

13 June 2025

Victorian Planning Authority
c/- Bannockburn South East PSP
GPO Box 2392
Melbourne VIC 3001

Sent via email: BannockburnSE@vpa.vic.gov.au

RE: Amendment C107gpla – Bannockburn South East PSP and DCP

Thank you for the opportunity to make a submission in relation to Amendment C107gpla (the **Amendment**) to the Golden Plains Planning Scheme, and specifically the draft Bannockburn South East Precinct Structure Plan (**PSP**) and Development Contributions Plan (**DCP**) and accompanying planning scheme provisions.

Insight Planning Consultants act on behalf of Josco Pty Ltd (**Josco**), the landowner of land at Levy Road, Bannockburn, which is within the Bannockburn South East PSP area. We are pleased to provide the following submission in response to the Amendment.

We have been working with the other major landowners within the precinct, Ramsey Property Group and Netherby, to ensure that our submissions are closely aligned and focused on project delivery.

I trust the contents of this submission are clear, however we welcome the opportunity to discuss these matters further with the Victorian Planning Authority (**VPA**) and Golden Plains Shire Council (**Council**) ahead of the approval of the Amendment.

Submission

Our client, Josco, owns land at Levy Road, Bannockburn, which consists of the following titles (together, the **Sites**):

- Lot 1, LP6088;
- Lot 2, LP6088;
- Lot 5, LP6088;
- Lot 6, LP6088;
- Lot 1, TP134465;
- Lot 1, TP134466;
- Lot 2, TP134466;
- Allot. 35A, 46A, 49A and 50A, Sec 21

This is shown as Properties 1-12 within the draft PSP, and generally includes all land within the northern part of the precinct, north of the transmission line. The Sites have an area of approximately 134ha.

Our submission is provided to assist in enhancing the implementation of the draft PSP and DCP to ensure that the vision for the precinct can be delivered and there is a fair and equitable sharing of costs associated with projects that provide a broader benefit to the community. Critically, many of the requested changes outlined in this submission seek to address either the high cost of infrastructure projects or the relatively low net developable area (**NDA**) within the precinct.



FIGURE 1: SUBJECT SITES (LANDCHECKER 2025)

Precinct Structure Plan

Plan 1 *Precinct Features* of the PSP, an extract of which is shown below, identifies numerous site features within the Sites, that have consequential implications within the PSP. Some of these site features are disputed, as detailed below.



FIGURE 2: EXTRACT OF PLAN 1 PRECINCT FEATURES (DRAFT BANNOCKBURN SOUTH EAST PSP)

Environmental Values

In relation to Environmental Values, Plan 1 identifies 'golden sun moth / tussock skink habitat', 'DEECA VGED habitat distribution model', 'Melbourne Yellow Gum' trees, as well as critical/high and moderate retention value trees.

Golden Sun Moth/Tussock Skink Habitat

We do not support the identification of Golden Sun Moth / Tussock Skink habitat along the Levy Road reserve. As part of the Ecological Conditions Report prepared by Ecology & Heritage Partners (September 2022) for the Bannockburn South East PSP, targeted surveys were conducted along with biodiversity assessment of the precinct. This included targeted surveys for nationally significant species including Striped Legless Lizard, Growling Grass Frog, and Golden Sun Moth.

Surveys were conducted in accordance with the relevant State and Commonwealth survey guidelines and focused on suitable habitat identified within the study area during the preliminary flora and fauna assessment. Despite recording Ecological Vegetation Classes (EVC) Plains Grassland (EVC 132) along the Levy Road reserve,

the targeted surveys for Golden Sun Moth and Striped Legless Lizard were not conducted along Levy Road, instead being limited to the Bruce Creek corridor within the extent of the Sites. As such, the targeted surveys for these species only identified the presence of Golden Sun Moth and Tussock Skink within the Bruce Creek corridor – not along Levy Road. Consequently, the Levy Road reserve was identified as ‘Potential Golden Sun Moth’ habitat in the report, as opposed to ‘Confirmed Golden Sun Moth Habitat’. As such, the designation of Golden Sun Moth/Tussock Skink Habitat along Levy Road in Plan 1 must be corrected accordingly.

Requested Changes

- Amend ‘Golden Sun Moth / Tussock Skink Habitat’ designation along the existing Levy Road reserve to ‘Potential Golden Sun Moth / Tussock Skink Habitat’ on Plan 1 of the PSP.

VGED Habitat

Plan 1 of the draft PSP currently identifies areas from the ‘DEECA VGED habitat distribution model’ within the Sites, generally within Bruce Creek corridor. Specifically, the Department of Energy, Environment and Climate Action (**DEECA**), recently updated the habitat distribution model (**HDM**) for the Victorian Grassland Earless Dragon (**VGED**). This model maps areas of potential habitat of the VGED.

It is acknowledged that at the time targeted surveys for other listed species were being undertaken for the Bannockburn South East precinct, the VGED was not considered through these surveys. The HDM identifies some areas of potential VGED habitat within the Bruce Creek corridor on the Sites, however parts of these areas have been extensively ploughed and cropped as part of the ongoing agricultural use of the land, and it is considered that minimal habitat opportunity for VGED exists on the Sites.

The VPA’s statement on ‘*Planning in areas that include potential Victorian Grassland Earless Dragon habitat*’ (November 2024) sets the process for landowners both inside and outside the Melbourne Strategic Assessment (**MSA**) area on dealing with potential VGED habitat. Given the precinct is located outside the MSA area, the process is outlined as follows:

- Implement the standard practice of completing field surveys for any matters regulated by the Commonwealth (including VGED)
- The VPA will use this mapping to inform our structure planning and proponents are responsible for undertaking a self-assessment to determine if referral is required to the Commonwealth before development can proceed.

Currently, the draft Urban Growth Zone Schedule 1 (UGZ1) requires:

An application to use or subdivide land or construct a building or construct or carry out works on a lot containing land shown on Plan 6 of the incorporated PSP as ‘DEECA VGED habitat distribution model’ must be accompanied by an impact assessment for the Victorian Grassland Earless Dragon to the satisfaction of the responsible authority in consultation with the Department of Energy, Environment and Climate Action.

It is unclear what the process for this impact assessment entails, and whether this includes requirement for targeted survey for the VGED – requiring this ahead of the planning process would be inconsistent with legislative requirements. As part of the recently exhibited Marshall Precinct Structure Plan (City of Greater Geelong), which also included areas within the DEECA VGED HDM, a VGED Habitat Assessment was

commissioned which consisted of onsite assessment of potential VGED habitat. This assessment found that the precinct was largely unlikely to provide suitable VGED habitat due to an absence of suitable habitat features, with the exception of two properties which could not be accessed. We suggest that the VPA commission a similar VGED habitat assessment for the Bannockburn South East PSP prior to finalisation, in order to narrow down the areas of potential VGED habitat within the precinct, and reduce the need for landowners to undertake targeted surveys where suitable habitat features are not found. Alternatively, the requirement for a VGED Impact Assessment in the draft UGZ1 could be amended to require a VGED Habitat Assessment to occur on all land in one ownership prior to development occurring. At a minimum, we request that the VPA clarify what is required under the Impact Assessment.

Requested Changes

- Amend the requirement for a VGED Impact Assessment under Section 3 *Application Requirements – Victorian Grassland Earless Dragon* of the draft UGZ1 to instead require a VGED Habitat Assessment; OR
- Alternatively, clarification is sought as to what is meant by ‘VGED Impact Assessment’.

High Value Trees

It is understood that the identification of trees as ‘critical’ or ‘high’ value within Plan 1 has been based on the Arboricultural Assessment, prepared by EnSpec (March 2021) as commissioned by the VPA in support of the PSP. Specifically in relation to the Sites, the report identified 15 critical and 20 high value trees, which are largely located within the Bruce Creek corridor. However it does also identify Trees 683 and 684, both of which are Monterey Cypress, as being high value for retention.

The trees classified as ‘high’ value within this arboricultural assessment have been considered by Council and the VPA as being protected trees where all reasonable efforts should be made to retain them in the landscape/public realm, as detailed in Section 4.4.11 *Native and non-native Vegetation* of the VPA’s Background Report.

Further, Requirement R18 requires that “significant trees and habitat areas (Melbourne Yellow Gums, High/Critical Retention Trees and Golden Sun Moth/Tussock Skink Habitat) identified in Plan 1 Precinct Features and Plan 6 Public Realm must be retained and protected to the satisfaction of the responsible authority”.

However, both the arboricultural assessment and the VPA’s Background Report also specify that all Monterey Cypress trees, even those currently in moderate/good health, are not recommended for protection as the area is infected with Cypress Canker which is untreatable and will inevitably lead to the death of all the trees.

This is in direct conflict with the identification of the two cypress trees (Trees 683 and 684) as high value, and the requirement for their retention within the PSP. We therefore request, in accordance with the recommendation of the arboricultural assessment, that Trees 683 and 684 are not shown as ‘high value’ trees within Plan 1, to remove the prerequisite for their retention by the PSP.

Requested Changes

- Delete identification of Trees 683 and 684 as high value trees on Plan 1 of the PSP and subsequent plans; OR
- Delete identification of Trees 683 and 684 as high value trees on Plan 6 of the PSP and subsequent plans; and
- Amend Requirement R18 to delete reference to 'Plan 1 Precinct Features'.

Cultural Values

In relation the Cultural Values, Plan 1 identifies both 'area of cultural heritage sensitivity' and 'artefact scatter' within the Sites, generally along the Bruce Creek corridor. We understand that tangible and intangible cultural values may have been identified and are associated with the Bruce Creek corridor, however consider it critical that site specific cultural values and features, including any registered artefacts and places, are managed under the Cultural Heritage Management Plan (**CHMP**) process, the *Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2018*.

The extent of 'area of cultural heritage sensitivity' located on the Sites is generally consistent with that shown on the State Government's 'VicPlan' mapping system, an extract of which is shown below.

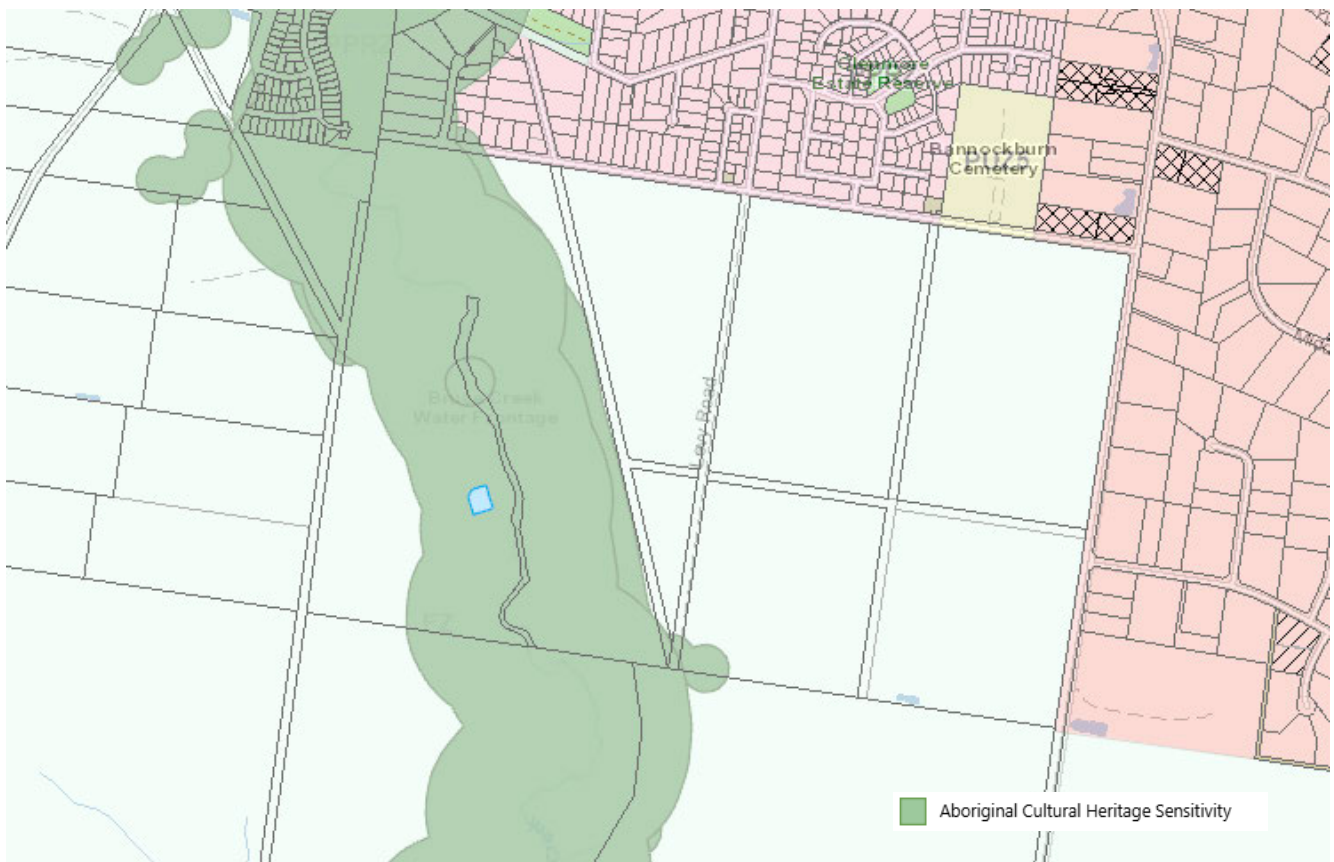


FIGURE 3: AREAS OF CULTURAL HERITAGE SENSITIVITY (VicPLAN 2025)

However, the VPA's position, as outlined in Section 4.4.1 *Culturally and/or environmentally sensitive area near Bruce Creek* of their Background Report, that no subdivision or development, drainage or other key infrastructure can occur in these areas unless otherwise agreed and approved, and that the areas of cultural heritage sensitivity have been excluded from NDA, despite having an underlying zone of General Residential

Zone, is questioned. It is well understood that under the relevant aboriginal heritage legislation, a CHMP is required for certain high impact activities within areas of cultural heritage sensitivity.

