

**Draft Casey Amendment C296case
Referral 11 – Croskell (Employment) Precinct Structure Plan
and Infrastructure Contributions Plan**

VPA Projects Standing Advisory Committee Report

Planning and Environment Act 1987

19 May 2025

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

VPA Projects Standing Advisory Committee Report pursuant to section 151 of the PE Act

Casey Planning Scheme Draft Amendment C296case

Referral 11 – Croskell (Employment) Precinct Structure Plan and Infrastructure Contributions Plan

19 May 2025



Tim Hellsten, Chair



John Hartigan, Member



Sally Conway, Member

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Glossary and abbreviations

| | |
|-----------------------------|---|
| AEP | Annual Exceedance Probability |
| Affordable Housing Strategy | <i>City of Casey Affordable Housing Strategy, 2020</i> |
| AH Act | <i>Aboriginal Heritage Act 2006</i> |
| AH Regulations | <i>Aboriginal Heritage Regulations 2018 (Vic)</i> |
| AS3959:2018 | <i>Australian Standard 3959:2018 Construction of buildings in bushfire-prone areas</i> |
| AVA | AVA Faltaous-Kyrelos Pty Ltd |
| Background Report | Croskell (Employment) Precinct Structure Plan Background Report, September 2024 |
| BLCAC | Bunurong Land Council Aboriginal Corporation |
| BOD | biological oxygen demand |
| CHMP | Cultural Heritage Management Plan |
| Committee | Victorian Planning Authority Projects Standing Advisory Committee |
| Council | Casey City Council |
| Cranbourne 1450 | Cranbourne 1450 Holding Pty Ltd |
| CVIS | <i>Cultural Values Interpretation Strategy Summary Report, Bunurong Land Council, February 2024</i> |
| D# | Document number (refer Appendix H) |
| Day 1 PSP | PSP version provided by VPA on 24 February 2025 (D29) |
| DEECA | Department of Transport, Department of Energy, Environment and Climate Action |
| draft Amendment | draft Casey Planning Scheme Amendment C296case |
| DSS | Development Services Scheme |
| DSS-C | Drainage Strategy Optimised Drainage Concept Design Report Revision C, 3 February 2025 |
| DTP | Department of Transport and Planning |
| EAO | Environmental Audit Overlay |
| EPA | Environment Protection Authority Victoria |
| EPA 1883 | <i>Guidance for assessing odour, EPA Publication 1883, 2022</i> |
| Fouz Group | Fouz Superannuation Pty Ltd, Yusuf Property Pty Ltd and Fouz Investments Pty Ltd |
| G# | PSP Guideline (number) |

| | |
|---------------------------------|--|
| Galileo | Galileo Group |
| GRZ1 | General Residential Zone Schedule 1 |
| Ha | Hectare |
| ICO4 | Infrastructure Contributions Overlay Schedule 4 |
| ICP | Croskell (Employment) Infrastructure Contributions Plan, September 2024 |
| ICP Guidelines | <i>Infrastructure Contributions Guidelines</i> (Department of Sustainability and Environment, March 2021) |
| kv | Kilovolt |
| LCA | <i>Land Capability Assessment Report</i> (Revision 8), Kleinfelder, 30 January 2025 |
| LILO | Left-in/Left-out |
| LSIO | Land Subject to Inundation Overlay |
| MAB | MAB Property Developments Pty Ltd |
| MD1 | Ministerial Direction 1: Potentially Contaminated Land |
| MD12 | Ministerial Direction 12: Urban Growth Areas |
| MD19 | Ministerial Direction 19: Amendments that may result in impacts of the environment, amenity and human health |
| MD infrastructure contributions | <i>Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans, February 2021</i> |
| MICLUP | <i>Melbourne Industrial and Commercial Land Use Plan, 2020</i> |
| MSA | Metropolitan Strategic Assessment |
| NDA | net developable area |
| NVPP | Croskell (Employment) Native Vegetation Precinct Plan |
| PE Act | <i>Planning and Environment Act 1987</i> |
| PFN | Principal Freight Network |
| Planning Scheme | Casey Planning Scheme |
| PPN30 | <i>Planning Practice Note 30: Potentially Contaminated Land</i> |
| PPN92 | <i>Planning Practice Note 92: Managing buffers for land use compatibility</i> |
| PRSA | Preliminary Risk Screen Assessment |
| PSI | Preliminary Site Investigation |
| PSP | Croskell (Employment) Precinct Structure Plan |
| PSP Guidelines | <i>Precinct Structure Planning Guidelines: New Communities in Victoria</i> (VPA, 2021) |

| | |
|-----------------------|--|
| R# | PSP Requirement (number) |
| SAU | Standard Animal Unit |
| SCU | Standard Cattle Unit |
| section 173 Agreement | An agreement enabled by section 173 of the PE Act |
| SEEC | <i>South East Corridor Strategic Context Report to 2060</i> , Victorian Planning Authority and Ors, January 2022 |
| SEGCP | <i>South East Growth Corridor Plan</i> , 2012 |
| Separation Guideline | <i>Separation distance guideline</i> , EPA Publication 1949, 2024 |
| Spring Lodge | Spring Lodge Farms Pty Ltd |
| SUP | Shared User Path |
| SUZ8 | Special Use Zone Schedule 8 |
| the precinct | Croskell (Employment) Precinct |
| UGZ16 | Urban Growth Zone Schedule 16 |
| VDP | Victorian Desalination Project |
| VPA | Victorian Planning Authority |
| Wagstaff | Wagstaff Cranbourne Pty Ltd |
| WWTP | Waste Water Treatment Plant |

Overview

Draft Amendment summary

| | |
|---------------------|--|
| The draft Amendment | Draft Casey Planning Scheme Amendment C296case |
| Common name | Croskell (Employment) Precinct Structure Plan and Infrastructure Contributions Plan |
| Brief description | The draft Amendment seeks to facilitate development of the Croskell (Employment) Precinct in accordance with the vision for urban growth outlined in the Croskell (Employment) Precinct Structure Plan. It proposes to introduce the Croskell (Employment) Precinct Structure Plan, Croskell (Employment) Infrastructure Contributions Plan and Croskell (Employment) Native Vegetation Precinct Plan into the Casey Planning Scheme, and make associated zone and overlay changes |
| Subject land | Land in the Croskell (Employment) Precinct (see Figure 3) |
| The Proponent | Victorian Planning Authority |
| Planning Authority | Victorian Planning Authority |
| Council | Casey City Council |
| Public consultation | 11 September to 9 October 2024 |
| Submissions | 31 (see Appendix C) |

Committee process

| | |
|------------------------|--|
| The Committee | Tim Hellsten (Chair), Sally Conway and John Hartigan |
| Supported by | Georgia Brodrick and Chris Brennan, Senior Project Officers, Planning Panels Victoria |
| Directions Hearing | 3 February 2025, Planning Panels Victoria Hearing Rooms and on line by video conference |
| Committee Hearing | 500 Bourke Street, Melbourne and online by video conference: 3 and 4 March and 2 April 2025 Planning Panels Victoria and online by video conference: 6, 7, 11, 12, 13, 17, 18, 19, 20, 24, 25, 26, 27 and 28 March 2025 |
| Site inspection | 18 February 2025 |
| Parties to the Hearing | Refer Appendix D |
| Citation | VPA Projects SAC Referral 11 – Croskell (Employment) Precinct [2025] PPV |
| Date of this report | 19 May 2025 |

Executive summary

The Croskell (Employment) Precinct (the precinct) is located 40 kilometres from Melbourne's CBD in the municipality of Casey in between existing and developing precincts. The precinct spans 317 hectares and adjoins several arterial roads including Thompsons Road which is part of the Principal Freight Network (PFN).

The precinct is identified as a regionally significant commercial area in the *Melbourne Industrial and Commercial Land Use Plan* (MICLUP) and its employment future has been envisaged in planning policy for many years along with directions supporting housing growth.

The precinct includes several features which have influenced its planning including:

- an existing abattoir and a concrete batching plant and associated buffers
- a utilities easement extending east-west through the precinct which includes high voltage transmission lines and the Victorian Desalination Project (VDP) assets
- existing waterways, Melbourne Water pipeline easement (pipetrack) and Melbourne Water's planned delivery of drainage infrastructure through a Development Services Scheme (DSS)
- interfaces with existing residential and commercial area and the PFN
- areas of cultural heritage sensitivity.

The Victorian Planning Authority (VPA) has worked with the Casey City Council (Council) to undertake detailed planning for the precinct. The Croskell (Employment) Precinct Structure Plan (PSP), Croskell (Employment) Infrastructure Contributions Plan (ICP), Croskell (Employment) Native Vegetation Precinct Plan (NVPP) and the draft Casey Planning Scheme Amendment C296case (draft Amendment) are the culmination of this planning process.

The PSP vision is for a regionally significant commercial precinct with a diverse mix of business and industry with over 6,500 jobs along with a mix of housing typologies.

The ICP sets out the monetary (standard and supplementary levy) and land contribution components for residential, commercial and industrial development, the required project costs and their apportionment and the ICP administration.

The draft Amendment proposes to amend the Casey Planning Scheme to:

- introduce the PSP, ICP, NVPP and apply the Urban Growth Zone Schedule 16 (SUZ16), Special Use Zone Schedule 8 (SUZ8) and Infrastructure Contributions Overlay Schedule 4 (ICO4)
- apply the Environmental Audit Overlay to properties in the precinct identified as having high potential for contamination
- amend the Heritage Overlay Schedule to include a heritage place.

The VPA undertook public consultation on the draft Amendment, PSP and ICP from 11 September to 9 October 2024. A total of 31 submissions were received including from landholders, Council, government authorities, industry groups and community members. The main issues raised in submissions included:

- land use mix, zoning and PSP provisions
- sensitive land uses, amenity impacts and buffers
- utilities easement access and use, and VDP crossings

- drainage scheme assets and staging
- road access and intersection and road alignment
- shared user paths (SUPs)
- cultural heritage
- bushfire buffers
- ICP (including land use budget, development agency role, projects and costing)
- other issues including:
 - open space provision
 - potential contamination
 - housing density and affordable housing
 - managing potentially contaminated land
 - native vegetation.

The VPA referred all submissions to the Victorian Planning Authority Projects Standing Advisory Committee (Committee) for advice and recommendations on the following specific issues only:

- industrial and commercial land use mix, zoning measures to support employment outcomes and managing sensitive uses
- location and size of drainage areas and delivery of DSS assets
- aspects of the ICP relating to costings, shared user paths and Council's role as Development Agency for projects on declared State Arterial Roads
- protection of an identified area of cultural heritage value
- access to Berwick Cranbourne Road and alignment of intersection project IN-01
- bushfire risk from future planting in open space and drainage assets.

Procedural issues

The Committee dealt with procedural issues including the circulation and availability of documents relating to the abattoir operation and cultural heritage assessments and whether the Committee's task was limited to the specific issues identified by the VPA. The Committee's consideration of these procedural issues is found in Appendix E of this Report.

The Committee determined, based on the wording of the VPA referral letter (Appendix B), that all unresolved issues in the referred submissions were before it.

Response to submissions

Throughout the Hearing process the VPA and Melbourne Water (in relation to the DSS) sought to respond to unresolved issues identified through submissions and evidence. This included:

- Melbourne Water producing further iterations of its DSS which reduced the overall land area for drainage assets
- VPA producing a Day 1 version of all Amendment documents (summarised in Appendix F) and a Final Day version of documents.

This greatly assisted the Committee and helped narrow the unresolved issues. The VPA changes make numerous changes to the Amendment documents, many grammatical or corrections made to add clarity and not all are addressed in this Report. The Committee's findings have adopted the VPA Final Day 1 changes (which included most Day 1 changes) unless specifically identified otherwise.

Overarching findings

The Committee considers that strategic justification for development of the precinct for employment and residential growth is unequivocal. There is strong support in various relevant strategic plans and the Casey Planning Scheme and the need for more jobs and housing in Casey is well established. The proposal will deliver net community benefit and sustainable development, and delivery of the PSP will facilitate the policy and PSP aspirations for the precinct in a measured and balanced way.

The Committee concludes the draft Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the specific issues discussed in this Report.

Findings on referred Table 1 issues

Supporting employment outcomes

The Committee concludes the VPA Final Day versions of the PSP, UGZ16 and SUZ8 with further recommended changes:

- strike an appropriate balance between employment and commercial areas consistent with the precinct's designation as a regionally significant commercial area under MICLUP
- provide appropriate provisions, including applied zones, to facilitate employment outcomes on parcels within both industry and business employment areas.

Managing sensitive uses in buffers

The protection of industry buffers from sensitive uses is a well established planning principle and supported by planning policy, the *Planning and Environment Act 1987* and the *Environment Protection Regulations 2021* and guidance including the *Separation distance guideline*, EPA Publication 1949, 2024.

The abattoir is a substantial operation which has been in existence for many years, is a significant employer and indicated it has no plans to transition out of the precinct. It is not limited in its operations by a planning permit or licences which limit on site animal numbers. The ongoing use of the abattoir is not considered contrary to the PSP vision or purposes. In this context, it was necessary to determine what the appropriate buffer should be in the PSP so as to inform the approach to managing sensitive uses.

The Committee heard extensive submissions on what the buffers should be from three odour experts, the EPA and two parties. While opinions were varied the Committee considers that the appropriate separation distances are:

- 500 metres from the abattoir activity boundary
- 707 metres from the abattoir aerobic pond.

The Committee is not satisfied that the evidence provided supported reducing the abattoir buffer to accommodate the proposed residential area west of the abattoir or that the aerobic pond buffer should be removed. Given the potential risk factors of odour impacts, the 'residential' area north of the utilities easement (which is located in both buffers) should be identified as 'business' in the PSP.

On balance, the retention of 'residential' area within the aerobic pond buffer south of the utilities easement is reasonable with sensitive uses permitted only where supported by an odour assessment as required by UGZ16.

The UGZ16 provisions for managing sensitive use buffers in the VPA's Final Day version are generally appropriate subject to further reinforcing the low risk outcomes for sensitive uses through a new requirement in the PSP.

It is appropriate to apply the Environmental Audit Overlay to areas identified as high potential of contamination supported by a Preliminary Risk Screen Assessment (PRSA) requirement in the UGZ16 for identified medium risk sites. However, the PRSA requirement should not be amended to remove the discretion to waive or reduce the requirement.

Location and size of drainage areas

The Committee concludes:

- The location and size of drainage areas, as shown in the PSP based on Melbourne Water's DSS Revision C are appropriate and provides a suitable scheme within which to subsequently resolve the detailed design of required infrastructure.
- The Final Day versions of the PSP and UGZ16 contain appropriate mechanisms to allow for land that becomes surplus to DSS needs to be returned as developable land subject to further changes to the 'Progressive certainty' note.

Delivery of the DSS

The Committee concludes the Final Day PSP with some additional changes:

- support the delivery of DSS assets, providing for staged and interim drainage assets to be considered at the permit application stage and greater clarity and guidance for Council in applying the 'generally in accordance' principle
- appropriately enable relevant parcels to deliver some DSS assets before a Statement of Compliance is issued for any stage of subdivision or development
- includes appropriate arrangements for specific parcel delivery of drainage assets.

Transport and movement

The Committee concludes:

- The alignment of intersection IN-01 has been appropriately resolved through the VPA Final Day changes to PSP 'Plan 4 Transport network and public transport'.
- Left-in/Left-out (LILLO) access to Berwick-Cranbourne Road should not be shown on the PSP Plan 4 without further traffic assessment. The suitability of a LILLO access arrangement is best assessed at the planning permit application stage.
- That said, additional guidance should be included in Plan 4 by identify a LILLO investigation area.

Cultural heritage

It is appropriate to identify the vegetation patch on Parcel 20 separately to Aboriginal Place registration AS 7921-1989 and differently to other areas in the precinct designated as having cultural heritage sensitivity. The vegetation patch is encumbered land and should not be included in the net developable area (NDA) and its significance has been identified by the Bunurong Land Council Aboriginal Corporation.

The VPA Final Day version PSP, UGZ16 and Clause 52.17 provide an appropriate mechanism for retaining and protecting cultural values and with additional PSP changes to:

- apply an alternative descriptor to the culturally sensitive area
- simplify the Plan 8 note
- identifying the vegetation patch as a different category to open space in the land use budget
- include a mechanism to enable the conversion of the land to NDA if required.

Bushfire

The Committee concludes:

- It is appropriate to consider the bushfire risk of potential vegetation in drainage assets and other open spaces as opposed to existing conditions
- The Final Day version of the PSP and UGZ16, with additional changes provide an appropriate response to the bushfire risk from future vegetation of drainage assets and open space.

ICP

The Committee concludes:

- The ICP costings are appropriate subject to the changes in the VPA's Final Day version.
- The utilities easement SUP should not be included in the ICP.
- The Thompsons Road SUP should be relocated to the road reserve and funded and delivered by the State as part of future Thompsons Road upgrade works.
- Council should be specified as the Development Agency for intersection and pedestrian signal projects on declared State Arterial Roads.

Other issues

The Committee concludes:

- The provision of local parks within employment and residential areas and their broad locations and quantum as identified in the Final Day PSP is appropriate subject to recommended changes relating to the arrangements for Local Parks (LP) LP-04 and LP-05.
- The PSP housing density targets provide appropriate flexibility for greater densities on a case by case basis. While it is appropriate to include an objective and guideline for housing affordability, they should be reworded to remove reference to Council's Housing Affordability Strategy and specific provision rates without further strategic work.
- The draft Amendment with the inclusion of the Final Day changes to the PSP, NVPP and Clause 52.17 appropriately guide retention of native vegetation across the precinct where practicable.

