, including:

- infrastructure is basic and essential
- need and nexus
- equity
- certainty
- accountability and transparency.

3.4 Minta Farm Precinct Structure Plan

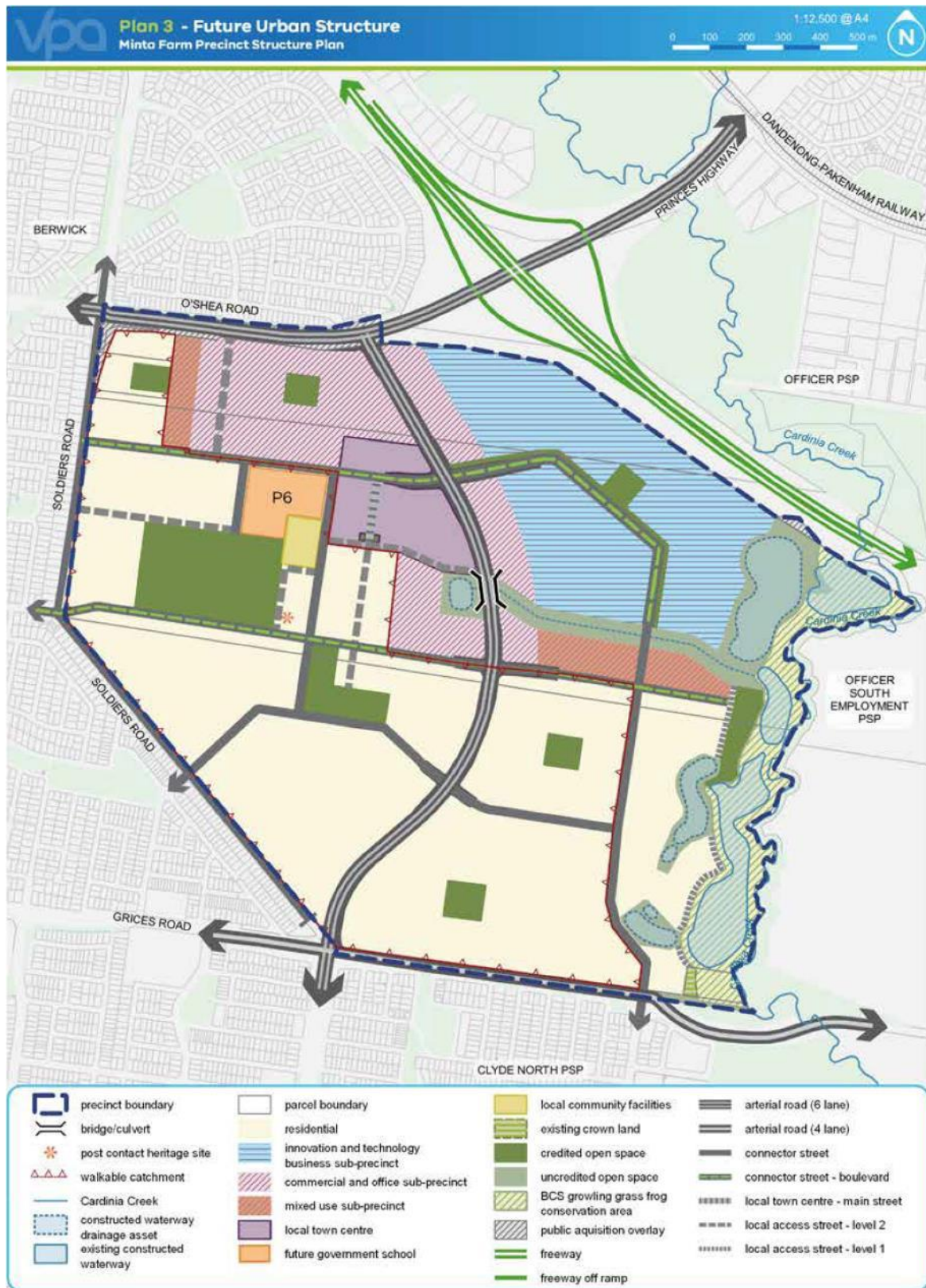


Figure 6 Future urban structure of the PSP

Source: Plan 3 from the Minta Farm PSP (Document 87)

The Minta Farm PSP provides guidance for the development of the land. Plan 3 in the PSP (extracted above) describes the future urban structure of the PSP area. Table 8 in the PSP (the Precinct Infrastructure Plan) describes the infrastructure required for the PSP area and identifies which of the infrastructure projects will be funded through the ICP.

The list of infrastructure projects in the exhibited ICP is broadly consistent with Table 8 in the PSP.

4 Overall assessment of the Amendment

4.1 Evidence and submissions

Stockland

Stockland submitted that too much is being loaded into the ICP, and that the outcome falls foul of the basic principles of need, nexus, accountability and equity. It submitted that the VPA appears to have taken the approach that if an item is 'allowable' under the ICP Ministerial Direction, it ought be 'allowed' in this ICP. It submitted that this was not the proper approach:

The Minister's ICP Direction assists in terms of determining whether a particular item is 'allowable', but beyond that, it provides no guidance as to what should be 'allowed' in a strategic sense or in the sense of giving effect to the development contributions principles that are contained in the ICP Guidelines or to the considerations of [Ministerial Direction No. 11 (Strategic Assessment of Amendments)] or [the Strategic Assessment Guidelines].

Stockland submitted that a proper strategic assessment of the Amendment required a number of matters to be considered, including the environmental, social and economic effects of the Amendment, whether the Amendment complies with Ministerial Directions (including Ministerial Direction No. 11 and the Strategic Assessment Guidelines) and whether it supports the Planning Policy Framework.

Stockland submitted that the only experts who have undertaken a proper assessment of the Amendment under the ICP Guidelines and the Strategic Assessment Guidelines were Mr Woodland and Mr McNeill.

Mr Woodland's planning evidence addressed the following key strategic issues:

- impact of sequencing of surrounding PSPs and ICPs on need, nexus and equity
- the principle in the ICP Guidelines of certainty, and considerations in the Strategic Assessment Guidelines.

In relation to sequencing, Mr Woodland's evidence was the need for a 4 lane north-south arterial road link north from Grices Road has been planned for nearly a decade. The development of the PSP areas to the south of Minta Farm has created significant demands on the arterial road network. However, the ICPs and DCPs for those areas did not require contributions to the north-south arterial road, with the result that:

... the opportunity to collect funds towards improving the road network capacity at the top of the catchment (within Minta Farm) to meet the known future demands generated by this development has been foregone.

This has created a shortfall of development contributions funds for the delivery of much-needed regional arterial road infrastructure to serve the wider Clyde growth area catchment.

Mr Woodland's evidence was that the ICP system seeks to provide cost certainty through the introduction of a standard levy, with the exposure to supplementary levies intended to be limited to a very specific and defined set of circumstances. His view was that the infrastructure planning process for Minta Farm has failed to deliver certainty, and that both government and landowners have been exposed to 'cost uncertainty' since the approval of the PSP. He stated:

The Minta ICP is now seeking to reduce this uncertainty but in doing so it is proposing to introduce a very high supplementary levy and to place the burden of the majority of previously unquantified infrastructure costs onto the development within the precinct. In my opinion this is not a reasonable approach to take ...

Mr Woodland's opinion was that the proper application of the Victorian planning objectives and State planning policies would require development within the precinct to only contribute towards the cost of the providing the infrastructure that it relies on in order to function effectively. This, he said, was consistent with the approach taken across the other PSPs within the Clyde growth area and also consistent with the long-standing principles reflected in the ICP Guidelines.

Stockland called Mr McNeill to give economic evidence. He compared the Minta Farm ICP with other recent ICPs and considered the impact of the proposed contributions on residential development in the PSP area, in the context of the principles in the ICP Guidelines. His evidence stated:

The fourth principle is that of Equity. The principle sets out that (Emphasis added in bold):

Development which contributes to the need for new infrastructure should pay a fair and reasonable contribution towards its provision.

Developers, local government, state agencies and other stakeholders all share the responsibility for funding infrastructure and **the contribution made by development should be proportionate to the need it is projected to generate**. Accordingly, infrastructure contributions will not necessarily fund the full cost of infrastructure to be provided through an ICP.

In my opinion, the key words 'fair and reasonable' are important. In the next section of my evidence I explore this issue further by comparing the contribution required by the Minta Farm ICP area compared to that of other ICP areas.

The second important point in the Equity principle is that the "contribution made by development should be proportionate to the need it is projected to generate". In my opinion, this element of the Equity principle is often overlooked in the assessment of ICPs. Noting that the 'contribution' applies to both the Monetary Contribution and the provision of Public Purpose Land, it is evident that the scale, for example, of the Public Purpose Land to be provided for the North-South Arterial Road is not proportionate to the need it is projected to generate.

Mr McNeill compared the Minta Farm ICP with other recent ICPs, and concluded that the combined monetised public land and monetary contribution under the Minta Farm ICP is significantly higher than in other precincts. His total contribution figures for residential development (per NDHa) were:

- Minta Farm – \$813,716
- Cardinia Creek South – \$454,346
- Sunbury South – \$574,643
- Donnybrook-Woodstock – \$609,681
- Beveridge Central – \$389,479.

He posed the question, at what point does a supplementary levy cease to become fair and reasonable?

Mr McNeill noted that the monetary component (standard plus supplementary levy) in Sunbury South is higher than Minta Farm, explained by significant geographical and

topographical challenges in Sunbury South that require significant road infrastructure (including bridges) to enable development to occur. He noted that Minta Farm has no such challenges, and yet has a significantly higher total contribution, largely made up of the monetised public land contribution.

Mr McNeill drew further comparisons with Cardinia Creek South (which is one of the PSP areas to the south of Minta Farm), highlighting that residential development in Cardinia Creek South attracts a total levy (standard and supplementary) of \$213,862 compared to Minta Farm at \$319,129. The result is that Cardinia Creek South enjoys a cost advantage of \$105,267 per NDHa, equivalent to \$5,012 per residential lot¹. His evidence was that the proposed levy rates in Minta Farm are also significantly higher (around 40 percent) than Stockland assumed at around the time of the PSP.

Mr McNeill considered that a key driver of the high contribution rates in Minta Farm is the limited size of the precinct and the limited number of demand units over which to spread costs. He noted that the ICP Ministerial Direction allows for a supplementary levy to be applied in these circumstances, and stated:

Although the intent of the criteria is clear – to ensure a precinct that may be limited in terms of net developable area pays its way in terms of local infrastructure – the outcome, without limitation, has the potential to result in a Supplementary Levy that may render development unviable in a particular precinct. In precincts where the net developable area is of limited scale, but through which critically important regional transport infrastructure passes, the criteria may be, in my opinion, particularly problematic.

The Minta Group

The Minta Group submitted:

Both Mr Woodland and Mr McNeill repeatedly made the point that there is something wrong when a precinct like Minta Farm, which is not 'geographically challenged' like precincts such as Sunbury South and Lancefield Road, has relatively very high contribution rates. Whichever method of comparison you use, Minta Farm has very high contribution rates. It shouldn't. It is adjacent to the Monash Freeway and the only notable site constraints relate to the creek area – all of which is set aside for drainage and biodiversity conservation purposes.

In oral submissions, The Minta Group made the point that many things have changed since the PSP was approved and introduced into the Planning Scheme, including the upgrades to O'Shea Road (which are under construction) and the proposed upgrade of the Monash Freeway to 6 lanes to Pakenham. It was not appropriate in those circumstances to simply accept the PSP as the strategic justification for the ICP, and to not look into questions of whether the ICP is fair and meets the principles outlined in the ICP Guidelines.

The VPA

The VPA called Mr Shipp to give evidence about the preparation of the ICP. His original evidence concluded that the ICP had been prepared in accordance with the ICP Ministerial Direction. He noted that the infrastructure items were identified in a strategic plan (the PSP) and were consistent with the definitions of standard or supplementary allowable items in the ICP Ministerial Direction, subject to the removal of the third interim lane from the north-south

¹ These figures are based on Mr McNeill's oral evidence, which updated the figures in his written evidence to account for indexing.

arterial road. He considered that the north-south arterial road itself is appropriately categorised as a standard levy allowable item and the intersections are appropriately categorised as supplementary levy allowable items. He concluded:

The planning authority has appropriately considered the relevant factors in deciding to apply a Supplementary Levy as part of the ICP and has appropriately calculated the Supplementary Levy in relation to the Standard Levy.

The VPA rejected Stockland's proposition that Minta Farm is being asked to contribute to a level that is unreasonable. Relying on Mr Shipp's supplementary evidence (Document 74), the VPA submitted that Minta Farm is not required to make a land contribution in excess of what is required in other ICP areas, and the cost of infrastructure identified within the ICP is not excessive. It provided a comparison of the costs of the infrastructure in the ICP against benchmark costs (Document 96) which demonstrated that the costs are comparable.

The VPA submitted that the supplementary levy rate in Minta Farm, while on the higher side, is not an outlier, and is higher because the infrastructure costs are being distributed over a relatively smaller area. It submitted that:

- the ICP Guidelines specifically recognise that each development context differs in size, location, scale and infrastructure requirements, and a standard levy may not always provide enough funding to deliver the basic and essential infrastructure
- the ICP Ministerial Direction expressly contemplates this situation (allowing arterial roads as a supplementary levy allowable item where construction cannot be funded from the standard levy because the net developable area of the precinct is limited).

Mr Shipp's supplementary evidence reviewed Mr McNeill's comparison of contribution rates between PSP areas, and concluded that they were not 'like for like'. In Mr Shipp's opinion:

- derivation of a land contribution in dollar terms is strongly influenced by the land value in each precinct, which vary considerably
- expressing a land contribution in dollar terms as Mr McNeill had done overstates the value of the contribution, because land equalisation rates in an ICPs are valued differently (site specifically) than the 'before and after' valuation method of broadhectare land valuation, resulting in higher values
- some of the figures used in Mr McNeill's comparisons needed to be updated from 2018/2019 rates to 2019/2020 rates to enable a proper comparison with Minta Farm
- Beveridge Central was not an appropriate comparison as most of its roads were already set aside in road reserves.

Mr McNeill accepted these points when they were put to him in cross examination, and expressed some caution about comparing contribution rates across different precincts. He acknowledged that ICP contributions can vary – sometimes very significantly – based on geographical and topographical conditions, and a range of other factors. He nevertheless maintained that the Minta Farm rates were unusually high, particularly given it has relatively straightforward geographical and topographical conditions.

All the witnesses referred to above addressed the issue of whether apportionment of the north-south arterial road was strategically justified. This evidence is dealt with in Chapter 6.6.

4.2 Discussion

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Planning Policy Framework expressly encourages the preparation of ICPs, particularly in growth areas, to ensure planned infrastructure is delivered and funded with certainty, efficiency and timeliness. The Panel supports the use of an ICP in this particular context and regards it as consistent with the policy framework. The ICP will, in the Panel's view, deliver a net community benefit by providing certainty, contributing to the delivery of essential transport and community infrastructure and ensuring an equitable sharing of infrastructure costs between landowners and developers.

The Panel is satisfied that the ICP meets the requirements of the ICP Ministerial Direction. On the basis of Mr Shipp's evidence the Panel is satisfied that the various projects listed in the ICP are 'allowable items' under the ICP Ministerial Direction, and that they have been listed against the appropriate levy (standard or supplementary), consistent with the Tables in Annexure 1 of the ICP Ministerial Direction.

Detailed cost estimates have been prepared for each of the ICP projects. The costings have been subject to a comprehensive review by a number of costings experts. While estimates of the experts varied on certain line items, following the conclaves between costings experts, the costings for all transport infrastructure projects were within an acceptable range of variance (ie within 5 per cent). Costings on the culvert (CU-01) remained in dispute, and are discussed in Chapter 6.9.

The Panel has considered the matters set out in clause 17 of the ICP Ministerial Direction which a planning authority must consider when deciding whether to apply a supplementary levy. The Panel finds:

- the costings demonstrate that it is not possible to fund all the infrastructure projects from the standard levy
- all the supplementary levy items are identified in a PSP
- no party disputed, and the Panel has no reason to doubt, that the supplementary levy items are essential to the orderly development of the area.

The Panel considers that it is appropriate to apply a supplementary levy.

The Panel notes the evidence comparing contribution rates in Minta Farm to other PSP areas, but ultimately did not find the evidence determinative. As Mr McNeill conceded, some caution needs to be exercised in comparing rates across different PSP areas. Contribution rates can vary due to a whole range of factors, including geographical and topographical features and the size of the precinct. This makes like for like comparison difficult. The Panel was not persuaded that the comparison – particularly of the monetised public land contribution rates – demonstrated that the Minta Farm rates are unreasonable or inequitable, or that the contributions are disproportionate to the need generated by development within the PSP area.

Stockland submitted that a proper strategic assessment of the Amendment requires the economic effects of the Amendment to be considered. While Stockland and Mr McNeill

alluded to the economic impact of the high contribution rates and the fact that these are likely to be passed on to the homebuyer, neither went as far as suggesting that the rates make development of Minta Farm economically unviable, or pointed to any broader economic impacts.

The Panel was not persuaded that the sequencing of development in the South East Growth Corridor has resulted in inherent inequities in the Minta Farm ICP, or in lost opportunities to levy contributions to the north-south arterial road from other PSP areas. While this issue may have been more complex if the ICP required the interim north-south arterial road to be constructed (and fully funded) to a 4 lane standard (which seems to have been Mr Woodland's primary concern), the revised design only requires a 2 lane construction. The Panel is satisfied that a 2 lane road is essential to the orderly development of Minta Farm, and its inclusion in the ICP is strategically justified and consistent with the ICP Guidelines and the ICP Ministerial Direction. Other issues related to standard of intersection construction and external apportionment of the north-south arterial road are considered in more detail in Chapter 6.

In relation to certainty, the Panel was not persuaded that the ICP fundamentally fails to meet this important principle outlined in the ICP Guidelines. While the PSP and ICP processes would ideally have been run in tandem (an issue discussed in more detail in Chapter 5.2), the Panel notes that the levies under the proposed final ICP are largely in line with those that currently apply under the interim ICP (which was introduced 6 months after the PSP).

Overall, the Panel concludes that the Amendment is supported by, and implements, the planning policy framework and is consistent with the relevant Ministerial Directions. The Amendment is well founded and strategically justified and should proceed, subject to addressing the specific issues raised in submissions and discussed in the following chapters.

4.3 Conclusion and recommendation

The Panel concludes:

- The Amendment is strategically justified and should be supported, subject to the recommendations in this report.

The Panel recommends:

- 1. Adopt Amendment C269case to the Casey Planning Scheme as exhibited, subject to the specific recommendations in this report.**

5 Systemic issues

5.1 The issues

Submissions and evidence raised some systemic issues. These issues are not unique to this Amendment, but impact on ICPs more broadly. The issues are:

- decoupling of the PSP and ICP processes
- shortfalls in the capped community and recreation standard levy
- possible changes to State standard provisions of the Planning Scheme, and the ICP Ministerial Direction.

Strictly speaking, some of these issues are beyond the scope of the Amendment. However, the Panel has made some observations about these issues, given the submissions made at the Hearing and given the ICP system is in its relative infancy, and the details of its implementation and operation are still being worked through.