We seek clarity whether the VPA's position intends for the PSP to go beyond the process which is currently provided for by the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018*, with regard to prohibiting or constraining development from occurring within areas of cultural heritage sensitivity.

Further, we query the identification and extent of 'artefact scatter' located on the Sites in proximity to the Bruce Creek corridor, and whether this has been based on any detailed investigation or simply the assumed potential of finding artefacts within this corridor.

Parts of the area which is identified as 'artefact scatter' has historically been extensively ploughed, as part of the agricultural use of the Sites. Therefore, unless it can be demonstrated that site-specific investigations have been undertaken on the Sites and determined that there are cultural artefacts within the Bruce Creek corridor on the Sites, this should be deleted from Plan 1 of the PSP. If it is determined as part of a future CHMP process, that there are artefacts located on the Sites, then these will be managed through the CHMP process and as part of future development on the Sites, regardless of any arbitrary identification of such within the PSP.

Requested Changes

- Delete identification of 'artefact scatter' from the Sites on Plan 1 of the PSP, unless it can be demonstrated that this is based on site-specific investigation of cultural heritage on the Sites.

Place Based Plan

Plan 2 *Place Based Plan* of the PSP, an extract of which is shown below, identifies the following features within the Sites:

- Residential (86.81ha)
- Proposed government school (3.5ha)
- Local community facilities (0.8ha)
- Credited open space (8.24ha) – LP-01 and LP-02, SR-01
- Waterway & drainage within conservation
- Conservation area (0.2ha plus R1)
- Bruce Creek uncredited open space (14.94ha)
- Culturally and/or environmentally sensitive area (14.80ha)
- Retarding basins (6.06ha) – RBWL3 (2.34ha) & RBWL5 (3.72ha)
- Connector street – boulevard



FIGURE 4: EXTRACT OF PLAN 1 PLACE BASED PLAN (DRAFT BANNOCKBURN SOUTH EAST PSP)

We raise the following issues with regards to the land use designations shown on Plan 2 and any associated requirements and guidelines within the PSP, as relevant:

Bruce Creek uncredited open space

The draft PSP designates an area of uncredited open space along the Bruce Creek at a width of approximately 100m from the creekline. The draft UGZ1 applies the provisions of the Public Park and Recreation Zone (**PPRZ**) to this land. The VPA's Background Report outlines that, "no development can occur in this area because of the following:

- Engineering challenges due to slope or soil
- Bushfire management
- Biodiversity considerations" (pg 40)

While it is acknowledged that a large part of land within the extent of the Bruce Creek uncredited open space area has limited development opportunities due to the reasons specified, the boundary of the applied PPRZ should be based on site-specific conditions.

Extensive consultation, including a site inspection, was previously undertaken between the landowners, the VPA, the Corangamite Catchment Management Authority (CCMA) and Council to determine a suitable 'development line'. It is unclear whether the 'Bruce Creek uncredited open space' area is consistent with this agreed upon development line.

Further, there may be opportunities within the extent of this uncredited open space for drainage infrastructure, that won't impact on biodiversity values or other constraints to development. If a landowner could demonstrate that drainage reserves or basins could be appropriately located within the Bruce Creek uncredited open space area, whilst minimising impacts on biodiversity or cultural heritage values within the creek corridor, this should be allowed by the PSP.

Culturally and/or environmentally sensitive area

The draft PSP designates an area of 'culturally and/or environmentally sensitive area' along the Bruce Creek, generally between 100-200m from the creekline. The extent is generally based on the extent of areas of cultural heritage sensitivity, being approximately 200 metres from the Bruce Creek and 50 metres from any registered artefacts or places, as well as key biodiversity values, such as Growling Grass Frog habitat.

While the draft UGZ1 applies the provisions of the General Residential Zone (GRZ) to this land, it has been left out of the NDA of the precinct, due to the VPA's position as outlined in the Background Report that "no subdivision or development can occur in these areas unless proponents can demonstrate that development has sought the relevant approvals (e.g. CHMPs, conservation management plans and/or referrals and approvals of the EPBC Act)" (pg 40).

Requirement R4 of the PSP states:

Subdivision and development must not occur within the culturally and/or environmentally sensitive area adjacent Bruce Creek shown on Plan 3 Housing, unless the whole of the sensitive area within that ownership has been assessed and the entire extent of the developable area identified on a plan to the satisfaction of the responsible authority. The assessment must demonstrate that the developable area is:

- *Designed to minimise impacts on biodiversity values, particularly habitat for matters of national environmental significance as defined under the Environment Protection and Biodiversity Conservation Act 1999.*
- *Consistent with any relevant approved Conservation Management Plan*
- *Consistent with the document titled Design and construction standards for Growling Grass Frog passage structures (DELWP 2016).*
- *Consistent with a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.*
- *Designed to adequately mitigate bushfire risk.*

We don't consider that these requirements preclude development from occurring in this area, only that development must appropriately respond to and address these requirements, as would be ordinarily required under the relevant legislation. This is no different to other areas that are subject to cultural heritage or environmental values and constraints. As such, the exclusion of this land from NDA is unreasonable.

Extensive consultation previously occurred between the landholders, the VPA, the CCMA and the Council – including a site visit. Mapping was prepared that set a ‘development line’ based upon a number of different site factors (slope, minimum setback to creek etc.). This ‘development line’ should be adopted as the boundary between the ‘Bruce Creek uncredited open space’ and ‘residential’ areas. Any risk associated with future cultural and/or environmental constraints within this area should be borne by the landholders.

It is usual that culturally sensitive areas are subject to preparation and approval of CHMPs, and that as a result some loss of developable land or yield may occur. This is well understood by developers. However, exclusion of this land from NDA indicates that it has no development potential and the resulting NDA has significant implications on the DIL rate. Unless it can be demonstrated that site-specific investigations have determined that the cultural value of this area prohibits development from occurring, it is unreasonable to exclude the ‘culturally and/or environmentally sensitive areas’ from NDA. As such, we request that the designation of the ‘culturally and/or environmentally sensitive areas’ be deleted from the PSP and shown as ‘residential’.

It is also unclear whether Requirement R4 also applies to land use and development that would be otherwise exempt from the requirements of a CHMP under the Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018. Specifically, Division 2 – Exempt Activities of Part 2 of the Aboriginal Heritage Regulations 2018 sets out exempt activities which do not require a CHMP, even if they are located within an area of cultural heritage sensitivity. Given the requested deletion of the ‘culturally and/or environmentally sensitive areas’ and that any development within this area would need to comply with the relevant legislation and approvals as applicable, we also request the deletion of Requirement R4. Alternatively, this could be converted to a guideline and more flexible wording introduced.

Additionally, currently drainage infrastructure and reserves have been shown to be located outside of the culturally and/or environmentally sensitive areas in the draft PSP. While Requirement R36 does allow for consideration of drainage infrastructure within the culturally and/or environmentally sensitive areas adjacent to the Bruce Creek, to the satisfaction of the responsible authority, if this land use designation was to be retained, we see that there would be great benefit in maximizing the NDA of the precinct by locating drainage infrastructure within the Bruce creek corridor and adjacent culturally and/or environmentally sensitive area where appropriate. Maximising the NDA in this precinct is particularly important given the excessive nature of the currently proposed development contributions levy.

Requested Changes

- Delete designation of the ‘culturally and/or environmentally sensitive areas’ and replace with ‘residential’ in Plan 2 of the PSP and subsequent plans.
- Adjust the NDA of the precinct in the PSP and DCP to include the ‘culturally and/or environmentally sensitive areas’.
- Delete Requirement R4 from the PSP; OR
- Convert Requirement R4 to a Guideline, and amend the wording as follows:
“Subdivision and development within or adjacent to the Bruce Creek uncredited open space should be (as applicable):
 - *Designed to minimise impacts on biodiversity values, particularly habitat for matters of national environmental significance as defined under the Environment Protection and Biodiversity Conservation Act 1999.*
 - *Consistent with any relevant approved Conservation Management Plan*

- *Consistent with the document titled Design and construction standards for Growling Grass Frog passage structures (DELWP 2016).*
- *Consistent with a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.*
- *Designed to adequately mitigate bushfire risk.”*

Conservation Area

The designation of the existing Levy Road reserve as a ‘conservation area’ is not supported. As previously detailed in this submission, given the presence of either Golden Sun Moth or Tussock Skink has not been confirmed within the Levy Road reserve, we do not consider that the designation of this land for a conservation reserve within the draft PSP is appropriate.

We acknowledge that there may be some significant vegetation along this reserve (EVC 132 - Plains Grassland), however the retention of a narrow strip of grassland within a residential setting will likely have various maintenance and bushfire implications. Additionally, part of this existing road reserve could be utilised for the proposed Boulevard Connector Street, rather than a completely new alignment through the Sites, particularly in the northern part of the Sites. It is therefore requested that the designation of a conservation area along the existing Levy Road reserve be deleted from the draft PSP.

Requested Changes

- Delete the ‘Conservation Area’ along the existing Levy Road reserve from Plan 2 of the PSP, and subsequent plans.

Proposed Government School

The draft PSP currently proposes two Government Primary Schools (P-6), one non-Government Primary School (P-6), and one Government Secondary School (7-12) within the precinct. The Community Infrastructure Assessment prepared by ASR (2024) for the Bannockburn South East PSP provides estimates of the community infrastructure demand generated by primary, secondary and tertiary education. This assessment considered the infrastructure needs of both the Bannockburn South East precinct, as well as the Bannockburn Growth Plan Area more broadly.

The assessment determined that at full development, the Bannockburn South East precinct is likely to generate equivalent to 1.7 primary schools. However it is noted that this was based on a population for the Bannockburn South East precinct of 15,452. The draft PSP anticipates a population of 13,820. As such, the demand expected to be generated for primary schools within the precinct is likely to be reduced accordingly. In addition to this, the demand for schools in the precinct is unlikely to justify delivery in the short term, and there may be ability for land in stage 1 of the precinct to develop prior to a primary school being required.

Additionally, the Melbourne Archdiocese Catholic Schools (**MACS**) requested the VPA set aside 3ha of land for a potential Catholic primary school. As such, it appears that the precinct will generate enough demand to

justify either two government primary schools, or one government primary school and a non-government primary school – but not the three primary schools currently proposed.

The designation of these schools, above what is likely to be required to meet demand from the precinct, reduces the already-low NDA within the precinct. Given the high development contributions levy proposed for the precinct under the DCP, all efforts to maximise the amount of NDA within the precinct should be pursued. As such, we consider it would be appropriate to reduce the total number of primary schools (Government and Non-Government) to two. In doing so, we believe it would be most appropriate to delete the proposed government primary school from the Sites.

Requested Changes

- Reduce the total number of primary schools (Government and Non-Government) within the precinct to two.

Local Community Facility

Community Facility CI-02 is located on the Sites, as shown in extract of Plan 9 *Community Infrastructure* of the PSP below.



FIGURE 5: EXTRACT OF PLAN 9 COMMUNITY INFRASTRUCTURE (DRAFT BANNOCKBURN SOUTH EAST PSP)

CI-02 is specified in the PSP as being a 'Level 1 Community Facility'. The Community Infrastructure Assessment prepared by ASR (2024) for the Bannockburn South East PSP provides estimates of demand for community facilities within the precinct. However as outlined above, these estimates were based on a population for the Bannockburn South East precinct of 15,452, as opposed to the population of 13,820 currently anticipated by the draft PSP.

