

Our Ref: 24298/P
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31 March 2025

Genna Walkley
Strategic Planning Manager – West Team
Victorian Planning Authority
By upload

Dear Genna

Amendment C244melt – Melton East PSP
Submission for [REDACTED] re 780-792 & 794-834 Leakes Road Grangefields

We refer to the above matter and advise that we continue to act for the [REDACTED] who are the owners of the above parcels of land through their entities [REDACTED]

The [REDACTED] object to the designation of their land for *uncredited open space (Plan 2)* or *waterways and drainage (Plan 6)*. It is their submission that their land is developable and should have a designation for *residential development*.

Background

[REDACTED] is currently covered by the Urban Floodway Zone (with a very small portion in the Urban Growth Zone). The UFZ was imposed in 2010 as a result of the gazettal of Amendment VC068. Prior to that the land was included in the Green Wedge Zone. My clients advise me that they received no notification of this change.

In March 2023, we wrote to the VPA seeking answers to a range of questions. The VPA responded in June 2023, and we wrote again in August 2024. Copies of this correspondence is included with this submission. We sought answers in relation to the imposition of the UFZ, the designation of the Regional Open Space in the West Growth Corridor Plan, biodiversity matters and questions around acquisition.

Of particular note was the basis for the imposition of the UFZ as part of VC068. We could find no documentary basis for the imposition. The VPA in its response attempted to point out the basis of the findings but all that it did was repeat alleged outcomes, rather than provide the report that gave evidence of the flooding. We sought information from DTP but received no response.

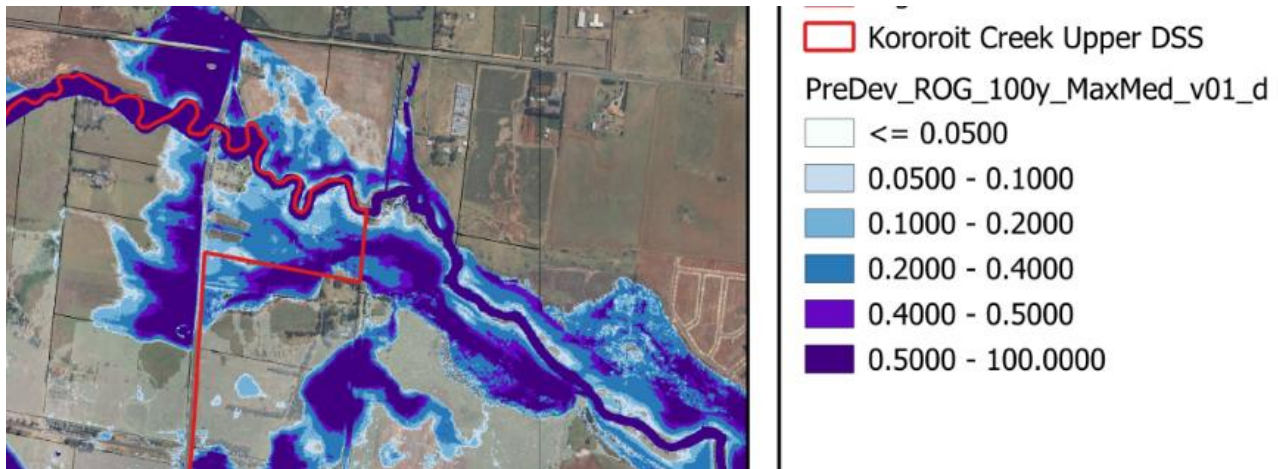
My client's family have farmed in the area for over 40 years. In that time, they have seen no evidence of flooding of the two houses on the properties, nor the farming land, despite significant rain events during that time.

The PSP appears to have been drafted on the basis of the imposition of the UFZ, yet no evidence has been found to justify its imposition. It is our submission that this is a fundamental flaw that should be resolved before the Amendment proceeds any further.

The PSP and none of the background documents provide a satisfactory basis for the designations assigned to our client's land. We also note that the Urban Floodway Zone is removed as part of Amendment C244melt and the land will be included in the UGZ13.

Kororoit Creek Upper Draft DSS

The draft Kororoit Creek Upper Drainage Scheme, released by Melbourne Water, provides the following map (prepared by Alluvium) which suggests that pre-development conditions will see part of our client's sites impacted by floodwater for the 1% AEP Event.



We request a copy of the professional report that proves that this is correct.

This plan is quite critical to the designations that have been applied to my client's land. It is quite clear that the majority of the land is capable of being developed for urban purposes and that the PSP should be amended to reflect a development potential of at least half if not three-quarters of the site.

The draft DSS suggests that a retarding basin will be located just to the south of the southern boundary of our client's land. This is inconsistent with the PSP which suggests that a drainage reserve will be located in the eastern portion of our client's land.

We seek clarification as to which is correct.

Based upon the evidence at hand, it would appear that reserving the whole of our client's land for drainage purposes is a gross over reaction to the possible realities of floodwater impact. It would appear that the majority of the land (if not all) is capable of development for residential purposes. On behalf of our client, we request that the PSP be amended accordingly.

To that end, we welcome the opportunity to work with the VPA and Melbourne Water to achieve a reasonable outcome. It may transpire that perhaps all of the land may have development potential subject to suitable engineering solutions being adopted. We note the proximity of the site to the Major Town Centre on the east side of Leakes Road. Given the policy positions in Plan Victoria and the Melton Planning Scheme, there is a strong argument that the subject land should be set aside for higher density development. The land is within the Activity Centre Catchment in the PSP) and given the 'increased density' designation on the land to the south, it is submitted that the same designation should be applied to my client's land.

Land Acquisition

Notwithstanding the above primary submissions, it is submitted that it is unclear as to how compensation will be paid to my clients in the event that land is required for drainage purposes. It does not appear that a PAO has been added to the land, and as such there appears to be no acquisition protocols in place. We can see no such mechanisms in the draft DSS, and submit that this is a significant oversight.

Conclusion

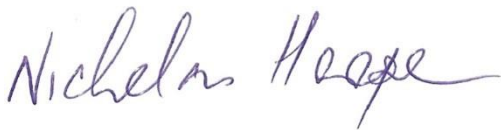
The exhibited PSP and draft DSS create problems and inconsistencies for my client's land:

- The technical evidence for the current zoning of the site is lacking, it does not reflect reality, and creates an incorrect expectation that the land has no development potential
- The exhibited PSP seems to follow the current zoning, despite the Alluvium report clearly showing that at least 50% of the site is capable of development
- No justification is provided in any of the documentation for the decision making to this point leading to confusion and contradiction
- The draft DSS contradicts the exhibited PSP in terms of where retarding basin assets will be located
- There is no basis in the draft DSS for its decision making around why all of the site is needed for drainage purposes
- No consideration appears to have been given as to how land required for drainage purposes will be acquired
- Given the matters above, compensation for my client (if any of the land is to be acquired) has not been expressed in terms of how this will be calculated, with the current zone and exhibited designations in the PSP creating the wrong impression as to the real value of the land.

Despite all of the above issues, we remain confident that a suitable outcome can be achieved. We request face to face meetings with the VPA and Melbourne Water to flesh out these issues and find mutually suitable solutions.

If you have any queries please contact me on [REDACTED] [REDACTED]

Yours faithfully



NICK HOOPER
Director

Enc

Cc [REDACTED]