Recommendations

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

Amendment

- 1. Draft Casey Planning Scheme Amendment C296 case be prepared and approved as exhibited subject to the changes recommended in this Report.**

Precinct Structure Plan

2. Amend the Croskell (Employment) Precinct Structure Plan consistent with the Victorian Planning Authority Final Day version (Document 169) with further changes that:
 - a) include the Committee's changes in Tables 5, 6, 7, 11, 15, 17 and 18 of this Report
 - b) move all 'General Notes' to 'Chapter 2 PSP Outcomes'
 - c) amend the 'Place-based guidelines' description to:

'The PSP Guidelines identify matters that should be addressed by a permit application, and guide how discretion will be exercised by the responsible authority in respect of those matters. The responsible authority may consider an alternative to a guideline if it is satisfied that an application for an alternative achieves the objectives. A guideline may include or reference a plan, table or figure in the PSP.'
 - d) amend 'Plan 2 Place based plan' to:
 - identify the following sensitive use buffers:
 - abattoir: 500 metres measured from the abattoir activity boundary
 - abattoir aerobic pond component of the waste water treatment plant: 707 metres measured from the aerobic pond activity boundary.
 - show the 'residential' area north of the utilities easement and within the 500 metre abattoir buffer as 'business'
 - e) amend 'Plan 4 Movement network and public transport' to:
 - show a left in/left out 'investigation area' on Berwick-Cranbourne Road extending from the northern boundary of the utilities easement to the northern portion of Sports Reserve 02 (SR-02)
 - remove the shared user path on private land along Thompsons Road
 - delete the off-road two-way bike line along Thompsons Road within the road reserve and replace it with a shared user path
 - f) review 'Plan 12 Precinct infrastructure plan' to determine the need for SUP-02.
 - g) amend 'Plan 6 Employment and activity centre' consistent with the VPA Final Day version (Document 172f) so the 'retail' area matches the location shown in amended Plan 2
 - h) amend 'Plan 7: Public Realm and Water' (Document 172g) to locate LP-04 to the west of Development Services Scheme asset K
 - i) amend 'Plan 10 Bushfire' to:
 - refer to potential bushfire hazard areas in drainage assets and along waterways as 'riparian revegetation'
 - remove dot points one and two from the Note
 - j) amend Plans 3 to 13 to show the 'residential' area north of the utilities easement as 'business'
 - k) amend Objective O3 to read: 'To encourage affordable housing provision.'
 - l) delete Requirement R36
 - m) insert a new requirement:

'While the land at 1500 Thompsons Road, Cranbourne East is used for the purpose of an abattoir, land must not be used for a sensitive use within the abattoir and abattoir aerobic pond sensitive use buffers in Plan 2 unless the

responsible authority is satisfied that there is a low risk of offensive odour from the abattoir and abattoir aerobic pond to the sensitive use.

Sensitive uses include:

- [Include list of targeted sensitive uses].'
- n) amend Guideline G2 to read: 'Residential subdivision and development should contribute to the provision of affordable housing in the precinct'
- o) amend Guideline G23 to allow the realignment of LP-05 north of the identified VDP crossing to provide a transition to the existing residential area outside the western Precinct Structure Plan boundary
- p) amend the 'Land Use Budget' tables to identify the vegetation patch on Parcel 20 in a separate category to 'Uncredited Open Space & Regional Open Space'
- q) review the term 'culturally sensitive area' and include a definition in the Glossary of terms with the final terminology applied consistently through the Precinct Structure Plan
- r) insert a mechanism to enable the conversion of the vegetation patch on Parcel 20 to net developable area if required (and permitted) in the future.

Infrastructure Contributions Plan

3. Amend the Croskell (Employment) Infrastructure Contributions Plan consistent with the VPA Final version (Document 173) with additional changes to reflect the Committee's recommendations regarding the Shared User Path along Thompsons Road and the drainage asset abutting Thompsons Road (SUP-02).

Native Vegetation Precinct Plan

4. Amend the Croskell (Employment) Native Vegetation Precinct consistent with the VPA Final version (Document 175).

Urban Growth Zone Schedule 16

5. Amend Urban Growth Zone Schedule 16 consistent with the Committee preferred version in Appendix I.

Public Use Zone

6. Apply the Public Use Zone 1 to Melbourne Water Corporation land consistent with the Victorian Planning Authority Final Day zone map (Document 177b).

Special Use Zone Schedule 8

7. Amend Special Use Zone Schedule 8 consistent with the Victorian Planning Authority Final Day version (Document 176d).

Infrastructure Contributions Overlay Schedule 4

8. Amend the Infrastructure Contributions Overlay Schedule 8 consistent with the Victorian Planning Authority Final Day version (Document 176g) with additional changes to reflect the Committee's recommendations regarding the Shared User Path along Thompsons Road and the drainage asset abutting Thompsons Road (SUP-02).

Clause 52.17 Schedule:

9. Amend Clause 52.17 Schedule consistent with the Victorian Planning Authority Final Day version (Document 182b).

Clause 66.04 Schedule

- 10. Amend Clause 66.04 Schedule consistent with the Victorian Planning Authority Final Day version (Document 184e).**

Further recommendation

The Victorian Planning Authority undertake a final check of all Amendment documents to ensure they reflect the final Croskell (Employment) Precinct Structure Plan and Croskell (Employment) Contributions Plan and the Committee's recommendations for document changes.

1 The Committee

1.1 Terms of Reference and referral letter

The VPA Projects Standing Advisory Committee (Committee) was appointed by the former Minister for Planning on 22 July 2020. The Committee's purpose is set out in its Terms of Reference dated 17 July 2020 (Appendix A) as follows:

... to provide timely advice to the Minister for Planning and the VPA on specific matters referred to it related to various proposals, including but not limited to structure plans, infrastructure and development contribution plans, framework plans, development plans and any associated draft planning scheme amendment and planning permits.

The Terms of Reference explains the Victorian Planning Authority (VPA) will provide a referral letter to the Committee Chair:

...seeking its advice on particular matters or unresolved issues raised in the submissions and/or any other relevant matter.

The VPA referred the Croskell (Employment) Precinct Structure Plan (PSP), Infrastructure Contributions Plan (ICP), Native Vegetation Precinct Plan (NVPP) and draft Casey Planning Scheme Amendment C296case (draft Amendment) to the Committee on 23 December 2024 (see referral letter at Appendix B). This is Referral 11 to the Committee.

The Terms of Reference allow the Committee to inform itself in anyway it sees fit, but it must consider:

- a. the relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it
- b. the referred submissions
- c. *Plan Melbourne 2017-2050* (Plan Melbourne)
- d. any relevant Regional Growth Plan or Growth Corridor Plan
- e. the applicable Planning Scheme
- f. relevant State and local policy
- g. any other material referred to it.

(i) Response to Terms of Reference

Table 1 sets out the Report outcomes specified at section 20 of the Committee's Terms of Reference and the relevant chapters where the matters are addressed.

Table 1 Response to Terms of Reference outcomes

| Outcome | Report Chapter/s |
|---|--|
| Whether the referred elements of the draft amendment are appropriate. | Executive Summary, Chapters 4 - 10 |
| A summary and assessment of the issues raised in submissions referred to the Committee. | Executive Summary, Chapters 3 – 10, Appendix E |
| Any other relevant matters raised in the course of the Committee process. | Chapters 4 – 10, Appendix E |
| A list of persons who made submissions considered by the Committee. | Appendix C (all referred submissions) |

| Outcome | Report Chapter/s |
|---|------------------|
| A list of tabled documents. | Appendix H |
| A list of persons consulted or heard, including via video conference. | Appendix D |

(ii) Response to referral letter for advice on specific issues

Table 2 sets out the relevant chapters of the Report that address the advice and recommendations sought in the referral letter on specific issues.

Table 2 Response to Committee referral letter matters

| Issue | Report Chapter/s |
|----------------------|---|
| Land use | Executive Summary, Chapter 4 and Appendix I |
| Drainage and staging | Executive Summary, Chapter 5 and Appendix I |
| ICP | Executive Summary, Chapter 9 |
| Cultural heritage | Executive Summary, Chapter 7 and Appendix I |
| Transport | Executive Summary, Chapter 6 and Appendix I |
| Bushfire | Executive Summary, Chapter 8 and Appendix I |

1.2 Submissions and issues

(i) Consultation and key issues

The VPA undertook targeted public consultation on the draft Amendment including the PSP and ICP from 11 September to 9 October 2024. A total of 31 submissions were received, including from:

- precinct landholders
- City of Casey (Council), government authorities and agencies including Melbourne Water, Environment Protection Authority Victoria (EPA), Department of Transport and Planning for Head, Transport for Victoria, Department of Energy, Environment and Climate Action (DEECA), Homes Victoria and the Department of Education
- Urban Development Institute of Australia (Victoria)
- community members.

The VPA referred all unresolved submissions to the Committee (a copy of all submissions received were provided with the referral). Submission issues included:

- land use mix, zoning and PSP provisions
- sensitive land uses, amenity impacts and buffers
- utilities easement access and use, and VDP crossings
- drainage scheme assets and staging
- road access and intersection and road alignment
- shared user paths (SUPs)
- cultural heritage
- bushfire buffers
- ICP (including land use budget, development agency role, projects and costing)
- other issues including:

- open space provision
- potential contamination
- housing density and affordable housing
- managing potentially contaminated land
- native vegetation.

The referral letter requested advice on specific issues (refer to Table 1 in Appendix B) related to:

- land use, in particular industry and commercial use and sensitive uses
- drainage and staging, in particular the location and size of drainage areas and the delivery of Development Services Scheme (DSS) assets
- the ICP, in particular costings, shared user paths (SUPs) and development agency responsibilities
- Cultural heritage, particularly arrangements to protect cultural heritage values on land Parcel 20
- transport, in particular about the alignment of intersection project IN-01 and access to Berwick-Cranbourne Road
- bushfire, in particular the risk from vegetation in drainage and open space areas.

1.3 Committee process and approach

(i) Procedural issues

Procedural issues raised at the Directions Hearing included:

- whether submission issues before the Committee should be limited to the Table 1 issues and the status of resolved, unresolved and pending submissions
- availability of Day 1 changes to reflect the VPA's response to submissions summary
- requests for documents from the VPA, Wagstaff Cranbourne Pty Ltd (Wagstaff) and the Bunurong Land Council Aboriginal Corporation (BLCAC)
- deferral of the Hearing to allow the preparation of odour assessments.

These procedural issues are documented in Appendix E and informed:

- the way in which the Committee conducted its site inspection and the Hearing
- the Committee's directions about the preparation of written and oral submissions, evidence and evidence-in-chief responses to referral Table 1 issues and 'other matters'
- prepared its report, with a focus on the referral Table 1 issues but also responding to unresolved issues outside the scope of these matters noting the referral letter both:
 - refers all unresolved submissions to the Committee for advice
 - asks the Committee to limit its advice to the Table 1 issues.

(ii) Resolved and unresolved submissions

The referral letter was accompanied by the VPA's summary of submissions and their status (unresolved, pending or resolved) with proposed changes identified to 'resolve' submissions partially or in full. These changes are set out in the VPA's updated summary changes (D13a) and included in its Day 1 draft Amendment documents.

This approach reflected the VPA's ongoing proactive efforts before and during the Hearing to resolve or narrow issues where possible. Usefully the Committee and parties were updated on iterative changes made during the Hearing including through:

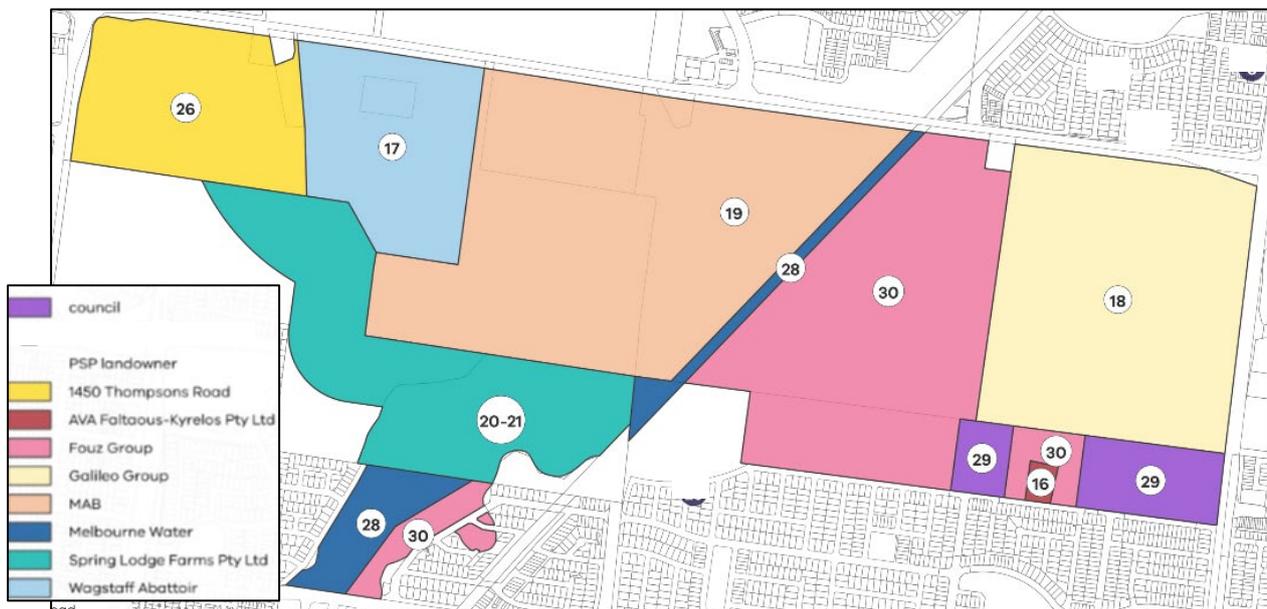
- maintaining a log of resolved issues and associated changes
- evidence or submission issue response memos (7 in total)
- its submissions, Day 1 and Final Day changes.

The VPA's efforts were beneficial to the Committee's task and appreciated by the parties and have helped lead to a more effective PSP and implementing planning provisions.

The Committee has not considered issues which the VPA has identified as resolved unless a submitter party made hearing submissions which identified that the issue was not resolved.

The Committee directed parties (who were all landholders within the PSP – Figure 1) to identify submission issues (Table 1 issues and any 'other issues') which remained unresolved before the commencement of the Hearing. The responses are summarised in Appendix E and formed the basis of the evidence and submissions at the Hearing.

Figure 1 Landholder submitter parties



Source: Copy of Document 22a, amended by Committee to show only PSP landholder party submitter numbers and locations

(iii) Amendment documentation

Before the Hearing commenced, the following documents were provided with the VPA's summary changes:

- Proposed Drainage Strategy Optimised Drainage Concept Design Report, Revision B, Water4Good, 9 December 2024 (D9)
- Proposed Drainage Strategy Optimised Drainage Concept Design Report, Revision C, Water4Good, 3 February 2025 (DSS-C) (D11) which replaced Revision B
- Land Capability Assessment Report (Rev 8), Kleinfelder, 30 January 2025 (D14) (LCA)
- ICP Interim Costs Summary (Revision E), VPA, 6 February 2025 (D17)
- ICP Designs, SMEC, January 2025 (D18)
- a range of initial PSP plan changes in response to submissions (D13).

Day 1 document versions

Day 1 versions of the following documents were circulated before the Hearing started:

- PSP (corrected version D29)

- ICP (D31)
- NVPP (D33)
- Urban Growth Zone Schedule 16 (UGZ16) (D34d)
- Special Use Zone Schedule 8 (SUZ8) (D34c)
- Infrastructure Contributions Overlay Schedule 4 (ICO4) (D34f)
- other Casey Planning Scheme provision schedule and mapping changes (D34e), g), h), i), j) and 35)
- Statement of Significance for HO137 (34k).

The Day 1 changes are summarised in Appendix F based on the VPA's Day 1 Document changes log (D37).

The following amended background documents were provided reflecting the Day 1 changes:

- Biodiversity Assessment Update, February 2025 (D69)
- Post Contact Heritage Assessment, November 2024 (D70)
- Integrated Transport Assessment, January 2025 (D71).

Final Day Amendment documents

As part of its closing submission the VPA provided Final Day Amendment versions of the:

- PSP (D169)
- ICP (D173)
- NVPP (D175)
- UGZ16 (D176e)
- SUZ8 (D176d)
- ICO4 (D176g)
- Clause 52.16 Schedule (D176h)
- Clause 52.17 Schedule (D182b – corrected)
- Clause 66.04 Schedule (D184e - corrected)
- Zone Maps (D177b).

The key changes are summarised in the issue theme chapters.

Following the Hearing:

- parties were given the opportunity to comment on the VPA's Final Day version Amendment documents – all parties made comments (documents D188 to D206),
- the VPA provided a response to comments with minor proposed changes (documents D207 to D211).

The Committee refers to the draft Amendment and documents in the following way:

- draft Amendment/document
- Day 1 version
- Final Day version.