Specifically, the assessment estimates a demand for 1.5 'level 1' community facilities, and 0.8 'level 2' community facilities, within the precinct. The key difference between the level 1 and level 2 facilities is the provision of maternal and child health services. Given that the demand expected to be generated for community facilities within the precinct is likely to be lower than estimated by ASR, due to the lower population anticipated within the precinct, we consider it appropriate to reduce the number of community facilities within the precinct to accommodate one 'level 1' facility and one 'level 2' facility. The level 2 facility would take up some of the demand of the kindergarten rooms from the deleted level 1 facility, whilst providing maternal and child health services needed within the precinct. In addition to this, the demand for community facilities in the precinct is unlikely to justify delivery in the short term, and there may be ability for land in stage 1 of the precinct to develop prior to a community facility being required.

Further, we consider that if the total number of community facilities is reduced, this should be done by deleting the level-1 community facility (CI-02) from the Sites. Additionally, this would reduce the ongoing operational and maintenance burdens for Council. If the three community facilities were maintained in the PSP, we would want confirmation and commitment from Council that they can accommodate the ongoing costs of operating these facilities.

Purchase of land for and construction of CI-02 is proposed to be funded by the DCP. Our concerns relating to the inclusion of CI-02 in the DCP are detailed further below in this submission.

Requested Changes

- Delete the 'level 1' community facility (CI-02) on the Sites from Plan 2 of the PSP, and subsequent plans.

Residential

In relation to residential areas, the PSP imposes a target of 6.5% of affordable housing within the precinct, which it specifies in Table 5 *Affordable Housing Delivery Guidance* of the draft PSP would consist of 5.6% social housing and 0.9% subsidized market housing. We highlight that there are no requirements in the draft PSP or UGZ1 schedule that link to Table 5, and as such the VPA is not mandating provision of affordable and social housing within the Bannockburn South East precinct. While we support the approach not to mandate the affordable housing percentage, the PSP must be clear that any contribution to affordable housing is voluntary to avoid future confusion.

Further, whilst acknowledging that this is not a requirement, we also do not agree with the percentage specified in the draft PSP of 6.5%, nor the specific details of how this could be achieved in Table 5 of the PSP. A percentage for affordable housing, including social housing, of 3% would be more appropriate and more closely aligned to the average across regional Victoria. Additionally, the detail specified in Table 5 is overly prescriptive, and we have concerns over the implementation of this, even as a guideline. The lack of flexibility

may negatively impact on community housing providers' ability to deliver this number/type of affordable and social housing. Due to the fact that the PSP will be delivered over an extended period of time, greater flexibility in relation to the staging of contributions should be clearly articulated. In the absence of engaging with registered housing providers to determine whether there is a willingness to invest in the precinct, along with understanding their various requirements, it is premature to provide any level of specification in the PSP.

Plan 3 *Housing* of the PSP, an extract of which is shown below, identifies 'amenity areas' within the precinct in which higher densities are required, in accordance with Tables 3 and 4 and Requirement R1 of the PSP.

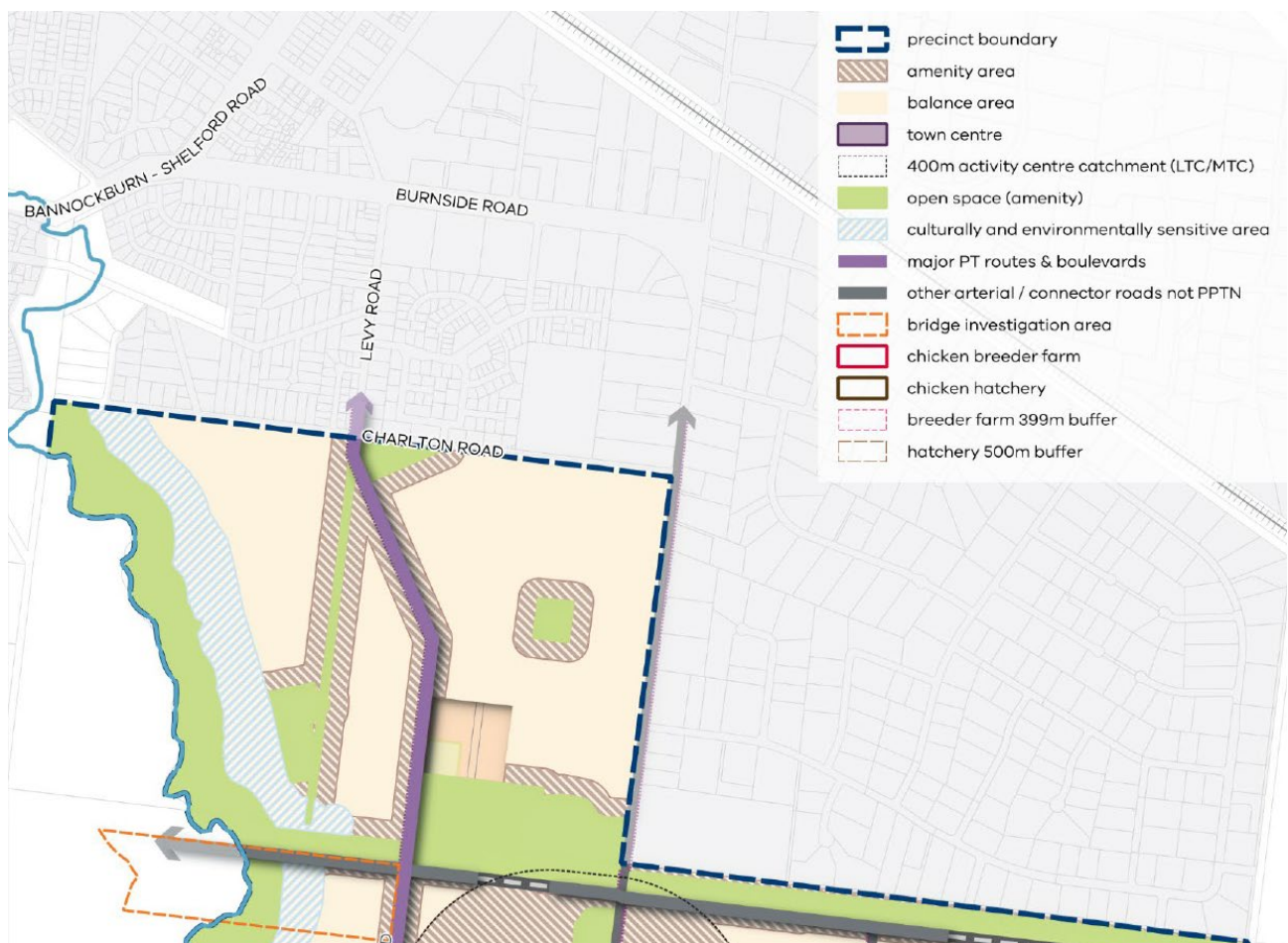


FIGURE 6: EXTRACT OF PLAN 3 HOUSING (DRAFT BANNOCKBURN SOUTH EAST PSP)

While we do not raise concern with the amenity areas shown adjacent to the proposed local parks or drainage reserves, we consider that the amenity areas adjacent to the open space along the Levy Road reserve, as well as the proposed boulevard connector street are excessive.

As previously outlined in this submission, we do not support the identification of a Conservation Area along the existing Levy Road reserve and request its removal from the draft PSP. Additionally, retention of this land for a conservation area will have implications with regard to bushfire risk for adjacent residences as well as Council maintenance. As such, we do not consider this to be an area of high amenity that would justify higher density residential.

While the proposed boulevard connector street is intended to act as a public transport (bus capable) route through the precinct, we do not consider that the entirety of this road will provide a level of amenity to justify

higher densities. Instead, we suggest that higher densities should only occur along the boulevard connector in locations where bus stops are approved. As such, the amenity area along the boulevard connector should be deleted from Plan 3, and instead an additional requirement or guideline within the PSP could be incorporated, if necessary, to encourage increased density surrounding bus stops and other public transport infrastructure.

Requested Changes

- Reduce the voluntary target for affordable housing to more closely align to the regional Victorian average.
- Delete Table 5 *Affordable Housing Delivery Guidance*.
- Delete the 'amenity areas' adjacent to the conservation area along the existing Levy Road reserve and the Boulevard Connector Street from Plan 3 of the Draft PSP.

Development Contributions Plan

The draft Bannockburn South East Development Contributions Plan (**DCP**) sets out the projects required to support the future residents, visitors and workers in the precinct and establishes the framework for development proponents to make a financial *contribution* towards the cost of identified infrastructure projects.

The DCP is guided by both the *Ministerial Direction on the Preparation and Content of Development Contributions Plans* (**Ministerial Direction**) and the *Development Contributions Guidelines*. The Ministerial Direction sets out direction on the preparation and content of DCPs by setting out limits on where a DCP may apply, exemptions for non-government schools and certain housing, and what may be funded from a DIL.

The Development Contributions Guidelines provide additional guidance for the appropriate and practical application of the development contributions system and contain new principles and methodology for preparing DCPs. The key principles of a DCP, as outlined in the Guidelines, are need, nexus and apportionment.

The draft DCP seeks to fund approximately \$301,423,938 of project costs across the precinct, which has an NDA of 309ha. This results in a Development Infrastructure Levy (**DIL**) of \$974,156 per net developable hectare (**NDHa**). The high DIL rate proposed is unreasonable and will negatively impact on housing affordability within the precinct. In order to seek an overall reduction to the DIL, the proposed infrastructure projects have been reviewed in the context of the DCP principles of need, nexus and apportionment, as detailed below.

We believe that substantial cost reductions can be made to all project categories in the DCP, as well as a significant increase in NDA, as shown in the below table. The below submissions further detail how these changes have been calculated.

Category	Project Type	Exhibited Cost Total	Proposed Cost Total	Exhibited DIL p NDHa (309.42)	Proposed DIL p NDHa (390.77)
Road	Land	\$2,008,667	\$2,008,667	\$6,492	\$5,140
	Construction	\$11,925,843	\$11,925,843	\$38,543	\$30,519
Intersection	Land	\$3,038,642	\$3,038,642	\$9,820	\$7,776
	Construction	\$21,745,827	\$14,758,547	\$70,279	\$37,768
Bridge	Land	\$0	\$0	\$0	\$0
	Construction	\$40,551,197	\$523,949	\$131,056	\$1,341
Community Facilities	Land	\$6,237,500	\$4,517,500	\$20,159	\$11,561
	Construction	\$36,772,000	\$20,820,897	\$118,842	\$53,282
Active Recreation	Land	\$32,450,000	\$16,225,000	\$104,874	\$41,521
	Construction	\$47,429,430	\$33,241,155	\$153,285	\$85,066
Drainage	Land	\$32,876,920	\$14,000,000	\$106,253	\$35,827
	Construction	\$66,387,912	\$21,908,011	\$214,556	\$56,064
TOTAL		\$301,423,938	\$142,968,211	\$974,158	\$365,862.81

Exhibited NDA 309.42
 Proposed NDA 390.77

FIGURE 7: SUMMARY OF PROPOSED DCP CHANGES

Project Feasibility

The proposed DIL of \$974,156 per NDHa will have a negative impact not only on housing affordability, but also on the financial feasibility and timing of development within the precinct. The development industry is already facing enormous pressures from escalating construction costs, as well as high property-related taxes and prolonged approval processes (planning, biodiversity, cultural heritage etc) and that ultimately add to the rising cost of delivering land and housing to market. It is the cumulative impact of this cost burden that should be properly reviewed and analysed, as well as the direct cost implications of the proposed DIL rate.

This cumulative impact can be calculated by considering all the costs to deliver land to market, including land holding costs, costs associated with satisfying requirements and guidelines of the PSP as well as more generally through the planning permit process (ie biodiversity offsets, cultural heritage assessment etc), as well as construction costs for delivery of necessary infrastructure, including drainage works. Any requirements or guidelines in the PSP that add these 'hidden costs' or create delays to the approval process (thus increasing holding costs) should be reviewed to ensure that they are properly justified.

It is also worth highlighting that the cost of construction is escalating rapidly, with an estimated 35% increase post-COVID. Using a recent precinct as an example, the Creamery Road PSP, it was demonstrated that these rising construction costs, combined with a DIL far exceeding the anticipated rate, has devastating impacts on the feasibility of development. Specifically, for land that was purchased in 2023, construction costs have increased 28% and the proposed DIL rate exceeded the assumed rate (based on historic comparatives) by 433%. As it currently stands, it will be unviable to develop land within that precinct unless there is a major overhaul of the DCP.

Similarly, the DIL rate currently proposed under the draft DCP risks rendering delivery of the Bannockburn South East precinct unviable and therefore must be reduced significantly in order to ensure that housing can be delivered in a time efficient manner. Particularly given the housing crisis currently facing the State, and the housing targets set for each municipality as part of the recently released *Plan for Victoria*. At a time when more housing is needed than ever before, the high DIL rate proposed under the draft DCP is in direct conflict of State Government direction to deliver residential land and houses to the market.

Time Horizon

One of the key DCP principles outlined in the *Development Contributions Guidelines* is that ‘DCPs must have a reasonable time horizon’. Specifically, “a DCP must include a time horizon. This time horizon should not exceed 20 to 25 years. If the time horizon is not reasonable, new development in the early years will be paying for infrastructure that will not be delivered until many years later. This is inequitable and unreasonable’.

