

9 October 2024

3220421

[REDACTED]
[REDACTED]
Victorian Planning Authority
35 Collins Street
Melbourne VIC 3000

Via email: [REDACTED]

Dear [REDACTED],

RE: Submission on Amendment C296case Croskell (Employment) Precinct Structure Plan

Ethos Urban continues to act on behalf of Galileo Group (Galileo) who control the land holding at 585 Berwick Cranbourne Road (the site) within the Croskell (Employment) Precinct Structure Plan (PSP). The site is 53.58 hectares in area and has direct interface to both Berwick-Cranbourne Road and Thompsons Road. The site is identified as property 14 in the land budget of the Croskell PSP.

This submission responds to the release of the draft documents relating to Planning Scheme Amendment C296case and the specific issues and implications for the Galileo land holding.

Summary

Galileo has reviewed the Croskell PSP and is generally satisfied with the Land Use mix and development outcomes that are forecast by the PSP. However, there are specific aspects of the PSP and supporting documents that Galileo would like to clarify and qualify by way of submission. These include aspects associated with the:

- Transmissions easement
- Bushfire requirements
- Drainage requirements and reduction and relocation of Retarding Basin

These issues are discussed in our submission below.

Despite the issues raised below, we reserve the right to flag further issues with the VPA as other information from submitters is provided and the PSP evolves through the Planning Panel process.

Transmission easement

Use and Development

The electrical transmission easement and Victorian Desalination Project (VDP) cable runs east-west through the southern portion of the site. The easement has a width of approximately 150 metres and covers a total area within the site of approximately 10 hectares of the Galileo land.

The easement is currently zoned Farming Zone (Schedule 2). Amendment C296case will rezone the land to Special Use Zone Schedule 8 (SUZ8). The proposed SUZ8 requires that most uses, buildings and works and subdivision will require a permit within the easement. The application requirements for uses, buildings and works and subdivision state that any permit granted must in the general accordance with the PSP.

The PSP provides very little guidance on what are considered appropriate and permissible uses and development outcomes within the easement.

Guidance contained within the PSP for development within the easement is restricted to the following:

- The delivery of Casey Fields Boulevard
- The delivery of proposed pedestrian and active transport infrastructure
- The delivery of the pedestrian and cyclist crossings over the easement
- The delivery of water infrastructure over the easement
- Separation and setback guidelines from the utility easement

The PSP introduction provides limited information relating to the proposed Specific Controls Overlay (SCO) that will place restrictions on development within the easement. The SCO amendment is not included within this PSP process and is proposed as a separate amendment.

The restrictions proposed to be applied by the SCO are not specified within the PSP. The PSP does not contain any direction on what use and development landowners can expect to achieve within the easement area. This is completely at odds with the adjacent Thompsons Road PSP (that is subject to the same easement restrictions) that contains explicit detail as to the appropriate land uses that are supported with the easement.

We submit that the PSP should acknowledge the capacity to utilise the easement for developable purposes, such as car parking, storage, drainage, access etc and should acknowledge the complementary nature of the adjoining land uses. The current circumstance is that the SUZ is reliant on PSP guidance that does not exist. We seek further clarification on development that will be permissible within the easement and suggest it should accord with the outcomes permitted within Thompsons Road PSP.

Crossing within the VDP Easement

The VPA have in principle support from DEECA for the five crossings shown on the plan. These include a vehicle crossing at Casey Boulevard, four pedestrian crossings and one crossing for drainage infrastructure. While a high level design has been provided for these crossings the final design still needs final approval from DEECA. One of Shared User Path (SUP) crossings is located in the Galileo land and is included in the ICP.