5.2 Decoupling of the PSP and ICP processes

(i) Submissions and evidence

The VPA and Casey submitted that the PSP provides the strategic basis for the ICP, including the infrastructure projects included within it and the apportionment of the costs of that infrastructure. They submitted it was inappropriate for parties to seek to use the ICP process to reventilate issues that were resolved and determined through the PSP process.

The VPA rejected the proposition that the decoupling of the PSP and the ICP provides a new opportunity for matters which were ventilated at the PSP hearing to be reheard. It submitted that this was contrary to a fair, orderly and economic approach to planning and it is inconsistent with the incorporation of the PSP into the planning scheme.

The VPA submitted that PSPs and ICPs have different functions:

It is evident from a proper reading of the policy framework and Precinct Structure Planning Guidelines that the role of the PSP and its associated PIP [Precinct Infrastructure Plan] is to identify the need for infrastructure and to identify who is responsible for paying for it, that is, how its hypothetical cost should be apportioned amongst prospective payers. That is why PIPs include notes as to apportionment and/or an apportionment column referable to each item of infrastructure. By contrast, the complementary role of the ICP is to define the scope of the planned infrastructure, cost it and manage collection and reporting of payments.

Relying in part on the evidence of Mr Woodland, Stockland submitted that given the decoupling of the PSP and ICP, it was entirely justified for Stockland to now seek to reventilate certain matters that were resolved through the PSP process. It pointed to the fact that the PSP panel had recommended the PSP (and Amendment C228) not be adopted until an ICP had been prepared, and submitted:

Despite the Panel's recommendation, the amendment [C228] was gazetted in January 2019 ahead of an ICP that had been tested, or validated or scrutinized through any form of public process.

Had the Panel's recommendation been followed, perhaps the present situation would not have arisen.

Suggestions by the VPA that this hearing and the issues that are being debated are inefficient or result in duplication are objectionable. The ground has shifted considerably since the PSP and the PSP hearing was conducted in the absence of a DCP or ICP.

To illustrate the 'shifting ground' since the PSP had been approved, Stockland provided the following Figure which shows the differences between the infrastructure projects in the PSP, the exhibited ICP and following the revised design of the north-south arterial road:

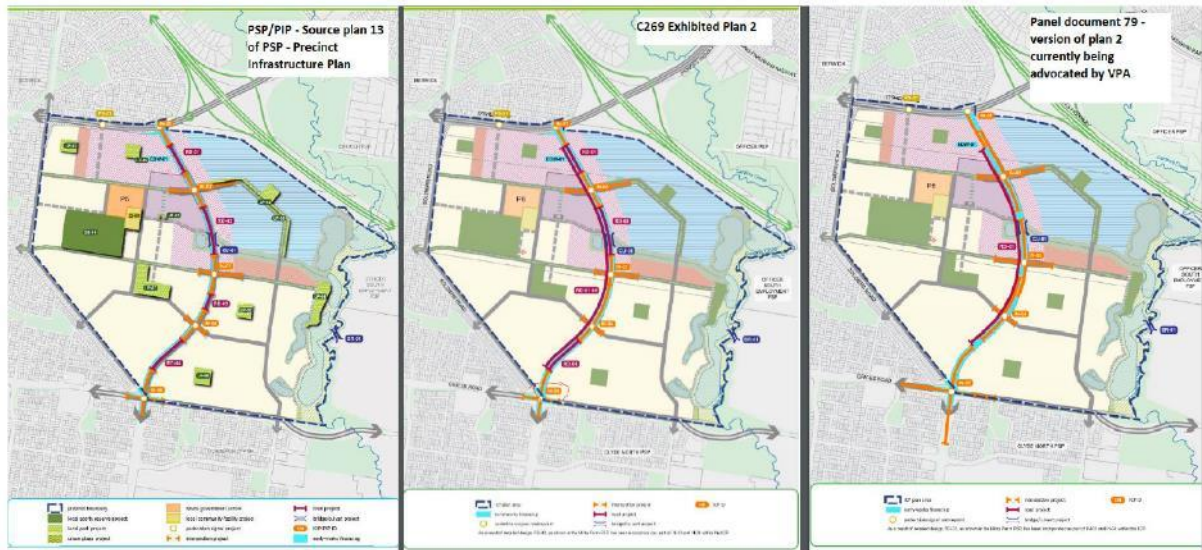


Figure 7 Iterations of ICP projects

Source: Stockland submission (Document 100) at page 11

The Minta Group supported Stockland's submissions, highlighting a number of significant changes since the PSP was incorporated into the Planning Scheme including the O'Shea Road upgrades and the planned upgrade of the Monash Freeway to 6 lanes to Pakenham.

Mr Woodland's evidence was that fair and orderly planning of Melbourne's growth areas requires the necessary infrastructure to be identified and thoroughly scoped at the time of the preparation of the PSP, and all affected parties be given a reasonable opportunity to review and test the infrastructure proposed *"so as to be confident that the infrastructure funding principles of need, nexus, accountability and equity are met by the proposed infrastructure plan to be included within the PSP"*. He noted the complexities associated with having to amend a PSP if a critical infrastructure assumption needs to be revisited later on because the scope and cost of the infrastructure were not properly understood at the time that the PSP was prepared. His evidence was:

For all of these reasons the most orderly, strategic and coordinated way of planning infrastructure is to prepare an ICP and a PSP together.

Mr Woodland's evidence was that the cost implications of the infrastructure in the PSP were not known to the parties to Amendment C228 because the ICP did not form part of that amendment. He stated:

Had the costs outlined in the Minta Farm ICP (and the method of funding them via a combination of standard and very high supplementary levies) been known by the parties to the PSP at the time of its preparation it is my view that a different approach might have been taken to the design, scoping and apportionment of infrastructure contained within it.

He considered that the scope of the north-south arterial road in the exhibited ICP extended beyond what was envisaged in the PSP, effectively creating a continuous 4 lane arterial road between O'Shea Road and Grices Road, together with 'ultimate' intersections at IN02, IN03, IN04 and IN05. Although he acknowledged the revised design of the north-south arterial road, he noted that disagreement remained among the traffic experts about the scope of the intersections. He concluded:

In summary, whilst I acknowledge that the ICP system is in its infancy and the ideal scenario of PSP and ICPs being adopted concurrently may not always be achievable, in my view the approach to facilitating the delivery of infrastructure for the Minta Farm precinct has not been sufficiently fair, orderly strategic or co-ordinated as required under the Act and Planning Policy.

These issues can be rectified if a number of important infrastructure planning and coordination issues that were left unresolved by Amendment C228, (together with the question of whether any proposed changes to the scope of transport works envisaged under the draft ICP are appropriate or not) are addressed by Amendment C269.

(ii) Discussion

In an ideal world, PSPs and ICPs would be prepared together. This would provide more certainty around the scope of the infrastructure to be provided, its cost and who pays for it.

The issue is particularly relevant for ICPs that propose a supplementary levy. While standard levies are certain and predictable, the likelihood of a supplementary levy being imposed (and its amount) is important information for developers, planning authorities and collecting and development agencies to factor in to a range of decisions. If the PSP and ICP are decoupled, development can sometimes proceed ahead of a final ICP being approved, and before infrastructure costs and contribution amounts are finalised (as is the case with Minta Farm). This is not ideal.

Many of the issues that were ventilated before this Panel were, in a sense, a re-ventilation of issues that were addressed (and thought to be resolved) through the PSP process. Questions of the external apportionment of the north-south arterial road and the scope of intersections designs along the north-south arterial road are prime examples. If the PSP and ICP were prepared together, these issues could have been fully tested at the PSP stage and there would have been no need to revisit these issues some two years later.

That said, the Panel recognises that it has long been the VPA's stated goal that going forward, ICPs and PSPs are prepared together. The Panel understands that Minta Farm is one of the last ICPs that has been decoupled from the PSP process, and in future, ICPs (at least those that will apply a supplementary levy) will be prepared and exhibited contemporaneously with the PSP.

The ICP system has undergone substantial reform over the last couple of years, with the introduction of the *Planning and Environment Amendment (Public Land Contributions) Act 2018* in July 2018. This Act introduced a new land contribution model, and required a different approach to the preparation of ICPs and ICPO schedules. Interim ICPs were put in place to allow permits to be issued and some contributions to be collected while final ICPs were being developed. While not ideal, the Panel understands that this was a practical approach taken by the VPA to allow development to proceed while ICPs 'caught up' with the new system.

The Minta Farm ICP process has demonstrated some of the pitfalls associated with the decoupling of the PSP and ICP processes. The Panel strongly encourages the VPA to ‘make good’ on its stated intention to prepare ICPs which seek to impose a supplementary levy contemporaneously with the relevant PSP.

5.3 Shortfalls in the capped community and recreation levy

(i) Submissions

Casey submitted that the ICP only funds a proportion of the total estimated cost of the community and recreation infrastructure, leaving a short fall of about \$7-8 million. It submitted (Council’s emphasis):

While mindful of the limitations on what a Panel can recommend, Council did not comment on the inadequacy of the Community and Recreation Standard Levy rate and how this is creating system underfunding of critical community and recreation infrastructure. However, we note that this matter has arisen in other panels as well and other panels have commented on this issue. For example, the Donnybrook Woodstock Panel Report at Part 4.8 (page 27) concluded as follows (also noting that the issue arose in the Melton C201 Mt Atkinson ICP amendment):

“That said, it seems that the shortfall will be substantial. While the cap is set by the Ministerial Direction, the Panel encourages the VPA to continue to work with the relevant agencies, including DELWP and the growth area councils, to monitor this issue holistically across growth areas.”

We request that the Panel in this amendment simply acknowledges the issue is a live issue but one which is to be resolved by other processes.

(ii) Discussion

This issue has arisen at several previous panels, including those that considered the Mt Atkinson and Tarneit Plains ICP² and the Donnybrook-Woodstock ICP³. This Panel reiterates the comments of those previous panels, and notes the substantial shortfalls that are apparently being created by the cap on the community and recreation infrastructure levy. It continues to encourage the VPA to work with DELWP and the Growth Area Councils to review this issue holistically across all growth areas.

5.4 Changes to the VPP and the ICP Ministerial Direction

While a panel must not make a recommendation that an amendment be adopted with changes to the terms of any State standard provision⁴, it may make recommendations that an amendment be made to the Victoria Planning Provisions (VPP)⁵.

(i) Evidence

Stockland requested both Mr Woodland and Mr McNeill to consider amendments to the VPP that would address any issues they identified in their evidence or otherwise arising from the Amendment.

² Melton PSA C201 [2019] PPV

³ Mitchell and Whittlesea PSA GC102 [2019] PPV

⁴ Section 25(3) of the Act

⁵ Section 25A

Mr McNeill recommended a review of the following VPP clauses to consider whether they provide appropriate direction in the preparation of PSPs and ICPs:

- **Clause 11.02-1S** – includes the strategy that planning for urban growth should consider (among other things) service limitations and the costs of providing infrastructure. The intent of this strategy is not clear.
- **Clause 11.02-3S** – while the strategies provide appropriate guidance, they are generally not tested as to whether they have been achieved. Has land been released that facilitates the coordinated and cost-efficient of local and regional infrastructure? How is the concept of cost-efficiency measured in an environment where one precinct carries a significantly higher cost burden than other precinct?
- **Clause 11.02-3S** – references the Precinct Structure Planning Guidelines (Growth Areas Authority 2009). These should be reviewed to consider whether a more integrated approach to infrastructure funding would be appropriate with an aim to ensuring that small precincts are not disproportionately burdened with infrastructure contributions.

Mr Woodland considered it surprising that the foundational principles of need, nexus, equity and accountability are not clearly set out in the various infrastructure policies contained within the PPF. He considered that these principles should be referenced in Clauses 11.02-1S, 11.02-3S, 19.03-1S, 19.03-2S, 45.11 (the ICPO) and 24.06 (the DCPO).

Mr Woodland also referred to the “*key issue*” of the timing of when PSPs and ICPs are prepared. He recommended:

- **the PPF** be amended to include a policy direction that requires (at the very least) that in preparing PSPs, the planning authority must consider the scope, cost and method of delivery of any infrastructure required to service urban development within the relevant precinct
- strategies in **Clause 11.02-2S** be amended to require PSPs to take account of the scope, cost and method of delivery of infrastructure
- an ICPO or DCPO only be applied to land when the ICP/DCP has been prepared (and ideally do this concurrent with the preparation of the PSP)
- alternatively, **amend Clause 45.11-2** to provide a degree of flexibility for the responsible authority to enter into section 173 agreements with landowners in relation to infrastructure contributions obligations in advance of an ICP or DCP being incorporated into the relevant planning scheme.

(ii) Discussion

It is not necessary for the Panel to resolve or make recommendations on these issues in order to address its task in relation to this Amendment. It has, however, recorded the suggestions of the experts for further consideration by the VPA and DELWP.

6 Unresolved issues

6.1 Apportionment of the north-south arterial road

(i) The issue

The issue is whether there should be some external apportionment of the costs of the north-south arterial road, including the financing costs for its early delivery.

(ii) Evidence and submissions

Stockland

Stockland submitted that there should be some external apportionment of the north-south arterial road, given its regional function. It pointed to the fact that the north-south arterial road had been variously described through the PSP process as having an intended function *“as a higher capacity, higher speed primary arterial road”*⁶, providing *“an important link of benefit to the broader region”*⁷, and providing *“a vital new arterial link in the regional road network”*⁸. Stockland submitted:

... Stockland trusts that the Minister will be assisted and informed by the observations of this Panel as to the particular circumstances of this PSP/ICP and the way in which what is patently regional infrastructure is being absorbed into this ICP in a way that provides an obvious unfairness and inequity.

It is submitted that considering the huge sums of money involved here, Stockland and The Minto Group alone would be obligated to pay, it is simply not a sufficient answer to say 'well who else is going to pay for this regional infrastructure?'. Sometimes the answer to this question is not known. But it is submitted that a clear answer to this question as it relates to external apportionment is that it should not be Stockland or The Minto Group that should pay for infrastructure that is clearly a State responsibility.

Stockland's traffic expert Mr Hunt supported external apportionment of a portion of the funding for the north-south arterial road, although his position appeared to vary between his original evidence statement (Document 24) and his supplementary evidence (Document 76).

Mr Hunt's original evidence stated at section 9.1 (Panel's emphasis):

Bells Road, when constructed will form a key component of the arterial road network serving the Growth Corridor, providing a new connection to the Princes Freeway at the existing Beaconsfield Interchange, in conjunction with the committed easterly extension of O'Shea Road.

...

As well as acting as a key component of the regional arterial network, Bells Road will also act as a “connector” route within the Minto Farm PSP area, providing north south local connectivity. A proportion of locally generated trips will also be distributed to the surrounding road network via Bells Road, particularly for connection to the north to the Princes Freeway via O'Shea Road and, to a lesser extent, trips to the south west via Soldiers Road and / or Grices Road.

⁶ Transport for Victoria's submission to the PSP Panel.

⁷ Page 39 of the C228 Panel report.

⁸ Page 40 of the C228 Panel report.

Ultimately approximately 50% of total volumes using the Bells Road at its northern end are expected to be generated by Minta Farm, reducing to less than 20% north of Grices Road.

As such, the inclusion of a contribution towards the ultimate construction of Bells Road in the ICP is justifiable, equivalent to its role as a connector road / local arterial serving the PSP area.

In my opinion, the funding for the construction of one two lane carriageway as proposed as a Standard Levy item in the ICP is appropriate.

Additional contribution for the duplication of the road under a Supplementary Levy is however neither appropriate nor in my opinion required.

The last paragraph quoted above appears to relate to Mr Hunt's concern that the exhibited design for the north-south arterial road effectively required the duplication of the north-south arterial road because of the long intersection tapers required for an 80kph design speed, and the additional south bound lane.⁹

Mr Hunt concluded that based on the predicted traffic volumes, 50 percent external apportionment of the north-south arterial road seemed reasonable. He considered it appropriate for the ICP to fund 100 percent of the internal intersections (IN-02, IN-03 and IN-04), but considered that IN-02 and IN-03 should be an interim template design (see Chapter 6.3).

Mr Hunt referred to various modelling of traffic volumes on the ultimate north-south arterial road in support of his conclusion that the costs should be 50 percent externally apportioned:

- modelling undertaken by Cardno for the VPA in 2015, which predicted ultimate volumes of 42,500 vehicles per day on the north-south arterial road
- modelling undertaken by Jacobs for Casey in 2018, which predicted that Minta Farm generated traffic would be 48,577 vehicles per day (10,150 vehicles per day on the southern section)¹⁰
- modelling undertaken by Ratio, which predicted Minta Farm generated volumes of 21,000 vehicles per day (7,700 on the southern section).

Mr Hunt's evidence did not refer to any modelling of traffic volumes on the interim north-south arterial road, and when questioned by the Panel he confirmed that the interim scenario had not been modelled.

In his supplementary evidence, Mr Hunt stated that the early works package provides the *"missing link"* between Grices Road and O'Shea Road and is designed to cater for existing regional demands. His evidence was that the early works package *"has clear regional benefit"* and should not be the full responsibility of the ICP. In response to questions from the Panel, Mr Hunt clarified that he was recommending a 50 percent external apportionment of the construction costs of the early works, as well as the financing costs of bringing the works forward.

Mr Woodland noted that there is no dispute that the north-south arterial road is a very important link and its early delivery is critical in alleviating existing traffic issues in the wider Berwick/Clyde growth area. His view was:

⁹ Mr Hunt supported the 2 lane proposal in the revised 60kph design.

¹⁰ Mr Hunt noted that the Jacobs modelling from 2018 estimated volumes generated by Minta Farm alone that exceeded the total volumes modelled by Cardno in 2015.

... requiring the Minta Farm Precinct to solely fund the land and construction of Bells Road to effectively an arterial standard is not an equitable outcome having regard to its regional role at the top of the urban catchment ...

He considered that further equity issues arise from the way in which the Minta Farm ICP seeks to fund infrastructure compared with other ICPs and DCPs in the same growth area. His evidence was that the DCPs and ICPs south of Minta Farm:

- fund only a 2 lane carriageway and interim intersections within their PSP boundary, including their sections of Bells Road
- do not collect funds to contribute towards the construction of additional carriageways or ultimate intersections within their PSP boundary
- have substantially lower contribution rates to Minta Farm
- do not collect funds to contribute towards the funding of the 4 lane road link through Minta Farm, the need for which was identified at the time the relevant PSPs were being prepared
- do not contribute to the costs of the north-south arterial road notwithstanding that (on the evidence of Mr Hunt) development to the south generates a current demand for around 15,000 vehicles per day on the road even without development of Minta Farm.

He noted that development within all of these precincts will benefit from the additional road network capacity created by the construction of a 4 lane arterial road link through Minta Farm, and concluded:

I consider that there is justification to externally apportion part of the cost of Bells Road to address the funding of infrastructure beyond the interim standard of two lanes and interim intersections. This would result in a more equitable outcome having regard to the principles of the ICP system.