The draft DCP currently does not specify a time horizon. A new subsection should be added to Chapter 2 of the draft DCP, which outlines the proposed time horizon for the DCP. In accordance with the Development Contributions Guidelines, a time horizon of 20 years or less would be appropriate.

Requested Changes

- Include a new section that addresses the ‘Time Horizon’ in the DCP.

Benchmark Infrastructure Costings

The VPA has developed baseline infrastructure cost data to standardise the cost estimation of projects under Infrastructure Contributions Plans (**ICPs**). While prepared specifically for the ICP system, the benchmark costings still provide a useful guide as to the appropriateness of infrastructure costs in a DCP. The benchmark costings include P50 and P90 estimates, which indicate the level of confidence about the project’s likely costs. Specifically, P50 costs are estimated to be exceeded 50% of the time, while P90 costs should only be exceeded 10% of the time.

The costs of infrastructure projects within the draft DCP generally exceed the VPA’s benchmark costings for the equivalent project type. Even utilising the P90 benchmark costings could see the overall project costs funded by the DCP, and consequently the DIL, reduced substantially.

If the VPA’s benchmark costings are not substituted directly, we consider that there is sufficient need to carefully review the scope and cost of each project against these benchmarks to reduce total project cost as much as possible.

Transport

The draft DCP identifies the following transport projects to be funded by the DIL, as shown in the extract of Plan 3 *Transport Projects* below.



FIGURE 8: EXTRACT OF PLAN 3 TRANSPORT PROJECTS (DRAFT BANNOCKBURN SOUTH EAST DCP)

Bridges

Project BR-01 for the proposed East-West Link Road Bridge, seeks funding for the construction (interim) of the bridge across Bruce Creek. It is noted that while purchase of land for the ultimate bridge has been included in the draft DCP (50% apportionment), this does not include an associated cost.

This bridge connects the Bannockburn South East precinct with the future growth areas to its west. Specifically, the Bannockburn Growth Plan identifies the East-West Link Road connecting from the Bannockburn South East precinct across Bruce Creek to the 'Future Growth Option – South', before heading north through the 'South West precinct' and connecting to Bannockburn-Shelford Road. An extract of Plan 5 *Proposed Growth Areas* of the Bannockburn Growth Plan is shown below.

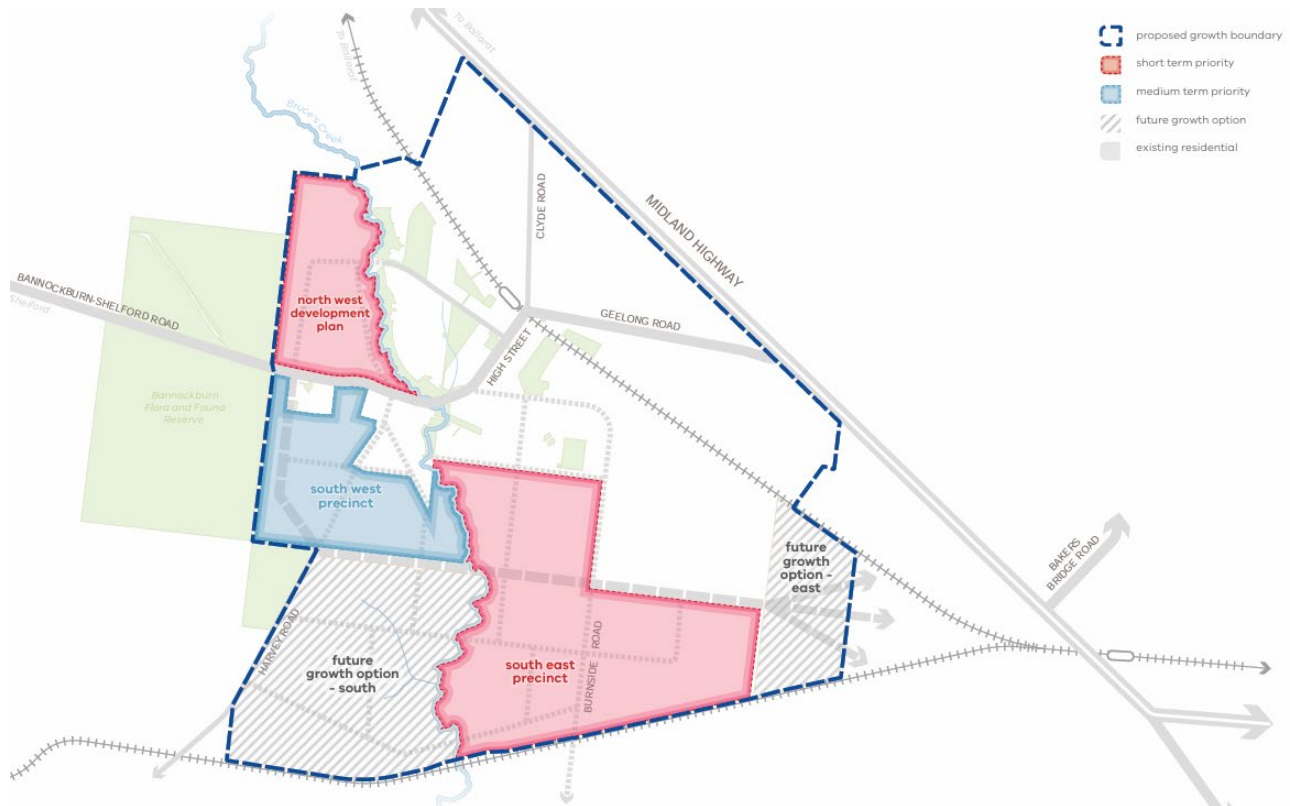


FIGURE 9: EXTRACT OF PLAN 5 PROPOSED GROWTH AREAS (BANNOCKBURN GROWTH PLAN)

Given that the 'Future Growth Option – South' is a long-term proposition, and could be outside of the time horizon of the Bannockburn South East DCP, it is unreasonable to include this bridge in the draft DCP. There will not be a need for bridge BR-01 until the development of land west of the Bruce Creek is well progressed. As such, our primary position is that BR-01 should be deleted from the DCP.

Deletion of BR-01 from the draft DCP, as well as consequential reductions to RD-01 and IN-01 as a result, could reduce the DIL significantly, particularly if land costs are included in the final DCP. If the bridge crossing is required in the future, this can be funded via other mechanisms. It is highlighted that the DCP is intended to contribute to the cost of infrastructure provision, not be a full cost-recovery mechanism.

Further, the location and design of BR-01 is still under investigation and subject to further work, in particular cultural heritage investigations and approvals and relevant biodiversity approvals. Specifically, Requirements R11 and R12 of the draft PSP require the final siting and design of the bridge to be determined through consultation with the Registered Aboriginal Party (**RAP**) and compliance with the *Aboriginal Heritage Act 2006*, and to minimise impacts on biodiversity values, such as Growling Grass Frog habitat. As such, it is anticipated that the final construction cost of this bridge may be considerably higher than is currently provided for in the DCP. If this occurs, and these increased costs are incorporated into the DCP, this will have additional implications on the overall DIL rate for the precinct.

It is noted that the *Bannockburn South East Precinct Bridges Feasibility Assessment* (April 2025) prepared by Jacobs for the draft PSP, BR-01 was deemed to be suitable for either a low or high crossing structure. Ultimately, the VPA recommended a high structure design, which has been designed and costed for the DCP, however utilising a low structure design could have significant cost savings for this project, if it was retained in

the DCP. If BR-01 is retained in the DCP, the location and design of this bridge must be reviewed to reduce costs in the DCP.

While the costs for BR-01 have been apportioned 50% in the proposed DCP, and 50% externally, given that most of the demand and anticipated use of this bridge is likely to come from land on the western side of the Bruce Creek, if this project was to be retained in the DCP then this apportionment is also considered unreasonable. The South East Precinct will make up approximately 36% of the total future population of Bannockburn (as based on the population forecasts within the Bannockburn Growth Plan), and it is anticipated that very little of the traffic generated by the precinct will travel west across Bruce Creek at full development as the majority of destinations are located either to the north or east of the precinct. Therefore the apportionment of BR-01 should be significantly reduced.

Requested Changes

- Delete BR-01 from the DCP.
- Adjust the scope and cost of RD-01 to delete the section of road west of IN-01.
- Adjust the scope and cost of IN-01 to delete the western leg of the intersection.
- If BR-01 is to be retained in the DCP, the location and design of this bridge must be reviewed to reduce project costs, and the apportionment of BR-01 to the precinct to be significantly reduced.

Roads

Project RD-02 is for upgrade works to the existing Burnside Road rail level crossing. It is unclear what these upgrade works are to entail, and the VPA in their Background Report acknowledge that “the extent of the upgrade cannot be confirmed until a Railway Risk Assessment is undertaken” (pg 68). We seek further information to justify the \$2million construction cost included in the DCP associated with this project. Further, it must be made clear that despite any future assessment of this crossing, as required by the UGZ1, and recommendations for upgrade works, no additional cost will be included in the DCP on top of the \$2million specified.

Intersections

The construction costs for the proposed Intersection projects generally exceed the relevant VPA Benchmark Cost Estimates. Further, IN-03 is proposed as a 3-way (T-) intersection, however the construction costs associated with this project are the same as IN-01 and IN-02, which are both 4-way intersections. If the construction costs associated with IN-01, IN-02 and IN-03 were reduced in line with the relevant P90 benchmark costs, this would result in a reduction to the DIL of approximately \$22,582 per NDHa. RD-01 should also be reviewed in the context of the benchmark costings.

Requested Changes

- Review the scope and costs of RD-01, IN-01, IN-02 and IN-03 to match the VPA Benchmark Infrastructure Costings.

Community Facilities

As was detailed above, we consider that the three proposed community facility within the precinct exceed the level of demand likely to be generated by the precinct. Specifically, the Community Infrastructure Assessment prepared by ASR (2024) for the Bannockburn South East PSP was based on a population for the Bannockburn South East precinct of 15,452, as opposed to the population of 13,820 currently anticipated by the draft PSP. As such, the demand estimates for 1.5 'level 1' community facilities, and 0.8 'level 2' community facilities, within the precinct are inaccurate and actual demand is likely to be lower. It is therefore appropriate to reduce the number of community facilities within the precinct to one 'level 1' facility and one 'level 2' facility.

The deletion of CI-02, being a 'level 1' community facility, from the Sites would also have financial implications on the DIL. Specifically, the project costs for CI-02 includes \$1,720,000 for purchase of land and \$10,861,000 for construction. This results in a total project cost of \$12,581,000, which contributes \$40,660 per NDHa to the DIL.

Further reductions to the DIL could also be sought from a review of the construction costs associated with the remaining community facilities, being CI-01 (level 2 facility) and CI-03 (level 1 facility). With regards to community facilities, the benchmark costings for the 2024/2025 financial year are as follows:

Community Infrastructure BIC						
37	Community Facilities	Level 1 Facility	Contemporary standard	Bldg floor area	\$8,594,570	\$9,578,066
38	Community Facilities	Level 2 Facility	Contemporary standard	Bldg floor area	\$10,154,815	\$11,242,831

FIGURE 10: EXTRACT OF BENCHMARK COSTS ESTIMATES 24-25 (VPA)

Both CI-01 and CI-03 provide for construction costs that exceed the current benchmark costs for this level of facility. Reducing the construction costs for these facilities in the DCP to match the P90 benchmark costs, would result in a reduction to the DIL of approximately \$16,450 per NDHa.

Requested Changes

- Delete CI-02 project costs from the DCP.
- Review the scope and costs of CI-01 and CI-03 to match the VPA Benchmark Infrastructure Costings.

Sports Reserves

The project costs for the construction of the Sporting Reserves and Pavilions also generally exceed the relevant VPA benchmark costings. If the construction costs associated with SR-01, SR-02 and SR-03 were reduced in line with the relevant P90 benchmark costs, this would result in a reduction to the DIL of approximately \$45,854 per NDHa.

In reviewing the concept designs for these sporting reserves, there also seem to be large inefficiencies in the layout of these facilities and unoccupied space which could be reduced. Further, SR-03 specifically should be relocated further west adjacent to the Bruce Creek corridor. A reduction to the land areas required for these three sporting reserves would not only increase the NDA of the precinct, but also reduce the land costs associated with these projects, resulting in further reductions to the DIL.

Requested Changes

- Reduce the size of all three sporting reserves (SR-01, SR-02 & SR-03).
- Review the scope and costs of SR-01, SR-02 and SR-03 to match the VPA Benchmark Infrastructure Costings.
- Review the scope and costs of SR-01p, SR-02p and SR-03p to match the VPA Benchmark Infrastructure Costings.
- Relocate SR-03 to be adjacent to the Bruce Creek uncredited open space

Drainage

Drainage projects costs make up a significant proportion of the total DIL (33%). Currently, proposed drainage assets within the precinct appear to be conservatively sized and costings are very high level, with an included 35% contingency. This is likely to be adding unnecessary costs to the overall DIL and should be reviewed and adjusted accordingly. Specifically, we consider that the location, number and size of drainage basins should be amended to reflect the final drainage concept prepared by Creo, based on the alternative SWMS layout prepared by Neil Craigie (14 May 2025) – noting that this is subject to the removal of the waterway currently shown in this design between Charleton Road and the transmission easement, as was agreed to by the VPA.