(iv) Committee Report and recommendations

The Committee's Report focuses on the referred issues and deals with these issues under the following headings:

- Strategic context
- Land use

- Drainage
- Transport and movement
- Cultural heritage
- Bushfire
- Infrastructure Contributions Plan
- Other issues
- Drafting.

The Committee has:

- considered all referred submissions, observations from site visits, and submissions, evidence and other material presented to it during the Hearing
- reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report – all referred submissions and materials have been considered by the Committee in reaching its conclusions, regardless of whether they are specifically mentioned in the Report
- assessed the draft Amendment and Hearing versions against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Committee supports and adopts the VPA's Day 1 version of the draft Amendment documents (including requirement and guideline numbers) as summarised in Appendix F, as the basis of its Report unless specifically identified. The Committee's recommendations are based on the VPA's Final Day version of the draft Amendment documents which incorporates most of the Day 1 changes and other minor corrections and which it supports unless specifically identified otherwise.

(v) Limitations

The Committee:

- has accepted the costings of items as documented in the ICP (and reflected in the ICO4) and has not reviewed these but notes the final version should be updated to reflect any recommended changes to the ICP as a result of PSP changes
- has not undertaken a detailed review of Amendment documentation drafting beyond that relevant to the submission issues considered by the Committee in this Report. It is anticipated the VPA will review all Amendment documents prior to their finalisation to ensure consistent drafting and the inclusion of updated cross referencing of documents and planning provisions
- has not reviewed or commented on the VPA proposed changes to the draft Amendment Explanatory Statement as this is a largely administrative matter and will be informed by the final version of Amendment documents.

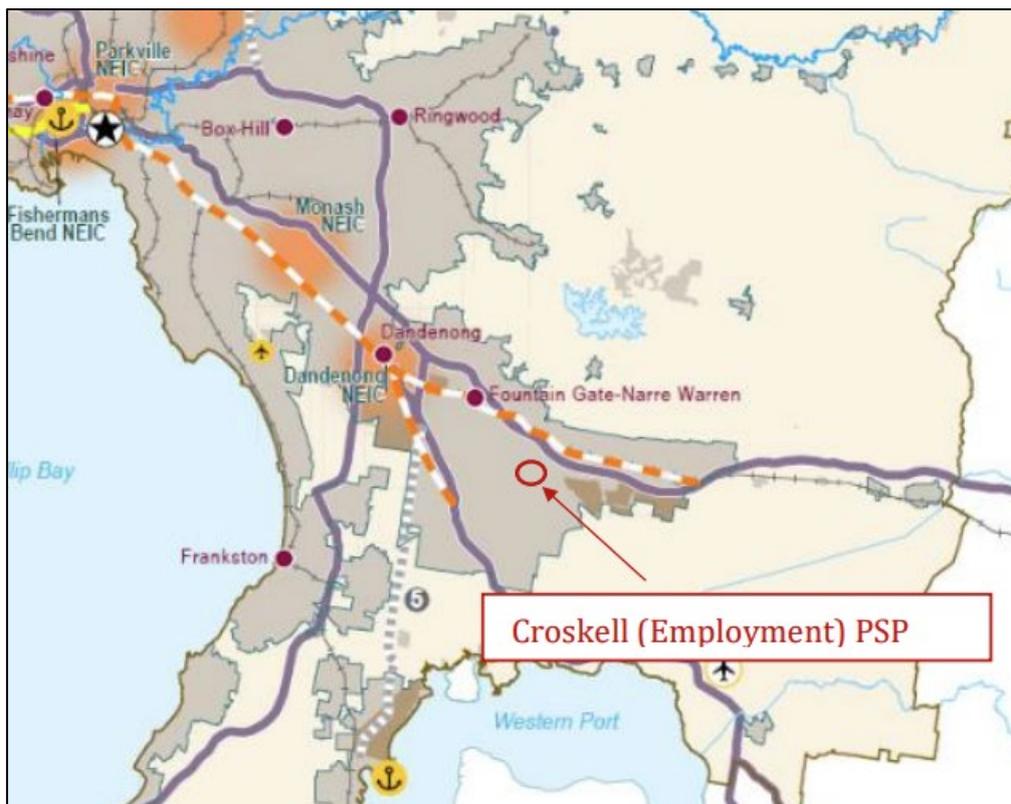
2 Croskell (Employment) Precinct

2.1 The precinct and context

(i) The precinct

The Croskell (Employment) Precinct (the precinct) spans 317 hectares and is located in the municipality of Casey and approximately 40 kilometres from Melbourne's CBD (see Figure 2).

Figure 2 Regional context and location of the Croskell (Employment) precinct



Source: Background Report – Figure 1 Growth Corridor Plan (Plan Melbourne)

(ii) Existing land use and surrounds

The precinct area, as shown in Figure 3, is bound by:

- Thompsons Road to the north, a major east west arterial road and part of the Principal Freight Network
- Narre Warren Cranbourne Road to the west and Berwick Cranbourne Road to the east both planned to be six lane primary arterial roads
- Linsell Boulevard to the south, a future four lane secondary arterial road.

The precinct comprises 26 land parcels ranging from 0.5 to 54 hectares. Current land use in the precinct includes:

- agricultural land used for grazing and food production
- pockets of industrial land use including an abattoir (Wagstaff abattoir), former quarry and concrete batching plant (Boral).

Adjoining land comprises predominantly established commercial and residential uses the result of Precinct Structure Planning for Cranbourne North, Cranbourne East, Clyde North, Clyde Creek and the Thompsons Road precincts.

Site features include:

- generally flat topography which gently slopes to the northeast from a high point around the Wagstaff abattoir site
- an unnamed waterway connecting to Ti Tree Creek to the south, dams and two wetland areas and a Melbourne Water pipeline easement (pipe track) owned by Melbourne water and containing Melbourne Water and South East water mains
- east west aligned utilities easement containing two overhead 500kv high-voltage electricity lines owned and operated by AusNet and collocated underground 200kv electrical and fibre optic cables associated with the Victorian Desalination Project (VDP)
- scattered patches of vegetation including a 5.4 hectare patch identified as having significant cultural value (Parcel 20).

Figure 3 Subject land – Croskell (Employment) Precinct



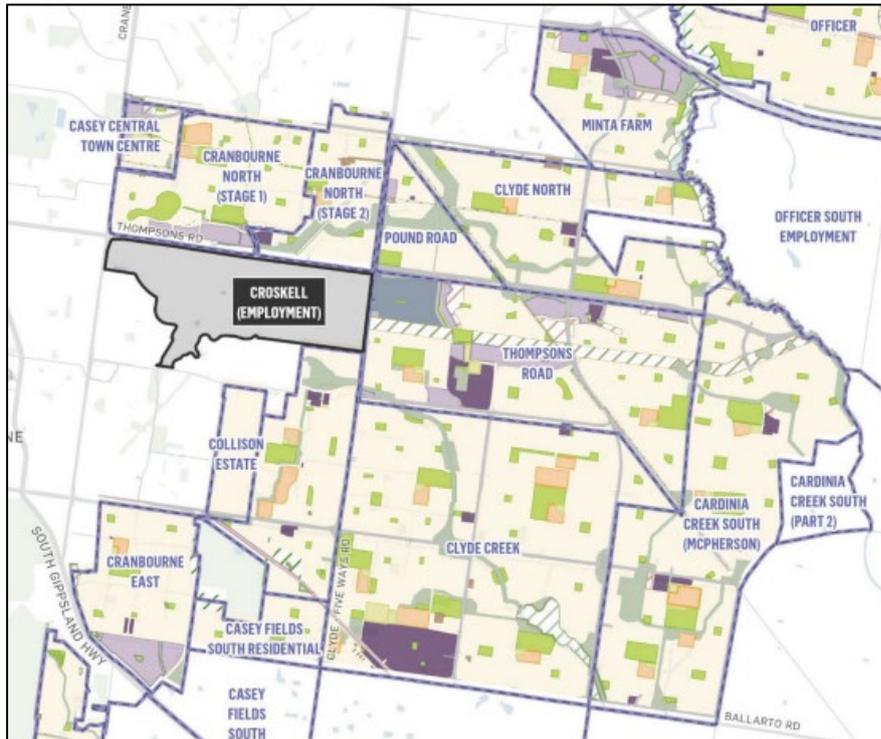
Source: Background Report Figure 9

(iii) Surrounding precincts

Completed or partially implemented PSPs in proximity to the precinct include (refer Figure 4):

- Thompsons Road, to the east and comprising residential and employment uses including a town centre, an industrial area adjacent to Berwick-Cranbourne Road, and which also accommodates the AusNet/VDP assets in a SUZ
- Cranbourne North (Stages 1 and 2), to the north and predominantly residential with some employment uses.

The Officer South (Employment) area is located east of the Clyde North PSP in the Cardinia Shire. The Officer South PSP was approved by the Minister for Planning and implemented through Amendment C274card gazetted on 27 February 2025.

Figure 4 Completed PSPs

Source: Granger evidence Figure 5 (D55 and D59)

2.2 The proposal

(i) Croskell (Employment) Precinct Structure Plan

The PSP has been prepared by the VPA in collaboration with Council. It is a long term plan to guide urban development of the precinct to 2051. It includes:

- a vision, purpose and performance targets
- requirements and guidelines for achieving objectives
- precinct infrastructure plan and land use budget details.

The PSP vision includes aims for:

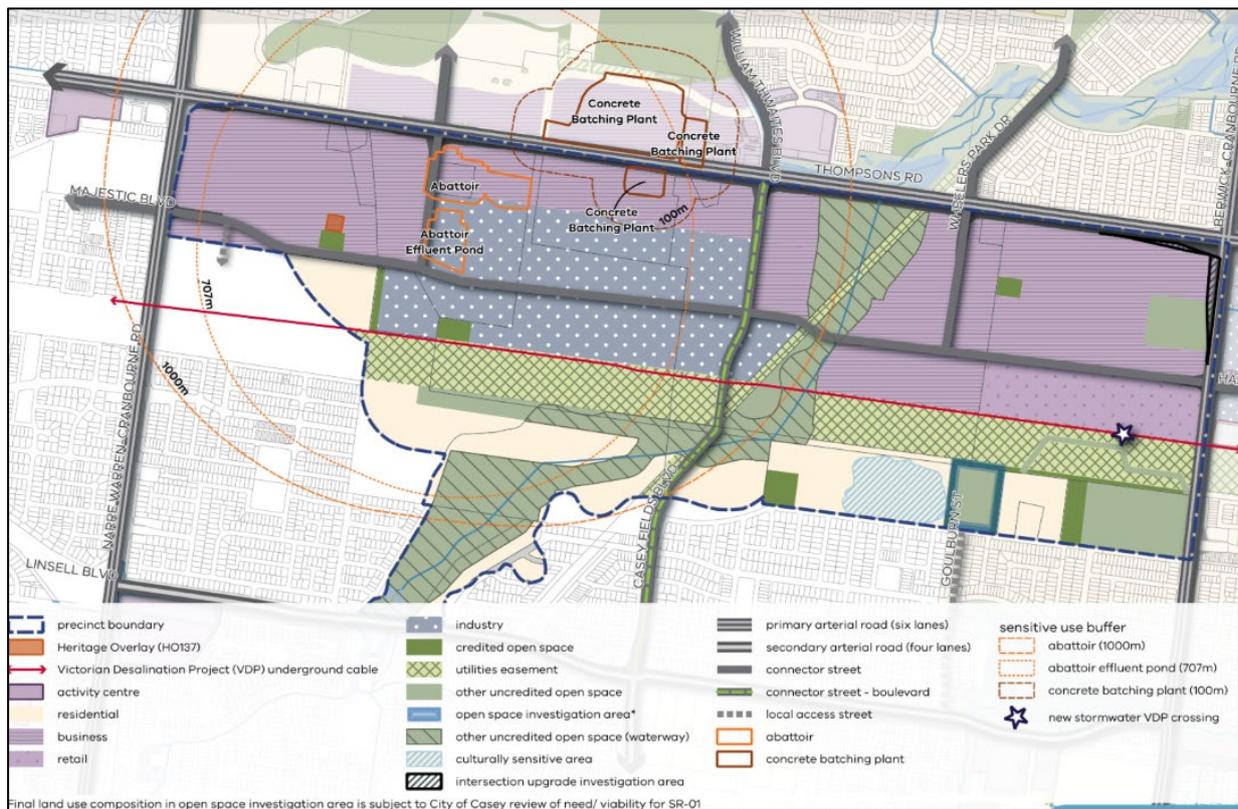
- an 'infill' precinct that builds on existing character and landscape features including a north-south green spine following future wetlands
- delivering a regionally significant commercial precinct with over 6,500 jobs along with a mix of housing typologies and densities
- extending the Thompsons Road business corridor, attracting employers by leveraging connections to other employment precincts including the Dandenong National Employment and Innovation Cluster and Officer South State Significant Industrial Precinct
- supporting local employment that will gradually transition from light industry, retail and service uses towards higher order office and commercial uses over time along key roads
- transport connections including walkable and active modes of transport across and through the utilities easement.

The Day 1 PSP includes plans to guide development including:

- Plan 2 Place Based Plan (Figure 5) which identifies:
 - future retail, business, industry and residential areas

- land for open space including active areas and local parks
- buffers to existing industry
- utilities easement and VDP cable easement
- a movement network
- a culturally sensitive area.
- Plan 11 Infrastructure and development staging Plan (refer Chapter 5)
- Plan 12 Precinct infrastructure plan (refer Chapter 6) and Land use budget plan (Plan 13)
- standard road cross sections and functional layout plans.

Figure 5 Day 1 PSP Plan 2 Place Based Plan



(ii) Croskell (Employment) Infrastructure Contributions Plan

The ICP includes details of:

- transport, community and recreation construction projects to be funded by infrastructure contributions
- the cost of those projects, their staging (Short, Medium, Long), cost apportionment and development levies to be applied (standard levy and supplementary levy) across two classes of development – ‘residential’ and ‘commercial and industrial’
- public purpose land for transport project construction, sports reserves and local parks
- timing for delivering the funded infrastructure
- implementation and administration.

The Day 1 ICP provides for 17 construction projects using the following project codes:

- Transport
 - RD – Road project (1 supplementary levy project relating to Casey Fields Boulevard)
 - IN - Intersection (6 projects)

- PED – Pedestrian signals project (2 projects)
- CU – Culvert (3 projects)
- SUP – Shared user path (4 projects including 1 project with a supplementary component)
- Community and recreation
 - SR – Community and recreation (2 projects).

The Day 1 ICP includes the following net developable area (NDA) per hectare levy:

- Standard levy:
 - Residential development: \$8,777,430
 - Commercial land industrial: \$24,244,436.6
- Supplementary levy:
 - Residential development: \$1,706,359.75
 - Commercial land industrial: \$8,197,511.91.

(iii) Background studies

The Croskell (Employment) Precinct Structure Plan Background Report (Background Report) provides detailed background information, including:

- local and regional context of the precinct including its strategic planning context, heritage values, land ownership pattern, topography, waterways, land use and transport networks
- summaries of background technical studies and engagement that informed the PSP.

The studies placed on consultation with the draft Amendment related to:

- heritage including Aboriginal cultural heritage and values and post contact heritage
- commercial and industrial land needs
- land capability infrastructure including transport, community infrastructure and open space
- bushfire
- water and utilities
- biodiversity, arboriculture and landscape.

Details of these studies are included in other chapters of this Report where relevant.

2.3 Draft Amendment

The draft Amendment seeks to facilitate development within the precinct in accordance with the PSP and ICP.

Specifically, the draft Amendment proposes to amend the Casey Planning Scheme (Planning Scheme) to:

- introduce the PSP, ICP and Native Vegetation Precinct Plan as incorporated documents in Clause 72.04
- apply the Special Use Zone Schedule 8 (SUZ8) to the utilities easement
- rezone the balance of the precinct to the Urban Growth Zone Schedule 16 (UGZ16) from the Farming Zone, Urban Growth Zone and Urban Floodway Zone
- apply the:
 - Heritage Overlay to 'Springmont' (HO137) and include an incorporated Statement of significance
 - Infrastructure Contributions Overlay Schedule 4 (ICO4) to all land in the precinct

- Environmental Audit Overlay (EAO) to properties identified as having high potential for contamination
- remove the Development Contributions Plan Overlay Schedule 4 and Development Plan Overlay Schedule 1 from the precinct
- amend the Clause 52.16 Schedule to refer to the NVPP
- amend the Clause 52.17 Schedule to refer to the UGZ16 and PSP Plan 8.

The draft Amendment retains the Land Subject to Inundation Overlay (LSIO) which applies to land within the precinct and matches the existing extent of the Urban Floodway Zone to be removed from the precinct.

2.4 Post exhibition changes - Day 1 and Final Day Amendment changes

As discussed in Chapter 1.3(iii), the VPA proposed changes in its Day 1 (refer Appendix F) and Final Day draft Amendment documents in response to issues raised in submissions and evidence. These changes are discussed in the subsequent chapters.

3 Strategic context

3.1 Planning context

This chapter identifies the planning context and Planning Scheme provisions relevant to the draft Amendment. Appendix G highlights key imperatives of relevant provisions and policies.