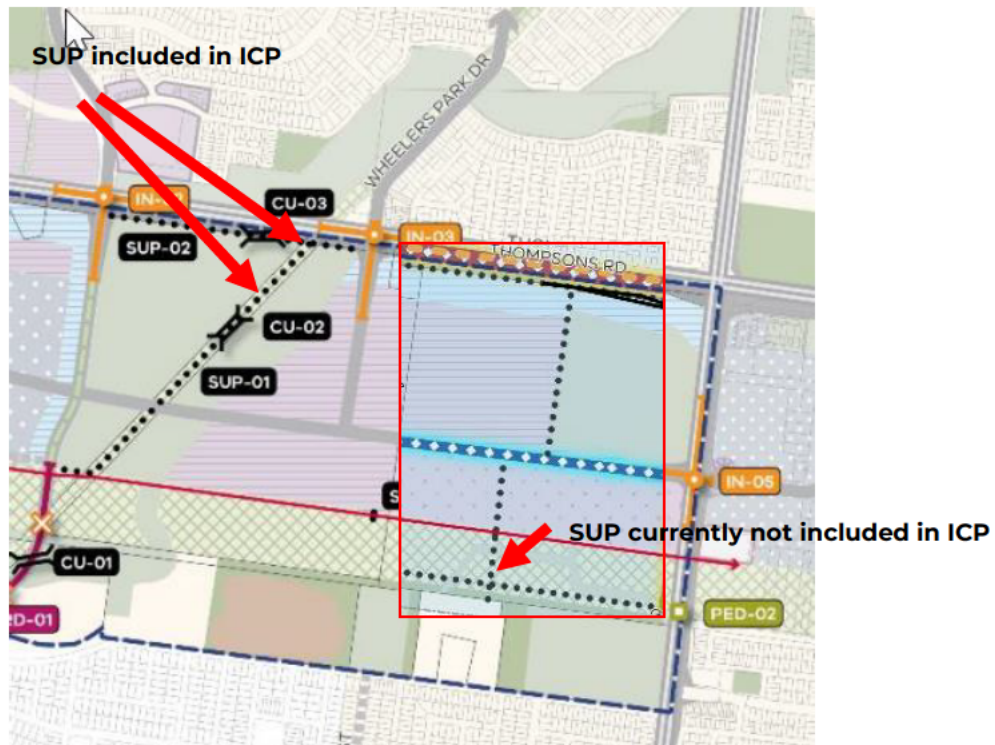
We note that the culvert crossing required in the Galileo site by the current Melbourne Water drainage scheme is not included as one of these crossings. Whilst the drainage scheme will be altered prior to the approval of the PSP any culvert crossing in the Galileo site that is required should be acknowledged as such in the PSP.

We submit that the SUP crossing in the Galileo land should also provide the potential for vehicular access to remainder of the transmission easement. The implication of not providing this as a vehicular crossing point with the potential for vehicular access is that the land is made inaccessible and unable to be accessed in future, thereby orphaning the land and reducing the capacity of the land to be used for efficient purposes. We will be seeking further legal advice in relation to the isolation and severance of this land, particularly given that the land to the south is also being acquired for open space.

Shared User Path (SUP) in Transmission Easement Area should be included in ICP

The ICP includes the provision of the VDP Shared User Path (SUP) Crossing within the site. The ICP does not include provision for the shared user path proposed within the easement area in the Galileo land. It does however include the SUP proposed along the northern boundary of the site within the drainage investigation area 2.

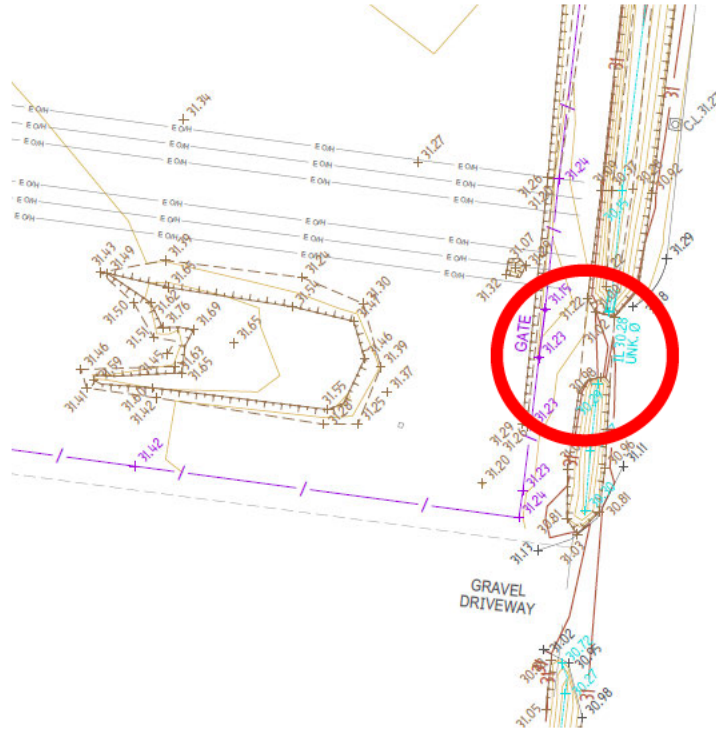
We submit that the SUPs in areas that are encumbered land should be treated equally and included within the ICP. The plan below shows these



Shared user paths in encumbered land should be included in ICP overlayed over extract from ICP Plan 2

Maintaining Access to Transmission Easement from Berwick- Cranbourne Road

In light of the above, it is essential that the current access point from Berwick-Cranbourne Road is maintained and we request that this access point is shown as a left in-left out . This is shown in the plan below.