Further, drainage assets have been excluded from the Bruce Creek corridor and adjacent culturally and/or environmentally sensitive areas. The VPA's Background Report acknowledges that "there are many farm dams in valley lines sitting above the Bruce Creek Corridor. There may be an opportunity to have wetlands in these same locations" (pg 47). By relocating drainage assets within these areas, there may be some further cost reductions possible, but it would also result in an increase to the total NDA of the precinct. This would have further reductions on the DIL by spreading costs out over a greater area.

Requested Changes

- Review the location, scope and costs of all drainage projects, generally in accordance with the final drainage concept prepared by Creo.
- Where possible, relocate drainage assets into the Bruce Creek corridor and adjacent 'culturally and/or environmentally sensitive areas' (if retained) to increase NDA.

Urban Growth Zone - Schedule

The draft Urban Growth Zone Schedule 1 (**UGZ1**) sets out, among other things, extensive requirements for subdivision and development within the precinct. Many of these are considered to be unreasonably onerous, as detailed below.

Under Section 2.4 *Specific provisions – Subdivision*, the UGZ requires a 'Bruce Creek Conservation Area Growling Grass Frog Conservation Management Plan', which must be prepared for the length of the precinct before a permit can be granted for subdivision of land. We request that this be amended to either allow a CMP to be prepared in stages, or for the CMP to apply to all land in one ownership. The differing landownership arrangement along the Bruce Creek corridor make it implausible for the CMP to be completed in one stage.

Under Section 3.0 *Application Requirements*, we consider that some of the application requirements for ‘Residential Subdivision’ to be particularly onerous. The requirement for ‘Subdivision and Housing Design Guidelines’ could be conditioned as part of a planning permit, rather than provided up front with the application documents. The ‘location of any potential bus route and bus stop locations’ is also inappropriately included in the application requirements as would be more suited to a permit condition. It is unreasonable for such matters to be properly considered and agreed upon (particularly with external authorities, as in the case of public transport infrastructure) before lodgment of a permit application.

Further, we do not support the inclusion of a Risk Assessment of the Burnside Road railway crossing. We consider that the development of our client’s land in the northern part of the precinct will have minimal impacts on traffic and pedestrian movements at the level crossing, given that the large majority of traffic generated by the Site will head north into the established parts of Bannockburn. As such, this requirement should be deleted from the broader subdivisional application requirements and, if required at all, made into a specific application requirement for the property adjacent to the railway level crossing.

As previously identified in this submission, it is unclear what is required as part of the impact assessment for the VGED, which forms part of the application requirements. We consider that requirement of a VGED Habitat Assessment to be more appropriately included, as this has a clear process to follow and was recently utilised as part of the preparation of the draft Marshall PSP.

Requested Changes

- Amend the requirement for a ‘Bruce Creek Conservation Area Growling Grass Frog Conservation Management Plan’ in Section 2.4 *Specific Provisions – Subdivision* of the draft UGZ1, to allow a CMP to be approved for all land in one ownership, rather than the entire length of the precinct.
- Delete requirement for ‘Subdivision and Housing Design Guidelines’ from *Residential Subdivision* in Section 3.0 *Application Requirements* of the draft UGZ1
- Delete requirement for a ‘risk assessment of the Burnside Road railway crossing’ from *Residential Subdivision* in Section 3.0 *Application Requirements* of the draft UGZ1.
- Delete requirement for ‘location of potential bus routes and bus stops’ from *Residential Subdivision* in Section 3.0 *Application Requirements* of the draft UGZ1.
- Amend the requirement in Section 3.0 *Application Requirements – Victorian Grassland Earless Dragon* of the draft UGZ1, to replace the requirement for a VGED ‘impact assessment’ with a VGED Habitat Assessment.

Summary of Requested Changes

The following is a summary of the requested changes throughout this submission:

PSP

- Amend ‘Golden Sun Moth / Tussock Skink Habitat’ designation along the existing Levy Road reserve to ‘Potential Golden Sun Moth / Tussock Skink Habitat’ on Plan 1 of the PSP.
 - Amend the requirement for a VGED Impact Assessment under Section 3 *Application Requirements – Victorian Grassland Earless Dragon* of the draft UGZ1 to instead require a VGED Habitat Assessment;
- OR

- Alternatively, clarification is sought as to what is meant by 'VGED Impact Assessment'.
- Delete identification of Trees 683 and 684 as high value trees on Plan 1 of the PSP and subsequent plans; OR
- Delete identification of Trees 683 and 684 as high value trees on Plan 6 of the PSP and subsequent plans; and
- Amend Requirement R18 to delete reference to 'Plan 1 Precinct Features'.
- Delete identification of 'artefact scatter' from the Sites on Plan 1 of the PSP, unless it can be demonstrated that this is based on site-specific investigation of cultural heritage on the Sites.
- Delete designation of the 'culturally and/or environmentally sensitive areas' and replace with 'residential' in Plan 2 of the PSP and subsequent plans.
- Adjust the NDA of the precinct in the PSP and DCP to include the 'culturally and/or environmentally sensitive areas'.
- Delete Requirement R4 from the PSP; OR
- Convert Requirement R4 to a Guideline, and amend the wording as follows:
"Subdivision and development within or adjacent to the Bruce Creek uncredited open space should be (as applicable):
 - *Designed to minimise impacts on biodiversity values, particularly habitat for matters of national environmental significance as defined under the Environment Protection and Biodiversity Conservation Act 1999.*
 - *Consistent with any relevant approved Conservation Management Plan*
 - *Consistent with the document titled Design and construction standards for Growling Grass Frog passage structures (DELWP 2016).*
 - *Consistent with a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.*
 - *Designed to adequately mitigate bushfire risk."*
- Delete the 'Conservation Area' along the existing Levy Road reserve from Plan 2 of the PSP, and subsequent plans.
- Reduce the total number of primary schools (Government and Non-Government) within the precinct to two.
- Delete the 'level 1' community facility (CI-02) on the Sites from Plan 2 of the PSP, and subsequent plans.
- Reduce the voluntary target for affordable housing to more closely align to the regional Victorian average.
- Delete Table 5 *Affordable Housing Delivery Guidance* from the PSP.
- Delete the 'amenity areas' adjacent to the conservation area along the existing Levy Road reserve and the Boulevard Connector Street from Plan 3 of the Draft PSP.

DCP

- Include a new section that addresses the 'Time Horizon' in the DCP.
- Delete BR-01 from the DCP.
- Adjust the scope and cost of RD-01 to delete the section of road west of IN-01.
- Adjust the scope and cost of IN-01 to delete the western leg of the intersection.
- If BR-01 is to be retained in the DCP, the location and design of this bridge must be reviewed to reduce project costs, and the apportionment of BR-01 to the precinct to be significantly reduced.
- Delete RD-02 project costs from the DCP.

- Review the scope and costs of RD-01, IN-01, IN-02 and IN-03 to match the VPA Benchmark Infrastructure Costings.
- Delete CI-02 project costs from the DCP.
- Review the scope and costs of CI-01 and CI-03 to match the VPA Benchmark Infrastructure Costings.
- Reduce the size of all three sporting reserves (SR-01, SR-02 & SR-03).
- Review the scope and costs of SR-01, SR-02 and SR-03 to match the VPA Benchmark Infrastructure Costings.
- Review the scope and costs of SR-01p, SR-02p and SR-03p to match the VPA Benchmark Infrastructure Costings.
- Relocate SR-03 to be adjacent to the Bruce Creek uncredited open space
- Review the scope and costs of all drainage projects.
- Where possible, relocate drainage assets into the Bruce Creek corridor and adjacent 'culturally and/or environmentally sensitive areas' to increase NDA.

Ordinance (UGZ1)

- Amend the requirement for a 'Bruce Creek Conservation Area Growling Grass Frog Conservation Management Plan' in Section 2.4 *Specific Provisions – Subdivision* of the draft UGZ1, to allow a CMP to be approved for all land in one ownership, rather than the entire length of the precinct.
- Delete requirement for 'Subdivision and Housing Design Guidelines' from *Residential Subdivision* in Section 3.0 *Application Requirements* of the draft UGZ1
- Delete requirement for a 'risk assessment of the Burnside Road railway crossing' from *Residential Subdivision* in Section 3.0 *Application Requirements* of the draft UGZ1.
- Delete requirement for 'location of potential bus routes and bus stops' from *Residential Subdivision* in Section 3.0 *Application Requirements* of the draft UGZ1.
- Amend the requirement in Section 3.0 *Application Requirements – Victorian Grassland Earless Dragon* of the draft UGZ1, to replace the requirement for a VGED 'impact assessment' with a VGED Habitat Assessment.

In addition to this submission, we provide the following documents to assist in the VPA's review of our concerns regarding the draft PSP, DCP and associated documentation:

- Amendment C107gpla – Combined Submission Table;

In particular, the Combined Submission Table outlines the recommended changes to the exhibited documents associated with the Amendment, as agreed to by all major landowners: Josco, Ramsey Property Group and Netherby.

We trust the above information is sufficient for the VPA's review of the submission. Once VPA has had a chance to review, we welcome the opportunity to discuss our submission with the VPA and Council and continuing to be involved in discussions to resolve the matters raised.

In particular, we request that workshops be held in relation to the various DCP categories, to discuss these on a project-by-project basis to ensure all efforts are made to substantially reduce projects costs in the DCP whilst maximizing NDA within the precinct.

Please do not hesitate to contact me on 0433 410 449 or black@insightplanning.com.au if you have any queries.

Yours sincerely



Managing Director
Insight Planning Consultants

Bannockburn South-East Precinct– Draft Amendment C107gpla

The following table outlines the recommended changes to the exhibited documents associated with Amendment C107gpla, as agreed to by all major landowners: Josco, Ramsey Property Group, and Netherby.

Whilst all matters are agreed, the table identifies the matters of direct relevance to each relevant landowner.

		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
<u>Precinct Structure Plan</u>					
Section 1.4	Precinct Features				
	Chicken Hatchery and breeder farm.	Disagree.	Remove everything beyond first sentence.	In light of the conclusions of the PJRA Odour Impact Assessment, there is no constraint on the ability to develop land within the precinct for sensitive land uses.	Netherby & RPG
	Amphitheatre.	Disagree.	Amend to remove reference to holding significant cultural value.	Whilst this could be proven in the future, it will only be known following the preparation of a CHMP. At a minimum, the words “may hold” should be used, along with an acknowledgement that this will need to be confirmed following the preparation of a CHMP.	Netherby & RPG
Plan 1	Precinct Features				
	Historical homestead and drystone wall.	Disagree.	Amend to remove reference to historical homestead.	The VPA has been previously provided with a heritage report that confirmed that there are no structures of historical significance that are worthy of retention within 430 Burnside Road. The drystone wall was also not identified as being significant enough so that it cannot be rebuilt.	Netherby
	Artefact Scatter	Disagree	Delete.	Unless it can be demonstrated that the identification of the ‘artefact scatter’ adjacent to the Bruce Creek corridor is based on on-site investigation, this should be deleted from Plan 1. Any artefacts found as part of a CHMP will need to be managed through this process and the relevant legislation.	Josco
	Golden sun moth / tussock skink habitat – Levy Road reserve	Disagree	Amend to ‘potential golden sun moth / tussock skink habitat’	The presence of golden sun moth or tussock skink was not confirmed within the existing Levy Road reserve as part of the targeted surveys undertaken. As such, this land would be more appropriately identified as potential habitat.	Josco
	High value trees	Disagree	Delete the two Monterey Cypress from Josco land (Trees 683 and 684) from identification as ‘high value trees’ on Plan 1	The identification of these two trees as high value in the arboricultural assessment is in direct conflict with the arboricultural assessment and the VPA’s Background Ground, which both state that all Monterey Cypress trees, even those currently in moderate/good health, are not recommended for protection as the area is infected with Cypress Canker which is untreatable and will inevitably lead to the death of all the trees.	Josco
	Moderate retention value trees	Disagree	Delete all ‘moderate retention value trees’ from the plan	As per the arboricultural assessment, the low and moderate retention value trees are predominantly weed species and therefore should not be retained.	Josco, Netherby & RPG
Section 2.2	PSP Purpose				