Introducing external apportionment to the construction of Bells Road (beyond the construction of 2 lanes and interim intersections) would treat the Minta Farm Precinct in the same manner as the other PSPs in the Clyde Corridor which are each responsible for funding the construction of Bell Road to an interim (2 lane) standard.

Mr McNeill described the approach taken to apportionment of the north-south arterial road as “*debateable*”. His evidence was that considerations of apportionment and external funding sources form important components of the principles of equity, need and nexus outlined in the ICP Guidelines. He noted that the traffic evidence clearly establishes that the north-south arterial road, including a significant part of the need to undertake early works, is driven by traffic from beyond Minta Farm, and that traffic from PSP areas to the south is likely to use the road to access the Monash Freeway. While he acknowledged that the ICP will not fully fund the ultimate north-south arterial road, he concluded:

Landowners (and ultimately homebuyers) in the Minta Farm precinct will, however, fund a significant proportion of the ultimate treatment of the primary arterial road through Monetary Contributions and public purpose land contribution provided for in the ICP.

Having regard for the principles of Nexus and need, and Equity, I am of the opinion that an element of external apportionment should be applied in the final ICP towards the provision of the north-south arterial road, although I do not have the expertise to make a detailed recommendation.

At the Hearing, the Panel sought to clarify with Stockland precisely what it was seeking in relation to apportionment of the north-south arterial road. In oral submissions, Stockland

confirmed that it was not seeking any external contribution from any other PSP area. Nor was it suggesting precisely where the external contribution comes from. It submitted that it was seeking a holistic approach to apportionment, rather than a specific apportionment of each separate element. It was not pushing for apportionment of IN-01 notwithstanding its largely regional function, or pushing hard for 50 percent apportionment of the early works, notwithstanding that (in its submission) Stockland's development did not trigger the need for the early delivery of these works and there is a meaningful case for a 50 percent apportionment of the early works.

Stockland submitted that the Panel should look at the whole package and consider whether it is equitable. It suggested that a fair package would consist of:

- adopting Option 2 (which it described as consistent with an interim design) for IN-02 and IN-03
- re-setting the lot cap at 1,500
- at least a 50 percent external apportionment of the costs of IN-05.

The Minta Group

The Minta Group generally supported Stockland's submissions about apportionment. It supported a global approach to the issue, and the approach of considering generally whether 100 percent internal apportionment of the north-south arterial road is fair and equitable. The Minta Group submitted:

... TMG accepts that there needs to be a balancing between practicality and principle when it comes to contributions planning. Every precinct uses other precincts' infrastructure to varying degrees. It is impracticable and inefficient to precisely apportion contributions for every item of infrastructure across a growth area. But that does not mean that it is appropriate to unquestioningly apply 'rules of thumb' – such as the 'arterial road protocol' – a document that never emerged out of draft status, if it was ever actually publicly available. And a practice is not necessarily right just because it is widespread. Of course, practice and protocol should be considered, but not without also considering whether they are consistent with the principles that they purport to implement.

The Minta Group submitted that while there are difficulties in comparing levy rates across different PSP areas (discussed in greater detail in Chapter 4), the evidence establishes that the proposed levy rates in Minta Farm are, on any view, unusually high. It submitted that this points to there being *"something wrong with the 'normal' approach"*, and that in light of this, external apportionment should be particularly carefully considered.

The Minta Group did not support the element of Stockland's suggested apportionment package involving the Option 2 interim design for IN-02 and IN-03, because there was no suggestion that these intersections will cater for external demand.

The VPA

The VPA's primary submission was that the strategic justification for 100 percent internal apportionment of the north-south arterial road had been settled through the Minta Farm PSP process, and this was not a matter before this Panel. It submitted:

... This Panel is not empowered to reinterrogate matters about which findings were made by the PSP Panel (and have now been properly incorporated into the Planning Scheme) ...

The VPA nevertheless addressed the issues. Relying on the evidence of Mr Shipp, the VPA submitted that fully funding the costs associated with the ultimate land requirement and the interim construction of the north-south arterial road and associated intersections under the ICP is appropriate, consistent with standard practice in all other ICPs to date and in DCPs, and consistent with the ICP Ministerial Direction and the ICP Guidelines.

The VPA submitted that the Minta Farm PSP Panel Report is clear that delivery of the interim road is essential to enable development of the precinct, and that it is appropriate that its interim construction be fully funded under the ICP. This was supported by Mr Shipp's evidence, which stated (Panel's emphasis):

In my view, having regard to the traffic analysis which informs the PSP and Exhibited ICP, it is appropriate for the north-south arterial road to be fully funded in its interim form by the Minta Farm precinct. This is because it is designed to meet the needs of the precinct residents and to accommodate the internal traffic demands. The fact that the road is likely to be used by residents of other precincts is not, in my view, a relevant consideration, given that the Minta Farm precinct would require the road whether there were other 'occupied' precincts in the vicinity or not. This view is supported by the evidence of Mr Mentha and the Panel Report for the Minta Farm PSP which noted that "The north-south arterial road will play a critical role in the regional road network as well as providing access to the Precinct that will enable its development".

Mr Shipp considered that 100 percent apportionment was consistent with the ICP Guidelines. While he acknowledged that the Guidelines indicate that contributions will not necessarily fully fund the infrastructure to be provided through an ICP, his view was that the starting point for assessing equitable apportionment is whether an item is needed to support the development of the precinct.

The VPA submitted that Stockland and Mr Hunt had not had proper regard to logistical challenges that external apportionment would present:

If the ICP sought to exclude funding for any proportion of the north-south arterial that may be utilised externally, this would result in a situation whereby numerous other PSP areas would be required to contribute small percentages of funding for the north-south arterial; conversely, this ICP should then similarly properly fund a proportion of all construction or land requirements for all arterial roads in all other PSPs in the corridor. After all, residents and workers in Minta Farm will certainly utilise these roads.

Such an approach would undoubtedly create significant and unreasonable challenges for the Council as collecting and development agency, as well as timing issues for developers within any precinct.

The VPA submitted that it would be unfair for the north-south arterial road to be externally apportioned, given there was no external apportionment for the interim construction of arterial roads (including other sections of Bells Road) in other PSP areas. It pointed to the fact that landowners within Minta Farm are not being asked to contribute to any east-west arterial roads that they will no doubt use and benefit from.¹¹

In closing (Document 110), the VPA submitted that matters of external apportionment were properly before the PSP Panel, which concluded that interim roads and intersections should not be apportioned externally. It submitted that unless there is a valid reason to depart from

¹¹ O'Shea Road is being delivered by the State as part of the Monash Freeway Upgrade, and Grices Road (apart from the signalisation of IN-05) is being fully funded under the Clyde North DCP.

the findings of the PSP Panel, it is not in the interest of proper and orderly planning to re-agitate issues which have already been the subject of debate and considered findings.

Casey

Casey did not support any external apportionment of the north-south arterial road. It submitted that the PSP Panel had considered and not supported any external apportionment, and that it was inappropriate for Stockland to seek to reventilate the issue before this Panel.

Casey submitted that it has been the view for many years that ICPs and DCPs should fully fund the provision of the land for the ultimate plus the interim design of an arterial road (known as the 'arterial road protocol'), and that this represents the reasonable allocation of responsibilities. It cited many examples of this approach in the Casey municipality, including the Bells Road sections through the Clyde North and Clyde PSP areas and the Grices Road duplication.

Like the VPA, Casey noted that Minta Farm was not being asked to contribute to infrastructure projects such as the upgrade of O'Shea Road and the Monash Freeway interchange and the delivery of Grices Road through the Clyde North DCP, which Minta Farm traffic will surely use.

Casey noted that Mr Hunt's position on apportionment changed between his original evidence and his supplementary evidence. In his original evidence, Mr Hunt found that the funding of one (2 lane) carriageway through the ICP is appropriate and equitable, whereas in his supplementary evidence he expressed the opinion that the early works should be 50 percent externally apportioned. Casey submitted:

The change of opinion is not explained save by an overall concern by Stockland around the dollar amount of the total levies, even with the ICP just funding the first carriageway of the arterial.

(iii) Discussion

The Panel does not agree that it has no power to inquire into matters about which the PSP Panel made findings. Its task is to consider submissions about the Amendment. The question of apportionment is, in the Panel's view, about the Amendment. That said, this Panel would need strong justification for recommending a different apportionment to that recommended by the PSP Panel.

The north-south arterial road, in both its interim and ultimate configurations, will serve both a local access function as well as a broader regional function. It will unlock development within Minta Farm, as well as relieving existing congestion in the area and providing an alternative and more direct route for traffic from the south to access the Freeway. This was undisputed at this Hearing, and was also common ground at the PSP Hearing. It is also consistent with the findings of the PSP Panel.

The ICP Guidelines discuss apportionment at page 46. The discussion is more focussed on apportionment of shared infrastructure on PSP boundaries between PSP areas, rather than infrastructure that serves a broader regional function like the north-south arterial road. In the absence of specific direction about the apportionment of infrastructure that serves a regional function, the Panel's consideration of apportionment is guided by the fundamental principles of need, nexus and equity set out in the Guidelines.

The fact that the Minta Farm levies are higher than average does not, in the Panel's view, indicate an inherent inequity. As Mr McNeill pointed out, the higher levies appear to relate largely to the small size of the precinct and the limited amount of developable land over which to defray the infrastructure costs (see Chapter 4 for a more detailed discussion of this issue). The apparently high levy rates do not, in the Panel's view, suggest that the costs of the north-south arterial road are unusually or inappropriately high, or provide a basis on which to externally apportion part of the costs.

The question remains whether it is inequitable to fully fund an item of infrastructure under an ICP for which there is also an external demand.

It is not, in the Panel's view, necessarily inconsistent with the need, nexus and equity principles to fully fund infrastructure under an ICP that performs some regional function. All arterial roads perform a regional function to some degree, even in their interim configurations. As the VPA and Casey pointed out, it is standard (on the evidence of Mr Shipp, almost ubiquitous) practice to fully fund the ultimate land and the interim construction (a single 2 lane carriageway) of an arterial road under an ICP or DCP. Equity is achieved by the consistent application of this practice across different PSP areas.

Further, if the Panel were to recommend external apportionment, it would need some basis on which to determine the proportion of funding for the north-south arterial road that would equitably be externally apportioned. The ICP Guidelines state (at page 46):

If the cost of an infrastructure item is to be apportioned, the responsible authority will need to:

- quantify the proportion of the need for the item that will be generated by the proposed development of land in the ICP plan area
- identify how the remaining proportion of the item's cost will be funded, and the staging of the provision of the item by the development agency.

Mr Hunt was the only expert to put any material to the Panel about traffic volumes that might inform the proportion of the need for the north-south arterial road that will be generated internally (by development within Minta Farm) and externally. The predicted volumes in the material put by Mr Hunt varied considerably, from Ratio's estimate of 21,000 vehicles per day (internal only) to Cardno's estimate of 42,500 vehicles per day (internal and external) to Jacobs' estimate of 48,500 vehicles per day (internal only). The Panel therefore has some doubt as to the accuracy of the predicted volumes and any proportions of internal and external demand that can be derived from those volumes.

Further, all of the material put to the Panel about traffic volumes on the north-south arterial road related to the ultimate scenario. No material was put to the Panel about the proportions of interim traffic volumes. The Panel therefore has no evidentiary basis on which to recommend apportionment of any interim elements of the north-south arterial road. Nor has the funding source of the remaining proportion of the costs of the interim north-south arterial road been identified, other than Stockland's concession that this would probably have to be funded by the State.

At the Hearing, Stockland indicated in response to the Panel's questions that it was seeking a 'holistic' approach to apportionment. Other than IN-05, it no longer sought 50 percent apportionment of any particular element of the north-south arterial road, including the

interim 2 lane carriageway to be delivered as early works. The Panel agrees with The Minta Group that it is impracticable and inefficient to precisely apportion contributions for every infrastructure item in an ICP. However, if external apportionment is to occur, there needs to be a rational and reasonable basis on which to quantify the externally generated proportion of the need for the item. Otherwise, it is difficult to see how the apportionment meets the principles of equity, fairness and transparency referred to in the Guidelines. The Panel was not persuaded that Stockland's holistic approach is consistent with these principles.

The material put to this Panel in support of external apportionment of the north-south arterial road was largely (although not exclusively) the same material that was put to the PSP Panel. The Panel was not persuaded on the basis of this material that external apportionment is appropriate, or needed to ensure the principles of equity, need and nexus are met. The Panel sees no justification for departing from the PSP Panel's recommendation that the interim north-south arterial road be fully funded from the ICP.

Finally, the Panel notes that Mr Woodland's concern about equity appears to be related to the exhibited ICP, which sought 100 percent internal apportionment of a 4 lane configuration of the north-south arterial road. Both he and Mr Hunt (at least in his original evidence) appeared less concerned with a 2 lane interim design being fully funded under the ICP. The revised design is a 2 lane single carriageway design, which is clearly required to provide access to and cater for internal traffic (whatever proportion of external traffic may also use the road). The revised design is also generally consistent with the description of the interim north-south arterial road in the PSP, which refers to "*construction of a 2 lane carriageway (interim treatment)*".

(iv) Conclusions

The Panel concludes:

- it was not persuaded that it should depart from the recommendations of the PSP Panel that there should be no external apportionment of the north-south arterial road.

6.2 Intersection IN-01

IN-01 is the intersection of the north-south arterial road and O'Shea Road, at the northern end of the PSP area. It is described in the ICP as:

Construction of a primary arterial to primary arterial T-signalised intersection (interim treatment).

The exhibited ICP includes IN-01 as a standard transport levy item with 100 percent apportionment to the ICP.

(i) The issue

The issue is the appropriate interim arrangements for the left turn lane from O'Shea Road (west bound) to the north-south arterial road (south bound).

(ii) Evidence and submissions

Agreed matters

The statement from the meeting of functional design experts (Document 28) agreed to adopt the Cardno amended plans dated 11 March 2020 *“as the basis of design moving forward”*. The experts also agreed that the scope of works for IN-01 should assume that the 6-lane extension of O’Shea Road has been constructed, with the costing of IN-01 based on:

- left and right turn lanes on O’Shea Road into the north-south arterial road, including associated works for the median break
- signal hardware and associated lighting at the intersection
- construction of the southern (north-south arterial road) leg and associated works.

It was also agreed that:

- only a single right turn lane from O’Shea Road (east bound) to the north-south arterial road was required under interim conditions
- the proposed interim lane configuration for the southern leg was appropriate
- the left turn slip lane from O’Shea Road (west bound) to the north-south arterial road should be unsignalised
- only one left turn lane was required under interim conditions.

The statement from the meeting of costings experts (Document 56(b)) states that the estimates for the transport projects are within 5 per cent *“and the VPA/Cardno estimates will be adopted in the Final ICP”*.

Left turn lane configuration

The amended Cardno layout for IN-01 has an outside-in layout with the interim left turn lane (from O’Shea Road to the north-south arterial road) based on the alignment of the ultimate third left turn lane. At the functional layout expert meeting, Mr Hunt proposed an alternative layout whereby the left turn deceleration lane was constructed next to the through lane rather than as an outside-in left turn slip lane.

In Appendix A to its Part A Submission (Document 72), the VPA proposed changes to the ICP regarding IN-01 based on the outcome of the expert meetings on design and costings. In closing submissions (Document 110), the VPA stated that it did not propose any further amendments to the ICP with respect to IN-01 and that it relied upon its Part B submission and the evidence of Mr Mentha.

In his evidence statement, Mr Mentha concluded:

Having undertaken a traffic engineering assessment of the proposed functional layout plans for the Minta Farm ICP, I am of the opinion that:

- The functional layout plans prepared by Cardno in March 2020 are appropriate for the costing of intersections for the ICP and to provide guidance for their future construction;

Mr Hunt in his original evidence (Document 24) stated that he considered that the ICP contribution towards the provision of the intersection is appropriate generally in accordance with the amended Cardno layout. He considered that construction of the turning lanes from O’Shea Road and preliminary traffic signal works should be done in conjunction with the

construction of the O'Shea Road project, and the construction of the southern leg and completion of the signalisation should be funded through the ICP.

Stockland stated that it relied on the evidence of Mr Hunt as to the appropriate level of ICP contribution and sought a recommendation from the Panel consistent with his evidence. In response to a question from the Panel, Stockland clarified that Mr Hunt preferred his alternative layout with respect to the left turn lane, but the Cardno layout was acceptable on the basis that the left turn slip lane was not signalised in the interim treatment.

TfV advised that in reviewing the ultimate functional layout for IN-01, it had identified an issue relating to the three left turn slip lanes from the eastern leg (O'Shea Road) to the southern leg (north-south arterial road) of the intersection. TfV subsequently informed the Panel through its written supplementary submission (Document 105) that a revised ultimate functional intersection design prepared by the VPA to address this issue demonstrated that adequate swept paths for the required vehicle types can be accommodated, and that additional land of approximately 116 square metres will be needed in the southeast corner of IN-01 to accommodate the revised ultimate design.

(iii) Discussion

Overall, the interim design and costing for IN-01 have been agreed by all parties. There was also agreement that:

- the ICP should include land for the ultimate treatment and funding for construction of the interim southern leg of the intersection, based on the Cardno March 2020 plan
- for the interim period the left turn slip lane should not be signalised.

There remains only one relatively small point of disagreement on the interim design of IN-01 – should the layout incorporate a left turn slip lane as per the revised Cardno plan, or a left turn lane adjacent to the through lanes as proposed by Mr Hunt? Stockland acknowledged that the Cardno layout was acceptable, but Mr Hunt's alternative interim design was preferred by Stockland.

The Panel considers that the Cardno plan is a more appropriate design. It adopts the usual practice of an outside-in design by aligning the left turn slip lane with the ultimate third left slip lane. The Cardno plan accords with the ultimate design, fits within the land to be set aside in the ICP for the ultimate intersection treatment and will minimise any redundant works when the ultimate intersection is constructed. The costings experts agreed on the intersection costs and the Panel notes that no evidence was presented to suggest that the cost of Mr Hunt's alternative design would be materially less than the Cardno design.

The Panel notes that TfV is satisfied with the revised ultimate intersection design.

(iv) Conclusions

The Panel concludes:

- the interim layout for IN-01 should be based on the revised Cardno intersection plan dated 11 March 2020
- the land required for the ultimate intersection and funding for the southern leg of the intersection should be included in the ICP as a Standard Transport Levy item

- it is unclear whether the revised functional layout plans tabled by the VPA on the final day of the Hearing (Document 112) reflect the revised land take for IN-01. If not, the plan and the ICP should be updated accordingly.

These changes are incorporated into the revised ICP tabled by the VPA during the Hearing (Document 113). The Panel's recommendations in Chapter 7 to include the changes shown in the revised ICP address these matters.