Feature Survey, south-east corner of site, showing existing access to Berwick-Cranbourne Road: KLM Consulting, 2024

We request that the left-in left out is acknowledged on Plan 4 – Movement Network and public transport plan in the PSP. We submit that a left in-left out treatment north of the proposed pedestrian signals is superior the current location south of the signals, as this will work better with access and egress.

Acquisition of Open Space and Maintaining Access from South

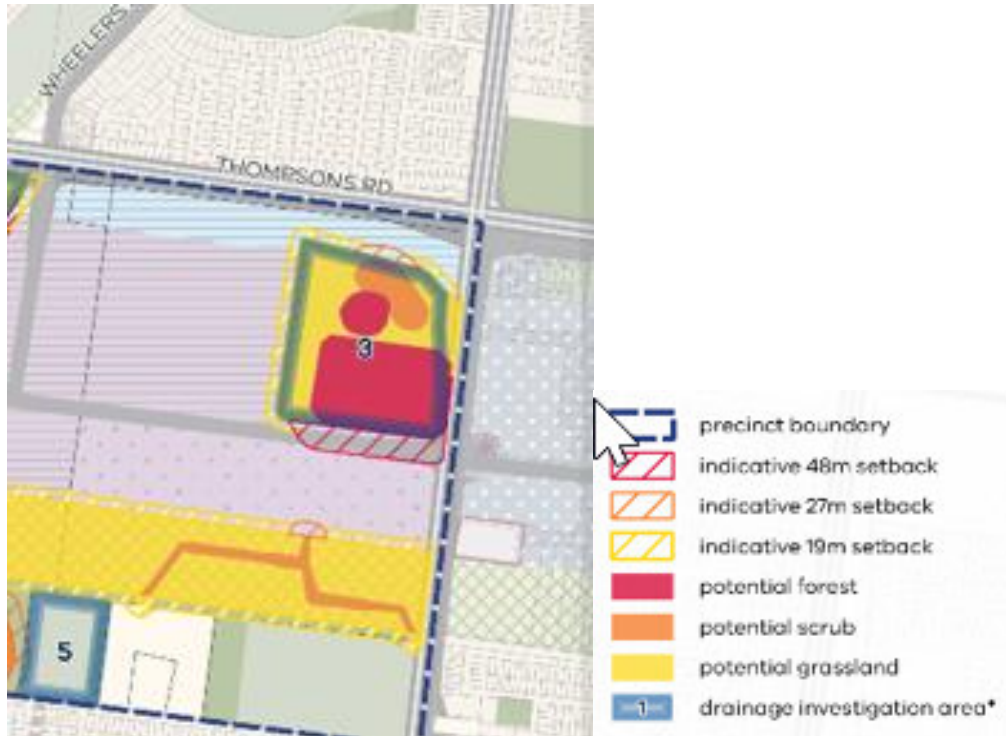
Further to the above discussion, direct access to the open space should be provided from the current access to the transmission easement. This will ensure that when the open space is acquired that access to the transmission easement is preserved. This should be identified on Plan 4 – Movement network and public transport plan as shown below.



Proposed intersection and road access to Galileo site overlaid on Plan 4 - Movement network and public transport plan

Bushfire

The PSP Bushfire Plan 10 identifies areas of potential forest, scrub and grassland around the wetland basin located on the site. This creates indicative setback areas into the developable land. We submit that this is not an efficient use of land and that future planting and improvements of the retarding basin should not have direct impacts on developable area.



Extract of Plan 10 – Bushfire showing 48 metre setback

The requirements relating to bushfire hazard are confusing. R34 states the following:

Development adjoining bushfire hazards shown on Plan 10 Bushfire must be set back in accordance with Table 16 Bushfire hazard vegetation management and setback requirements unless the bushfire hazard has been removed to the satisfaction of the responsible authority.

It is understood that this requirement enforces that no development should be located within the bushfire hazard setback areas.

Requirement R35 states the following:

Where a setback from a bushfire hazard area is required by Table 16 Bushfire hazard vegetation management and setback requirements, unless otherwise agreed by the responsible authority and relevant fire authority, vegetation within the setback must be managed as follows:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopies of trees must be separated by at least 2 metres.

As some of the points above relate to vegetation management around buildings, it could be interpreted that development is permissible within the setback areas provided the above vegetation management practices are adhered to. Clarity is sought from the VPA as to the ability to develop land within the Bushfire setback areas.

The technical bushfire report has determined that there is a likely presence of forest vegetation classification in the wetland area due to the intention to revegetate this area as Swampy Riparian Woodland. It is understood that this revegetation objective has been advised by Melbourne Water. We would also like further clarification on why surrounding areas that are adjacent to drainage reserves in the immediate vicinity are not subject to these requirements.