		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
	“Place Wadawurrung cultural values at the centre of the precinct by recognising and protecting areas of cultural significance.”	Disagree.	Delete.	In light of the fact that CHMP's have not been prepared, the cultural values of the precinct are therefore not known in their entirety.	Netherby & RPG
Plan 2	Place Based Plan				
	“Culturally and/or environmentally sensitive area”.	Disagree.	Delete the ‘culturally and/or environmentally sensitive area’ adjacent to the Bruce Creek corridor and replace with “residential”.	<p>Extensive consultation previously occurred between the landholders, the VPA, the CCMA and the Council – including a site visit.</p> <p>Mapping was prepared that set a ‘development line’ based upon a number of different site factors (slope, minimum setback to creek etc.). This ‘development line’ should be adopted as the boundary between the ‘Bruce Creek uncredited open space’ and ‘residential’ areas.</p> <p>Any risk associated with future cultural and/or environmental constraints within this area should be borne by the landholders.</p> <p>The removal of the ‘culturally and/or environmentally sensitive area’ will substantially increase the NDA of the precinct and lower the DCP rate per NDHA.</p> <p>A number of changes to various plans and text throughout the PSP and DCP would be required to respond to the proposed revision.</p>	Josco. Netherby & RPG
	Bruce Creek uncredited open space	Query	Ensure this reflects agreed upon ‘development line’.	As above, extensive consultation previously occurred to determine a ‘development line’, which should be utilised as the boundary for the Bruce Creek uncredited open space. Make sure this boundary is consistent with development line /survey work previously agreed on.	Josco. Netherby & RPG
	Conservation Area	Disagree	Delete or amend conservation area along existing Levy Road reserve.	Deletion of all or part of the conservation area identified along the existing Levy Road reserve, would allow part of this existing road reserve to be utilised/upgraded, rather than seeking a completely new alignment of Levy Road through the Josco land.	Josco
	Government Primary Schools	Disagree (Query)	Delete one government primary school.	We query whether, due to the higher population estimated by the ASR report, there is sufficient for a total of three primary schools in the precinct. Suggest deleting one government primary school.	Josco. Netherby & RPG
	Local Community Facilities	Disagree	Delete one level-1 community facility	We query whether, due to the higher population estimated by the ASR report, there is an over provision of community facilities within the precinct. Based on the demand identified, it appears that the total number of community facilities could be reduced to one level-1 facility and one level-2 facility.	Josco, Netherby
	Sports Reserves	Agree with change	Reduce area of all three Sports Reserves.	The concept designs for all three of the sporting reserves show inefficiencies and surplus open space land that is not required for the facilities proposed. The size of these sports reserves should be reduced as much as possible to reduce overall land costs, as well as making more efficient use of land within the Bruce Creek corridor or transmission easement, where possible.	Josco. Netherby & RPG

		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
	Hatchery and Breeder Buffer	Disagree	Delete buffer	In light of the conclusions of the PJRA Odour Impact Assessment, there is no constraint on the ability to develop land within the precinct for sensitive land uses.	Netherby & RPG
	Drainage & Basins	Disagree	Update Drainage reserves to reduce land take.	Functional designs appear to be inefficient and non-responsive to topographical conditions.	Josco. Netherby & RPG
Section 3	Implementation				
	Objective 2.	Disagree.	Delete.	On the basis that the “culturally and/or environmentally sensitive area” is requested to be deleted from the PSP, this objective is no longer required.	Josco, Netherby & RPG
	Objective 4.	Disagree.	Delete.	In light of the conclusions of the PJRA Odour Impact Assessment, there is no constraint on the ability to develop land within the precinct for sensitive land uses.	Netherby & RPG
	Requirement 1	Agree (with changes)	Subdivision for residential development must be generally in accordance with “respond to the density targets in” Plan 3 Housing, and Table 3 Housing density and diversity, to the satisfaction of the responsible authority.	The density target of 17dw/ha may not be immediately achievable, however, will likely be achieved over time. Wording should be revised to reflect this.	Josco, Netherby & RPG
	Requirement 3.	Agree (with changes).	Amend to replace “active frontages” with “passive surveillance” or alike.	The use of “active frontages” implies a customer land use. The use of “passive surveillance” will allow a variety of residential outcomes to occur that still achieves the design intent.	Netherby & RPG
	Requirement 4.	Disagree.	Delete.	On the basis that the “culturally and/or environmentally sensitive area” is requested to be deleted from the PSP, this requirement is no longer required. If the designation of this land being deleted is not supported, then R4 should be amended to include more flexible wording (applying the requirements ‘as relevant’ or similar), or be made into a guideline.	Josco, Netherby & RPG
	Requirement 6.	Disagree.	Delete.	In light of the conclusions of the PJRA Odour Impact Assessment, there is no constraint on the ability to develop land within the precinct for sensitive land uses.	Netherby & RPG
	Guideline 2.	Agree (with changes).	If Table 5 is to remain within the PSP, amend guideline to make reference to it as guidance only.	In light of the affordable housing contribution being voluntary, the inclusion of Table 5 is an unusual level of detail. However, if the VPA believes that it must remain, then this guideline provides an opportunity to refer to it and confirm that it provides guidance only.	Josco, Netherby & RPG
	Guideline 5.	Disagree.	Delete.	In light of the conclusions of the PJRA Odour Impact Assessment, there is no constraint on the ability to develop land within the precinct for sensitive land uses.	Netherby & RPG
	Table 3 Amenity Area Target Density	Agree (with changes)	Average of 17 dwellings or more per net developable hectare (NDHa) “, where appropriate, should be targeted over time”.	More flexible wording should be utilised here to ensure that it is clear that this is to provide guidance only, and should be targeted over time. It may not be immediately achievable to deliver these densities.	Josco, Netherby & RPG
Plan 3	Housing				

		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
	Amenity Areas	Disagree	Delete amenity areas adjacent to Levy Road conservation area (requested to be deleted)	We do not support the identification of the conservation area along the existing Levy Road reserve. As such, we do not consider it appropriate to identify this land as an 'amenity area'. If the conservation area is retained, having higher densities along this area could also have maintenance and bushfire implications.	Josco
			Delete amenity area adjacent to the proposed Boulevard Connector (realigned Levy Road) except adjacent to approved bus stops.	While the Boulevard Connector is proposed to be bus-capable, the entirety of this road will not provide sufficient amenity to justify higher residential densities. Extent of 'amenity areas' adjacent to the Boulevard Connector should be reduced to around approved bus stops.	Josco
			Reduce amenity area to a 50m radius from the town centre and delete amenity area surrounding drainage basins	We support a reduced amenity area with a 50m radius from the proposed town centre and support amenity area surrounding sport reserve only. Drainage reserves should not be treated as 'amenity areas'.	
			Delete amenity area along the Arterial Road.	Higher amenity is not appropriate to provide along an arterial road which is serving through traffic function.	
	Open Space	Agree (with changes)	Remove open space label from the transmission easement and rename to 'utilities easement' consistent with Plan 2	We don't support the labelling of the transmission easement as open space. This easement should be able to be utilised for other purposes, as appropriate.	Josco & RPG
	Buffers	Disagree	Remove Hatchery and Breeder Farm buffer	In light of the conclusions of the PJRA Odour Impact Assessment, there is no constraint on the ability to develop land within the precinct for sensitive land uses.	Netherby & RPG
Section 3.2	Safe, accessible and well-connected				
	Requirement 7.	Agree (with changes).	Amend to specify who the 'relevant authority' is.	To avoid any ambiguity over the responsibility of the arterial, this requirement should be amended to identify who the 'relevant authority' is (potentially in both an interim and ultimate scenario).	Josco, Netherby & RPG
	Guidelines 6.	Agree (with changes).	Reduce percentage of canopy coverage from 30% to 25%.	The achievement of 30% canopy coverage in streetscapes is incredibly hard to achieve when all competing constraints are factored in. As such, this should be reduced to reflect a 25% canopy coverage target.	Josco, Netherby & RPG
Plan 4	Movement Network				
	East-West Link (RD-01)	Agree (with changes)	Delete section of East-West link to the west of Levy Road and to the east of the current signalised T-intersection (IN-03) from contributing to the DCP.	The extent of this road to the west of Levy Road and to the east of this T-intersection will not be utilised in any short or medium term as there is no connection beyond the precinct. This is therefore likely to fall outside a reasonable time horizon for the PSP and DCP and should be deleted.	Josco, Netherby & RPG
	Signalised T-Intersection (IN-03)	Disagree	Intersection should be downgraded to a roundabout	The road to the east of this intersection will not be utilised in any short or medium term as there is no connection to the east.	Josco, Netherby & RPG
	Signalised Intersection (IN-01 - Levy Road and East-West link)	Disagree	Intersection should be revised to a signalised T-intersection	The road to the west of this intersection will not be utilised in any short or medium term as there is no connection to the east.	Josco, Netherby & RPG

		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
Section 3.3	Connect people to jobs, higher order services and thriving local economies				
	Requirement 15.	Agree (with changes).	Amend the requirement as follows: Prior to subdivision “which will create 3 or more lots”...	These revisions will allow 2-lot subdivision to occur (ie. Creation of a superlot for the town centre). This will ensure that development can occur around the activity centre prior to the activity centre being delivered.	Josco, Netherby & RPG
	Requirement 17.	Agree (with changes)	Amend to a Guideline	The use of ‘should’ in this requirement is not appropriate, it would be more appropriately converted to a guideline.	Netherby & RPG
Section 3.4	High quality public realm				
	Requirement 18.	Disagree	Amend to remove reference to Plan 1	Plan 6 already shows areas of confirmed golden sun moth / tussock skink habitat and high/critical trees, including the Melbourne Yellow Gums, therefore this does not need to include a reference to Plan 1.	Josco
	Requirement 20.	Agree (with changes).	The Bruce Creek corridor should more clearly defined. Convert this requirement to a guideline and amend the word ‘must’ to ‘should’	On the basis that the “culturally and/or environmentally sensitive area” is deleted from the PSP as requested, then the extent of the Bruce Creek corridor (as referenced in this requirement) will be clearly defined. Further, this requirement would be more appropriately included as a guideline, as there could be potential conflicts with the bushfire requirements.	Josco, Netherby & RPG
	Requirement 21.	Agree (with changes).	Replace reference to “Habitat Design Plan” with “Conservation Management Plan”.	The UGZ1 requires the preparation of a Growling Grass Frog Conservation Management Plan, but not a “Habitat Design Plan”. As such, this requirement should be amended to reflect the correct document reference. Making this change will avoid any ambiguity on what is required.	Josco, Netherby & RPG
	Requirement 22.	Agree (with changes).	Delete “may not be limited to”.	As this is a requirement, it should be clear that nothing further is required.	Josco, Netherby & RPG
	Requirement 23.	Disagree.	Convert this requirement to a guideline.	Preventing light spill and glare within the Bruce Creek corridor is not realistically entirely achievable. More appropriately included as a guideline.	Josco, Netherby & RPG
	Requirement 25.	Agree (with changes).	Add wording “unless otherwise agreed with the Responsible Authority”	The eastern buffer should be able to be removed when /if the Future Investigation East Area is rezoned and development.	& RPG
	Requirement 26 & 27.	Agree (query)	NA	These requirements directly contradict Guideline 6 which seek roads to have 30% canopy coverage. Perimeter Roads located in bushfire designated areas will not be able to meet the 30% canopy cover and the requirements of 27.	Josco, Netherby & RPG
	Requirement 29.	Disagree.	Amend to delete reference to areas being dedicated to biodiversity or native vegetation conservation being excluded.	It is not clear why these areas should not count towards canopy coverage targets in the public realm. This requirement may be more appropriately included as a guideline.	Josco, Netherby & RPG
	Requirement 32.	Agree (with changes).	Amend as follows: ‘The integrated water management plan (IWMP) should be prepared with consideration to the	This requirement is too broad. No issue with the preparation of an IWMP to the satisfaction of BW, CCMA & the RA being a requirement. Doesn’t need to explicitly state the guidelines that it needs to refer to or respond to, as not all of them are relevant. This requirement may be more appropriately included as a guideline.	Josco, Netherby & RPG