6.3 Intersections IN-02 and IN-03

(i) The issue

The issue is which option should be adopted for the interim treatment of intersections IN-02 and IN-03:

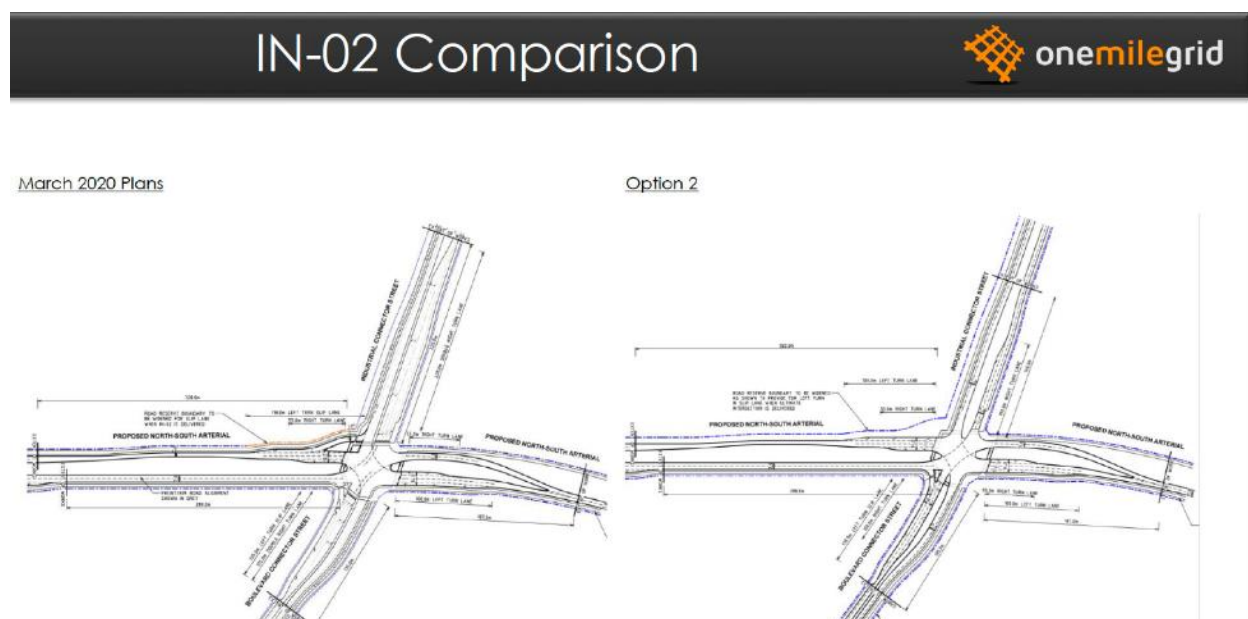
- Option 1 – Cardno interim designs (March 2020), or
- Option 2 – Mr Hunt's 'template' design.

(ii) Evidence and submissions

At the meeting of the functional design experts, Mr Hunt proposed alternative interim designs for intersections IN-02 and IN-03 based on a 'template' design with the east-west connector legs of the intersections reduced to match what he described as interim conditions. The key changes in Option 2 compared with Option 1 are:

- IN-02
 - removal of the slip lane on the north-east corner
 - reduction in the number of lanes on the east-west connector legs.
- IN-03
 - reduction in the number of lanes on the eastern leg
 - reduced number (from two to one) of right hand turn lanes from the north to the east.

The two options are depicted side by side in Figure 8 below.



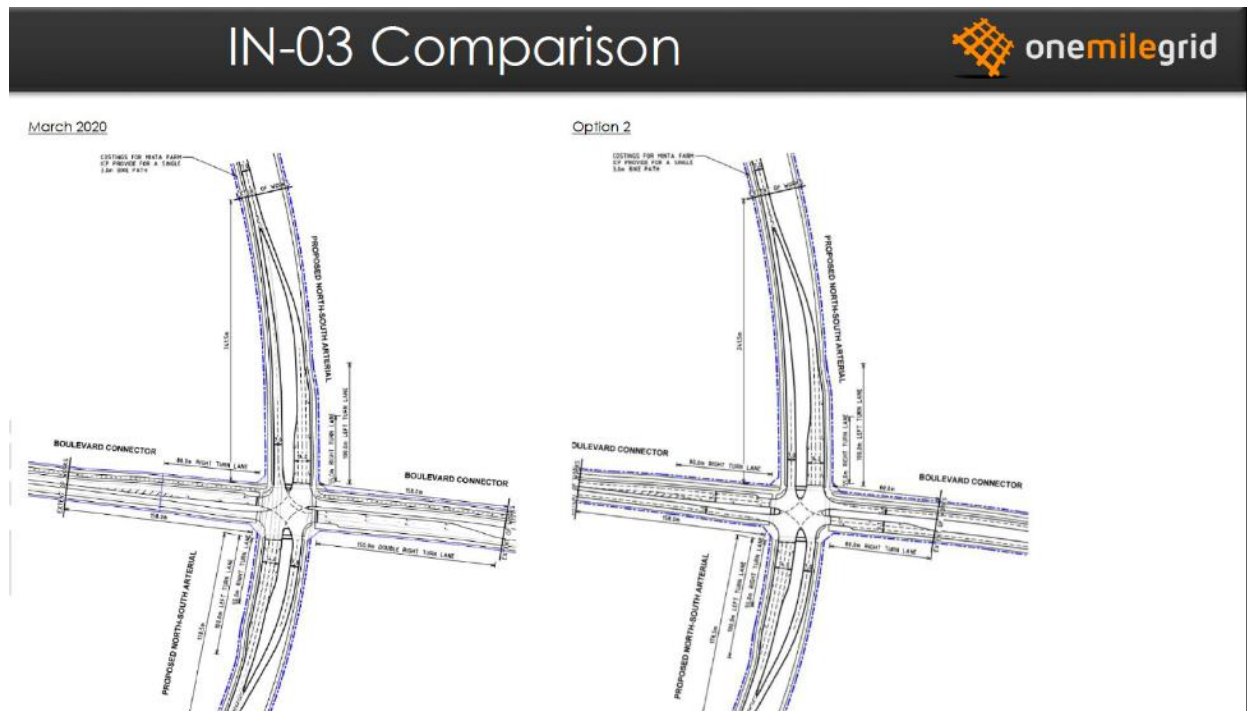


Figure 8 Options 1 and 2 intersection designs for IN-02 and IN-03

Source: Mr Gnanakone's presentation (Document 109)

The statement from the meeting of functional design experts (Document 28) noted that given the difference of opinion on the design standards for the connector legs of intersections IN-02 and IN-03, it was agreed *"that both options should be costed to assist understanding of the additional cost implications."* The cost estimates for both options were agreed by the costings experts at their expert meeting. They agreed that the estimates prepared by Cardno for the two intersections should be adopted for the final ICP.

Submissions and evidence in favour of Option 1

All parties other than Stockland favoured Option 1.

The VPA submitted:

Connector legs of intersections are typically developed in their ultimate condition, as there is no anticipated duplication of these connector legs at a later date. Accordingly, all Benchmark Cost Report template intersections include the ultimate conditions for the connector leg. It is reasonable and appropriate that the connector legs of the intersections be funded wholly by the ICP, as the traffic using them is, by and large, locally based.

The PSP provides the basic infrastructure needed for access i.e. the first carriageway, with the subsequent duplication, necessitated by surrounding development, undertaken by the road authority on behalf of the wider community. For the connector legs, there is no wider community component, the connectors are there to serve the local development and link the local development to the arterial network.

The VPA submitted that Option 2 would require costly rebuilding of the intersections at a later time. It noted that Option 2 for IN-02 removes a slip lane to the industrial area connector leg which would not be consistent with *VicRoads Guidance for Networks in Growth Areas* (the VicRoads guidelines) that promotes an industrial area connector leg including a slip lane to better support truck movements.

In his functional layout evidence, Mr Mentha (for the VPA) stated that he would expect the connector legs of the intersections to receive a similar amount of 'green time' per cycle under interim compared to ultimate conditions and therefore the required lane configuration for the connector legs would be broadly similar for the interim and ultimate scenarios. He added that works for an interim to ultimate upgrade would generally only occur on the arterial road legs, and it would be unusual to undertake extensive upgrades of connector legs as part of the ultimate intersection upgrade. He stated that in his opinion, the ultimate lane configuration for the connector legs should be adopted for the ICP interim layouts, as incorporated in the Cardno amended plans. He concluded that the inclusion of a left turn slip lane on the northeast corner of IN-02 is appropriate for an industrial estate and consistent with the VicRoads guidelines.

In closing submissions (Document 110), the VPA noted that PSPs commonly refer to intersections as 'interim' by reference to the interim standard of construction for the arterial road leg. It submitted that *"this designation typically involves an ultimate standard of construction for the connector legs of the intersection."* The VPA added that connector roads are local roads delivered by developers for local residents and workers. They are not delivered in stages but rather built to their ultimate standard up front as they primarily serve the local community. It submitted that for connector legs, the interim design is (VPA emphasis) the ultimate design. In the VPA's view, as the connector legs of intersections primarily serve the local community at all stages of development, it is appropriate that they are fully funded by the ICP and delivered to their ultimate configuration up front.

In oral submissions, the VPA noted that 'interim' does not equate to 'template' design.

Casey also submitted that Option 1 is appropriate for an interim delivery given the volume of traffic that will use the two intersections. It noted the slip lanes in IN-02, particularly to the industrial connector to the east, accord with the *VicRoads Guidance for Networks in Growth Areas* and the Option 1 scope for the two intersections is appropriate as connector legs are generally not upgraded as part of the arterial road upgrade. Casey submitted that (Casey's emphasis):

... it would be uncertain who would have to provide and pay for the additional lanes when required at a later stage. The notion that this would be left to whichever developer developed last so as to take the intersection over the limit as it were, is not sensible.

The C228 Panel (C228 Panel Report, p.58) recognised that an interim standard for the north-south arterial, which includes intersections to the ultimate standard, would be appropriate to cater for the expected traffic volumes in the interim. The Option 2 scope of these intersections providing for a 'template' intersection on the western and eastern legs would not be in line with this direction nor adequate for the traffic it would need to cope with.

In closing submissions (Document 108), Casey submitted that the functional layout evidence of Mr Gnanakone for The Minta Group *"is on point"*. Its opinion was that the argument that these two intersections should be interim rather than ultimate is a misconceived notion as to what interim and ultimate mean in the context of road planning:

The proposition, as put by Stockland that later development around IN-02 and IN-03 should be assessed on a permit by permit basis as to what if any upgrades to the intersections are required, is poor planning and unfair for those later stage developers who will be forced to shoulder a heavy infrastructure upgrade burden simply as a result of developing later.

The Minta Group also supported Option 1, relying on the evidence of Mr Gnanakone. In his supplementary statement of evidence (Document 94), Mr Gnanakone concluded that the ICP should allow for the construction of the connector legs in their ultimate configuration for the following reasons:

- the connector legs should be designed to cater for traffic generated by the land uses envisaged in the PSP
- construction of the full connector road cross section will avoid:
 - a piecemeal approach to the delivery of road infrastructure
 - disruptive and abortive works once established
 - the potential for increased costs at a later date
- construction of the full connector road cross sections will not burden individual landholders should the development of their land reach an intersection ‘tipping point’ where an upgrade was required.

Mr Gnanakone noted in his original evidence (Document 25) that he understood that the amended Cardno plans for the revised north-south arterial road (based on the revised design speed of 60kph) had resulted in a shortening of turn lanes, as the deceleration length required naturally reduces. In response to a question from the Panel, Mr Gnanakone confirmed that there was no difference in the design speeds used in designing any intersection legs in Options 1 and 2 – both were based on 60kph for the north-south arterial road. He added that the design of the east-west connector legs was based on traffic volumes, not design speed.

Submissions and evidence in favour of Option 2

Stockland submitted that there is a stark difference between the design standard of the north-south arterial road and the intersections derived from the PSP and the PIP, and what is now advocated by the VPA for the ICP. It submitted that this is a fundamental problem with the ICP, that is, it does not reflect the PSP and PIP. Stockland noted that a shift occurred in March 2020 when the VPA released the Cardno plans for the revised design of the north-south arterial road, and submitted that *“a further curiosity is that the intersections will cater for 80kph.”*

Stockland added in oral submissions that the combined costings for the revised design of the north-south arterial road and the associated intersections were essentially the same as the exhibited costings, notwithstanding the reduction in design speed from 80kph to 60kph and the removal of the third lane, suggesting that the intersection costs had risen significantly. It submitted that the ICP should only fund 60kph intersections.

Stockland submitted:

There have been some suggestions that principles of ‘certainty’ ought be used to work against the case that is put by Stockland. With respect, those suggestions are extraordinary. It is hard to conceive of a less-certain set of circumstances that have arisen as between the PSP and today in terms of the shifting approach in relation to road and intersection construction.

The configuration of the north-south road and intersections is largely agreed and to the extent that there is disagreement, the Panel is invited to accept Mr Hunt’s evidence as to the design/configuration of the north-south road and intersections.

Mr Hunt stated in his supplementary evidence (Document 76) that he understood that the additional works on the east-west connector legs of IN-02 and IN-03 are based on modelling

of traffic generation for the complete development of the PSP and in particular appeared to reflect the high levels of traffic generation from the employment area in the northeast. He stated that ultimately traffic flows generated by the employment precinct and the town centre may reach levels which require the extent of the intersection works on the connector legs as shown on the revised Cardno plans, but:

As stated in my evidence, in my opinion the ICP should only be required to fund the construction of the intersections in IN-02, IN-03 and IN-04, including the east west connector road legs, to the “template” standard as shown in the PSP (and exhibited ICP).

Additional works which may be required to support subsequent levels of development should be identified and funded as conditions on permits as development proceeds and cumulative traffic impacts confirmed.

In response to a question from the Panel, Mr Hunt expressed the view that the design of the east-west legs on intersections IN-02 and IN-03 had been based on a design speed of 80kph. He thought that was a minor point but arguably a case of over design, and that the design of the east-west legs should reflect the ultimate speed of 60kph.

Alternative plans (dated 11 February 2020) for the interim functional design of the north-south arterial road and the intersections along it were prepared by Ratio on behalf of Stockland. The Ratio plans were described by Mr Hunt in his evidence as having ‘compact designs’ for the signalised intersections including IN-02 and IN-03. Stockland indicated at the Hearing that it was no longer seeking the adoption of the Ratio plans.

(iii) Discussion

The revised ICP tabled by the VPA (Document 113) proposed that the interim treatment for IN-02 be 100 percent funded from the standard levy and the funding for IN-03 be partly covered by the standard levy (13 percent) with the balance met by the supplementary levy. Inclusion of the intersections in the ICP and the part apportionment of the cost of IN-03 to a supplementary levy were not in dispute. The issue of disagreement was the interim design of the two intersections. The difference between the alternative design options essentially comes down to the configuration of the east-west connector legs.

The experts agreed that it was appropriate for the north-south arterial road legs to be constructed to an interim standard. Both design options are the same in that regard except that Option 1 for IN-02 includes a left hand slip lane from north to east into the industrial connector road leg. The Panel notes the advice of Mr Mentha and submissions by the VPA and Casey that the provision of a left turn slip lane into an industrial area is consistent with the guidance set out in the *VicRoads Guidance for Networks in Growth Areas*.

It could be argued that the left turn slip lane can be added later when, as argued by Mr Hunt, traffic demand warrants an upgrade to the east-west connector legs including the connector into the industrial area. It seems to the Panel that whether the left turn slip lane is included in the interim intersection as per Option 1 or added later comes down to the substantive issue: which configuration of the east-west intersection legs (Option 1 or Option 2) should be adopted?

Stockland submitted and Mr Hunt agreed that the intersection layouts appeared to be based on a design speed of 80kph rather than the now adopted 60kph for the revised design of the

interim north south arterial road. The Panel is satisfied that this is not the case. The oral evidence of Mr Gnanakone was unequivocal: both design options are based on 60kph and in any event, the layout for the connector legs are based on traffic demand volumes, not operational speed. The Panel notes that, as advised by Mr Gnanakone in oral evidence, the reduction in the interim design speed has resulted in a reduction in the length of the turn lanes on the arterial legs of the two intersections.

Stockland submitted that the interim design of the intersections should be based on what is set out in the PSP and PIP, that is a 'template' design in particular for the east-west connector legs. Mr Hunt supported that proposition. He suggested that an upgrade to the connector legs should occur when traffic demand rises as development occurs and in effect be funded by the developer of the land that generates additional traffic.

The Panel is not persuaded that a 'template' design is the appropriate interim solution. It notes the comment from the VPA that 'template' does not equate to 'interim'. Nor is the Panel convinced that the Option 1 design is inconsistent with the description of the intersections in the PIP or the exhibited ICP.

It is the Panel's understanding that it is now usual practice in the development of growth areas for the interim treatment of an arterial road/connector road intersection to include the ultimate lane configuration on the connector legs. The Panel notes the view put by the VPA that the interim treatment for connector roads, including at signalised intersections, is their ultimate treatment. That is what is proposed with Option 1. The evidence of Mr Mentha also confirmed for the Panel that it would be unusual to do extensive upgrades of connector legs at a later date as part of the ultimate upgrade of the arterial road legs of an intersection.

The Panel agrees with Casey and The Minta Group that it would be unfair for later stage developers to be met with the cost of an infrastructure upgrade simply as a result of the timing of their development. The Panel considers that Mr Gnanakone summed up the situation accurately, in particular that construction of the connector road legs to their ultimate design will avoid a piecemeal and disruptive approach to road construction, avoid redundant works and will not unfairly burden later developers for upgrade works.

In the Panel's view, the Option 1 interim design of the two intersections is justified and consistent with now usual practice. Included in Option 1 for intersection IN-02 is a left turn slip lane onto the eastern industrial area connector leg. The Panel notes that the inclusion of the left turn slip lane accords with the VicRoads handbook.

(iv) Conclusions and recommendation

The Panel concludes:

- Option 1 is the appropriate design for the interim treatment for intersections IN-02 and IN-03
- the Option 1 designs are not inconsistent with the descriptions of IN-02 and IN-03 set out in the PIP in the Minta Farm PSP
- the Option 1 designs should be the basis for the estimated costs of intersections IN-02 and IN-03 included in the ICP.

The Panel recommends:

- 2. Adopt the Option 1 designs and costings for intersections IN-02 and IN-03, and adjust the costs and levies in the revised Infrastructure Contributions Plan (Document 113) and the Infrastructure Contributions Overlay Schedule 2 accordingly.**

6.4 Intersection IN-05

Intersection IN-05 is the intersection of Grices Road/Soldiers Road and the north-south arterial road, located at the southern end of the PSP area. IN-05 is described in the ICP as:

Construction of a modification to an existing intersection, including truncation of Soldiers Road and addition of new northern leg (interim treatment), to connect to the north south arterial road.

A roundabout is currently constructed at the intersection of Grices Road and Soldiers Road, which was funded and constructed as part of the development of the Clyde North PSP to the south of Minta Farm.

(i) The issue

The issue is whether the interim IN-05 should be upgraded to a signalised intersection or whether the existing roundabout should be retained.

(ii) Evidence and submissions

The exhibited ICP included an upgrade to IN-05 to a signalised intersection, 100 percent funded from the standard levy. The revised ICP (Document 113) includes the financing costs for the early works package, including IN-05, as a supplementary levy item (EDW-01). The financing costs of the early works package is discussed below in Chapter 6.6.