Table 3 Planning context

| | Relevant references |
|---|--|
| Planning and Environment Act 1987 (PE Act) | <ul style="list-style-type: none"> - Part 1 section 4, Objectives - Part 3AB, Infrastructure Contributions |
| Planning Policy Framework | <ul style="list-style-type: none"> - Clauses 11.01-1S (Settlement), 11.02 (Managing growth), 11.03-2S (Growth areas) - Clause 12.01-2S (Native vegetation management) - Clause 13.02-1S (Bushfire planning), 13.04-1S (Contaminated and potentially contaminated land), 13.05 (Noise), 13.06-1S (Air quality management), 13.07-1S (Land use compatibility) - Clauses 14.02-1S (Catchment planning and management), 14.02-2S (Water quality) - Clauses 16.01-1S (Housing supply), 16.01-2S (Housing affordability) - Clauses 17.01-1S (Diversified economy), 17.01-1R (Diversified economy – Metropolitan Melbourne), 17.02-1S (Commercial), 17.03-1S (Industrial land supply), 17.03-2S (Sustainable industry) - Clauses 18.01-1S (Land and transport integration), 18.02-2S (Movement system), 18.01-3S (Sustainable and safe transport), 18.02-1S (Walking), 18.02-2S (Cycling) - Clauses 19.03-1S (Development and infrastructure contributions plans), 19.03-2S (Infrastructure design and provision), 19.03-3S (Integrated water management) |
| Local Planning Policy Framework | <ul style="list-style-type: none"> - Clause 21.03 (Settlement and Housing) - Clause 21.04 (Environment) - Clause 21.05 (Economic Development) - Clause 21.06 (Transport) - Clause 21.16 (Cranbourne East) |
| Relevant strategies, policies and plans | <ul style="list-style-type: none"> - Plan Melbourne 2017-2050: Outcomes 1, 2, 3, 4, 5 and 6; Directions 1.1, 2.1, 2.2, 2.4, 3.2, 4.4, 5.1, 5.3, 5.5, 6.3, 6.4 and 6.5; Policies 1.1.7, 1.2.2, 2.1.3, 2.2.5, 2.4.1, 3.1.4, 4.4.2, 5.1.1, 5.3.1, 5.4.1; 6.3.2, 6.3.3, 6.4.2 and 6.5.2 - <i>Victoria's Housing Statement: The Decade Ahead 2024-34</i> - South East Growth Corridor Plan (2012) (SEGCP) - <i>Melbourne Industrial and Commercial Land Use Plan (2020) (MICLUP)</i> |
| Planning scheme provisions | <ul style="list-style-type: none"> - General Residential 1 Zone (GRZ1) - Farming Zone - Commercial 2 Zone (C2Z) - Industrial 3 Zone (IN3Z) |

| Relevant references | |
|---|--|
| | <ul style="list-style-type: none"> - Urban Floodway Zone - Special Use Zone (SUZ) - Urban Growth Zone (UGZ) - Heritage Overlay - Land Subject to Inundation Overlay - Environmental Audit Overlay (EAO) - Infrastructure Contributions Overlay (ICO) |
| Ministerial directions | <ul style="list-style-type: none"> - <i>Ministerial Direction on the Form and Content of Planning Schemes</i> - <i>Ministerial Direction 1 Potentially Contaminated land (MD1)</i> - <i>Ministerial Direction 9 Metropolitan Planning Strategy</i> - <i>Ministerial Direction 11 Strategic Assessment of Amendments</i> - <i>Ministerial Direction 12 Urban Growth Areas</i> - <i>Ministerial Direction 19 Amendments that may result in impacts of the environment, amenity and human health (MD19)</i> - <i>Ministerial Direction on the preparation and content of infrastructure contributions plans and Ministerial reporting requirements for infrastructure contributions plans (MD on infrastructure contributions)</i> |
| Planning practice notes/guidelines | <ul style="list-style-type: none"> - <i>Planning Practice Note 30: Potentially Contaminated Land (PPN30)</i> - <i>Planning Practice Note 46: Strategic Assessment Guidelines, September 2022</i> - <i>Planning Practice Note 92: Managing buffers for land use compatibility (PPN92)</i> - <i>Precinct Structure Planning Guidelines: New Communities in Victoria (VPA, 2021) (PSP Guidelines)</i> - <i>Infrastructure Contributions Guidelines (Department of Sustainability and Environment, March 2021) (ICP Guidelines)</i> - <i>Separation distance guideline, EPA Publication 1949, 2024 (Separation Guideline)</i> |

3.2 Policies and strategies specific to the precinct

(i) South East Growth Corridor Plan (2012) (SEGCP)

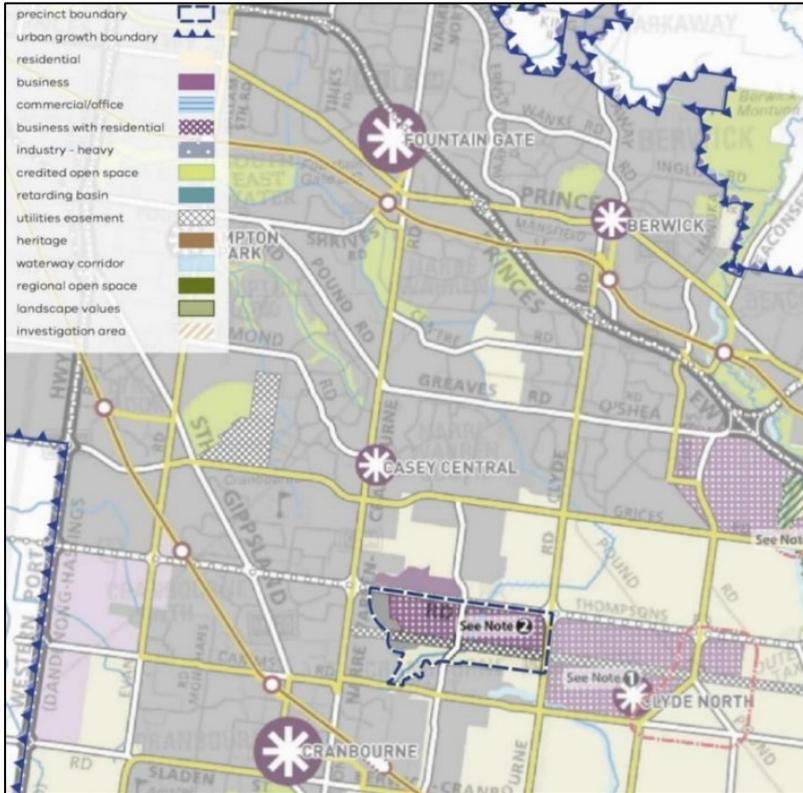
The precinct is located in an area identified in the SEGCP with a ‘business and residential’, ‘utilities easement’ and ‘residential’ land use designations (Figure 6). Note 2 seeks to “*Protect the Thompsons Road freight route from sensitive uses by including a buffer of non-residential*”. Additional background detail on the SEGCP is included in Appendix G:2.

The *South East Employment Corridor Strategic Context Report to 2060*, January 2022 (SEEC) provides an updated economic context and strategic basis for the future planning associated with employment PSPs in the South East Growth Corridor. It identifies:

- the strategic role of the precinct as a regionally significant commercial area (Business precinct) delivering intensive employment uses such as service industries, offices, and research
- the Thompsons Road interface to be preserved for industrial, freight/logistics and urban services linked to the PFN

- the precinct is connected to the Principal Public Transport Network and a large established residential catchment, with potential to expand its role to a business centre serving a larger catchment and leveraging public transport links to the broader region.

Figure 6 South East Growth Corridor Plan

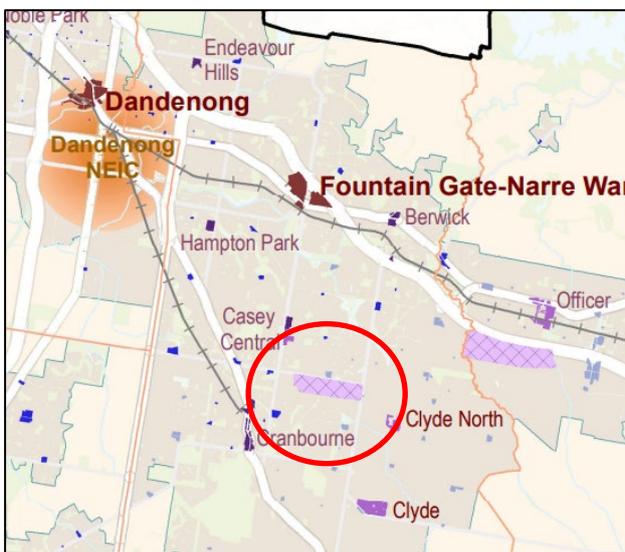


Source: Background Report, section of Figure 12

(ii) Melbourne Industrial and Commercial Land Use Plan (2020) (MICLUP)

Part of the precinct is identified in the MICLUP as a regionally significant commercial area comprising business and residential activity (Figure 7).

Figure 7 Melbourne Industrial and Commercial Land Use Plan – Southern Region



Source: MICLUP Map 13

- the Strategic framework plan and the Casey Growth Area Plan to reflect the land use designations of MICLUP and several PSPs including the Croskell PSP (Figure 9) showing employment areas north of the easement and residential areas south
- Clause 02.03-3 (Environmental risks and amenity) which seeks to protect maintain industrial buffers until those activities cease relating to also reference the land in those buffers being safe for intended use.

Council has adopted Amendment C284case with these changes and it is pending final Ministerial approval.

Figure 9 Casey C284case Panel recommended changes to Clause 02.04-1 (Strategic framework plan)



3.4 Precinct Structure Planning Guidelines 2021

The PSP Guidelines define a PSP as:

a high-level strategic plan that sets out the preferred spatial location of key land uses and infrastructure to guide decisions on staging of development, subdivision permits, building permits and infrastructure delivery.

The PSP Guidelines:

...provide the framework for preparing PSPs that guarantees quality outcomes while also being flexible, responsive and supportive of innovation by setting aspirational goals for our future communities. The approach provides a transitional model enabling 20-minute neighbourhoods to evolve over time and achieve the objectives as the area matures.

The PSP Guidelines provide the framework for preparing a PSP including minimum standards, general planning principles and performance targets.

3.5 Infrastructure Contributions Plan Framework

The ICP Guidelines usefully sets out an overview of the ICP legal framework (refer Figure 10) including the:

- relevant provisions of the PE Act in Part 3AB and associated Ministerial Direction on infrastructure contributions
- the role and key content of an ICP
- the role of the Infrastructure Contributions Overlay.

The ICP Guidelines:

- outline the key elements and operation of the ICP system
- advise on how to prepare, implement and administer an ICP
- explain how elements of the ICP system operate.

Clause 19.03 (Development infrastructure) includes the ICP Guidelines and Ministerial Direction on infrastructure contributions as a policy documents.

Figure 10 ICP legal framework

| Planning and Environment Act 1987 | Ministerial Direction | Planning scheme | |
|--|--|--|--|
| | | ICP | Infrastructure Contributions Overlay |
| <p>Sets the legal framework and requirements of the ICP system:</p> <ul style="list-style-type: none"> • Defines key terms. • Specifies the matters that must be included in an ICP. • Specifies the matters that the Minister may issue written directions about. • Sets out the process for the valuation of inner public purpose land and resolving disputes about valuations. • Specifies how infrastructure contributions are imposed and collected. • Specifies the responsibilities of collecting agencies and development agencies, including the use of levies and public purpose land, and reporting requirements. | <p>The Ministerial Direction specifies:</p> <ul style="list-style-type: none"> • The type of land where an ICP may be applied ('development setting'). • Development that is exempt from an infrastructure contribution. • Requirements for imposing a standard levy, including standard levy rates. • Requirements for imposing a supplementary levy. • Infrastructure items that can be funded from the monetary component ('allowable items') • Types of public purposes that land can be set aside for ('allowable public purposes'). • Methods for calculating the estimated value of public purpose land. • Methods for calculating land credit amounts and land equalisation amounts. • Methods for indexing levies and infrastructure costs. • The timing and method for indexing land credit amounts and land equalisation amounts. | <p>An ICP specifies:</p> <ul style="list-style-type: none"> • The area the ICP applies to ('ICP plan area'). • Contribution land. • Infrastructure projects funded through the ICP. • Land to be set aside for public purposes. • The ICP land contribution percentage for each class of development. • The monetary component of the infrastructure contribution (standard and/or supplementary levies). • The strategic justification for the infrastructure contributions. • Land credit amounts and land equalisation amounts. • Method for indexing the levies, land credit amounts and land equalisation amounts. | <p>The overlay:</p> <ul style="list-style-type: none"> • Identifies where an ICP applies. • Sets out the requirements for the granting of permits to give effect to an ICP. • Summarises the monetary component (levies) and land component (public purpose land) of the infrastructure contribution to be imposed under the ICP. |

Source: ICP Guidelines page 11

3.6 Strategic justification

(i) Discussion

No submissions opposed the strategic basis of the draft Amendment. The planning evidence of Mr Glossop, Mr Clarke, Mr Granger and Mr Woodland and the VPA Part A submission set out the strategic context of the PSP area in comprehensive detail.

The Committee agrees there is a strong strategic foundation for establishing the precinct as an employment precinct with a residential component. This is consistent with:

- Plan Melbourne, the SEGCP, MICLUP’s identification of the precinct as regionally significant commercial area

- the ongoing approach to strategic implementation through a program of PSPs and the relationship between the Croskell PSP and adjoining and nearby PSPs
- the broader Planning Policy Framework which seeks to foster economic growth by supporting diverse employment sectors, ensuring sufficient supply of commercial and industrial land, and protecting key industrial precincts in designated growth corridors
- the location of the precinct adjacent to the PFN.

The approval of this PSP will support the development of what is essentially an infill precinct and the 'missing piece in the puzzle' by accommodating extensive employment land to support growth in the region.

While noting the directions at Clause 21.16-6 do not entirely align with MICLUP in terms of the extent of future employment land this was not identified as a concern to the planning experts (given the state level policy directions for the precinct) and Amendment C284case which seeks to now align the strategic directions for the precinct. If Amendment C284case is approved as adopted the resultant framework plan continues to operate as a high level plan with subsequent planning to refine the directions at a local level through this PSP and the permit process. The Committee notes for example that the MICLUP plan and Amendment C284case framework plan does not extend the employment area to the north-west corner as now proposed. Given the high level nature of this plan this is not considered problematic.

The appropriate strategic planning tools (PSP, ICP, NVPP) and implementing statutory tools (UGZ, SUZ, ICO and the PUZ1 to Melbourne Water land as proposed in the Day 1 changes) have been applied in a manner broadly consistent with Ministerial Directions, Planning Practice Notes and other guidance documents.

The PSP, ICP and NVPP have been developed in a rigorous and robust manner and, as discussed in this Report, continued to be refined as appropriate by the VPA in response to submissions and evidence and Melbourne Water's willingness to be open to revising the DSS.

(ii) Conclusions and recommendation

For the reasons set out in this report, the Committee concludes that the draft Amendment:

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

The Committee recommends:

General recommendation

Prepare and approve draft Casey Planning Scheme Amendment C296case with the changes recommended in this Report.

4 Land use

4.1 Background

(i) Amendment documents

Day 1 PSP

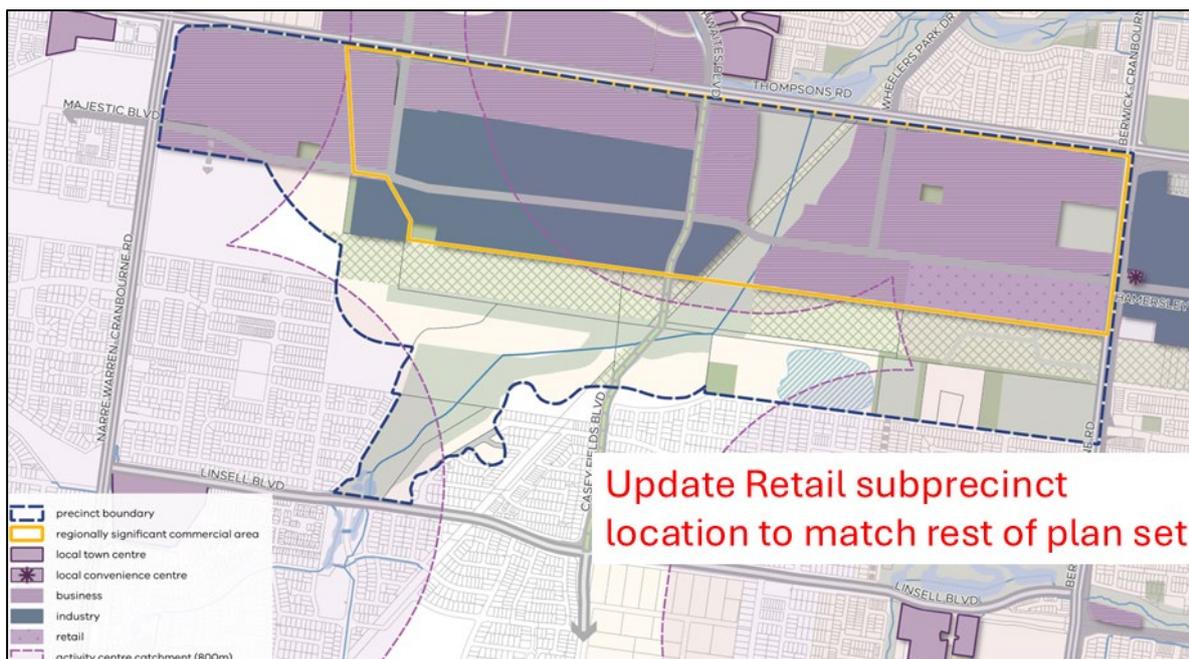
Relevant to the referred Table 1 land use issues the Day 1 PSP includes:

- Plan 2 (refer Figure 5) identifying major land uses (business, industry, retail) and existing industry buffers (abattoir and concrete batching plant)
- Section 3.3 'Connecting people to jobs and higher order services' which includes:
 - place based objectives, requirements and guidelines
 - Table 9 which sets out the applied zones and planned character outcomes for the retail, business and industry areas
 - Plan 6 'Employment and Activity Centre' (Figure 11).