		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
			following: [insert above list of incorporated docs].’		
	Requirement 34.	Agree (with changes).	Remove reference to being in accordance with Plan 7.	Even if the “culturally and/or environmentally sensitive area” is to remain, other revisions to the overall drainage strategy may result in assets being delivered in alternative locations to those shown in Plan 7.	Josco, Netherby & RPG
			Remove final dot point of this requirement. Include “unless otherwise approved by the Responsible Authority”	The final dot point is a duplicate for Requirement R35. Also, include more flexible wording as things maybe need to be amended from time to time.	Josco, Netherby
	Requirement 36 & 37	Disagree	Convert these requirements to guidelines	Drainage assets should be located within the culturally and/or environmentally sensitive area (if retained adjacent to the Bruce Creek corridor), if it is appropriate to do so, to maximise NDA within the precinct. Add ‘if applicable’ to the first dot point and ‘where applicable’ to all the other dot points.	Josco, Netherby & RPG
	Requirement 38.	Agree (with changes).	Add ‘unless otherwise agreed with the responsible authority’ after the word Staging.	Some temporary downstream drainage may be required to be constructed earlier to accommodate stage 1 development.	Josco & RPG
	Requirement 41.	Disagree	Delete	The PSP should not restrict potential alternative uses in the transmission easement in the future. Alternatively, amend to add the words ‘unless otherwise agreed by the Responsible Authority’ to allow for flexibility in the future. It would still then be at Councils discretion.	& RPG
	Requirement 42.	Agree (queried though).	NA	The word “should’ is not reasonable to use within a requirement. These parts of the requirement should be deleted and either introduced as a separate guideline, or combined with one of the existing guidelines (like G30).	Josco, Netherby & RPG
	Guideline 13.	Agree (with changes).	Remove the word ‘must’ and replace with ‘should aim to achieve’	The 30% tree canopy coverage is difficult to achieve and greater flexibility should be included.	Josco, Netherby & RPG
	Guidelines 15.	Agree (queried though).	NA	We query how, at subdivision stage, it can be demonstrated that there is “provision of a static water supply of 2,500 litres for personal firefighting where practical”.	Josco, Netherby & RPG
	Guidelines 17.	Agree (queried though).	NA	It should be made clear that front setbacks within private allotments should be permitted to be used for bushfire setbacks. For example, if a 19.5m setback is required from the Bruce Creek corridor, this setback should be able to consist of both a perimeter road and the front setback of lots (which would be appropriately managed).	Josco, Netherby & RPG
	Guideline 24.	Disagree	Delete	As per the arboricultural assessment, the low and moderate retention value trees are predominantly weed species, and therefore should not be encouraged to be retained.	Josco, Netherby & RPG

		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
	Guidelines 25.	Agree (queried though).	NA	The wording of this guideline (ie “should state”) is unclear and should be revised.	Josco, Netherby & RPG
	Guideline 28.	Agree (with changes).	Revise guideline to include the words ‘where assets are adjacent to Bruce Creek’	It is not necessary to design all of the other drainage basins in collaboration with the Wadawurrung and ultimately, we need to design basins that will be approved by engineering.	Josco, Netherby & RPG
	Guideline 30.	Agree (queried though).	NA	We query what this guideline means and how will it be expected to be practically achieved? If no explanation can be offered, then we suggest deleting this guideline.	Josco, Netherby & RPG
	Guideline 32.	Disagree.	Delete.	Place naming occurs outside of the planning process, and therefore there is no relevance to the PSP and this guideline should be deleted.	Josco, Netherby & RPG
	Guideline 34.	Agree (queried though).	NA	We query whether this guideline should reference ‘development’, ‘subdivision’ or both.	Josco, Netherby & RPG
Plan 6	Public Realm				
	High retention value trees	Disagree	Delete the two Monterey Cypress from Josco land (Trees 683 and 684) from identification as ‘high value trees’ on Plan 6	The identification of these two trees as high value in the arboricultural assessment is in direct conflict with the arboricultural assessment and the VPA’s Background Ground, which both state that all Monterey Cypress trees, even those currently in moderate/good health, are not recommended for protection as the area is infected with Cypress Canker which is untreatable and will inevitably lead to the death of all the trees.	Josco
	Sports Reserves	Agree with changes	Reduce the size of all three proposed sports reserves (SR-01, SR-02 & SR-03)	The concept designs for all three of the sporting reserves show inefficiencies and surplus open space land that is not required for the facilities proposed. The size of these sports reserves should be reduced as much as possible to reduce overall land costs, as well as making more efficient use of land within the Bruce Creek corridor or transmission easement, where possible.	Josco, Netherby & RPG
	SR-03	Disagree	Relocate SR-03	SR-03 should be relocated adjacent the Bruce Creek corridor (into the ‘culturally & environmentally sensitive area’, unless this land use designation is deleted as requested)	Josco, Netherby & RPG
Plan 7	Water				
	Sewer Pump Stations	Disagree.	Amend plan to identify SPS’s in accordance with Barwon Water’s current position.	The locations of SPS’s are inconsistent with Barwon Water’s latest advice to landowners.	Josco, Netherby & RPG
	Open Space Legend	Disagree.	Remove wording ‘modified kerbing, stormwater harvesting, recycled water’ and replace with ‘open space’	It has been incorporated into the Guidelines and isn’t necessary to include there as it is confusing.	RPG
Plan 8	Bushfire				

		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
	Identifies a 19m setback from “grassland” (i.e. Bruce Creek Corridor).	Agree (queried though).	NA	Unless private land can be used within the bushfire setback, this will result in a 19m local road abutting the Bruce Creek corridor. This outcome will worsen the ability for activation and passive surveillance over the public open space corridor.	Josco, Netherby & RPG
				The ‘culturally & environmentally sensitive area’ adjacent the Bruce Creek is also identified on Plan 8 as ‘grassland vegetation’. This should be amended, even if the designation of this area is retained.	Josco, Netherby & RPG
Plan 9	Community Infrastructure				
	Local Community Facilities	Disagree	Delete one level-1 community facility	Based on the ASR report, there appears to be an over provision of community facilities within the precinct. Based on the demand identified, it appears that the total number of community facilities should be reduced to one level-1 facility and one level-2 facility.	Josco, Netherby & RPG
Section 3.6	Infrastructure Coordination				
	Requirement 47.	Disagree.	Delete.	These matters are dealt with post-permit, therefore the requirement should be deleted.	Josco, Netherby & RPG
	Requirement 48.	Agree (with changes).	Revise the requirement to add the words ‘where practical’	This is difficult to implement in some circumstances. Stating that services need to be bundled isn’t overly correct either, as some services cannot be placed in common trenches (ie. electricity & water).	Josco, Netherby & RPG
	Requirement 50.	Agree (with changes)	Convert this requirement to a guideline and add the words ‘where practical’	It may not be practical for every single house to have rooftop solar and battery storage. There should be flexibility incorporated into the wording, and this is more appropriately included as a guideline.	Josco, Netherby & RPG
	Guideline 47.	Agree (with changes).	Revise the guideline to add the words ‘where practical’	This may be difficult to achieve in all circumstances, and as such flexibility should be incorporated into the guideline for the delivery of the ESD opportunities.	Josco, Netherby & RPG
Appendix 6	Transmission Easement design outcomes				
	Open Space and development outcomes for transmission easement should:	Agree (with changes).	Include wording “residential or commercial development will be considered at the absolute discretion of the Responsible Authority	This will allow flexibility in the future, the restrictions are too prescriptive given the long term nature of the Precinct and future innovation and / or design outcomes that might be suitable to allow commercial or residential development or other alternative uses.	RPG
	Table 23	Agree (with changes).	Include wording “Alternative allowances are at the discretion of the Responsible Authority and the following restrictions apply unless otherwise agreed by the Responsible Authority and Ausnet”.	This will allow flexibility in the future, the restrictions are too prescriptive given the long term nature of the Precinct and future innovation and / or design outcomes that might be suitable to allow commercial or residential development or other alternative uses.	RPG
Plan 10	Infrastructure and Development Staging				
	Staging reflects superseded position of Barwon Water.	Agree (with changes).	Amend plan reflect Barwon Water’s current position.	Staging reflects superseded position of Barwon Water.	Netherby

		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
Plan 11 / Table 19	Precinct Infrastructure				
	IN-01	Agree (with changes).	Downgrade from a signalised intersection to either an unsignalized intersection (roundabout) or signalised T-intersection.	Given that there is no development front anticipated to the west within the time horizon of the PSP and DCP, the western-leg of this intersection is not required.	Josco, Netherby & RPG
	IN-03	Agree (with changes).	Downgrade from signalised T Intersection to unsignalized intersection.	Given that there is no development front east of this intersection within the time horizon of the PSP and DCP, there is no requirement for this to be a signalised intersection.	Netherby & RPG
	BR-01	Disagree	Delete	No evidence has been provided that confirms that BR-01 will be delivered within the time horizon of the DCP (20-25 years), therefore this project should be deleted from the PSP/DCP and if required in the future (following development of the adjacent growth area west of Bruce Creek), funded via alternative mechanisms.	Josco, Netherby & RPG
	Local Community Facilities	Disagree	Delete one level-1 community facility	Based on the ASR report, there appears to be an over provision of community facilities within the precinct. Based on the demand identified, it appears that the total number of community facilities should be reduced, to one level-1 facility and one level-2 facility.	Josco, Netherby & RPG
	Retarding Basins	Disagree	Update basin design as per final drainage concept.	The location, number and size of drainage basins should be amended to reflect the final drainage concept prepared by Creo, based on the alternative SWMS layout prepared by Neil Craigie (14 May 2025). ¹	Josco, Netherby & RPG
Development Contributions Plan					
Chapter 2	Timeframe				
	The DCP does not include a time horizon.	NA	A new subsection to Chapter 2 should be included that specifies a timeframe for the DCP.	The DCP Guidelines state: <i>A DCP must include a time horizon. This time horizon should not exceed 20 to 25 years. If the time horizon is not reasonable, new development in the early years will be paying for infrastructure that will not be delivered until many years later. This is inequitable and unreasonable.</i>	Josco, Netherby & RPG
Plan 3 / Section 3.3	Transport Items				
	BR-01 – Bruce Creek Bridge.	Disagree.	Delete from the DCP.	No evidence has been provided that confirm that BR-01 will be delivered within the timeframe of the DCP (a maximum period of 25 years).	Josco, Netherby & RPG
	BR-01 – Bruce Creek Bridge.	Disagree.	Reduce 50% apportionment.	Should evidence be provided that confirms that BR-01 will in fact be delivered within the timeframe of the DCP, there is no evidence that supports the 50% apportionment. If the arterial is to provide a genuine bypass function, then it will benefit the broader township.	Josco, Netherby & RPG

¹ Josco agrees subject to the removal of the waterway shown in the design between Charleton Road and the transmission easement, as agreed to by the VPA.

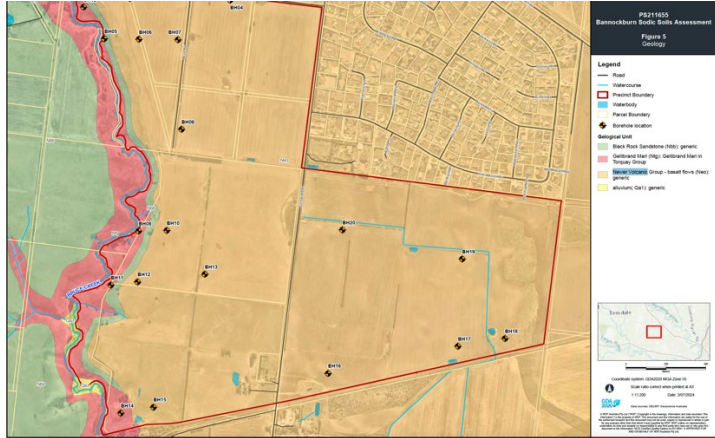
		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
				Very few trips from the precinct will head west. Rather, the majority of trips will head north or east.	
	BR-01 – Bruce Creek Bridge.	Disagree.	Reduce the overall cost of BR-01 by adopted a simpler design.	<p>Should evidence be provided that confirms that BR-01 will in fact be delivered within the timeframe of the DCP, the approximate \$80m cost of the project should be reduced.</p> <p>Work undertaken by Jacobs demonstrates that a simpler and significantly more cost-effective design could replace the current proposal.</p> <p>Any urban design benefits of the current proposal must be weighed against the exuberantly high cost of the single DCP item/project.</p>	Josco, Netherby & RPG
	RD-01 – Arterial Road.	Disagree.	The western and eastern-most portions of RD-01 should be removed from the DCP as they will not be required within the timeframe of the DCP.	As BR-01 and the continuation of the arterial to the east of the precinct will not occur within the timeframe of the DCP, there will be no need to deliver the western and eastern-most portions of RD-01, being west of IN-01 and east of IN-03.	Josco, Netherby & RPG
	IN-01 – Levy Road / Future EW Link Road Intersection	Disagree	Amend to 3-way non signalised intersection - Delete western leg	As BR-01 is proposed to be deleted, the western leg of this intersection should also be deleted.	Josco, Netherby & RPG
	IN-03 – Three-way Intersection.	Disagree.	If not deleted entirely (converted to non-signalised intersection), amend the project costs of IN-03 to reflect the fact that it is a three-way intersection. Should be downgraded to a two-way intersection.	<p>Primary position to delete project costs associated with IN-03 and convert this to a non-signalised intersection.</p> <p>If retained, the project costs of IN-03 should be reviewed and reduced as despite IN-01 and IN-02 being four-way intersection and IN-03 being a three-way intersection, they have the same cost in the DCP.</p>	Josco, Netherby & RPG
	RD-02 – Railway Crossing.	Agree (seeking information).	NA	<p>We request additional information in relation to the examples referred to within Section 9.1.2 of the DCP to justify a \$2M construction cost.</p> <p>Further, it must be made clear that despite any future assessment of this crossing, as required by the UGZ1, and recommendations for upgrade works, no additional cost will be included in the DCP on top of the \$2M specified.</p>	Josco, Netherby & RPG
Plan 4 / Section 3.4	Community & Recreation Items				
	Local Community Facilities.	Disagree (query).	Delete one level-1 community facility.	<p>Based on the ASR report, there appears to be an over provision of community facilities within the precinct. Based on the demand identified, it appears that the total number of community facilities should be reduced to one level-1 facility and one level-2 facility.</p> <p>We also understand that the Council is concerned about the potential ongoing cost implications of the DCP. In light of this, we query whether the Council does in fact wish to own and operate three separate community facilities within the precinct.</p>	Josco, Netherby
	Active Open Space Reserves (all)	Disagree (query).	Delete one active open space reserve.	We understand that the Council is concerned about the potential ongoing cost implications of the DCP. In light of this, we query whether the Council does in fact wish to own and operate three separate active open space reserves.	Josco, Netherby