The VPA in closing submissions (Document 110) submitted that:

IN-05 is a benchmark template design and does not include features which indicate it is more properly classified as infrastructure which should be funded by the State. It is now standard practice for arterial roads in growth areas to be signalised. When Clyde North PSP was developed, approximately ten years ago, standard practice was to incorporate roundabout treatments. The Clyde North area fully funded the land and construction of this roundabout, including some sections of road which will be retained in the second 'interim' design of this intersection, funded by Minta Farm. The Cardno interim design showing a signalised intersection was agreed to be appropriate at the functional design conclave (acknowledging that Mr Hunt noted the retention of the existing roundabout would be sufficient). While the design standard of the intersection is now higher than the Clyde North area was required construct, this is not the point. The standard of IN-05 is appropriately funded pursuant to the requirements of the Ministerial Direction and its inclusion in the ICP was supported pursuant to functional design evidence presented to the Panel.

Casey submitted:

As part of the Minta Farm PSP process Council (and others) presented traffic modelling evidence that sought to persuade the Panel of the need to upgrade the existing Grices Road/Soldiers Road roundabout to a four-way signalised intersection once a new north-south arterial roadway was in place, with the simultaneous truncation of Soldiers Road. The evidence was tested at the Panel hearing and subsequently the PIP, forming part of the Minta Farm PSP, specifically identified intersection IN-05 as a four-way signalised intersection.

Casey submitted in closing submissions (Document 108) that IN-05 was clearly and specifically determined by the Minta Farm PSP Panel both in terms of apportionment and the need for a signalised intersection. Casey added:

Suffice to say that we disagree with Stockland that there will be little use of IN-05. Minta Farm will be a significant draw card attracting shoppers, visitors and employees from much further than the precinct itself. Visitors, employees, shoppers with Minta Farm as their destination (rather than passing through to the freeway) will need to utilize IN-05 intersection as part of their trip.

This is a matter of significant evidence, all of which was dealt with at the Minta Farm PSP hearing. Mr Hunt's view which he gave again today was not the preferred opinion in the Minta Farm PSP hearing.

The statement from the meeting of functional design experts (Document 28) stated that the Cardno interim design for IN-05, showing a signalised intersection, was generally agreed to be appropriate while noting Mr Hunt's view that retention of the existing roundabout provided sufficient capacity to cater for PSP generated traffic. The costings experts agreed that the cost estimate for IN-05 prepared by Cardno should be adopted in the final ICP.

Mr Mentha stated in his evidence that:

With regard to the retention of the existing roundabout at IN-05, this intersection is clearly identified as a signalised intersection in the gazetted PSP and interim ICP. In any case, a future primary arterial/secondary intersection within Melbourne's growth area would commonly be signalised and I don't see any particular extenuating circumstances why the existing roundabout should be retained instead of upgraded to a signalised intersection.

In his original evidence statement (Document 24), Mr Hunt stated that:

I also consider, having regard to the estimated locally generated traffic volumes on Bells Road north of Grices Road as shown in Table 4.3, that the connection of Bells Road to form a new northern leg to the existing Grices Road/Soldiers Road roundabout as shown in the Ratio plans is appropriate, with the existing roundabout delivering sufficient capacity to cater for modelled volumes generated by development within the Minta Farm PSP area.

No submissions were made by Stockland at the Hearing in support of retaining the existing roundabout as proposed by Mr Hunt.

(iii) Discussion

The option of retaining and upgrading the existing roundabout was considered at some length during the Hearing on the Minta Farm PSP in March 2018. It was not supported by the PSP Panel and no additional evidence has been presented at this Hearing in support of retaining the roundabout. As noted by Casey, the views of Mr Hunt were considered at the PSP Hearing, but the PSP Panel specifically identified IN-05 as a four-way signalised intersection.

The Panel notes that Stockland did not make submissions at the Hearing as to whether the existing roundabout at Grices Road/Soldiers Road should be retained as proposed by Mr Hunt. Stockland did submit however that there should be some external apportionment of the cost of intersection IN-05. The matter of apportionment is discussed in Chapter 6.1.

Except for Mr Hunt, the experts support the amended Cardno design (March 2020) of IN-05 as a signalised intersection in its interim configuration. The Panel notes the evidence of Mr

Mentha and the submissions of the VPA that it is now standard practice for arterial road intersections in Melbourne's growth areas to be signalised. The Panel agrees with Mr Mentha that there are no apparent extenuating circumstances to support retaining the existing roundabout instead of upgrading to a signalised intersection as listed in the PIP in the Minta Farm PSP and the ICP now before this Panel.

The Panel also notes that the costings experts agreed on a cost estimate for IN-05 for inclusion in the final ICP based on the interim function design prepared by Cardno, which shows a signalised intersection.

(iv) Conclusions

The Panel concludes:

- the intersection of Grices Road/Soldiers Road should be upgraded to a signalised four-way intersection with a connection to the proposed north-south arterial road in accordance with the gazetted Minta Farm PSP and the proposed ICP
- the functional design for intersection IN-05 prepared by Cardno (March 2020) is appropriate
- the cost estimate for IN-05 based on the Cardno interim design (March 2020) and agreed by the costing experts should be adopted in the final ICP.

The revised ICP (Document 113) reflects these conclusions, and the Panel's recommendations in Chapter 7 to adopt the revised ICP address these matters.

6.5 The early works package

The early works package in the exhibited and revised ICPs is described in Chapter 2(v).

(i) The issues

The issues are:

- what projects should be included in the ICP early works package
- whether the delivery of the early works package should be staged.

(ii) Evidence and submissions

Casey noted in submissions that the revised concept plans for the north-south arterial road based on a 60kph design speed (the Cardno March 2020 plans) had *"reduced the 'overlap' of the proposed intersections, resulting in a simplified approach to infrastructure staging and an early works packaging."*

Stockland submitted that the warrant for early works is associated with regional traffic demands and that the *"nexus between the 'early works' and this PSP is tenuous and there is a strong case for a meaningful external apportionment"*. Apportionment is discussed in Chapter 6.1.

Stockland went on to state that if the Panel accepts that there is a nexus between the early works and the Minta Farm precinct, based on the evidence of Mr Hunt, the ICP should only be required to fund the construction of RD-01 as a connector road to provide access to the precinct as it develops. Stockland clarified in oral submissions that this means that RD-01

should only be constructed as a 2 lane road with intersections to a similar standard, that is, to an interim standard, not to ultimate designs. The design standards of the intersections IN-01 to IN-05 are discussed in Chapters 6.2, 6.3 and 6.4.

The statement of functional design experts (Document 28) noted that all experts agreed that *“the inclusion of the [early works package] was appropriate to facilitate the early delivery of a road connection between O’Shea Road extension and Grices Road.”* It added that the functional design experts agreed on the scope of RD-01 at the expert meeting.

In his supplementary costings evidence for Stockland, Mr Charlton outlined what he saw as the advantages of a staged program over what he described as an un-staged compressed program. Mr Charlton’s staged program included the delivery of IN-04 before the delivery of IN-05, with IN-05 delayed to a second stage after the other early works projects are delivered. He described the advantages of the staged program as:

- The **un-staged compressed program** aims to construct all the works as one single package in the shortest possible time frame. IN-05 would commence as soon as possible with contraflow traffic management in place for up to 10 months with no diversion opportunities from north to south through Minta Farm. The overall delivery program duration is estimated to be 22 months.
- The **staged program** defers the commencement of IN-05 (the complex brownfield element) until the key road link through Minta Farm connecting it to the north and south are completed under greenfield condition. IN-05 is built as a second stage under road closure once stage 1 is complete, taking advantage of the new road links delivered in stage 1. The overall delivery program duration is estimated to be 26 months.

Mr Charlton’s evidence was that under full road closure, IN-05 could be constructed with a 3-4 months shorter duration, in a safer construction zone environment and at a reduced cost of the order of \$500,000 due to significantly reduced traffic management requirements and a shorter construction program.

Under cross examination from Casey, Mr Charlton acknowledged that a detailed traffic analysis would be needed to confirm the feasibility of his staged approach and the potential cost savings. He agreed that it would not be necessary to change the ICP early works delivery package to accommodate his staged approach if wording was added to the ICP to allow for alternative staging of the works.

In oral evidence, Mr Mentha noted that in his view, staging of the early works was a detailed design and delivery issue that would need further investigation and detailed traffic management planning.

Mr Steer (who gave costings evidence for the VPA) advised in oral evidence that in his view, the staging of the early works was not in line with ICP principles in terms of costings. He commented that the staging of works could have cost implications with possible savings in traffic management costs. He said that the suggested staging of works would need detailed design and a traffic management plan to determine whether the proposed traffic diversions would be acceptable to the Department of Transport. He added that some of the proposed diversions would push traffic onto local roads which in his experience is contrary to Department of Transport requirements.

As noted in Chapter 2(v), the VPA indicated that Culvert CU-01 should also form part of the early works package, and its omission from the package in the exhibited ICP had been an error. The Minta Farm Group supported the inclusion of CU-01 in the early works package.

(iii) Discussion

There was general support for the financing costs of an early works package to be included in the ICP. All the functional design experts agreed that an early works package was appropriate as it would facilitate the early delivery of the north-south arterial road. No submissions were made or evidence lead that opposed an early works package.

In the end there was consensus on what projects should be included in the early works package. There was also consensus that RD-01 should be delivered to its interim standard as part of early works, that is, a 2 lane single carriageway road. However, Stockland continued to seek some external apportionment of the cost of the early works package (see Chapter 6.1).

The Panel considers that the revised ICP (Document 113) reflects the consensus reached on the projects to be included in the early works package, including CU-01. It notes also that the revised ICP lists each project separately that will enable parts of the early package to be switched off if and when needed (see Chapter 6.6).

The ICP does not specifically deal with the order of the delivery of projects within the early works package. It is reasonable in the Panel's view that the projects would be delivered, if not concurrently, then at least as quickly as possible. Mr Charlton's proposed staged approach delays IN-05 until after the other elements of the early works package are delivered, as well as IN-04 (which is an ICP project but its financing is not part of the early works package). The staged approach proposed by Mr Charlton relies on the early delivery of IN-04, presumably as developer works-in-kind.

There may be some benefits of the staged approach proposed by Mr Charlton but as noted by Mr Mentha and acknowledged by Mr Charlton, it would need detailed investigation including a traffic impact assessment and the preparation of a detailed traffic management plan to confirm its feasibility and cost savings. Mr Steer also questioned whether the diversion of traffic onto local roads would be acceptable to the Department of Transport. As noted by Mr Mentha, the timing and order of delivery of the projects in the early works package will be resolved as part of detailed design and staging considerations.

On its reading of the ICP, the Panel thinks that a staged approach to delivery of the early works package, as suggested by Mr Charlton or in some other form, could be contemplated. It does not consider that any changes to the revised ICP are necessary to facilitate a staged delivery of the early works package.

(iv) Conclusions

The Panel concludes:

- the early works package as described in the revised ICP contains the projects needed to facilitate the early delivery of the north-south arterial road
- no further changes to the ICP are required to provide for a staged approach to the delivery of the early works package should staged delivery be determined to be appropriate.

The Panel's recommendations in Chapter 7 to include the changes shown in the revised ICP (Document 113) address these matters.

6.6 Early works financing costs

(i) The issue

The issue is whether the early works financing costs included in the ICP are appropriate.

(ii) Evidence and submissions

Stockland

Stockland submitted that funding for early works (EDW-01) assumed delivery of the north-south arterial road by Casey. However, the likely outcome was that a landowner would deliver the project as a form of works in kind. Consequently, there was a need to have the ability to 'switch-off' the EDW-01. If not, the landowner delivering the north-south arterial road may end up in paying for the construction of the road at the same time as contributing levies which include the financing costs of the infrastructure.

Stockland informed the Panel that in the Amendment's current form, once approved, a switch-off could only be achieved by amending the ICP. It recommended that:

Text should be included in the ICP to support an early review of this item in the event that it is not required and acknowledged that refunds or credits may be provided against payments made.

The VPA

The VPA advised the Panel that the exhibited ICP included financing for the early works to deliver the north-south arterial road as a supplementary item. The exhibited ICP detailed EDW-01 as a single line item in Table 6, described as:

financing the first two lanes of the North South Arterial Road from IN-01 to IN-05 including:

- IN-01
- RD-01-04
- IN05.

After considering submissions to the exhibition of the Amendment, the VPA proposed to rename EDW-01 to EDW, and to split it into individual parts as detailed in the borrowing cost assessment (Document 82). Each of the EDW items would be listed as a new line item in the table as EDW RD-01, EDW IN-01, EDW IN-05 and EDW CU-01. EDW would then become the subtotal adding up to the total borrowing estimated cost of \$8,015,430 as specified in the exhibited ICP. The VPA proposed to attach the borrowing cost assessment (Document 82) as an appendix to the ICP and including the following text under Table 6:

The rate of each of the components of the Supplementary Levy as set out in Table 6 as they relate to early works projects is subject to adjustment downwards by the Collecting Agency in the following circumstances:

- Where the Collecting Agency does not borrow funds for the purpose of providing any or all of the projects identified as EDW RD01, EDW IN-01, EDW IN-05 (together EDW-01) being those projects which are to be financed by early works funding; and

- The Development Agency enters into an agreement for the works in kind (WIK Agreement) provision of any or all of the EDW-01 projects which were intended to be financed by early works funding, and that agreement does not require the Development Agency or the Collecting Agency to procure a loan of funds for the purpose of satisfying its obligations to the person undertaking the works in kind under the WIK.

The VPA recognised that a situation may arise where the early works are delivered as works in kind and the financing costs are not required. In this circumstance it may be necessary to refund part of the collected ICP. The VPA outlined this process as follows:

To the extent that financing costs for the early delivery of works within the ICP may not be required, the VPA considers it is appropriate any such funds not required are not collected from landowners within the ICP area. To the extent that those funds have already been collected, the VPA considers it appropriate that those funds be reimbursed. The VPA understands these funds would typically be reimbursed by the collecting agency simply reducing the future ICP liability to the extent required. The VPA considers the wording of the 'switch off' provision as identified in the Part B submission appropriately allows for this circumstance.

Casey

Casey submitted that the inclusion of a financing cost in the ICP was an appropriate mechanism to achieve the early delivery of the north-south arterial road identified by the C288 Panel. Casey acknowledged that the need for financing costs for early works may not be necessary depending on how and by whom the north-south arterial road is delivered.

Casey argued that the lot cap could play a significant role in determining by whom the north-south arterial road would be delivered. As a consequence, it recommended that a 'switch-off' provision should be included in the ICP if, for example, one of the landowners delivered the early works to release the restriction of the lot cap. From this perspective Casey submitted that it supported the changes to Table 6 proposed by the VPA with a change to allow for part of the funds to be used and borrowed. Casey proposed the following:

The rate of each of the components of the Supplementary Levy as set out in Table 6 as relate to early works projects is subject to adjustment downwards by the Collecting Agency in the following circumstances:

- Where the Collecting Agency does not borrow either part or all of the funds required for the purpose of providing any or all of projects EDW RD01, EDW IN-01, EDW IN-05; and
- The Development Agency enters into an agreement for the works in kind provision of any or all of the projects which were intended to be financed by early works funding and that agreement does not require the Development Agency or the Collecting Agency to procure a loan of either part or all of the funds for the purpose of satisfying its obligations to the person undertaking the works in kind under the works in kind agreement.

The VPA advised the Panel that it supported the changes proposed by Casey.

Casey submitted that while it was the Development Agency for the north-south arterial road, delivery of the early works would be through a works in kind agreement with one of the two landowners or a contract with a third party. Casey stated that the party delivering the EWP would be doing so for the Development Agency.

Casey argued that it could pay for these works by any or a combination of the following:

- by taking into account ICP contributions already paid and crediting them towards cost of EWP and/or
- by providing a credit for future liabilities for payments of the standard and supplementary levy and/or
- by paying cash to the relevant party to the agreement who delivers the EWP.

In the case of the cash option Casey argued that it may need to borrow the funds to make a cash payment and seek reimbursement from the ICP EDW-01 item.

The VPA submitted that it accepted this approach was consistent with the Ministerial Direction as presently drafted, however it expressed concern that the approach did not accord with *“the intent that the costs are incurred by the development agency in association with the early delivery of an item”*. The VPA stated:

It will be appropriate for the VPA to review practice in relation to early works financing as an allowable supplementary item and consider adjustments to the text of the Ministerial Direction as necessary in the future.

(iii) Discussion

On the basis that the north-south arterial road will be required before the development of the Minta Farm PSP above the lot cap, the Panel considers it essential that a mechanism to fund these works be included in the ICP. The need for an early works package is dealt with in Chapter 6.5.

There was no substantive opposition to the inclusion of financing costs as a supplementary item. However, there was concern about the financing costs where the north-south arterial road was not delivered by Casey but by a landowner.

Table 5 of the Ministerial Direction (the list of allowable supplementary items) allows for a finance charge to be included in an ICP and the Panel accepts this as an appropriate item for inclusion, subject to meeting the criteria.

The Panel accepts that it is very likely that Casey may not deliver the north-south arterial road and that it will be constructed by one of the landowners. The lot cap, discussed below, provides additional impetus for this outcome.

The Panel acknowledges that a circumstance could arise where Casey borrows funds for a cash reimbursement to a landowner or a third party contractor for part or all of the cost of delivering the north-south arterial road. It is therefore appropriate to retain EDW-01 in the ICP. However, some flexibility is required in how this supplementary item is applied, including the ability to ‘switch off’ elements of EDW-01 where Casey is not required to borrow funds to finance those elements of the early works package. In this regard, the Panel supports the modifications to Table 6 of the ICP, the additional text following the table proposed by the VPA and as modified by Casey, and the attachment of the borrowing cost assessment as an appendix to the ICP. The Panel recommends some minor modification to the wording of the text of the ‘switch off’ provision, for clarity.

The revised ICP (Document 113) includes the modifications to Table 6 and the additional text agreed by the VPA and Casey. The Panel notes that the revised ICP also includes an appendix placeholder for a revised borrowing cost assessment.

The Panel agrees with the VPA that it should review practice in relation to early works funding.

(iv) Conclusions and recommendations

The Panel concludes:

- the early works financing costs included in the ICP are appropriate
- it supports itemisation of the different elements of the early works package as proposed by the VPA
- the ICP should be modified to provide a mechanism to adjust the finance charges where the works are delivered by a landowner
- the changes to the ICP included in Document 113 are appropriate.

The Panel recommends:

3. Replace the text after Table 6 of the revised Infrastructure Contributions Plan (Document 113) with the following:

The rate of each of the components of the Supplementary Levy as set out in Table 6 as they relate to early works projects is subject to adjustment downwards by the Collecting Agency in the following circumstances:

- a) Where the Collecting Agency does not borrow funds for the purpose of providing any or all of the projects identified as EDW RD-01, EDW IN-01, EDW IN-05 and CU-01 (together EDW) being those projects which are to be financed by early works funding; and**
- b) The Development Agency enters into an agreement for the delivery as works in kind of any or all of the EDW projects which were intended to be financed by early works funding, and that agreement does not require the Development Agency or the Collecting Agency to procure a loan of funds for the purpose of satisfying its obligations to the person undertaking the works in kind.**

6.7 Shared user paths

The revised functional layout plans for the intersections along the north-south arterial road (Cardno, March 2020) include shared user paths on both sides of the road over the extent of the intersections. There is a note on the plans that *“costings for Minta Farm ICP provide for a single 3.0m bike path”*. The revised functional layout plan for the north-south arterial road (Cardno, March 2020) shows shared user paths on both sides, but includes the same note that the ICP costings provide for a single bike path.