The main PSP Day 1 land use related changes to the exhibited PSP include (refer Appendix F:1):

- a new progressive certainty note which provides for land not required for DSS assets to be converted to the underlying applied zone
- Plan 2 updated to show revised buffer distances for the abattoir and its effluent pond, reframing of employment land categories as business, industry and retail, a reduction in the size of the central waterway and various DSS assets as discussed in Chapter 5
- Table 9 updated to remove commercial/office and mixed use categories
- Table 10 amended to increase employment NDA commensurate with reduction in DSS assets
- Plan 6 amended to reflect employment land use changes in Plan 2 including retail node
- changes to requirements and guidelines.

Figure 11 Day 1 PSP Plan 6 Employment and Activity Centre



Ordinance changes

UGZ16 includes:

- applied zone provisions in Table 1
- land use table including conditions for sensitive uses
- application requirements including for:
 - sensitive uses within the concrete batching plant and abattoir buffers
 - Preliminary Risk Screen Assessment (PRSA) or Preliminary Site Investigation for identified parcels
- conditions for Environmental Audit
- decision guidelines including for sensitive use buffers.

SUZ8 includes provisions for the use and development of the utilities easement.

The main Day 1 ordinance changes (refer Appendix F:4) include:

- applying the PUZ to Melbourne Water land
- amending the UGZ16 applied zones table to reflect PSP land use category changes, changes to PRSA requirements and other minor changes and corrections.

(ii) Background reports

Exhibited documents:

- *Commercial and Industrial Land Needs Assessment and Implementation Plan*, Geografia, July 2023 and Addendum, July 2024 (D3j)
- *Land Capability Assessment Report*, Kleinfelder, July 2024 (D3I).

Supplementary reports:

- *Land Capability Assessment Report (Rev 8)*, Kleinfelder, 30 January 2025 (LCA) which considered the risks of potential contamination and the identification of odour separation distances for the abattoir.

(iii) Evidence

Table 4 lists the land use planning and buffer evidence called by parties.

Table 4 Land use and buffer experts

| Expert | Firm | Area of expertise | Party | Reports |
|-------------------|-----------------------------|-------------------|-----------------|-----------|
| Evan Granger | Urbis | Planning | Galileo | D55 |
| | | | Fouz Group | D59 |
| John Glossop | Glossop Town Planning | Planning | MAB | D47 |
| Andrew Clarke | UPco | Planning | Wagstaff | D51 |
| | | | Cranbourne 1450 | D53 |
| Dr Iain Cowan | Zephyr Environmental | Odour buffers | Spring Lodge | D88, D88a |
| Dr Jason Shepherd | SLR Consulting | Odour buffers | Spring Lodge | D89, D105 |
| Mark Woodland | Echelon Planning | Planning | Spring Lodge | D90 |
| Peter Ramsay | Peter Ramsay and Associates | Odour buffers | Wagstaff | D87 |

(iv) Utilities easement

During the Hearing, Melbourne Water advised that its discussions with AusNet had identified that it was proposing a third transmission line with towers to the south of the existing high voltage line assets at a similar spacing (D72). Melbourne Water indicated this would require changes to its DSS and associated land area to avoid the future transmission towers, and an alternate VDP crossing point (refer Chapter 5).

4.2 Industry and commercial land use**4.2.1 The issues**

The referred Table 1 issues are whether:

- the balance of industry and commercial employment areas are appropriate to facilitate outcomes consistent with the precinct's designation as a Regionally Significant Commercial Area under MICLUP
- appropriate provisions, including appropriate applied zones, are included to facilitate employment outcomes on parcels within both industry and business employment areas.

The Committee discusses each of these issues separately in the following sub-chapters.

4.2.2 Balance of industry and commercial employment areas**(i) Evidence and submissions**

Submissions from most parties considered the balance of industry and commercial employment areas broadly appropriate but the land area (referred to also as 'land take') associated with the DSS should be reduced in favour of NDA.

Melbourne Water said its changes to the DSS from Revision A to Revision C resulted in a significant 19.8 hectares decrease in land required for its assets.

The VPA identified its Day 1 changes from reduced DSS land area and other changes would result in an additional NDA of 21.7 hectares, mostly for employment land with a slight reduction in residential land. This increased the precinct's total employment land NDA to 164.3 hectares and 7,000 potential jobs).

Mr Clake supported the designation of the Cranbourne 1450 land as 'Business' rather than 'Commercial/Office' as proposed in the Day 1 version of Plan 2 and 6. He considered the site's inclusion in the PSP as an employment area reflected its intended use, arterial road frontage and influence of the abattoir buffers.

Mr Glossop considered the mix of commercial and industrial uses appropriately reflected MICLUP's designation of it as a regionally significant commercial areas, noting such areas have a primary role for economic and employment purposes. The land use designations supported the SEEC's identification for a medium term predominance of industrial activity moving towards innovation and higher order employment uses.

Mr Granger considered that significant policy support existed for a predominantly employment focused PSP and that he was comfortable with the PSP's layout of the employment and residential areas including Day 1 changes which:

- simplified the 'Business' designation
- increased employment NDA which better aligned with MICLUP

- reconfigured the eastern 10 hectare retail node on the Galileo land along Berwick Cranbourne Road.

As discussed in Chapter 10, Mr Granger advocated for further opportunities to maximise commercial NDA by reducing areas of unencumbered open space. The VPA did not support this proposal.

(ii) Discussion

Following the Day 1 changes to the PSP, parties and planning experts were broadly comfortable that the industry and commercial land use mix struck the right balance and was consistent with the MICLUP. Allocating over 80 per cent of the precinct's NDA for employment uses in the Day 1 version is consistent with MICLUP directions that regionally significant commercial precincts:

... should have a primary role for economic and employment purposes with no less than 50 per cent of the land in each precinct being allocated for these purposes. [Committee's emphasis]

The introduction of a progressive certainty note (as discussed in Chapter 4.2.3) provides further opportunity for additional employment NDA.

The inclusion of the Cranbourne land in the PSP as business, which is currently zoned for residential purposes, further supports MICLUP and makes appropriate usage of arterial road frontages and the PFN and relationship with established commercial uses to the west.

The Day 1 proposal to change the 'commercial/office' and 'mixed use' land use designations to business is appropriate. While it is likely over time some commercial and office activities will locate along the arterial road frontage to maximise exposure it is appropriate that a high level strategic direction does not force this outcome, particularly when access to Thompsons Road as a PFN should be maximised for industrial and other activities requiring access to strategic road networks.

The Day 1 PSP reconfigured the eastern 10 hectare retail node along Berwick-Cranbourne Road as shown in Figure 5 (rather than extending further westward along the proposed east-west connector road) in response to the Galileo submission. The Committee supports this change considering it logical and a superior planning outcome which maximises arterial road frontages and proximity of other retail activities to the east and reduces potential interface conflicts with industry uses. While this change was shown in the Final Day changes to Plan 2 it was not reflected in Plan 6. This should be corrected in the final version of the PSP.

The Committee is comfortable that the Day 1 PSP strikes an appropriate balance (and spatial allocation) of commercial (more appropriately expressed as business in the context of Day 1 changes) and industry. It reflects:

- the directions and objectives of the MICLUP, SEEC and Plan Melbourne including the provision of industrial and employment land supply
- the Planning Policy Framework including Clauses 17.01-1S, 17.01-1R, 17.01-2S, 17.02-1S, 17.03-1S and 17.03-2S
- the central location of the established abattoir and concrete batching plant areas and associated buffers and future business/industrial interfaces
- the strategic importance of the PFN
- the precinct vision and objectives for land use transition over time and public realm and gateway objectives for arterial and boulevard roads.

(iii) Conclusion

The Committee concludes:

- The Day 1 PSP (subject to other recommendations in this report) strikes an appropriate balance between industry and commercial employment areas and is consistent with the precinct's designation as a regionally significant commercial area in M1CLUP.

4.2.3 Facilitating employment outcomes**(i) Evidence and submissions**

Submissions sought changes to the provisions of the PSP and UGZ16 to ensure it would deliver appropriate employment outcomes.

Applied zones

Mr Glossop considered the C2Z, as the applied zone for business land, was logical and appropriate as the zone facilitates a range of industrial and commercial activities. This provided flexibility to allow development to respond to forecast demand, the SEEC vision and M1CLUP which recognises that service and higher order industries form part of the commercial land mix.

Mr Clarke agreed, considering the C2Z supported a number of employment uses 'as of right' (without the need for a permit). He supported the removal of the MUZ from the southern edge of the Cranbourne 1450 land considering the VPA's Day 1 change sensible avoiding potential land use conflict and reflected the intention of Cranbourne 1450 to develop the site entirely for employment purposes.

Submissions supported the concept that land not required for drainage assets following more detailed design and DSS finalisation should revert to the applied zone for adjacent land but pointed to issues with the mechanism to affect this.

MAB said it was not sufficient or legally effective to only address 'reversion' in the PSP's Progressive certainty note. A suitable mechanism was required in the UGZ16. MAB submitted this could be best addressed to avoid uncertainty by identifying the applied zone for all drainage land to be the same as the applied zone for adjoining land rather than the PCRZ. This position was supported in the submissions of Fouz Group and Galileo. Spring Lodge identified similar changes to add greater certainty to this outcome being 'generally in accordance' with the PSP.

The VPA's Final Day UGZ16 sought to address these concerns by removing the application of the PCRZ to DSS assets in the applied zone provisions in Table 1, amending it as follows:

| | |
|--|--|
| Land shown on plan 1 of this schedule Residential All other land | Applied zone provisions Clause 32.08 – General Residential Zone |
| Land shown on plan 1 of this schedule Industry | Applied zone provisions Clause 33.03 – Industrial 3 Zone |
| Land shown on plan 1 of this schedule Business / Retail Other uncredited open space north of utilities easement | Applied zone provisions Clause 34.02 – Commercial 2 Zone |
| Land shown on plan 1 of this schedule Arterial Road | Applied zone provisions Clause 36.04 – Transport Zone 2 Zone |

Post-drafting submissions from Wagstaff, Spring Lodge, Galileo and Foz Group sought further changes including that Table 1:

- be more explicit about how the applied zones apply to credited open space, connector roads in the IN3Z and B2Z, noting that otherwise they default to the GRZ1 as 'All other land'
- reinstating 'Other uncredited open space south of utilities easement' under 'Residential'.

The VPA did not support these changes.

Use of utilities easement and provisions of SUZ8

Several submissions (supported by evidence) sought greater acknowledgement and support for using the utilities easement for employment uses and development in the:

- PSP which was otherwise limited to a note on Plan 5 and Guideline G10
- SUZ8 which was considered restrictive particularly when compared to the approach used for the Thompsons Road PSP (SUZ4) and Officer South PSP.

While supporting the application of the SUZ8 to the utilities easement which occupied some 10.5 hectares of its land, Galileo sought greater direction about the role and expectations for its employment use in the PSP and SUZ8. Mr Granger also supported the application of the SUZ8 in a manner consistent with SUZ4. He supported the VPA Day 1 changes to include:

- a breakout box on Plan 5 identifying the easements accommodation of limited activities consistent with AusNet's *Living with transmission lines* (D99)
- a new guideline that land in the easement should be used for ancillary commercial and industrial uses compatible with the easement.

However, Mr Granger was concerned that:

- the utilities easement was designated as 'uncredited open and regional open space' in the summary land use budget and that it should be moved to its own category
- the PSP plans showed the easement with a green colouring suggesting its primary purpose after its utility function was open space and should instead be coloured to reflect its employment focus
- the Plan 5 breakout box relied on a non-statutory document in the AusNet document and should instead include a list of acceptable use examples
- unlike SUZ4, SUZ8 did not provide clear support for a range of uses and development or a larger range of Section 1 (permit not required) and 2 (permit required) uses.

MAB also sought more explicit guidance in the PSP and SUZ that supported the use of the easement for appropriate commercial and industrial purposes. It supported Mr Glossop's recommendation that the SUZ8 and PSP be updated consistent with SUZ4 providing a marked up version of:

- the PSP (D112) which:
 - deleted 'ancillary' from the description of easement commercial and employment uses
 - identified the easement is for open space and permitted commercial and industrial uses and a guideline which identified preferred uses and development.
- SUZ8 (D114) which:
 - amended the second purpose to provide for a 'range of uses'
 - would provide for a greater range of 'as of right' Section 1 uses consistent with SUZ4.

The VPA's Final version included changes identified in its Memo 6 (D138) to:

- amend Guideline G10 to replace 'ancillary' with 'permitted'
- amend Plan 5 to change:
 - the legend to differentiate between the high voltage electricity easement and the Melbourne Water pipe track easement
 - the Utility Easement legend item to include "*(open space and permitted commercial/industrial uses)*"
 - amend the insert box text to remove reference to the AusNet document consistent with changes to Guideline G10.

The VPA did not support further changes to the SUZ8 including to the purpose or Table of uses. It submitted that SUZ4 and the associated Thompsons Road PSP was over 10 years old and did not capture the VDP assets in the wider easement. It said making the SUZ more explicit in terms of uses was a flawed approach which set up erroneous expectations.

Progressive certainty

As discussed in Chapter 5, submissions supported the VPA's Day 1 PSP version's introduction of a progressive certainty note into the PSP enabling surplus DSS land to be used and developed in accordance with the applied zoning.

Council proposed that the General Notes (including the progressive certainty note) are moved to a more prominent location and not standing on their own.

PSP requirements and guidelines

Mr Glossop recommended several changes to the Day 1 PSP to accommodate the intended medium and longer term outcomes precinct including to:

- be more explicit in support for industry as a key driver for employment
- Requirement R12 to include reference to 'development' to achieve the character outcomes of Table 9
- Requirement R13 to:
 - address the conflict between providing a 'diversity of lot sizes' and 'to protect large lots' to provide greater flexibility to move towards innovation and higher order employment uses over time consistent with Objective O9
 - clarify the sensitive interfaces where built form treatments would be used
- Requirement R14 to reduce jargon and clarify requirement language
- Requirement R15 to clarify transition areas
- Guideline G9 to simplify content
- Guideline G11 to clarify what was intended by 'finer grain' buildings at 'interface' areas
- Guideline G12 to remove references to Council design guidelines that are not part of the Casey Planning Scheme
- amend Table 9 for Business (C2Z) land to:
 - add 'industry' in the uses to be supported as some are permitted in the C2Z and to reflect its significant role in the medium term
 - tighten language
 - consider whether building height is important or if activation is a more important outcome
 - re-insert design guidance for identified boulevard/gateways
- amend Table 9 for Industry (IN3Z) land:

- direction for 'small scale' industrial services is unclear and inconsistent with objectives for adaptability and flexibility
- remove reference to mixed use precincts and add 'where applicable' clarify tree island/sunshade direction.

Mr Granger did not support Objective O13 which sought to support night-time economy in appropriate locations. He considered it was unclear what constituted appropriate locations and there were no supporting requirements or guidelines. VPA did not support the change.

(ii) Discussion

Applied zones

The planning experts all agreed the applied zones for business (C2Z) and industry (IN3Z) were appropriate. The Committee considers that these zones are the appropriate applied zones and will support the mix of activities sought in the PSP's vision, objectives and Table 9 character outcomes.

UGZ16 Table 1 however does not account for credited open space, and the 'all other land' catchall under residential (GRZ1) is considered problematic.

The Committee observes that recently approved UGZ schedules identify applied zones in several ways – at a high level as proposed here or more descriptive to pick up credited open space (as PPRZ) and non-arterial roads in the Transport Zone. In this instance, applying an applied zone to connector roads is complicated (given they typically abut more than one land use type) or the appropriate zone is not yet clear based on the road hierarchy. It is not unusual for local parks and open space to be located within the same zoning as adjoining land. Once the open space reserves are created and in public ownership they can be rezoned appropriately.

Noting the Committee's recommendations in Chapter 4.3 to amend the residential designation north of the utilities easement to business, it would be clearer to amend the 'All other land' descriptor to '*All other land south of the utilities easement*' [Committee's emphasis]. This would clarify the applied zoning of the culturally sensitive area and uncredited open space south of the easement and how the connector roads are treated north of the easement.

Use of utilities easement and provisions of SUZ8

The Committee supports the ability for the utilities easement to be used for a range of employment uses, but this should not compromise its primary role and asset protection function. Given the likelihood of a third transmission line in the easement, challenges of crossing the VDP easement and restrictions on building under a transmission line its use will be limited.

The application of the SUZ to the utilities easement is appropriate and reflects the approach taken to PSPs to the east of the precinct. It would be desirable to not keep creating new schedules to the SUZ to achieve largely the same outcome along its length. However as identified by the VPA, the SUZ4 applying to the Thompsons Road PSP is over 10 years old and the VDP assets were not a consideration at the time. The relationship between land uses north and south of the utilities easement in that PSP are also quite different to this precinct.