Drainage requirements and reduction and relocation of Retarding Basin

Melbourne Water have developed a drainage strategy for the Croskell PSP, which includes a 10.2 ha drainage reserve located adjacent to Berwick Cranbourne Road at the outfall location for the catchment within the Galileo site. The drainage reserve includes a constructed wetland with a sediment pond and a bypass channel; and is referred to as WLRB4. The Croskell PSP identifies this wetland and retarding basin on both Plan 2 – Place Based Plan and Plan 11 – Infrastructure and Development Staging, and provides the identical caveat statement on both plans, that states “*Final land use composition in drainage areas 1-4 subject to assessment of DSS drainage requirements with the aim of maximising NDHA within the Regionally Significant Commercial Area where feasible*”. In addition, a further area of swale drainage occupies land in the Transmission Easement and accounts for a further 1.36 hectares of land. This equates to a total area of 11.56 hectares of drainage across the Galileo site.

Galileo have maintained, since the release of the draft Melbourne Water Drainage Strategy for the Croskell PSP, that the requirement for drainage on the Galileo land is **excessive, inefficient and without technical merit**. Due to the numerous inadequacies in the Melbourne Water modelling, and the significant amount of developable land that is proposed to be encumbered by the DSS, Galileo has commissioned *Incitus* to undertake independent modelling and design for the WLRB4 asset. The work by Incitus has confirmed Galileo's concerns in relation to the excessive land required by the DSS and is critical of particular technical aspects that have underpinned the original Melbourne Water technical studies. The initial result of the Incitus work is a drainage solution that requires a significantly smaller land footprint (an 80% reduction in land area). This report was issued to Melbourne Water and the VPA in September and a meeting with parties was held thereafter.

Pleasingly, the concerns and issues raised by Galileo and confirmed by Incitus have been acknowledged by both the VPA and Melbourne Water. Since the release of the PSP, we must commend both organisations for their commitment to collaborate and work constructively to find a more efficient and cost effective drainage solution that maximises developable land area. Galileo also remain committed to working in good faith with both VPA and Melbourne Water to realise the most effective and efficient drainage solution at the Galileo site and look forward to finding agreement with both VPA and Melbourne Water in the immediate period in order to provide a unified position to the scheduled Panel hearing in the new year.

We note that any land that is required for a retarding basin will be compulsory acquired by Melbourne Water and will be the subject of compensation at market rates.

Significantly, the forecast reduction in the scale of the necessary drainage assets at the site will win back a sizeable amount of developable land and enable the reorientation and reorganisation of the land uses proposed by the Croskell PSP. We therefore look forward to working with VPA to further refine the Place Based Plan and specifically encourage retail uses to take advantage of the exposure and access to Berwick-Cranbourne Road and aggregate on both sides of Hamersley Drive as the drainage issues are resolved.

General matters for clarification

- Requirement R14 states the following:
Subdivision of employment land must be in accordance with Plan 6 Employment and activity centre and Table 9 Employment Area Planned Character Outcomes to the satisfaction of the responsible authority.
Use and Development of land within the PSP area must be generally in accordance with the place based plan of the PSP. Requirement 14 is a given in regards to the location of employment land within the PSP. We submit this requirement is unnecessary within the PSP.
- Table 9 Employment Area Planned Outcomes provides the following description for retail land:
The Retail area is envisaged as a walkable destination for workers and visitors to the precinct to access daily needs and services. It is anticipated that this area will include lots capable of supporting retail, restricted retail and other commercial services.

The use of the term daily needs and services for this precinct should be removed. We think this precinct will not provide daily needs and services for visitors, but is in fact designed to be a destination retail shopping area for larger households goods and services.

We also query the meaning behind the use of “commercial services” in this description. This is not a land use term. The VPA should provide clarity on the expected commercial services for this retail area.

- Table 9 - Employment Area Planned Outcomes provides the following description for Commercial/office land:

Subdivision and development within the Commercial/Office area must:

Provide lots to support medium to large scale commercial and office uses to establish over time along the arterial road frontages and Casey Fields Boulevard gateway into the precinct

Again, commercial uses is not a land use term and can be interpreted broadly. We seek further clarity from the VPA on the expected large scale commercial outcomes for this land area.

- R27 and R28 refer to requirements for Stormwater Management Plan and Integrated Water Management Solutions. These should be included as permit application requirements in the schedule to the UGZ and are not necessary to include in the body of the PSP.
- Plan 2 and Plan 11 use different numbering and annotations for the wetland assets. There should be consistent use of numbers as the caveat statement on Plan 11 refers to numbers, whereas Plan 11 uses letters.

We look forward to resolving these matters with you forthwith. We also reserve the right to raise further matters with the VPA as submissions are received by other parties and as issues are raised during the Panel Hearing process.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'TP', written in a cursive style.

Tim Pegg

Director, Planning

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