It is not clear from the revised costings produced following the functional layout expert meeting (Document 35) whether they allow for cycle paths and/or shared user paths and footpaths on one or both sides of the road and intersections. These discrepancies caused some confusion for the Panel. Shared user paths are shown on both sides of the intersections on the revised functional layout plans without any annotations to exclude paths from the costings (as is the case with the north-south arterial road layout plans) and the Panel has assumed therefore that the intersection costings allow for shared user paths on both sides of the intersection legs.

(i) The issue

The issue is:

- whether the interim construction of the north-south arterial road should include shared user paths on both sides of the road.

(ii) Evidence and submissions

In closing submissions (Document 110), the VPA acknowledged that walking and cycling infrastructure on both sides of an arterial road is an allowable standard levy item under the ICP Ministerial Direction but simply because an item may be included in an ICP does not mean that it must be included (VPA emphasis). It submitted that in accordance with the 'basic and essential' principle outlined in the ICP Guidelines, it was appropriate that the ICP fund construction of one shared path along the first carriageway of the north-south arterial road. It argued that this approach is directed at reducing future redundancies, noting that if a path was provided on the other (east) side of the road (in addition to the west side as costed in the ICP) in the interim construction, at the time of duplication the path would most likely have to be replaced.

The VPA cited the conclusions of the Donnybrook-Woodstock ICP Panel (Mitchell and Whittlesea GC102) that a shared path on one side of the interim, undivided arterial roads was justified. It noted that Donnybrook-Woodstock Panel identified the relevant issues to be:

- whether the land on both sides of the road was in single ownership
- whether the interim construction of the road was a single or divided carriageway
- the likely staging of development and whether in the short term there is a need to service development on both sides of the road.

The VPA submitted that in the case of Minta Farm:¹²

While both sides of the north-south arterial are presently within single ownership, they are not proposed to be constructed in the interim as a divided carriageway. Consistent with the reasoning of the Donnybrook-Woodstock panel, the VPA considers the ICP should fund the construction of the bike path on one side of the north-south arterial road.

As shared paths will be constructed on both sides of the intersections along the north-south arterial, at the mid block section on the eastern side this will result in a situation whereby the footpath will end at the outer extent of the intersections until the ultimate construction of the north-south arterial is undertaken.

This is standard practice and can be observed throughout growth area suburbs.

Casey submitted that:¹³

We think for the stretches of the NS road involved, it would have been more sensible to simply provide for the 3 metre shared path on the east side of the road to be costed as well so it can be built at the appropriate time. The footpath on the east side is within the service road so that should clearly be constructed by developers at their own cost.

Casey noted that the PSP cross-section for the north-south arterial road shows 3 metre wide shared paths on each side, and that Table 3 of the ICP Ministerial Direction lists what the

¹² Document 110, paras 9, 10 and 11

¹³ Document 89, para 35

standard provision should be for arterial roads, that is, walking and cycling infrastructure on both sides of the arterial road as specified in the PSP. It added that (Casey emphasis):¹⁴

Notwithstanding the above, in the exhibited ICP and in the revised Cardno March Plans, the shared paths along the east side of the NS road are not costed. Instead, only one shared path is costed on the west side. When the north-south road is constructed even in the interim, by the time development occurs on the east side, possibly prior to duplication, shared paths will be required on both sides to serve the development on both sides.

Council acknowledges that not raising this earlier was an oversight; it should have been raised earlier in the process. However, Council submits that despite this, an allowance should be made for approximately \$400,000¹⁵ required for the second path within the ICP costings.

Casey noted that the matter of footpaths was considered by the Donnybrook-Woodstock ICP Panel but the issue for that panel was whether shared user paths should be provided on both sides of the mid-block road sections and the relevant intersection legs in their interim configuration, or only one side. It added that the problem faced by Whittlesea City Council in submitting that there should be a footpath on both sides was that the road land was in dual ownership and, therefore, the entity seeking to construct the road did not have access to the land necessary to provide the western half of the road (and the associated other footpath). Casey submitted that:¹⁶

There is no such issue which arises in Minta Farm. All of the land required for the north-south arterial is to be subject to the PAO which Council will use to acquire this land and enable the construction of the road. In any event, Casey Council is not suggesting here that the footpath should be constructed in advance of development on the east side of the road but at the time the service road on the east side is constructed. The purpose of having the funding available is to ensure that the person required to construct the shared path can be paid for it.

Neither expert meeting examined the issue of shared user paths, and no expert evidence was lead as to whether the cost of a shared user path on the east side of the north-south arterial road should be included in the ICP.

(iii) Discussion

There is no doubt that under the ICP Ministerial Direction shared user paths on both sides of the north-south arterial road are an allowable item and can be included in the ICP. The VPA acknowledged that point but argued that a shared user path on the east side of the road in its interim treatment was not 'basic and essential' and should not be included so as to avoid redundant works.

The Panel is fully aware that this issue was examined in some detail by the Donnybrook-Woodstock ICP Panel. That panel concluded that:

- in one instance where the interim arterial road treatment was a single carriageway on land in split ownership, a shared path should only be included on one side of the road

¹⁴ Document 89, paras 39 and 40

¹⁵ Council referenced the costing for the east side shared path at Appendix B, page 41, of the exhibited ICP (Schedule for RD01-RD04)

¹⁶ Ibid, para 49

- in another instance where an interim arterial road ran through land in single ownership, a boulevard divided carriageway was appropriate and that a shared path should be included on both sides of the road.

This demonstrates that not all situations are the same. Circumstances vary and each case needs to be assessed on the basis of the particular circumstance, notwithstanding that (as pointed out by the VPA) it is normal practice in growth areas for the interim construction of arterial roads to include a shared path only on one side. In some cases, shared paths on both sides may well be justified as part of interim works.

In Minta Farm, the land on both sides of the north-south arterial road is in single ownership, albeit with ownership of the southern section being separate to the northern section.

Two other aspects distinguish Minta Farm from Donnybrook-Woodstock.

Firstly, a PAO will apply over the land required for the north-south arterial road and Casey has indicated that it will use the PAO to acquire the land to enable the construction of the interim road.

The second aspect is that the functional layout plans (Cardno March 2020) for all the intersections include shared user paths on both sides of the intersection legs, and the Panel understands that the ICP intersection costings allow for shared user paths on both sides. Due to the spacing of intersections, and allowing for the taper of the intersection legs, there will be parts of the road where for only relatively short sections a shared user path on the east side is not provided for. This would result in a fragmented shared path on the east side with potentially relatively short gaps between constructed sections. It would seem that at least for some period of time, the constructed shared user path on the east side would simply end at the edge of the intersection taper works. In the Panel's view that would be a poor outcome, even in the short term.

In addition, while the agreed functional layout plans for the north-south arterial road (Cardno March 2020) include a note that the ICP costings only provide for a single shared user path, the plans include a shared path on the east side along the edge of the ultimate road reserve. This suggests to the Panel that land will be available for a user path to be built on its ultimate alignment, either as part of the interim works or when development occurs on the east side. If that is the case, the construction of redundant shared path infrastructure can be avoided or at least minimised.

Further, with the land in single ownership on both sides, it is possible that development could occur simultaneously on both sides. Should that happen, a service road including a shared user path will need to be constructed to serve development on the east side. It is not unreasonable that the developer required to construct the east side shared path be paid for it out of ICP funds.

Having said that, with ownership of the Minta Farm precinct being split between only two landowners, at least for the time being, it may be somewhat irrelevant as to how the cost of the second shared path will be met. The landowners/developers may be content to construct the east side shared used path as developer works. Neither Stockland nor The Minta Group made submissions on this matter. A further consideration is that, as noted by The Minta

Group, ownership of the land may change and potentially become fragmented before or as development occurs.

In the circumstances, the Panel considers that the ICP should provide funding for the shared user path on the east side. That would potentially provide for and encourage a more desirable outcome in terms of early delivery of a continuous shared user path along both sides of the interim arterial road. It would also ensure a contribution to the cost of the second shared user path from all landowners, particularly in circumstances where ownership patterns change in the future with potentially more landowners.

The Panel is mindful that including two shared user paths will add to the estimated cost of the north-south arterial road (RD-01) included in the ICP and therefore the cost per hectare for developer contributions. Casey suggested that the cost of the additional shared user path could be around \$400,000 and on the Panel's reading of the cost estimates tabled during the Hearing, that order of magnitude seems reasonable.¹⁷

On the basis of an estimated cost of \$400,000, the estimated cost of RD-01 in the revised ICP would increase by approximately 6.5 per cent and the standard levy cost per hectare by approximately \$1,900.¹⁸ That is not an insignificant impost, but in the Panel's view does not rule out the inclusion of an east side shared path on cost grounds.

In the absence of a cost estimate calculated by a costing expert for the additional shared user path, the Panel is reluctant to determine that the cost of a shared user path on the east side should be included in the ICP. It does suggest, however, that a cost estimate for a second shared user path along RD-01 should be prepared, and in light of the cost estimate, further consideration be given to adding a second shared user path for the reasons outlined above.

(iv) Conclusions and recommendations

The Panel concludes:

- While standard practice in growth areas may be to allow for a shared user path only on one side of an arterial road as part of interim works, circumstances vary between PSP areas and the standard practice may not be the most appropriate approach in all cases.
- Minta Farm PSP is arguably different to other PSPs. With land on both sides of RD-01 in single ownership and a Public Acquisition Overlay in place, there is an opportunity to deliver a shared user path on both sides of the arterial road in the shorter term with reduced potential for redundant works.
- In any event, it appears that sections of the east side shared user path will be constructed (and have been costed) as part of interim intersection works.
- A continuous shared user path on the east side of the interim north-south arterial road (RD-01) along its full length would be a better outcome in the shorter term compared with having a fragmented path on the east side.

¹⁷ See for example the cost of the cycle path line item included in the IN-01 cost sheet in Document 35d, Appendix B Road Costings

¹⁸ Calculation by the Panel based the revised estimated cost of IN-01 included in Table 5 of the revised ICP (Document 113)

- Including a shared user path on the east side of the interim north-south arterial road (RD-01) should be considered further subject to a cost estimate being done to determine the cost implications for the ICP.

The Panel recommends:

4. The Victorian Planning Authority should:

- a) prepare a cost estimate for a continuous shared user path on the east side of the interim north-south arterial road (RD-01)**
- b) give further consideration to including an allowance for a continuous shared user path on the east side of the interim north-south arterial road based on the cost estimate**
- c) if necessary, adjust the costings and levies in the revised Infrastructure Contributions Plan (Document 113) and the Infrastructure Contributions Overlay Schedule 2 accordingly.**

6.8 The lot cap

Requirement R94 of the PSP states:

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

Clause 2.4 of Schedule 14 to the Urban Growth Zone states:

A planning permit must not be issued for any subdivision that results in a combined total of more than 1,000 residential lots in the incorporated Minta Farm Precinct Structure Plan area, until:

- Interim construction of the north-south arterial road is completed between the Beaconsfield interchange (north) and Grices Road (south); and
- All land required for ultimate carriageway of the north-south arterial road within the precinct is vested in the relevant public authority.

Unless an agreement to implement these matters is entered into under Section 173 of the Act with the responsible authority.

(i) The issue

The issue is whether the lot cap should be removed or adjusted.

(ii) Evidence and submissions

Stockland submitted that it expected to reach lot cap in late 2021. In addition, the O'Shea Road duplication (which the north-south arterial road connects to) is not due for completion until late 2022. Further, the Minta Farm planning process has taken over four years. All of these events have the potential to halt development because of the lot cap.

Stockland added that Clause 2.4 of the UGZ14 contained similar provisions to the PSP requirement R94, but with a secondary process involving a section 173 agreement to vary the cap. Stockland submitted that in the absence of a statement by Casey that it was prepared to vary the lot cap the threshold should be increased to 1,500 lots.

Mr Hunt in giving traffic evidence for Stockland stated:

... a largely arbitrary halt on development of Minta Farm PSP area at 1,000 lots is neither necessary or desirable.

Mr Woodland gave evidence that there needs to be a nexus between the lot cap and the operating conditions of the road network. He added that there needed to be a mechanism where the lot cap could be exceeded where progress towards completion of the north-south arterial road could be demonstrated. He concluded:

I consider that Requirement R94 provides sufficient discretion to manage this issue and in my view it ought not be necessary to rely upon the use of Section 173 Agreements to enable more than 1000 lots to be created within the Precinct (as is the case under the current UGZ14 provisions).

The VPA submitted that submissions and evidence in relation to R94 are not within the scope of the Amendment. It added:

Stockland made submissions to the Panel that the lot cap within the PSP and the UGZ be altered from 1,000 to 1,500 lots, though it has not identified the appropriate mechanism by which the Panel may properly make such a recommendation. Rather, Stockland has invited commentary from the Panel such that Stockland might have a stronger bargaining position with Casey City Council in future lot cap negotiations.

The VPA submits any such recommendation would not properly be 'about the Amendment' as required by the Act, would improperly revisit findings of the PSP panel which have already been translated into the planning scheme and should not be entertained.

Casey supported the VPA approach. Nevertheless, Casey submitted that there are two elements to the lot cap:

- Clause 2.4 of the UGZ14
- Requirement R94 of the PSP.

Casey added that while both provisions cover the same thing, they operate in different ways. Both have a soft cap, but in Casey's view:

...the UGZ Schedule provided for a more explicit connection with the purpose of the lot cap being the construction of the north-south road.

Casey advised that permits have been issued to and acted on by Stockland and there is no evidence that it has been frustrated by the cap. Casey added:

Upon request by Stockland, Casey entered into a Section 173 Agreement in pursuance of the ability within the UGZ based lot cap that a permit for more than 1,000 lots should be able to be issued. To that end a Section 173 Agreement provided for the limit to be based on a statement of compliance rather than the issue of a permit.

(iii) Discussion

In discussing the lot cap, the C228 Panel made the following observation:

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

The C228 Panel reached the following conclusion:

- A cap on development of 1,000 lots is, on balance, appropriate to mitigate the traffic impacts, particularly on Soldiers Road, and to provide some incentive for the early delivery of the north-south arterial road.

- PSP Requirement R94 as exhibited provides some flexibility in the application of the cap and should be retained.

The VPA and Casey both argued that the Panel could not consider a submission to alter the lot cap, as it was not ‘about the Amendment’. That may be the case, but in any event the Panel agrees with Casey that there is no need to change the lot cap provisions.

The lot cap provides a clear link between the development of Minta Farm and the construction of what is agreed is an essential piece of infrastructure, the north-south arterial road. The C228 Panel concluded that a lot cap was a necessary incentive to deliver the north-south arterial road early, but it acknowledged that the 1,000 figure was somewhat arbitrary and consequently needed to be a soft cap.

In effect, both requirement R94 in the PSP and Clause 2.4 of the UGZ14 apply a soft cap. They require consent to vary the cap, which appears to be the mechanism the C228 Panel sought. Requirement R94 enables the relevant road management authority, in writing, to agree to a change in the cap. Clause 2.4 requires a Section 173 Agreement with the responsible authority. In other words, both mechanisms allow the relevant authority to formally agree to a change. That the ability to make an agreement rests with the relevant road management authority or the responsible authority is, in the Panel’s view, entirely appropriate. From this perspective the Panel does not support the submissions by Stockland that the Panel should consider a variation to the lot cap.

(iv) Conclusion

The Panel concludes that the lot cap is appropriate and should not be deleted or adjusted.

6.9 The culvert

The exhibited ICP costs culvert CU-01 at \$717,500. At the meeting of costings experts, Mr Charlton raised the matter that the cost of culvert CU-01 had been “significantly underestimated”. He provided further detail in his supplementary evidence tabled just before the Hearing (Document 75).

On 10 September 2020, during the Hearing, the VPA tabled a memo (Document 105) in response to the supplementary evidence of Mr Charlton concerning culvert CU-01. The Panel issued the following Direction:

The Panel directs that written responses to the material contained in Document 105 (the VPA’s memo about the culvert, including attachments), including any further process considered necessary in relation to that material, must be circulated to all parties on the Distribution List by 4pm on Friday 18 September 2020.

Following the receipt of further written submissions on 23 September 2020 the Panel issued the following Directions:

1. VPA is to instruct Cardno to convene a meeting of experts to discuss the scope and costings of culvert CU-01. The Minta Farm Group’s expert and Melbourne Water should be invited to attend the meeting.
2. The experts should produce a joint statement circulated to parties on the distribution list by 4.00pm on Friday 3 October 2020.

3. The meeting is to be conducted, and the joint statement prepared, in accordance with Directions 9, 10, 11, 12, 14 and 16 of the Panel's Directions dated 18 December 2019.

(i) The issues

The issues are:

- the scope and costings for culvert CU-01
- whether culvert CU-01 should be included in the early works package.

(ii) Evidence and submissions

In his supplementary evidence (Document 75) Mr Charlton stated:

With reference to plan 1149_ICP/R02 Rev B (Appendix B) it can be seen that the PSP nominates the location of CU-01 at the north end of the transition of intersection IN-03 back to a single carriageway. The culvert will need to extend well beyond 17m to accommodate the northern transition of IN-03. Of particular note:

- The anticipated culvert structure has been plotted to scale on this plan, at the PSP nominated location. In detailed design, this location could vary north or south by typically, up to 10m.
- The functional layout plans (FLP) of IN-02, IN-03 and IN-04 are taken from the amended Cardno plans post traffic conclave. In detailed design, these intersections could move slightly north or south to compliment the final urban design.
- The north transition of IN-04 and the south transition of IN-03 currently overlap. In practice, IN-04 has been shifted slightly south which will help to resolve this issue. The most likely outcome for IN-03 is that it shifts slightly north, if anything, exacerbating the issue for CU-01.

He estimated the cost of CU-01 to be \$4,826,300 including fees, based on a Preliminary Functional Design Report dated March 2019 prepared by Alluvium for Melbourne Water.

The VPA advised that it had sought advice from Melbourne Water (the drainage authority) on the appropriate design for CU-01 in light of Mr Charlton's supplementary statement. The VPA advised the Panel that it supported the inclusion of CU-01 as part of the early delivery of works package and that the exclusion of the culvert in the exhibited ICP was in error. The VPA added:

As indicated in Table 6 Supplementary Levy Transport Construction Projects, the full cost of CU-01 under the interim carriageway should be apportioned to the ICP. Expansion of the culvert would occur in the future when the road is duplicated. There is no Development Services Scheme to support apportionment of the culvert costs to Melbourne Water. The additional culvert extension will be funded at the time of the duplication works for the north-south arterial.