The Committee does not support widening the range of Section 1 and 2 uses. The exhibited version of SUZ8 has few prohibited uses thereby allowing for a wide range of uses to be considered. It also provides exemption from notice and review. No party suggested the prohibited uses should be permitted. A limited range of Section 1 uses is appropriate given the

range of considerations and asset operators. Other than updating the final PSP reference, no further changes are required to the Day 1 version of the UGZ8.

The Committee supports the VPA's Final Day changes to Guideline G10 and Plan 5 in relation to the use of the utilities easement.

Progressive certainty and General Notes

The Committee supports the inclusion of a progressive certainty note in the PSP and considers it will provide the opportunity for additional employment NDA land subject to further detailed design and the approval of Melbourne Water. Drafting of the note is discussed in Chapter 5.2.

The Committee supports moving all General Notes from the front of the document to Chapter 2 'PSP Outcomes' so they are more prominently embedded in the PSP and follow the Context chapter.

Requirements and guidelines

The VPA's Day 1 and Final Day PSP employment related changes to requirements and guidelines including Plans and Tables responded to many of the submissions and planning evidence suggestions. The Committee has sought to capture these in Table 5 below with its position and recommendations on those changes noting the reference to requirement and guideline numbers reflects the Day 1 numbering. Minor corrections and changes where not identified in Table 5 are supported.

Table 5 Committee response to VPA Final Day changes to Day 1 PSP version for employment outcomes

| Day 1 PSP ref | VPA Final Day position | Recommendation |
|---------------|---|--|
| Vision | Amend 2nd sentence of 2nd para to: <i>The PSP will play a key role in supporting local employment aspirations and the types of businesses that locate in the precinct are expected to commence with <u>appropriate manufacturing, light industrial, retail and service uses that will gradually transition towards higher order office and commercial uses over time within designated areas along key frontage roads.</u></i> | Support. Include in final version. Further changes to the vision are not necessary to further emphasise the role of industry – this is because the MICLUP identifies the area as a commercial precinct and the term commercial has been applied in a generic way to include 'business' and 'industry' which are also explicitly referred to in the first PSP purpose. |
| Plan 2 | Remove legend entry 'other uncredited open space (waterway)' and associated hatching from the plan | Support. Include in final version. |
| Plan 5 | Differentiate between the high voltage electricity easement and the Melbourne Water pipe track easement in the plan legend/colours by: <ul style="list-style-type: none"> - updating the legend to: <ul style="list-style-type: none"> - show the high voltage electricity easement with a purple tint (excluding the VDP easement area) - change the legend item for the purplish-tint | Support. Include in final version. |

| Day 1 PSP ref | VPA Final Day position | Recommendation |
|-----------------|--|---|
| | <p>utility easement to: <u>Utility Easement (open space and permitted commercial/industrial uses</u></p> <p>- amending the text box text to:</p> <p><u>The high voltage electricity easement may accommodate permitted commercial or industrial uses that do not interfere with the Victorian Desalination Project assets/easement or relevant electrical transmission easement authority assets</u></p> | |
| Requirement R12 | Amend to: <u>Subdivision and development of employment land must be generally in accordance with Plan 6 Employment and activity centre and Table 9 Employment Area Planned Character Outcomes to the satisfaction of the responsible authority.</u> | Support inclusion of 'development' to ensure the character outcomes can be achieved. The Table 9 outcomes are sufficiently detailed to support the requirement despite being expressed as 'should'. |
| Requirement R13 | Amend second dot point to: <u>provide a diversity of lot sizes at subdivision to meet the needs of a range of commercial business and industries while ensuring that large lots are provided to facilitate larger footprint economic and employment uses and protect opportunities for future higher order redevelopment.</u> | Support subject to the third dot point being amended for clarity to: <i>Break up car parking areas by providing tree islands at a rate of at least one island per six spaces where feasible.</i> |
| Requirement R15 | Amend to: <u>Development within business and industry areas must provide a transition to any existing or future adjacent residential uses or heritage buildings. Transition may be achieved through the use of landscaping, differences in building height, setbacks and materials or other methods to the satisfaction of the responsible authority.</u> | Support. Include in final version. |
| Guideline G9 | Amend the first sentence to: <u>Subdivision and development of employment land should:</u> | Support. Include in final version. |
| Guideline G10 | Amend to: <u>Land within the high voltage electricity easement should be utilised for ancillary permitted commercial and industrial uses, compatible with the utilities easement</u> | Support although noting the word 'permitted' is not necessary as prohibited uses cannot be approved in the SUZ8 |
| Table 9 | <p><u>Business (C2Z):</u></p> <p>Amend the first sentence to: <u>The Business area is located along key arterial, and local or connector entry streets, and within the heart of the precinct set back from the arterial road frontages.</u></p> <p>Add a new sentence stating: <u>Uses located along</u></p> | <p>Support subject to:</p> <p><u>Business:</u></p> <p>- adding an additional dot point under 'Business' 'Subdivision and development ...' as</p> |

| Day 1 PSP ref | VPA Final Day position | Recommendation |
|-----------------|---|--|
| | <p><u>arterial roads, including Thompsons Road and Casey-Fields Boulevard, should evoke a gateway character.</u></p> <p>Amend third dot point to state: <i>Encourage multi-storey buildings to locate on <u>arterial frontages, and adjacent to key local or connector entry street frontages and waterways and drainage areas.</u></i></p> <p><u>Industry (IN3):</u> Amend to: <i>The Industry area is envisaged as supporting a range of <u>small-scale appropriate industrial based services uses with limited sensitive use impacts. Uses with the industry area are expected to integrate well with the surrounding commercial business and mixed-use residential areas.</u></i></p> | <p>proposed in VPA’s post drafting comments as this appropriately responds to the evidence of Mr Glossop: “Provide medium and large scale lots along arterial frontages”</p> <p>- amending the second dot point to add clarity: “Minimise side setbacks ...”</p> <p><u>Industry:</u> The second to last dot point relating to tree islands and sun shade devices is unclear and should be rewritten to its clarify intent and application.</p> |
| Requirement R17 | Delete | Support. Delete from final version |

In relation to the submission issues not addressed in the VPA Final Day PSP, the Committee recommends further changes as identified in Table 6 below.

Table 6 Committee’s additional recommended changes to VPA Final Day PSP version for employment outcomes

| Day 1 ref | Committee discussion | Recommendation |
|---------------|--|--|
| Guideline G11 | This guideline is unclear about what is intended to be achieved through a “finer grain of buildings”. There are other potential forms of design response which could achieve suitable transition outcomes. | Delete “by encouraging finer grain style of building” or include additional explanation of the built form outcomes sought. |
| Guideline G12 | A guideline should not refer to secondary design documents that have no Planning Scheme status. The Committee was presented with no information about the content of these documents, why they are particularly relevant to this precinct or in a high level strategic document. | Delete G12. |

(iii) Conclusions and recommendations

The Committee concludes:

- The PSP, UGZ16 and SUZ8 (VPA Final Day version) provide appropriate provisions including appropriate applied zones, to facilitate employment outcomes on parcels within both industry and business employment areas.
- That said:
 - The PSP should be further amended consistent with the Committee’s recommendations in Tables 5 and 6 of this Report.

- UGZ16 should be amended to include changes to Table 1 to amend the 'All other areas' applied zone.
- The 'General notes' should be relocated to the 'PSP Outcomes' chapter so they are more prominently embedded in the PSP.

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 169) with further changes that:

- **move all General Notes to 'Chapter 2 PSP Outcomes'**
- **amend 'Plan 2 Place based plan' consistent with the VPA Final Day version (Document 172b)**
- **amend 'Plan 6 Employment and activity centre' consistent with the VPA Final Day version (Document 172f) so the 'retail' area matches the location shown in Plan 2**
- **include the Committee's changes in Tables 5 and 6 of this Report.**

Urban Growth Zone Schedule 16

Amend Urban Growth Zone Schedule 16 consistent with Committee preferred version in Appendix I to amend 'Table 1: Applied zone provisions' to replace 'Any other land' with 'All other land south of the utilities easement' and correct the reference to General Residential 1 Zone.

Special Use Zone Schedule 8

Amend Special Use Zone Schedule 8 consistent with the VPA Final Day version (Document 176d).

4.3 Sensitive uses

4.3.1 The issues

The referred Table 1 issues are whether:

- including sensitive uses within identified buffers is appropriate
- the UGZ16 provisions that mandate additional assessments to support the use and development of land for sensitive uses within identified buffers are appropriate to manage land use conflict or potential contamination.

The Committee discusses each of these issues separately in the following sub-chapters. The referral issue matters did not extend to providing advice on what buffers or separation distances should be applied to the Wagstaff abattoir in particular. However, this was a key issue in the referred submissions of Wagstaff and Spring Lodge and central to the question of how to manage sensitive uses within the odour buffers of a large and long established abattoir operation including the location of residential areas within the PSP and the applied zoning and application requirements for sensitive uses in the SUZ16. The Committee has therefore considered submissions and evidence regarding the designation of abattoir buffers for the purposes of informing its consideration of the referral issues.

4.3.2 Wagstaff abattoir buffer

(i) Evidence and submissions

Wagstaff said its abattoir operations had operated at 1500 Thompsons Road since the early 1900s supplying beef (calves), lamb and goats to domestic and international markets and was one of the largest meat processors in Australia. It continues to steadily increase production through processing efficiencies and new plant and equipment.

Its operations include:

- the receipt of livestock daily (predominantly sheep) which are held for 1 or 2 days in undercover holding yards and external holding areas
- about 30 daily semitrailer trips for livestock transport, dry goods and packaging deliveries, waste collection and outbound product deliveries
- approximately 330 persons employed during a typical shift directly associated with processing activity.

EPA

The EPA recommended:

- the *Separation distance guideline*, EPA Publication 1949, 2024 (Separation Guideline) inform the separation distance applied for the abattoir (estimated to be 1,000 metres)
- the separation distance of 1,000 metres only be varied if supported by a risk assessment
- the separation distance should be measured from an activity boundary inclusive of the 'pond area'.

The EPA supported the application of a 1,000 metre odour separation distance for sensitive uses from the abattoir's activity boundary (abattoir building, livestock holding area and pond area) based on the Separation Guideline [Committee's emphasis]. It identified the 1,000 metre distance was based on an abattoir of more than 10,000 standard animal units (SAU) each day and the findings of the LCA.

EPA said it was important to address land use compatibility early in the land use planning process to avoid potential future conflicts and impacts on amenity and human health. It said the VPA as the 'agent of change' should have undertaken a risk assessment to inform any separation distance variation and to mitigate potential impacts and it was not appropriate to now defer this process to the permit stage.

The EPA's addendum submission (D144) advised that the SAU for sheep be calculated as a weight proportion of a 600 kilogram cow (Standard Cattle Unit) based on *the draft Animal production separation distance requirements*, Department of Energy, Environment, May 2023 (*Agriculture Victoria guidelines*) (D148e) and Agriculture Victoria advice. Based on this advice a meat sheep (or goat) of 60 kilograms had an SAU of 0.1. This rate would then be applied based on the maximum daily throughput to determine the recommended separation distance [Committee's emphasis].

The EPA acknowledged that the evidence identified that the 1,000 metre buffer was conservative but noted the inconsistent SAU assumptions used.

It advised separation distances should be measured from an activity boundary, with the Separation Guideline identifying:

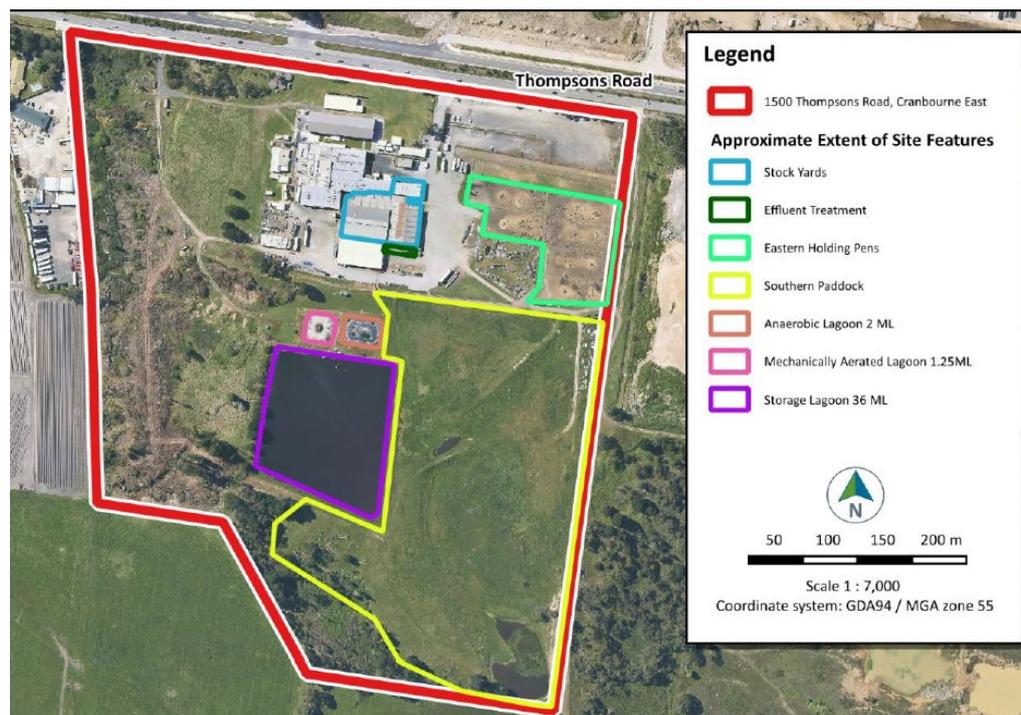
The activity boundary is the area that includes all current and proposed industrial activities (including plants, buildings and other sources) that may produce odour or dust emissions.

A risk assessment prepared to vary a recommended separation distance could establish a different activity boundary.

Evidence

Mr Ramsay’s evidence set out the key features of the site including the large primary processing building, livestock holding areas and wastewater treatment plant (WWTP) including a mechanically aerated lagoon, a covered anaerobic lagoon and storage lagoon (pending discharge to sewer under a Trade Waste Agreement) (Figure 12).

Figure 12 Wagstaff abattoir site features



Source: Ramsay evidence Figure 2 (D87)

Mr Ramsay identified that:

- stock is held in either the undercover pens (able to hold up to 6,000 sheep) or outdoor holding areas to the east (able to hold up to 5,600 sheep) and during peak periods the paddock to the south (able to hold 3,000 – 5,000 sheep)
- the abattoir normally processes up to 6,000 head per day with up to 12,000 head held on site to allow for two days of processing.

Mr Ramsay agreed with the EPA that the relevant document for determining the separation buffer was the Separation Guideline which recommended the following separation distances (using the Urban Method) for Abattoir (and noting SAU was not defined):

| | | | |
|-------------------------|---|--|----------------|
| Abattoir – no rendering | Land used to slaughter animals with outdoor or exposed animal holding and loading areas (in standard animal units received) | < 500 standard animal units (SAU)/day | See note below |
| | | > 500 standard animal units (SAU)/day | 500 |
| | | > 10,000 standard animal units (SAU)/day | 1,000 |

Source: Separation Guidelines, Table 2 Page 23 (D148i)

Mr Ramsay considered a second separation distance should also apply from the WWTP (as a separate odour source) based on equations in Appendix B of the Separation Guideline. The separation distance accounts for the technology used and scale of plant in terms of population served.

From the abattoir, Mr Ramsay concluded a separation distance of 500 metres was required. This was based on:

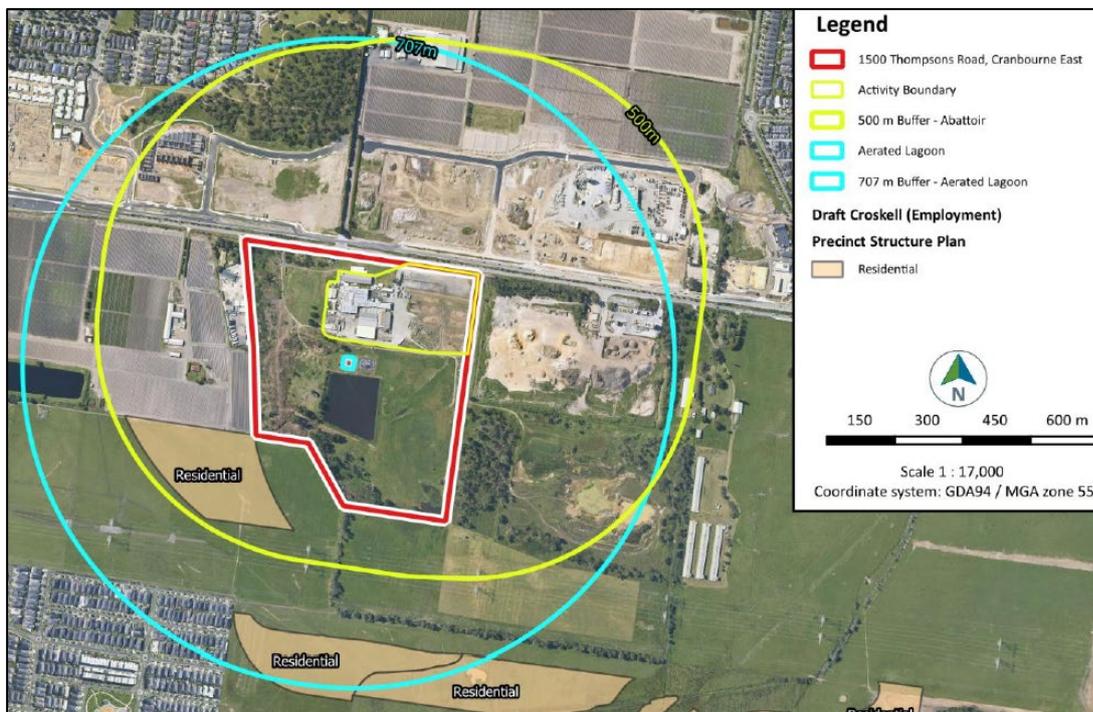
- the most common animals processed being sheep
- the *Environment Protection Regulations 2021* identification (D144j) of one animal unit meaning:
 - one head of cattle or 5 of any other kind of mammal.
- the processing rate of 6,000 sheep per shift, with one shift being equal to 1,200 SAU or 2,400 SAU for a double shift.