		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
	SR-01	Disagree (query).	Amend concept design	We consider that there may be opportunities to review the concept design layout to maximise the area within the transmission easement and reduce the overall size of this reserve, which would result in both reduced land cost and increased NDA.	Josco, Netherby & RPG
	SR-02	Disagree (query).	Increase external apportionment of this reserve. Amend concept design	SR-02 is planned to accommodate an athletics track. It is highly likely that the athletics track will be used by residents of the existing township beyond the bounds of the precinct. As such, an apportionment of cost for SR-02 should be excluded from the DCP. Further, the design concept results in an efficient use of space. It is considered that the area of this reserve could be reduced substantially, which would result in both reduced land costs and increased NDA.	Josco, Netherby & RPG
	SR-03	Disagree (query).	Amend location and concept design	SR-03 concept design provides for inefficient use of space and is larger than what is required for the facilities proposed. SR-03 should be relocated further west adjacent to the Bruce Creek Corridor, into the 'culturally & environmentally sensitive area' (if designation not deleted). This would result in both reduced land costs and increased NDA	Josco, Netherby & RPG
Plan 5 / Section 3.5	Drainage Items				
	Drainage Infrastructure	Disagree	Update basin design as per final drainage concept.	The location, number and size of drainage basins should be amended to reflect the final drainage concept prepared by Creo, based on the alternative SWMS layout prepared by Neil Craigie (14 May 2025). ²	Josco, Netherby & RPG
General	Conservative Costings				
	P90 – Costings.	Disagree.	Revise scope and costs of all construction projects in accordance with the VPA Benchmark Cost Estimates	Utilising the P90 Benchmark Costs Estimates could result in significant reduction to overall project construction costs and DIL (as well as reduce the shortfall from the CIL). Use of P50 estimates would result in further reductions.	Josco, Netherby & RPG
			Remove contingencies on top of what are already meant to be conservative P90 costing.	In a number of circumstances, the DCP has utilised P90 costings ahead of less conservative options. However, on top of this, the DCP has in a number of circumstances also allowed for contingencies on top of the P90 costings. This approach results in a 'double-dip'. If contingencies are to remain, then P90 costings should not be used.	Josco, Netherby & RPG
Planning Controls					
UGZ1 – 1.0	Plan 1				
	Update Plan 1	Disagree.	Update Plan 1 in accordance with the requested changes to Plan 2 Place Based Plan of the PSP, as outlined above.	Update Plan 1 in the UGZ1 to reflect changes requested to Plan 2 Place Based Plan of the PSP.	Josco, Netherby & RPG

² Josco agrees subject to the removal of the waterway shown in the design between Charleton Road and the transmission easement, as agreed to by the VPA.

		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
UGZ1 – 2.2	Applied Zone				
	Table 1 – identifies ‘all other land’ as General Residential Zone.	Agree (seeking confirmation).	NA	We seek confirmation that the ‘culturally and/or environmentally sensitive area’ as shown in Plan 1 is classified as ‘all other land’.	Josco, Netherby & RPG
UGZ1 – 2.3	Specific Provisions – Use of Land				
	Table 2 – identifies ‘accommodation’ and ‘informal outdoor recreation’ as a Section 2 land use if located within the 500m hatchery buffer or the 399m breeder farm buffer as shown in Plan 1.	Disagree.	Delete.	In light of the conclusions of the PJRA Odour Impact Assessment, there is no constraint on the ability to develop land within the precinct for sensitive land uses.	Netherby & RPG
	Chicken Hatchery & Breeder Farm – requires the provision of a level 3 odour impact assessment.	Disagree.	Delete.	In light of the conclusions of the PJRA Odour Impact Assessment, there is no constraint on the ability to develop land within the precinct for sensitive land uses.	Netherby & RPG
UGZ1 – 2.4	Specific Provisions – Subdivision				
	Chicken Hatchery & Breeder Farm – requires the provision of a level 3 odour impact assessment.	Disagree.	Delete.	In light of the conclusions of the PJRA Odour Impact Assessment, there is no constraint on the ability to develop land within the precinct for sensitive land uses.	Netherby & RPG
	Bruce Creek Conservation Area Growling Grass Frog CMP – requires the CMP for the entire length of Bruce Creek prior to the subdivision of land within the ‘uncredited open space’ or the ‘culturally and/or environmentally sensitive area’.	Agree (with changes).	Amend to allow CMP to be prepared in stages.	The differing landownership arrangements abutting Bruce Creek make it implausible for the CMP to be completed in one stage. The requirement for CMP should be for land in one ownership, not the whole precinct. Requirement for CMP to apply to entire precinct is inconsistent with what would otherwise be required by Part 7 of the EPBC Act referral process, which allows the CMP to be prepared in stages.	Josco, Netherby & RPG
			Delete reference to ‘culturally and/or environmentally sensitive area’; OR Amend wording to say “A permit must not be granted to subdivide land within the “Bruce Creek uncredited open space’ or ‘culturally and/or environmentally sensitive area where the area is adjacent to Bruce Creek’	As per request to delete the culturally and/or environmentally sensitive area from adjacent the Bruce Creek corridor, this wording should be revised to reflect this.	Josco, Netherby & RPG
UGZ1 – 3.0	Application Requirements				

		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
	Residential Subdivision – Subdivision and Housing Design Guidelines	Disagree	Delete from general <i>residential subdivision</i> application requirements	Can form permit conditions, should not have to be provided as part of a permit application	Josco, Netherby & RPG
	Residential Subdivision - A lot size diversity plan including a colour-coded lot size plan	Agree with changes	Amend wording as follows: A lot size diversity plan including a colour-coded lot size plan, reflecting “aiming to achieve” the lot size categories outlined in Table “3” - Housing Density and Diversity in the incorporated PSP, “where appropriate”	Compliance with the 3 different lot types as per Table 3 is not achievable in all instances. As such, this requirement should be amended to provide more flexible wording, which aims for compliance instead of requiring it.	Josco, Netherby & RPG
	Residential Subdivision – Risk assessment of the Burnside Road railway crossing	Disagree	Delete from general <i>residential subdivision</i> application requirements	VPA should undertake further analysis prior to finalisation of the Amendment to determine what upgrade works, if any, are required to the existing Burnside Road rail crossing and at what point in time these are required (ie. Lot cap?), rather than this being required by individual landowners. It should be made clear that regardless of the outcome or recommendations of the assessment, that no further costs are to be funded via the DCP on top of the \$2M already specified.	Josco, Netherby & RPG
	Residential Subdivision – Arboricultural Report & Tree Retention Plan	Agree, with changes	Add to both dot points, “where the proposed subdivision incorporates trees that have been identified as ‘critical/high retention value tree’ on Plan 6 – Public Realm.”	These requirements should not be required elsewhere in the precinct, as it is considered irrelevant and overly burdensome for landowners.	Josco, Netherby & RPG
	Residential Subdivision – Proposed bus routes and bus stop locations	Disagree	Delete from general <i>residential subdivision</i> application requirements	Unreasonable for this consultation with Transport for Victoria to occur prior to lodgement of a permit application. This could be incorporated into permit conditions if required.	Josco, Netherby & RPG
	Residential Subdivision - Hydrogeological Report	Disagree (query)		We query whether this is required to be provided with an application or whether it can be conditioned as part of a permit, if necessary.	RPG
	Bushfire Management Plan	Agree with changes and move to a condition	Amend to add the words: “where the ‘future investigation area east’ has been rezoned, this requirement does not apply to the satisfaction of the Responsible Authority”	We query whether this is practical for the drainage basins. It is already referred to in section 4, this should be a condition of the permit.	RPG
	Public Infrastructure Plan	Agree with changes	Move to Section 4	This should be moved to permit condition rather than requiring this to be provided with an application. This will likely require Council input and discussion in its preparation.	Josco, Netherby & RPG
	Sodic and dispersive soils management plan	Disagree	Amend, after the words an application to subdivide, add “within the sensitive area adjacent to Bruces Creek”	This is only relevant to high risk areas adjacent the Bruce Creek corridor. The below comments are from the WSP Report, this shouldn’t be a requirement across the whole site. The report only recommends the management plan in the high risk and the sandstone area, see attached. “It is further recommended that intrusive (physical) soil investigations be required where constructions are deemed medium to high risk (e.g. along the escarpment, steep slopes, or where infrastructure is likely to be placed within the	Josco, Netherby & RPG

		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
				<p>Sandringham Sandstone) to confirm soil conditions and erosion risk and allow for site specific recommendations to be made</p> <p>While there is variability in the level of sodicity in the surface soils, at a precinct scale, the erosion risk is considered to be predominantly driven by the slope, being consistently low to medium risk across the flatter area of the precinct, but high risk along the escarpment to Bruce Creek.”</p> 	
	Chicken Hatchery & Breeder Farm – requires the provision of a level 3 odour impact assessment.	Disagree.	Delete.	In light of the conclusions of the PJRA Odour Impact Assessment, there is no constraint on the ability to develop land within the precinct for sensitive land uses.	Netherby & RPG
	Victorian Grassland Earless Dragon - requires an ‘impact assessment’ for the VGED	Disagree	Amend reference to an ‘impact assessment’ to ‘habitat assessment’.	<p>We seek clarification as to the impact assessment requirement, given this deviates from the wording utilised by the VPA in the specified process of dealing with VGED outside MSA areas (as outlined in their statement, dated Nov 2024).</p> <p>Alternatively, a VGED Habitat Assessment could narrow down on the areas that may require further assessment (targeted surveys). This approach was taken by Council in the recently exhibited Marshall PSP.</p>	Josco & RPG
UGZ1 – 4.0	Conditions and requirements for permits				
	Conditions and requirements for permits	Agree with changes	Clarify that the conditions and requirements under Section 4 are only for permits creating 3 or more lots.	The conditions and requirements in section 4 should only apply to subdivision applications for 3 or more lots. These will largely be irrelevant for 2 lot subdivisions, like in the example of creating a lot for Barwon Water’s pump station etc.	Josco, Netherby & RPG
	Conditions - Road network	Agree with changes	Amend to add the words: “Where appropriate, to the satisfaction of the responsible authority”	This condition won’t necessarily be required in every permit.	Josco, Netherby & RPG
	Requirement – Victorian Grassland Earless Dragon impact assessment – requires compliance with impact assessment.	Disagree.	Amend reference of an ‘impact assessment’ to ‘habitat assessment’.	Amend wording of this requirement accordingly based on changes to above application requirement.	Josco & RPG

		Agree/Disagree	Recommended Change(s)	Rationale	Relevant To
	Requirement – Odour Environmental Assessment	Disagree.	Delete subject to PRSA being completed	This is not required if the EPA approve a PRSA report.	Netherby & RPG
	Requirement – Burnside Road Railway Crossing – requires recommendations of a risk assessment report to be implemented	Disagree (Query)	Delete	Based on above changes to the application requirement for the risk assessment, we query whether this requirement could be deleted	Josco, Netherby & RPG
	Requirement – Sodic and dispersive soil site management	Agree with changes.	As above, “where appropriate.”	As above, wording should be amended to reflect only the high risk areas adjacent the Bruce Creek corridor.	Josco, Netherby & RPG
UGZ1 – 6.0	Decision Guidelines				
	Hatchery Buffer – consideration of odour emissions.	Disagree.	Delete.	In light of the conclusions of the PJRA Odour Impact Assessment, there is no constraint on the ability to develop land within the precinct for sensitive land uses.	Netherby & RPG
DCPO1 – 3.0	Land or development excluded from development contribution plan				
	Add dot point	NA	Social and Affordable Housing	Land provided for or on behalf of Housing provider for social housing shouldn’t attract DCP contributions. Ministerial Direction exempts “housing provided by or on behalf of the Chief Executive Officer of Homes Victoria”	Josco, Netherby & RPG
Technical Reports					
Valuation Report, Charter Keck Cramer	Land Valuation				
	Table 10.6 – Valuation (Scenario 2) – Site Specific Assessment.	Disagree (Query)		It is unclear why a different per hectare land valuation has been specified for proposed local sports reserves across the precinct. Further clarification is sought.	Josco, Netherby & RPG