In explaining the difference in costing the VPA stated:

In developing the exhibited ICP the VPA relied on advice provided by Melbourne Water in September 2018 that the culvert should allow for 13 m³/s and that the following culvert sizes would be appropriate, either

- 5 x 1200mm diameter pipe culverts (41m), 100% Fine Crushed Rock backfill
- 3 x 2100W x 1200H culvert box culverts (41m), 100% Fine Crushed Rock backfill

The exhibited ICP showed the Benchmark Infrastructure Drawing (Culvert design drawing of 2 x 1200 dia. reinforced pipe structure (17m long)). Appendix 3 (page 30) of the ICP noted: 'CU-01 Benchmark Cost item 31 provides for 2 x 1.2m diameter pipes. Melbourne Water advice is that 5 x 1.2 m diameter pipes is required. Therefore, cost is for 2.5 x the benchmark cost of item = \$717,500'

The Charlton supplementary evidence was received by the VPA on 2 September 2020. The evidence states on page 4: 'Melbourne Waters Minta Farm Drainage Services Strategy - Preliminary Functional Design Report, March 2019 prepared by Alluvium indicates that CU01 will be a 7 cell 3,600mm x 1,500mm box culvert structure.' The evidence provides a cost estimate for a 41m long box culvert (7 cell 3,600mm x 1,500mm) of \$4,826,300

The VPA advised the Panel that Melbourne Water has completed a high-level review of the draft Alluvium report to assist with the determination of the concept design parameters required for CU-01. As a consequence, it advised that an alternative culvert benchmark design to the exhibited ICP was required both to increase the size and to allow for the taper of the intersection at IN-03. This alternative design was based on:

- Melbourne Water advice that 5 x 3600mm x 1500mm box culverts would be required
- the culvert width being sufficient to accommodate the interim road design and the tapering of the northern leg of IN-03.

The VPA estimated the revised P90 cost of CU-01 at \$1,825,006 – substantially less than Mr Charlton's estimate in his supplementary evidence.

In response Casey agreed that CU-01 should be included in the early delivery of works package. Casey added that the culvert must be costed appropriately and:

... it should provide sufficient funding to support the development of a functioning interim north-south connection through Minta Farm (i.e. the two-lane carriageway), taking potential intersection overlap (of IN-03) into consideration and permitting the construction of the shared path on both sides of the interim carriageway over the culvert crossing.

Stockland submitted that based on the work of Mr Charlton and the VPA, the culvert has been underfunded in the exhibited ICP. It agreed that that CU-01 should be included in the early delivery of works package and that a construction of five cells and a width of 30 metres to include the taper of IN-03 was appropriate. It also recommended rock armouring at either end of the culvert. Mr Charlton estimated in his post panel statement (Document 116) the P90 cost of CU-01 at \$3,152,907 (including delivery).

The Minta Group submitted that there may be insufficient information before the Panel to make an informed decision given the variation in costings. The Minta Group recommended that further testing of the costings was required. However, if the Panel did not proceed in this fashion it adopted the costings of Mr Charlton.

In response to the Panel's direction of 23 September 2020, a conclave of experts was held on 7 and 9 October 2020 (Document 119). The experts were not able to reach agreement on the design parameters of CU-01, but agreed that, with changes to design fees, earth works and traffic management, a costing of \$2,954,000 for CU-01 was appropriate.

(iii) Discussion

The Panel agrees with the parties that culvert CU-01 is essential infrastructure. Given that the north-south arterial road in part is an elevated roadway the culvert is required to ensure adequate drainage and should be constructed as part of the north-south arterial road. Consequently, culvert CU-01 should be part of the early delivery of works package (a matter that was agreed by all parties).

The experts agreed on a cost of \$2,954,000 for CU-01 at the post-Hearing costings conclave. The Panel finds this somewhat curious, given the significant discrepancies between the experts in relation to the scope of the project and the design parameters for CU-01 recorded in the conclave statement (Document 119). The Panel is therefore reticent to make a formal recommendation about the scope of CU-01, or the amount that should be included in Table 6 of the ICP as the estimated cost of the project. The VPA should undertake further work to determine the appropriate scope and cost of CU-01 before adopting the Amendment.

In the absence of any evidence to the contrary, the Panel supports fully apportioning the cost of CU-01 to the Minta Farm ICP.

The revised ICP (Document 113) includes the modifications to Table 6 and includes CU-01 as a separate line item in EDW.

(iv) Conclusions and recommendations

The Panel concludes:

- CU-01 should be included as part of the construction of the north-south arterial road, and in the financing costs for the early delivery of works as shown in Document 113
- the cost of CU-01 should be fully apportioned to the Minta Farm ICP
- the VPA should undertake further work to finalise the scope and costings for CU-01.

The Panel recommends:

5. The Victorian Planning Authority should:

- a) undertake further work to finalise the scope and costings for culvert CU-01
- b) update the costings and levies in the revised Infrastructure Contributions Plan (Document 113) for CU-01 and EDW and the levies in the Infrastructure Contributions Overlay Schedule 2 accordingly.

6.10 Grices Road extension

As noted in Chapter 1.2(v), the section of Grices Road from Ferdinand Drive to the future bridge crossing Cardinia Creek is currently unfunded, and is not included in either the Minta Farm ICP or the Clyde North DCP. The unfunded section is marked in red and yellow in Figure 9.

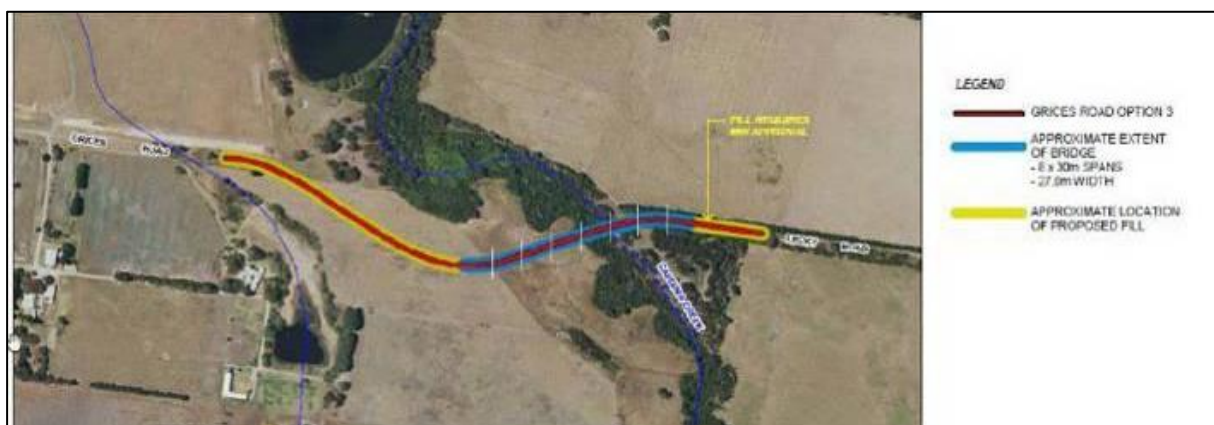


Figure 9 Grices Road extension

Source: Cardinia Shire Council submission (Document 91)

(i) The issue

The issue is whether the Minta Farm ICP should include a new supplementary item which provides for a contribution to the construction of the 390 metre section of Grices Road that is presently unfunded.

(ii) Evidence and submissions

Cardinia Shire Council (Cardinia) submitted that the Minta Farm ICP should include an additional supplementary item which would make a contribution to the construction of the unfunded section of Grices Road. It submitted:

Grices Road is one of the very limited number of east-west/west-east road connections and is identified as the principal public transport network route between Casey and Cardinia. It will provide the vital connection between work and home and will facilitate less private car usage on the road. The exact nature of the public transport is still to be determined but is likely to be bus route or possibly alternative public transport (trackless trams) providing this type of connection. Its early provision will be essential in allowing connectivity between home (Casey) / work (Cardinia) and vice versa via this public transport connection.

Cardinia informed the Panel that the Clyde North PSP made provision for the land for Grices Road to Cardinia Creek. The cost of construction of Grices Road was also provided for except for approximately 390 metres between the PSP area and Cardinia Creek. Cardinia advised that the section of road was not funded in the Clyde North DCP due to a number of reasons, including uncertainty in the alignment of the Cardinia Creek crossing.

Cardinia submitted that based on the work that it has undertaken, Grices Road is important for the success of the Officer South Employment PSP and would provide a connection to the Clyde North PSP and Cranbourne further west. In summary the connection would:

- be a catalyst for development of the Officer South Employment PSP and provide a connection to Lecky Road and Officer South Road
- provide logical sequencing and coordinated local infrastructure for the efficient delivery of an eastwest road to deliver an integrated and accessible precinct
- provide an opportunity for major economic connection between Casey and Cardinia
- increase the liveability of Casey-Cardinia residents by delivering a road that increases resident's access to local employment opportunities for both Casey and Cardinia residents in the region.

Cardinia concluded that Grices Road is one of a very limited number of east-west/west-east road connections over Cardinia Creek and will be a principal transport connection route linking residential and employment land. The road is identified in the South East Growth Corridor Plan as a Principal Public Transport Route. Cardinia argued that the Grices Road connection to Cardinia Creek is required, otherwise, all additional eastbound traffic from Minta Farm will need to utilise the Monash Freeway or Princes Highway creek crossings as no other suitable options exists or are likely in the short term.

Cardinia estimated that the construction cost of the 390 metres of Grices Road to the interim standard would be in the order of \$3.952 million (Document 93).

The VPA agreed that the future Grices Road connection and bridge over Cardinia Creek would prove beneficial to the broader community. However, the VPA argued that the project did not meet the requirement of nexus to Minta Farm to apportion funding to the Minta Farm ICP

because Minta Farm can develop without the unfunded extension to Grices Road. The VPA concluded:

... the Grices Bridge will ultimately be funded by the State and the unfunded section of Grices Road will be properly considered at that time, though it notes no current commitment to funding has been made.

(iii) Discussion

The Panel accepts that the Grices Road connection is a significant piece of infrastructure in the regional context. The Panel agrees that there are a limited number of east west connections over Cardinia Creek and that Grices Road will provide a general benefit to the Officer South Employment PSP and the Clyde North PSP.

The Panel agrees with the VPA that while Grices Road may provide an alternative link to the east, for the Minta Farm precinct, the north-south arterial road provides a more significant connection to O'Shea Road to north and the Monash Freeway. From this perspective the Panel agrees with the VPA that the nexus between Grices Road and Minta Farm is not sufficient to justify apportionment of the cost of the Grices Road extension to the Minta Farm ICP.

The Panel accepts the submission of the VPA that the Grices Road extension and bridge over Cardinia Creek is part of the regional road network and will ultimately be constructed by the State.

(iv) Conclusion

The Panel concludes that the Minta Farm ICP should not include a new supplementary item which provides for a contribution to the construction of the unfunded section of Grices Road.

6.11 Works in kind

The works in kind provisions of the exhibited ICP are as follows:

5.10 Works in Kind

Under section 46GX of the Act, the Collecting Agency may accept the provision of works, services or facilities by an applicant in part or full satisfaction of the monetary component of an infrastructure contribution payable by the applicant to the collecting agency ('works in kind').

Before accepting the provision of works in kind, the collecting agency must obtain the agreement of the development agency or agencies specified in this ICP.

The collecting agency should only accept the provision of works in kind if:

- The works in kind constitute part or all of the delivery of an infrastructure project(s) identified in this ICP, to the satisfaction of the collecting agency and development agency.
- The Collection Agency and Development Agency have agreed that the timing of the works in kind is consistent with priorities in this ICP (alternatively a credit for works may be delayed to align with clearly identified and published development priorities).
- The works in kind are defined and agreed in a section 173 agreement.
- The detailed design of the works in kind is to the satisfaction of the Development Agency and any others identified in permit conditions.

If the Collecting and Development Agencies accept the provision of works in kind:

- The value of the works in kind will be negotiated between the Collecting Agency and the applicant;
- The monetary component the infrastructure contribution payable by the applicant will be offset by the agreed value of the works in kind; and
- If the agreed value of the works in kind exceeds the monetary component the infrastructure contribution, the applicant will be reimbursed the difference between the two amounts at a time negotiated between applicant and the Collecting and Development Agencies.

The land component and any land equalisation amounts or land credit amounts cannot be accepted as works in kind.

(i) The issue

The issue is whether the works in kind provisions in the ICP are appropriate.

(ii) Evidence and submissions

Stockland submitted that the cost of works in kind should be reimbursed in full. Stockland added:

It is submitted that this must be a fair outcome. Otherwise, if the cost of infrastructure is higher than what the ICP caters for, the developer would be out of pocket for any exceedances.

Stockland added that to provide certainty to Casey and landowners within the precinct, any works in kind credit should be equal to the costs contained in the ICP, allowing for indexation and regardless whether the works are funded by the standard or supplementary levy.

Casey submitted that the Panel should be careful not to confuse early works funding with the works in kind issues. Casey added that there is a relationship between the two, but it all depends on what is ultimately negotiated as part of a works in kind agreement. It informed the Panel:

Generally, WIK agreements work on the basis of the provision of credits against ICP or liabilities (that is a form of offset). But where the liabilities under the ICP or DCP are less than the cost of the infrastructure (as is likely to be the case here given that the whole of the north south road needs to be delivered) there needs to be either:

- a developer willing to bank roll the roll out of the infrastructure (which is unlikely); or
- a funding mechanism to pay the developer for its costs over and above its ICP/DCP liabilities.

The cost of funding is then shared by the ICP between all the landowners (or here both the landowners) in the precinct. Ultimately, this also highlights the need for maximum flexibility when negotiating WIK Agreements. The panel should always resist calls to predetermine issues now that should properly be the subject of negotiations.

The VPA submitted that similar arguments had been put to the Mt Atkinson ICP Panel (Melton C201) and the Donnybrook-Woodstock ICP Panel (Mitchell and Whittlesea GC102). The VPA referred to the following excerpt from the Melton C201 Panel report:

Works in kind credits

Works in kind credits should be negotiated between the developer and the Collecting and Development Agencies. They should not be fixed at the cost estimate specified in the ICP. The ICP will remain in place over a long period. Construction costs will inevitably vary over this period, and flexibility should be maintained. Fixing the costs now, based on estimates, will potentially reduce the willingness of Collecting and

Development Agencies to accept works in kind (or indeed developers' willingness to offer works in kind), which could result in the loss of the shared benefit of early delivery of the infrastructure.

In addition, the VPA referred to the Mitchell and Whittlesea GC102 Panel report:

Works in kind credits

Mirvac proposed additional text in the ICP to make explicit that the amount of the credit for a project delivered as works in kind would be no less than the ICP value for that project, if the actual costs equalled or exceeded the ICP value. The Panel considers that the existing works in kind provisions in the ICP are adequate, and that this change is unnecessary. Works in kind are a matter of negotiation and agreement between the developer and the collecting agency, and in the Panel's view these negotiations should be subject to as few restrictions as possible to allow the parties to reach a mutually satisfactory outcome.

The VPA submitted that the Minta Farm ICP works in kind provisions are consistent with the reasoning and recommendations of these two panels.

(iii) Discussion

Much of the discussion on works in kind was directly linked to submissions on the early delivery of works package and specifically the delivery of the north-south arterial road. However, the works in kind provisions apply to any of the standard or supplementary ICP items. While the north-south arterial road, because of the lot cap and the funding item for the early delivery of works package, may be something of an exceptional case the Panel agrees with Casey that flexibility in the negotiation of works in kind agreements is essential. In many ways the construction of the north-south arterial road best illustrates this conclusion.

The Panel accepts the VPA's submission that the Minta Farm ICP works in kind provisions are consistent with the Mt Atkinson ICP and Donnybrook-Woodstock ICP panel reports. This Panel agrees with the recommendations of the Mt Atkinson ICP Panel and the Donnybrook-Woodstock ICP Panel, and accepts that the provisions of clause 5.10 of the Minta Farm ICP provide the flexibility required to negotiate complex as well as straightforward works in kind agreements. The Panel agrees that no changes to the exhibited works in kind provisions are required.

(iv) Conclusion

The Panel concludes that the works in kind provisions in the ICP are appropriate.

7 Resolved issues

7.1 Design and functional layout issues

Matters agreed between the experts and/or the parties in relation to the design or functional layout of the various projects in the ICP are summarised in Table 4.

Table 4 Resolved design and functional layout issues

Issue	Details/Panel comment
NORTH-SOUTH ARTERIAL ROAD - general matters	
Design speed and alignment	<p>Agreed between the VPA, TfV and Casey prior to the first conclave that the north-south arterial road (interim configuration) should have a design speed of 60kph rather than the 80kph assumed in the exhibited design. This effectively resulted in the interim road going from a largely duplicated configuration to a largely single carriageway configuration (with tapering of intersection legs). Revised design confirmed by the experts at the traffic conclave.</p> <p>Agreed that the alignment at the southern end should be adjusted to be consistent with the approved Stockland permit for residential subdivision, and at the northern end to be consistent with Mr Gnanakone's evidence and to accommodate batters required by TfV at IN-01.</p> <p>Agreement recorded in Documents 17 and 28.</p>
Changes required	<p>Document 113 (revised ICP) indicates a number of changes are required as a consequence, including:</p> <ul style="list-style-type: none"> - road projects RD-01-04, RD-02 and RD-04 substituted with a single road project (RD-01) - changes to the levy amounts - updates to Plans 2, 4 and 5 - changes to the description and costs of RD-01 in Table 5, and deletion of RD-01-04, RD-02 and RD-04 - changes to the description of the Early Works package (now consists of RD-01, IN-01, IN-05 and CU-01) - changes to the land take requirements in Tables 8 and 9 - adjustments to the land equalisation rates in Tables 10 and 11 - adjustments to the land use budgets in Tables 16 and 17. <p>Minor changes also required to the PAO alignment.</p>
Intersections – general matters	
Bus infrastructure	<p>Intersection designs for IN-02, IN-03, IN-04 and IN-05 in the exhibited ICP did not provide for bus infrastructure.</p> <p>Agreed between the VPA and TfV that the designs should be adjusted to include indented bus lanes, which could be accommodated without requiring additional land take.</p> <p>Agreement recorded in Documents 85 and 86.</p>

Issue	Details/Panel comment
Changes required	Document 113 (revised ICP) indicates that updated intersection plans will need to be attached to the ICP showing the bus infrastructure.
IN-01	
Change from a 90 degree approach to a 70 degree approach	<p>The exhibited plans for IN-01 were based on a 70 degree approach to IN-01 from the north-south arterial road. TfV had prepared its plans for O'Shea Road upgrades (as part of the Monash Freeway Upgrade Works Stage 2) on the basis of a 90 degree approach. TfV adjusted its plans to accommodate a 70 degree approach, which required a slight increase in land take to accommodate batters.</p> <p>Agreement recorded in Document 86.</p>
Changes required	<p>Document 113 (revised ICP) indicates a number of changes are required as a consequence, including:</p> <ul style="list-style-type: none"> - substitution of IN-01 plans attached to the ICP - updates to Plans 4 and 5 - updates to Tables 8 and 9 (public purpose land) - updates to Tables 10 and 11 (land credit and land equalisation rates) - updates to Tables 16 and 17 (land use budgets) <p>Minor changes may also be required to the PAO alignment.</p>
Right turn lanes and slip lanes	<p>Agreed at the traffic conclave that:</p> <ul style="list-style-type: none"> - a single right turn lane on O'Shea Road was required under interim conditions - the left turn slip lane from O'Shea Road to the north-south arterial road should be unsignalised - the proposed lane configuration of the southern leg was appropriate. <p>TfV indicated a minor adjustment may be required to the left turn slip lane to accommodate the appropriate design vehicles (B Doubles rather than semi trailers), which may require some additional land.</p> <p>Agreement recorded in Documents 28 and 86.</p>
Changes required	<p>Plans for IN-01 to be updated.</p> <p>Query whether land take and the PAO also need to be updated to account for the correction to the design vehicle for the left turn slip lane.</p>
IN-02	
	<p>Agreed at the traffic conclave that:</p> <ul style="list-style-type: none"> - that a left turn slip lane should be provided under interim conditions in the north-west corner to facilitate swept paths - minor amendments to the interim design would be required to accommodate Mr Gnanakone's recommendation to adjust the alignment of the north-south arterial road. <p>TfV identified that additional land is required to accommodate the inclusion of the north to east left turn slip lane, and supported</p>

Issue	Details/Panel comment
	amendments to the PAO boundary to ensure that the intersections can be accommodated. Agreement recorded in Documents 28 and 86.
Changes required	Plans for IN-02 to be updated. Query whether land take details in the ICP and the PAO alignment also need to be updated to account for the north to east left turn slip lane.
IN-03	
	Agreed at the traffic conclave that: - minor amendments to the interim design would be required to accommodate Mr Gnanakone's recommendation to adjust the alignment of the north-south arterial road. Agreement recorded in Document 28.
Changes required	Plans for IN-03 to be updated.