For the WWTP, Mr Ramsay concluded the separation distance was 707 metres based on Wagstaff data and wastewater samples by Sample Science which identified flow rates, typical biological oxygen demand (BOD) loads and equivalent population of 20,000.

He recommended (refer Figure 13) the separation distances be measured:

- for the abattoir from the abattoir building, outdoor holding yards and wastewater solids removal treatment area (hydrocyclone) and exclude the southern paddocks which held sheep less frequently and in lower densities.
- for the WWTP from the aerobic pond only.

Figure 13 Ramsay recommended abattoir separation distance



Source: Ramsay evidence Figure 8 (D87)

Mr Ramsay did not support reduced separation distances without an odour risk assessment noting the scale of the abattoir, and potential risks arising from:

- exposure to odorous emissions during calm wind conditions which are common in the area

- the topography with potential for odours to travel further distances at ground level downslope of the abattoir in calm conditions
- risk assessments not always accurately predicting odour impacts on odour assessments with resultant impacts on existing businesses and creation of land use conflicts, health and amenity impacts.

Both Dr Shepherd and Dr Cowan were critical of the LCA considering it had overestimated the separation distances required including the calculation of SAU, the BOD levels, and not considered the abattoir's low risk profile, lack of complaints and existing residential areas already within the buffer. Both experts relied on the Separation Guideline and *Guidance for assessing odour*, Publication 1883, June 2022 (EPA 1883) which they set out in detail including the three levels of odour assessment.

Dr Cowan undertook a Level 1 odour assessment and concluded based on the Separation Guideline, historical planning approvals, Wagstaff operational information, wind profiles and the low risk profile based on the lack of recorded odour complaints from existing sensitive receptors that:

- a 500 metre separation distance be applied for the abattoir – his addendum evidence concluded that by applying the standardised number of animals under the draft Agriculture Victoria guidelines the SAU was below 500 metres and no abattoir buffer was required although noting verbally that this produced an “*odd result*”
- a 560 metre separation distance be maintained for the aerobic pond to align with past planning approvals and odour risk assessments with further site-specific BOD testing within the aerobic pond recommended to refine separation distances.

Dr Shepherd's evidence was based on a more detailed odour risk assessment of the abattoir and WWTP using the guidance in EPA 1883 (which he set out in detail). His assessment was informed by 10 field odour survey observations (intensity, character and presence) and assessment of wind conditions based on Bureau of Meteorology's Frankston (Ballam Park) data.

Dr Shepherd recommended a 500 metre buffer for the abattoir because:

- the topography was unlikely to significantly affect the transport and dispersion of odours towards Spring Lodge's land parcels identified as 'residential' to the west of the abattoir and to the south of the utilities easement
- no odours were observed from the WWTP
- unpleasant odours (from livestock) were unlikely to be observed beyond 100 to 250 metres from the activity boundary and only subtle odours observed out to 500 metres (low risk of offensive odour) and less frequently beyond
- wind would transport odour to some parts of the Spring Lodge land 15 per cent of the time but winds from the northeast were rare and the risk of offensive odour to the southwest would be low.

Submissions

Wagstaff

Wagstaff adopted the separation distances recommended by Mr Ramsay. It observed that the abattoir had been protected by buffers (including 500 metre buffer) implemented through intentional zoning decisions over the years through the location of the residential zoning boundary to the west and other provisions applied to the PSP areas to the north of Thompsons Road. Further it said the abattoir was not fixed in time (including processing numbers, location of holding

areas or waste production) and had “*good opportunity for optimisation and expansion*” with the benefit of access to a strategic freight connection. In this context, it was appropriate to protect the existing buffers already in place.

Wagstaff was critical about the assessment undertaken by Dr Shepherd considering it had been limited by time (both to conduct the surveys over different seasons but also undertaking observations outside of daylight hours). Dr Cowan had only conducted a Level 1 assessment which was an incorrect application of EPA 1883 which identified a level 3 assessment was required to reduce buffers where there were multiple sources of odour. It said he had misapplied the Separation Guideline in his approach to calculating BOD levels for the aerobic pond, while his wind modelling had not been appropriately calibrated.

Spring Lodge

Spring Lodge said the abattoir buffers should be determined within a broader context which include:

- the long term direction for the precinct to be used for urban purposes including residential including in the SEGCP, MICLUP, SEEC, various structure plans and development plans and the Planning Scheme
- the PSP vision for a regionally significant destination for business and industry and higher order employment uses and to create an attractive, safe and high amenity setting
- there was nothing in the PSP that suggested the abattoir is encouraged to remain in the long term
- established residential subdivision within 1,000 metres of the abattoir and 700 metres of the aerobic pond and existing residential uses within 500 metres of the abattoir
- the absence of odour complaints
- previous EPA advice
- the Separation Guideline establishing a process for separation distance variations and which refer to land use transition.

Spring Lodge said there was no defensible basis for applying a 1,000 metre separation distance to the abattoir as proposed in the Day 1 PSP. Its submission included a table identifying that using the most conservative SAU estimate would require 50,000 sheep to be received/day to reach a 1,000 metre separation distance.

Spring Lodge adopted the separation distances identified by Dr Cowan and said the evidence of both Dr Cowan and Dr Shepherd supported further reduction southwest of the abattoir based on the absence of odour detected in the proposed residential area, low odour risk and wind conditions. On this basis it proposed:

- the 500 metre buffer being adjusted to exclude the western portion of its land (refer Figure 14)
- removal of the aerobic pond buffer.

Figure 14 Spring Lodge proposed abattoir buffer change (purple dashed line)



Source: Spring lodge submission page 3 (D145)

VPA

The VPA considered the identification of buffers in the Day 1 PSP was consistent with the Separation Guideline. In closing, it submitted, based on the evidence, a 500 metre abattoir separation distance was acceptable (identifying this in its Final Day version of Plan 2).

(ii) Discussion

The protection of industry buffers and the separation of sensitive uses from the potential impacts on amenity and health through emissions are well established tenets of planning policy including Clauses 13.6-1S, 13.07-1S and 17.03-2S and the objectives of planning in Victoria.

Buffers are critical to separating or managing incompatible land uses and to avoid land use conflict and to support the operation of established industry. As identified in PPN92:

Although buffers are not a substitute for best practice management of off-site impacts by industry, it is recognised that even 'state of the art' facilities are not always able to eliminate the potential for unintended off-site impacts. Buffers are often still needed to protect sensitive uses from these impacts and provide certainty for industry operators.

PPN92 and the Separation Guideline identify the importance of avoiding potential land use conflicts in the first instance through the strategic planning process. PPN92 highlights this:

This involves understanding where existing industry and other uses with potential off-site impacts are and ensuring current zoning appropriately protects operators and surrounding communities. It also means making sure that sensitive uses and future urban growth are directed away from areas that could be affected by off-site impacts. Strategic planning around uses with potential off-site impacts should consider the capacity or need for future expansion of that use or expected changes to operations. Planning approaches might differ depending on the strategic planning scenario.

The Wagstaff abattoir is a long established, substantial operation that employs a significant number of people. Wagstaff submitted that its operations were not constricted by planning permits or licences in terms of animal type or throughput and that it had no plans to relocate its operations and continues to invest in plant and equipment. It is located central to the precinct's employment area and industry node, and on the PFN.

The PSP does not identify that the abattoir is incompatible to the longer term vision for the precinct. While the PSP seeks to transition employment uses over time it does not articulate a

position that the abattoir, will or is encouraged, to relocate. It is clearly identified in the PSP and the road network aligned (in the Day 1 version) to accommodate its operation. The PSP and UGZ16 include specific provisions to acknowledge and manage the sensitive use buffer (or separation distances).

The PSP and UGZ16 provide opportunity for an alternative employment use of the site or accommodation of sensitive uses in the buffer if the abattoir no longer operates. However, the abattoir in the medium term is likely to be the largest employment generating activity in the precinct and will potentially support a range of allied uses establishing in the precinct.

In this context, the identification of appropriate buffers is an important part of the PSP exercise noting that some form of buffer has been an established and consistent feature of the precinct's planning for several decades. The Separation Guideline is the recognised document to establish a buffer as identified in Clause 17.03-2S.

While the odour experts undertook different levels of analysis, they agreed:

- on applying the Separation Guideline to establish a separation distance to the abattoir and WWTP
- there was no definition of an SAU in the Separation Guideline
- a separation distance for the WWTP should only apply to the aerobic pond
- a separation distance should be applied to each activity based on the main sources of odour
- the LCA had not considered a range of factors including the approach to SAUs
- the EPA's advice had changed over time.

It is perplexing (and unhelpful) that the Separation Guidelines establishes a metric (SAU) that is not defined. As a result, the EPA and experts must rely on other sources for a suitable definition. This does not aid consistent application of the Guidelines or provide certainty. Rather than rely on the draft Agriculture Victoria guidelines it seems more logical to apply the EPR definition as Mr Ramsay did.

Ultimately, all the experts agreed that the SAU factor ranged between 0.1 and 0.2. This meant that a significantly larger volume of sheep (or goats or calves) would need to be received and processed to require a 1,000 metre separation distance for the abattoir. However, an abattoir buffer of less than 500 metres in the manner contemplated by Dr Cowan would be a poor planning outcome. It would not reflect the historical buffer applied and the capacity for the existing abattoir to expand elements of its operations and throughput with or without a permit.

The Committee is satisfied that the appropriate separation distance for the abattoir is 500 metres from its activity boundary which includes the elements identified in Mr Ramsay's evidence (refer Figure 13) and largely aligns with the VPA's Final Day version of Plan 2 (D172b).

While the Separation Guideline provides a process for reducing separation distances to support the incursion of sensitive uses, the Committee is not satisfied that the assessment of Dr Shepherd was sufficient to support Spring Lodge's reduction of the buffer to the west over the residential area given:

- the times when the odour surveys were undertaken
- the extent of calms
- consideration of the influence of topography during calms
- potential for changes in the abattoir operations.

While noting the EPA view that a single separation distance applies to the abattoir's activity area (including WWTP) this was inconsistent with the position of the odour experts. The Committee supports the position of Mr Ramsay and Dr Shepherd that a separate buffer applies to the WWTP based on the different odour source from the abattoir and the Separation Guideline provisions. The Committee is satisfied that the WWTP separation distance under the Separation Guideline is 707 metres based on BOD analysis, measured from the aerobic pond only. While more detailed assessment may reveal that this buffer is larger than it needs to be, the Committee is not satisfied that Dr Shepherd's 560 metres is appropriate to designate in the PSP at this time. This is because of the risk of uncertainties that remain regarding the extent of calms and the influence of topography during calms to the south.

(iii) Conclusion and recommendation

The Committee concludes:

- The appropriate separation distances are:
 - 500 metres from the abattoir activity boundary
 - 707 metres from the aerobic pond component of the WWTP.

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan to amend 'Plan 2 Place based plan' consistent with the VPA's Final Day version (D172b) to identify the sensitive use buffers for:

- 'abattoir': 500 metres, measured from the abattoir activity boundary
- 'abattoir aerobic pond' component of the waste water treatment plant: 707 metres, measured from the aerobic pond activity boundary.

4.3.3 Managing sensitive uses

(i) Evidence and submissions

Experts

Mr Ramsay considered that sensitive uses:

- should not be allowed within the abattoir buffer land
- may potentially be suitable beyond the abattoir buffer but within the WWTP buffer subject to an odour risk assessment in accordance with *Guidance for assessing odour*, Publication 1883, June 2022 (EPA 1883).

Dr Cowan considered:

- sensitive land uses should be permitted within the separation distance where odour exposure is below 200 hours each year, as per EPA 1883 risk criteria
- any sensitive land use proposed within the standard separation distance and outside of the low exposure area (should require a Level 2 or Level 3 risk assessment in accordance with EPA 1883, to the satisfaction of the responsible authority, to confirm that the odour risk is low.

Mr Clarke's evidence set out the strategic planning background relating to current precinct's Farming Zone and GRZ boundaries and the planning provisions applied to the north of Thompsons Road. While he deferred to the odour experts in terms of what the abattoir buffers should be, he

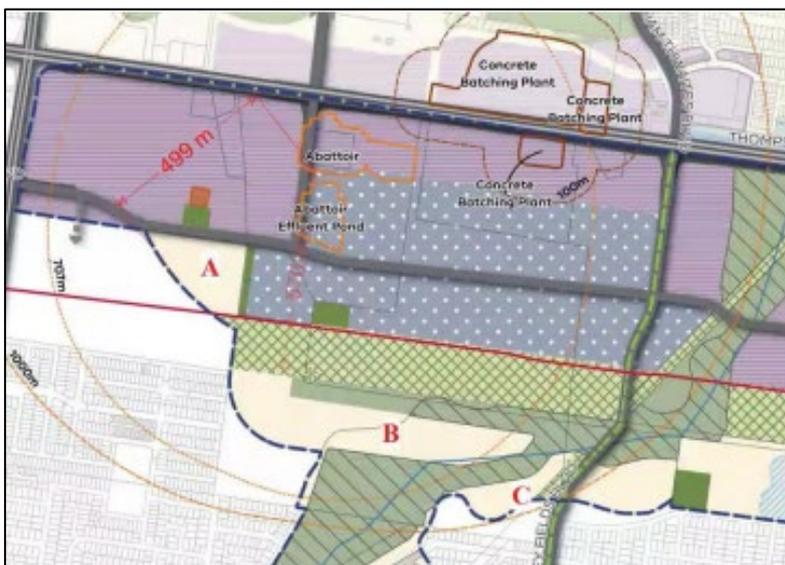
observed that the abattoir was a long established and continuing major employer of land, there was a clear strategic basis for:

- the abattoir being regarded as a significant existing employer
- the precinct developing with a focus on employment with residential a secondary component to the south of the utilities easement
- protecting industry from the encroachment of residential and sensitive uses that would affect industry viability (Clause 17.03-2S)
- supporting the separation of sensitive land uses from uses with potential adverse off-site impacts (Clauses 13.06-1S, 13.07-1S, with both referring to the Separation Distance Guideline)
- managing the abattoir residential interface (Clause 21.16)
- the precinct being developed primarily as an employment precinct with a secondary residential component south of the utilities easement.

Mr Clarke recommended the following applied zones to the three areas identified as 'residential' within the abattoir and aerobic pond buffers within Wagstaff's marked up version of Plan 2 from the day 1 PSP as areas A, B and C (Figure 15):

- Area A should have the applied zoning of C2Z or INZ3
- Area B should have the applied zoning of Farming Zone because its commercial use was limited by access restrictions across the VDP/utilities easement or through approved residential areas which was undesirable and was otherwise "*painted into a corner*"
- Area C should have the applied zoning of C2Z or INZ3 noting the small area lost to residential NDA would have minimal impact in delivering broader housing outcomes.

Figure 15 Wagstaff marked up Day 1 PSP Plan 2 showing areas A, B and C



Source: Wagstaff submission Figure 1 (D153)

Mr Clarke said the buffer should do its job to maintain separation between potentially conflicting uses and sensitive uses should not be permitted within the buffer. Allowing the UGZ16 to permit sensitive uses within the buffer even with an Odour Risk Assessment did not provide sufficient certainty. It could also result in poor decisions, the consequences of which could be catastrophic for industry protection and residential amenity. Mr Clarke recommended amending UGZ16 to prevent sensitive uses in the abattoir buffer while it continued to operate.

Mr Woodland's evidence provided a useful overview of the buffer planning history applying to the precinct. He supported the following approach to provide for greater certainty and orderly planning which delineated:

- areas of high and low odour risk
- low odour risk areas as residential with a residential applied zoning
- higher odour risk sites as mixed use with a MUZ applied zoning.

Mr Woodland relied on the technical assessments and evidence of Dr Cowan and Dr Shepherd. Based on their evidence he supported the inclusion of sensitive uses within identified buffers subject to mandatory Odour Risk Assessment. He said this reflected:

- the identification of land in the precinct for residential purposes in both the SEGCP and MICLUP and past strategic plans in the area including identification of abattoir buffers
- provisions in the PSP and UGZ16 consistent with PPN92
- the location of sensitive uses within the 500 metre buffer (outside the precinct)
- the changing urban context of the precinct.

Submissions

EPA

The EPA's position was that sensitive uses be prohibited within the recommended separation distance. It said this was consistent with the Separation Guideline.