The resolved issues require minor updates to the Amendment documentation. Recommendations are provided in Chapter 7.4.

7.2 Costings

Costings of the transport infrastructure items were largely agreed (within a margin of 5 percent), so the experts agreed that Cardno's costings should form the basis of the estimates in the ICP. Agreement is recorded in Document 56.

The Part B version of the ICP included updated costings for the following additional projects, which were not contested by any party at the Hearing:

- pedestrian signals on O'Shea Road (PS-01)
- pedestrian and cyclist bridge over Cardinia Creek (BR-01)
- community centre (CI-01)
- sports reserve (SR-01).

In the absence of evidence or submissions challenging these updated costs, the Panel has no reason to question them.

Costings for the culvert (CU-01) remained in dispute. Refer to Chapter 6.9.

7.3 Updated indexed rates

The VPA confirmed it intends to apply the 2020/2021 indexed rates published in July 2020 when it adopts the Amendment. The Panel supports this, and notes that it is consistent with the ICP Ministerial Direction.

7.4 Other minor changes

The revised ICP (Document 113) also included a number of other minor changes to include the clarity and readability of the ICP. The Panel supports these changes.

7.5 Recommendations to implement resolved issues

The Panel recommends:

- 6. Update the exhibited Infrastructure Contributions Plan as follows:**
 - a) make the changes required as a consequence of the agreement reached on the design and functional layout matters recorded in Table 4 of this report**
 - b) update the levies to reflect the 2020/2021 indexed rates**
 - c) make the other changes shown in the revised Infrastructure Contributions Plan (Document 113) to improve clarity.**
- 7. Update the Public Acquisition Overlay alignment to:**
 - a) reflect the alignment of the southern portion of the north-south arterial road shown on the plans endorsed under the permit for the subdivision of Stockland's land at 80 Grices Road, Berwick into 697 lots**
 - b) reflect the recommendation of Mr Gnanakone regarding alignment**
 - c) (if required) make further consequential changes:**
 - at Intersection IN-01 – the correction to the design vehicle for the left turn slip lane from O'Shea Road into the North South Arterial Road**
 - at Intersection IN-02 – the inclusion of a north to east left turn slip lane.**

Appendix A Parties to the Panel Hearing

Submitter	Represented by
Victorian Planning Authority	<p>Susan Brennan SC and Carly Robertson of Counsel instructed by Hall and Willcox, who called expert evidence on:</p> <ul style="list-style-type: none"> - functional layout from Ben Mentha of Cardno - functional layout from William de Waard of Traffix Group - costings from Michael Steer of Cardno - planning/ICPs from Paul Shipp of Urban Enterprise
Casey City Council	<p>Terry Montebello of Maddocks Lawyers, who called expert evidence on:</p> <ul style="list-style-type: none"> - functional layout from Toby Cooper of GHD
Cardinia Shire Council	Marcelle Bell, with assistance from Nicholas Charrett
Stockland	<p>Jeremy Gobbo QC and Peter O'Farrell of Counsel, instructed by King and Wood Mallesons, who called expert evidence on:</p> <ul style="list-style-type: none"> - functional layout from Stephen Hunt of Ratio Consultants - costings from Adam Charlton of Charlton Degg - planning/ICPs from Mark Woodland of Echelon Planning - economics from Chris McNeill of Ethos Urban
The Minta Group	<p>Alex Guild of Counsel, instructed by Norton Rose Fulbright, who called evidence on:</p> <ul style="list-style-type: none"> - functional layout from Val Gnanakone of OneMileGrid - costings from Mark Fleming of Beveridge Williams*

* Evidence was tabled from Mr Fleming, and he participated in the costings conclaves, but he was not called at the Hearing

Appendix B Document list

No.	Date	Description	Presented by
1	6/11/2019	Casey C269 notification letter	PPV
2	13/11/2019	Letter from King and Wood Mallesons (for Stockland) dated 13-11-2019 requesting reschedule of Directions Hearing	Stockland
3	15/11/2019	Email from PPV to VPA and Stockland re Directions Hearing date	PPV
4	25/11/2019	Letter from Stockland to Panel requesting reschedule of Main Hearing; reiterating previous request for reschedule of Directions Hearing; and requesting directions for a traffic conclave and a mediation on removal of the lot cap (timing for construction of the north-south arterial)	Stockland
5	18/12/2019	Casey C269 Directions, Ruling on request for direction for mediation, Distribution List v1 and Panel Hearing Timetable v1	PPV
6	18/12/2019	Email Correspondence from Hall and Willcox (for VPA) dated 18-12-2019 re. hearing dates	VPA
7	20/12/2019	Correspondence from King and Wood Mallesons (for Stockland) dated 20-12-2019 re. expert meetings	Stockland
8	20/12/2019	Email Correspondence from Hall and Willcox (for VPA) dated 20-12-2019 re. hearing dates	VPA
9	23/12/2019	PPV response to VPA and Stockland dated 23-12-2019 re. hearing dates and expert meetings	PPV
10	21/02/2020	DoT letter responding to Panel Direction 2	DoT
11	26/02/2020	Submission from Stockland responding to Panel Direction 3 (relevance of land valuation issues)	Stockland
12	28/02/2020	VPA letter to Panel regarding hearing dates and availability of counsel 28-02-2020	VPA
13	28/02/2020	Stockland letter to Panel regarding hearing dates 28-02-2020	Stockland
14	05/03/2020	Casey C269 Minta Farm ICP Directions and Panel Hearing Timetable v2.1 5-03-2020 (REISSUED 5pm)	PPV
15	11/03/2020	VPA Submission in reply to submission from Stockland dated 26-02-2020 (relevance of land valuation issues)	VPA
16	13/03/2020	DoT letter responding to Panel Direction 3 (v2.1) (O'Shea Road upgrades)	DoT

No.	Date	Description	Presented by
17	13/03/2020	a) Letter from Hall and Willcox (for VPA) responding to Panel Direction 2 (v2.1) (change to design speed of interim north-south arterial road) b) Attached revised interim concept layout plans, all Cardno V181544-TR <ul style="list-style-type: none"> • DG-0301 Rev 3 • DG-0302 Rev 2 • DG-0303 Rev 2 • DG-0304 Rev 2 • DG-0305 Rev 2 • DG-0306 Rev 3 • DG-0307 Rev 2 • DG-0308 Rev 2 • DG-0309 Rev 2 	VPA
18	17/03/2020	Email from Casey City Council to PPV re. conflict of interest for traffic expert	Casey City Council
19	17/03/2020	Letter from Panel to Casey City Council regarding traffic expert	PPV
20	18/03/2020	Letter from King and Wood Mallesons in response to the Panel's letter of 17-03-2020	Stockland
21	19/03/2020	Letter from Norton Rose Fulbright (NRF) for Minta Farm Group in response to the Panel's letter of 17-03-2020	Minta Farm Group
22	23/03/2020	Casey C269 Minta Farm ICP Revised Directions dated 23-03-2020	PPV
23	03/04/2020	City of Casey Expert Evidence of Toby Cooper (Traffic)	Casey City Council
24	03/04/2020	Stockland Expert Evidence of Steve Hunt (Traffic)	Stockland
25	03/04/2020	Minta Farm Group Expert Evidence of Valentine Gnanakone (Traffic)	Minta Farm Group
26	03/04/2020	VPA Expert Evidence of Will De Waard (Traffic)	VPA
27	03/04/2020	VPA Expert Evidence of Benjamin Mentha (Functional Design)	VPA
28	01/05/2020	Functional Design Conclave Statement	VPA

No.	Date	Description	Presented by
29	01/05/2020	Traffix Group ultimate functional layout plans: <ul style="list-style-type: none"> • G22294A-04 for IN-01 • G22294A-02 for IN-02 • G22294A-06 for IN-02 (Inset) • G22294A-03 for IN-03 • G22294A-07 for IN-03 (Inset) • G22294A-05 for IN-04 • G22294A-08 for IN-04 (Inset) • G22294A-01 for IN-05 	VPA
30	13/05/2020	Email from PPV seeking clarification of various issues related to Functional Design Conclave Statement and plans	PPV
31	19/05/2020	Letter requesting attendance of additional observer at infrastructure costings conclave	VPA
32	21/05/2020	Request for extension for costings evidence and response to questions of clarification on Functional Design Conclave Statement	VPA
33	21/05/2020	a) Email from NRF regarding VPA request for extension of costings evidence b) Attached updated OneMileGrid ultimate concept layout plans for northern part of Bells Road – CLP 102 c) Attached updated OneMileGrid ultimate concept layout plans for northern part of Bells Road – CLP 100	Minta Farm Group
34	22/05/2020	Response to request for additional observer at infrastructure costings conclave	Stockland

No.	Date	Description	Presented by
35	22/05/2020	a) Email in response to Item 24 of the Functional Design Conclave Statement b) Attached revised interim concept layout plans, all Cardno V181544-TR: <ul style="list-style-type: none"> • SK-0301-3 • SK-0302-3 • SK-0303-2 • SK-0304-2 • SK-0305-2 • SK-0306-3 • SK-0307-2 • SK-0308-2 • SK-0309-2 c) Appendix A – revised intersection costings d) Appendix B – revised road costings	VPA
36	25/05/2020	Email from PPV allowing additional observers for VPA and Stockland	PPV
37	26/05/2020	Letter advising attendance of additional observer at infrastructure costings conclave	Stockland
38	26/05/2020	Panel response to late Council email request for additional observer at infrastructure costings conclave	PPV
39	27/05/2020	a) Correspondence from Cardno to VPA explaining updated plans and costs for IN-02 and IN-03 b) Cardno Option 2 interim concept layout plans <ul style="list-style-type: none"> • V181544-TR-DG-0312 • V181544-TR-DG-0313 c) Appendix A – Option 2 revised intersection costings	VPA
40	27/05/2020	Letter from Council confirming attendance of additional observer at infrastructure costings conclave	Casey City Council
41	03/06/2020	Letter advising change to expert witness and request for extension for evidence (infrastructure costings)	Stockland
42	03/06/2020	Response regarding extension request for costings evidence and request for extension for costings conclave statement and date for hearing on valuation	VPA
43	03/06/2020	Panel response to extension requests for costings evidence, conclave statement and hearing on valuation	PPV

No.	Date	Description	Presented by
44	12/06/2020	a) Letter enclosing expert evidence b) VPA Expert Evidence of Michael Steer (infrastructure costings)	VPA
45	12/06/2020	Minta Farm Group Expert Evidence of Mark Fleming (infrastructure costings)	Minta Farm Group
46	12/06/2020	a) Letter enclosing expert evidence b) Stockland Expert Evidence of Adam Charlton (infrastructure costings) c) Appendix A – Bells Road arterial cost estimate d) Appendix B – R01 early works costing plan e) Appendix C – R02 intersections costing plan	Stockland
47	19/06/2020	Letter advising that Stockland will no longer be calling valuation evidence at preliminary hearing scheduled for 24-06-2020	Stockland
48	22/06/2020	Email from PPV advising that preliminary hearing on 24-06-2020 will not be proceeding	PPV
49	23/06/2020	Email advising of reconvened infrastructure costings conclave scheduled for 25-06-2020 and requesting extension for conclave statement	VPA
50	23/06/2020	Email from PPV confirming extension request for conclave statement	PPV
51	23/06/2020	Email requesting additional observer at reconvened infrastructure costings conclave	Casey City Council
52	23/06/2020	Email from PPV permitting additional observer for Casey City Council at reconvened costings conclave	PPV
53	23/06/2020	Email requesting additional observer at reconvened infrastructure costings conclave	Stockland
54	01/07/2020	Email requesting additional observer at further reconvened infrastructure costings conclave	Stockland
55	01/07/2020	Email from PPV requesting explanation on reasons for further convened infrastructure costings conclave	PPV
56	02/07/2020	a) Email from VPA explaining reason for further convened infrastructure costings conclave b) Attached infrastructure costings experts' joint statement	VPA
57	17/07/2020	Letter from Stockland responding to issue of whether a third Directions Hearing is required (Direction 7)	Stockland
58	17/07/2020	Email from Council responding to Direction 7	Casey City Council

No.	Date	Description	Presented by
59	17/07/2020	Email from Minta Farm Group responding to Direction 7	Minta Farm Group
60	17/07/2020	Email from VPA responding to Direction 7	VPA
61	21/07/2020	Letter from Panel advising dates for circulation of additional evidence	PPV
62	21/07/2020	Distribution List Version 4	PPV
63	23/07/2020	Letter from Council requesting further directions from Panel on lot cap issue	Casey City Council
64	27/07/2020	Letter from Panel responding to Council request for further directions on lot cap issue	PPV
65	13/08/2020	Letter from Panel confirming hearing will proceed by video, enclosing Version 3 directions and Panel Hearing Timetable	PPV
66	16/08/2020	Email from VPA requesting change to hearing dates	VPA
67	18/08/2020	Letter from Panel confirming change to hearing dates, enclosing Panel Hearing Timetable Version 4	PPV
68	19/08/2020	Letter filing evidence statement of Paul Shipp	VPA
69	19/08/2020	Evidence statement of Paul Shipp	PPV
70	19/08/2020	Evidence statement of Chris McNeill	Stockland
71	19/08/2020	Evidence statement of Mark Woodland	Stockland
72	26/08/2020	a) VPA Part A submission b) Appendix A – Proposed List of changes c) Appendix B – Submission summary	VPA
73	02/09/2020	VPA Part B submission	VPA
74	03/09/2020	Memorandum – Paul Shipp	VPA
75	03/09/2020	Supplementary Report – Early Works Projects– Adam Charlton	Stockland
76	03/09/2020	Supplementary evidence – Steve Hunt	Stockland
77	03/09/2020	Minta Farm aerial – ICP area prior to any development	VPA
78	03/09/2020	Minta Farm Nearmap current aerial	VPA
79	03/09/2020	Revised PSP plan 2 – transport projects	VPA
80	03/09/2020	PSP11 Minta Submitters to the amendment	VPA
81	03/09/2020	Casey C228 (Minta Farm PSP) - Panel Report	VPA
82	03/09/2020	Urban Enterprise Borrowing Costs Advice April 2019	VPA

No.	Date	Description	Presented by
83	03/09/2020	Melton C201 (Mt Atkinson and Tarneit Plains ICP) - Panel Report	VPA
84	03/09/2020	Mitchell and Whittlesea GC102 (Donnybrook-Woodstock ICP) - Panel Report	VPA
85	03/09/2020	G27294A-IN-02-revised intersection drawings with bus bays	VPA
86	04/09/2020	Submission on behalf the Head Transport, Victoria	DOT
87	04/09/2020	Minta Farm Precinct Structure Plan December 2018	Stockland
88	04/09/2020	Minta Farm Infrastructure Contributions Plan – Executed S173 Agreement for 280 Grices Road, Berwick	Casey City Council
89	07/09/2020	Submission by City of Casey	Casey City Council
90	07/09/2020	Expert Evidence Presentation - Toby Cooper	Casey City Council
91	07/09/2020	Submission by Cardinia Shire Council	Cardinia Shire Council
92	07/09/2020	Attachment 1 Casey C129 Panel Report to Cardinia Shire Council submission	Cardinia Shire Council
93	07/09/2020	a) Attachment 2 to Cardinia Shire Council submission Grices Road Cost Estimate b) Attachment to Cardinia Shire Council submission 2 Grices Road Cost Estimate spreadsheet	Cardinia Shire Council
94	08/09/2020	Supplementary statement of V Gnanakone	Minta Farm Group
95	09/09/2020	Minta Farm ICP – Stockland EDW calculations	Casey City Council
96	10/09/2020	Comparison of road cost estimates for Minta Farm with latest benchmark costs (P90 2020/2021)	VPA
97	10/09/2020	Cardinia Creek South PSP	VPA
98	10/09/2020	Minta Farm PSP11 – Minta Farm – Part B Presentation - 16 -04-2018	VPA
99	10/09/2020	South East Growth Corridor Plan map comparison	VPA
100	10/09/2020	Submission on behalf of Stockland	Stockland
101	10/09/2020	Clyde North DCP June 2017	Stockland
102	10/09/2020	Casey - C269 - Minta Farm ICP - Stockland EDW calculations	Stockland

No.	Date	Description	Presented by
103	10/09/2020	Email from VPS to Stockland about Minta Farm Final ICP update 22-07-2019	Stockland
104	10/09/2020	Head Transport for Victoria Supplementary Submission 09-09-2020	DOT
105	10/09/2020	Memo from the VPA on Melbourne Water advice detailing CU-01 design and costing	VPA
106	10/09/2020	Addendum to the submission on behalf of the Casey City Council	Casey City Council
107	11/09/2020	Submission on behalf of the Minta Group	Minta Group
108	11/09/2020	Closing submission on behalf of Casey City Council	Casey City Council
109	11/09/2020	Presentation of supplementary statement of V Gnanakone	The Minta Group
110	11/09/2020	Closing submission (Part C) on behalf of the VPA	VPA
111	11/09/2020	List of ICP changes 11-09-2020	VPA
112	11/09/2020	Revised drawings IN-011, IN-02 and IN-04	VPA
113	11/09/2020	Tracked changes version of the ICP	VPA
114	18/09/2020	Submission to list of changes and culvert	Casey City Council
115	18/09/2020	Response to VPA memo on culvert	Stockland
116	18/09/2020	Post Panel statement by Mr Charlton	Stockland
117	22/09/2020	Response to further directions	Minta Group
118	23/09/2020	Email further directions	PPV
119	09/10/2020	Conclave statement CU-01 costing	VPA
120	19/10/2020	Letter to the Panel requesting further submissions	Stockland
121	19/10/2020	Email from the Panel concluding the hearing	PPV