Wagstaff

Consistent with Mr Clarke's evidence, Wagstaff proposed:

- Area A be shown as commercial or industrial land (with applied C2Z or IN3Z) as it was close to the abattoir and at a high risk of experiencing offensive odours
- Areas B and C should be retained in the Farming Zone given the risk of odour and the difficulties in developing it for employment uses.

This approach avoided land use conflicts at the strategic planning stage rather than dealing with them at the permit stage.

Alternatively, if this position was not supported, Areas A and B should be subject to the 'soft buffer' approach in the Day 1 UGZ16 but with additional changes (D153a) including:

- amending Plan 1 to show a 500 metre abattoir buffer and 707 metre aerobic pond buffer as per Mr Ramsay's evidence
- amending the Use of land Section 1 table to refer to the abattoir and effluent pond buffers identified in Plan 1
- including a specific provision that while the abattoir remains operational a permit is not granted to establish a sensitive use in the two buffers unless the responsible authority is satisfied there is a low risk of offensive odour
- changes to the application requirements for permit applications within the abattoir sensitive use buffers
- introducing notice and review rights for applications resulting in the establishment of a sensitive use within the abattoir sensitive use buffers
- change to clarify the decision guidelines for sensitive use buffers.

Wagstaff said the protection of its identified buffers and UGZ16 changes were consistent with the principles of avoiding land use was a fundamental planning objective enshrined in planning practice notes, guidelines and policy provisions including:

- PPN92
- considering the EPA's advice consistent with Ministerial Direction 19
- the avoidance and protection strategies of Clauses 13.07-1S in particular
- the Separation Guideline which support land use compatibility being addressed at the early land use planning process.

Spring Lodge

Spring Lodge proposed:

- the Day 1 Plan 2 residential/industrial split for its land (Area A) be moved further west (to a point aligned with the purple dashed line in Figure 14) to achieve a 300 metre residential area separation to the abattoir and for no odour risk assessment to be required for that area and Areas B and C remain residential
- retention of odour risk assessment for sensitive uses in other parts of the revised buffer on its land
- amending the UGZ16 to:
 - identify its proposed amended buffers in Plan 1
 - amend the Table of uses condition to allow sensitive uses subject to a risk assessment identifying a low risk
 - amend abattoir buffer application requirements to allow sensitive uses where the risk is low
 - including an abattoir specific sensitive use buffer decision guideline.

Council

Council said Areas B and C should be retained in their proposed residential applied zone so as to avoid amenity impacts associated with commercial land use and traffic. The planning permit application processes would ensure potential amenity impacts within the buffer are addressed.

VPA

The VPA said prohibiting sensitive uses in the buffer and to apply a non-residential zoning across the entire buffer would sterilise potential residential land and be a strategic failure. Rather it was appropriate to take a holistic, longer term view of the precinct and the existence of established development outside the PSP. Allowing consideration of sensitive uses in buffers to an industry that was not of state significance where supported by a risk assessment provided appropriate safeguards. It was consistent with the approach adopted by other PSPs (Arden, Fishermans Bend, Officer South cited).

The VPA considered the inclusion of a small amount of residential land within Area A avoided creating an island of residential to the west and which could access LP-01 and adjacent heritage property. It supported shifting the residential/industrial zoning split in this area further west consistent with the Spring Lodge submission. If the Committee were to support the Wagstaff position, it considered the C2Z was more appropriate for that land.

The VPA did not support designating an applied Farming Zone to Area B or applied C2Z/IN3Z to Area C, because:

- applying the Farming Zone was inconsistent with the area's growth designation and the objectives of a PSP
- Area C was fragmented with limited road access for freight and commercial use was inconsistent with existing and planned residential areas.

The VPA's Final Day changes proposed to:

- update Plan 2 of the PSP to reflect the 500 and 707 metre abattoir and aerobic pond buffers
- amend the UGZ16 to:
 - amend Plan 1 to reflect the Final Day PSP Plan 2
 - amend the Use of land – Section 1 table to change conditions relating to sensitive use buffers to include 'Aerobic Pond'
 - amend 'Applications within Sensitive Use Buffer - Abattoir' to include reference to any further updated publications and delete decision guideline, include reference to aerobic ponds and delete references to 'existing' and 'future'
 - amend decision guidelines for Sensitive use Buffers to differentiate between the Concrete Batching Plant and Abattoir decision guidelines.

(ii) Discussion

Applied zoning of the buffers

Applying appropriate zones within buffer areas is the primary planning tool to ensure their integrity from the impacts of, and on, sensitive uses, in addition to achieving the land use outcomes for the precinct. As identified by the Committee the abattoir is a large established operation that is not sought to be transitioned out of the precinct by the PSP.

Using Wagstaff's identification of areas A, B and C (Figure 15) the Committee considers the following underlying zones are appropriate.

Area A

Area A is the area closest to the abattoir and is in the separation distance of both the abattoir and aerobic pond. As identified in Chapter 4.3.2 the Committee is not satisfied that the assessment undertaken by Dr Shepherd sufficiently acknowledges the potential risks of odour being experienced in this area. The absence of complaints and the existing adjacent residential development in this buffer is not a sound basis for allowing further residential activity in this area while the abattoir remains operating. Additionally, in an area identified as a regionally significant commercial area securing this outcome from a policy and strategic perspective is of greater importance than delivering a relatively small area of housing.

As identified in Chapter 4.2, the appropriate underlying zones for the employment areas are C2Z and IN3Z. In this context, the C2Z is considered the most appropriate zone for Area A given:

- its interface with the existing residential area to the west and the potential to manage that interface with finer grain/more nuanced built form commercial development outcomes compared to an industrial area
- its interface with business land to the north and LP-01
- the opportunity for a more activated interface with LP-05.

This outcome does not isolate the existing residential land to the west – it is still connected to the rest of the precinct through the movement network and utilities easement. Narre Warren-

Cranbourne Road connects the area to nearby residential areas opposite and to the south as well as the Springhill Shopping Centre. While the outcome will retain a curvilinear precinct edge, this interface can be managed through the location of streets, open space and subdivision design and is not a basis for compromising the buffer.

Areas B and C

Applying the Committee's recommended separation distances does not impact Area C. While the entirety of Area B is outside the abattoir buffer, its western half would remain in the aerobic pond buffer. The question for the Committee is how Area B should be used and zoned.

Area B cannot readily be used for business or industry given the limited opportunities to access them across the utilities easement and VDP assets and the potential amenity impacts associated with introducing these uses adjacent to existing residential areas. To retain the existing Farming Zone serves little purpose given agricultural use would be constrained by its parcel size and proximity to residential areas. Applying that Farming Zone would effectively sterilise the parcel and not readily enable it to be integrated into the precinct including if it were in the C2Z or IN3Z. This would be a poor planning outcome.

The use of Area B for residential is likely to be the most appropriate outcome subject to an odour risk assessment. Distinct from Area A, Area B enjoys a significant separation from the abattoir operations through the utilities easement and drainage assets in addition to future industries to the north of the easement.

A residential designation would still require the careful consideration of sensitive use proposals in Area B. This provides the appropriate balance between achieving the longer term vision and objectives of the precinct while appropriately acknowledging and responding to existing industries that are part of the precinct.

Designating Area B as residential does not mean that it will all be used for sensitive uses. Through the PSP and UGZ16 provisions the permit stage will enable a considered response to odour assessments including through the location and design of streets, open space and lots rather than leaving the land underutilised.

Provisions for sensitive uses

There is no definition of 'Sensitive use' in the Planning Scheme. The strategies of Clause 13.06-1S refer to "*sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital)*" and identify the Separation Guidelines as a policy document.

The Separation Guidelines identifies in its Appendix D 'Table 7: Land use' that a sensitive land use in the context of odour and dust emissions [Committee's emphasis]:

Any land use that requires a focus on protecting human health and wellbeing, local amenity and aesthetic enjoyment.

Examples of such sensitive land uses include, but are not limited to:

- dwellings and private open space (...)
- accommodation (...)
- child care centres
- education centres
- informal outdoor recreation that is adjacent to residential zones
- camping and caravan parks
- indoor recreation facility

- medical centres
- hospitals
- residential aged care facilities and retirement villages’.

PPN92 advises that [Committee’s emphasis]:

Sensitive uses are land uses considered to be sensitive to emissions from industry and other uses due to their impact on amenity, human health and safety. Sensitive uses will differ depending on the type of industry or other use.

Examples of sensitive uses include, but are not limited to a:

- dwelling
- residential aged care facility
- childcare centre
- hospital
- place of assembly
- school.

In this context, the Separation Guideline provides the most extensive list of potentially sensitive uses although it is not exhaustive.

Sensitive uses should not be prohibited in the abattoir and aerobic pond because it would potentially compromise the vision and objectives of the PSP.

In Area A and other business and industry areas within the buffer where accommodation is largely prohibited, some potentially sensitive uses could be anticipated including medical centres, education centre, leisure and recreation or places of assembly. These uses should not be prohibited outright as they have the potential to support the mix of employment uses sought by the PSP. Similarly, the effective delivery and logical location of public open space as a sensitive use should not be compromised by an automatic prohibition.

The Committee is not satisfied the assessments provided through evidence to support a reduction of the aerobic pond buffer at this time. Notwithstanding this, the evidence did not create the impression that it was immovable if rigorously assessed consistent with EPA 1883. In this context, allowing sensitive uses to be considered within identified buffers is appropriate where supported by rigorous odour assessment that identifies a low risk.

UGZ16 appropriately seeks to condition ‘as of right’ sensitive uses in the applied zones to Section 2 (permit required) uses and allows for the consideration of sensitive uses within buffers subject to the approval of an odour assessment. This strikes the right balance and appropriately applies the Separation Guideline in tandem with the recommended buffers and applied zones. This position is consistent with the approach adopted for buffers in other PSPs although noting that comparisons are not always useful if the planning context is different (infill or Greenfields) and different odour or noise sources are being considered.

The application requirements within the sensitive use buffer provides a rigorous approach to assessment against the relevant EPA publications to the satisfaction of the responsible authority and EPA.

The Day 1 drafting of the ‘Applications within Sensitive Use Buffer – Abattoir application requirement included the following:

If the responsible authority determines that there are likely to be odour levels arising from the abattoir which would have detrimental impact on the amenity of the sensitive use, the land must not be developed for sensitive uses.

This was appropriately deleted from the Final Day 1 version as it reads as a requirement or outcome that must be met as opposed to an application requirement for information. While the Committee sees some merit in Wagstaff's suggestion to include a similar provision as a specific provision, a low risk of offensive odour should be the outcome of an odour risk assessment prepared under EPA 1883. While there may be a range of options to reinforce this outcome in the UGZ16 including a condition for Section 2 uses, the Committee considers the decision guidelines should ensure the same outcome.

That said, there may be some benefit in identifying the outcome as a requirement in the PSP along with the list of targeted sensitive uses and noting the UGZ header provisions will require consideration of the PSP.

The Committee is not convinced that a definition of Sensitive Use is required to be included in UGZ16 given the reference to the term in PPN92, the Separation Guideline and Planning Scheme are not expressed in an inclusive manner. Relying on a definition offered by submitters gives rise to potential unforeseen circumstances if it were adopted by the Committee. That said, it was unclear to the Committee why the VPA opposed the idea. The Committee is not opposed to including a definition if an appropriate one can be determined in discussion with the EPA. Another alternative is including a definition or list of targeted sensitive uses in the PSP or as a requirement.

The Committee considers the following wording may be appropriate for a new requirement:

R#

While the land at 1500 Thompsons Road, Cranbourne East is used for the purpose of an abattoir, land must not be used for a sensitive use within the abattoir and abattoir aerobic pond sensitive use buffers in Plan 2 unless the responsible authority is satisfied that there is a low risk of offensive odour from the abattoir and abattoir aerobic pond to the sensitive use.

Sensitive uses include:

- [Include list of targeted sensitive uses]

The Committee considers sufficient guidance exists for the responsible authority to properly assess the risk of impacts on sensitive uses in the buffer. Accordingly notice and review provisions for sensitive uses in buffer areas are not necessary or appropriate.

While the requirement for an odour assessment for each dwelling in Area B is potentially a timely and costly task for individual purchasers and impacts the practical application of the Small Lot Housing Code provisions, the changes proposed by Spring Lodge to the Section 1 use conditions are not supported. The VPA should consider including appropriate wording that allows a dwelling to be permitted as of right where the offensive odour risk is low given the enabling subdivision will have undertaken this assessment.

The Committee acknowledges that drafting improvements could be made, and the VPA Final Day changes to the UGZ16 have advanced the clarity and workability of the provisions. The Committee identifies its position to those changes in Table 7 below, with its recommended changes included in its preferred version in Appendix I.

Table 7 Committee response to Final Day changes Day 1 version documents for managing sensitive uses

| Day 1 ref | VPA Final Day changes | Recommendation |
|--------------|---|--|
| PSP | | |
| Plan 2 | Update buffers. | Amend Plan 2 to reflect Committee recommended buffers and land use designations. Amend Plans 3 – 13 to reflect Committee recommended Plan 2 changes |
| UGZ16 | | |
| 1.0 Plan 1 | Update Plan to reflect Final Day PSP Plan 2 | Support. Plan should reflect Committee recommended buffers and land use designations. |
| 2.3 | Amend Use of land – Section 1 table to change conditions relating to sensitive use buffers to include 'Aerobic Pond' | Support subject to replacing references to the PSP to Plan 1 in the Schedule. |
| 3.0 | Amend 'Applications within Sensitive Use Buffer - Abattoir' to include reference to any further updated publications and delete decision guideline, include reference to aerobic ponds and delete references to 'existing' and 'future' | Support subject to the following changes to: <ul style="list-style-type: none"> - include the drafting changes identified by Wagstaff that make the requirement clearer (noting similar language has also been recommended for the Concrete Batching Plant) - the last sentence consistent with the purpose of an odour assessment under EPA 1883: <i>... of offensive odour from potential adverse amenity impacts of the abattoir and aerobic pond on the proposed sensitive use of the land.</i> |
| 6.0 | Amend decision guidelines for Sensitive use Buffers to differentiate between the Concrete Batching Plant and Abattoir decision guidelines and make other corrections | Support subject to minor changes for consistency in buffer references as identified by Wagstaff. |

(iii) Conclusions and recommendations

The Committee concludes:

- The 'residential' area designated on PSP Plan 2 north of the utilities easement and within the 500 metre abattoir buffer should be identified as 'business'. Plans 3 – 13 should be updated to designate the 'residential' area north of the utilities easement as 'business'.
- The applied GRZ1 and extent of residential area south of the utilities easement on PSP Plan 2 is appropriate.
- The inclusion of sensitive uses within identified buffers is appropriate subject to appropriate assessment of odour impacts for sensitive uses within the identified buffers.
- The PSP should be amended to include a requirement for sensitive uses in the abattoir buffers to be at low risk, and the identification of sensitive uses.
- The provisions of the VPA's Final Day version of UGZ16 for managing sensitive use buffers are generally appropriate subject to:

- amending Figure 1 consistent with the Committee’s recommendations for Plan 2 of the Croskell (Employment) Precinct Structure Plan
- the changes recommended in Table 7 of this Report.
- The VPA should consider the UGZ16 including wording that allows a dwelling to be permitted without a permit where the offensive odour risk is low.

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 172) subject to changes that:

- **amend ‘Plan 2 Place based plan’ to show the ‘residential’ area north of the utilities easement and within the 500 metre abattoir buffer as ‘business’**
- **amend Plans 3 to 13 to show the ‘residential’ area north of the utilities easement as ‘business’**
- **include the changes in Table 7 of this Report**
- **insert a new requirement:**

‘While the land at 1500 Thompsons Road, Cranbourne East is used for the purpose of an abattoir, land must not be used for a sensitive use within the abattoir and abattoir aerobic pond sensitive use buffers in Plan 2 unless the responsible authority is satisfied that there is a low risk of offensive odour from the abattoir and abattoir aerobic pond to the sensitive use.

Sensitive uses include:

- **[Include list of targeted sensitive uses].’**

Urban Growth Zone Schedule 16

Amend Urban Growth Zone Schedule 16 consistent with the Committee recommended version in Appendix I.

4.3.4 Contamination

(i) Evidence and submissions

The EPA’s hearing submission advised the VPA’s Day 1 changes (refer Appendix F:4) had appropriately responded to its concerns regarding the application of the EAO only to land with a ‘high’ potential for contamination. This included amending the application requirements provisions to make a PRSA mandatory by removing the ability for the responsible authority to waive the requirement. It was satisfied the approach adopted by the VPA had appropriately responded to MD1 and PPN30.

Fouz Group did not support the mandatory requirement for a PRSA for subdivisions which enable sensitive uses on identified sites in UGZ16 Table 2 (which included 80S Linsell Boulevard, otherwise known as Parcel 26 and which fronts Tangamere Way). Fouz Group submitted the requirement appeared to have been applied based on the LAC which identified Parcel 26 as having ‘medium’ potential for contamination based on the identification of “*dumped hard waste including industrial waste, chemicals and building materials*”.

In submitting the mandatory requirement should not apply, Fouz Group relied on the evidence of Rory McPhillips (D60) who, informed by MD1, PPN30, a review of historical images between 2006-2024 and a site inspection, considered:

- illegal dumping had occurred in discrete areas of Parcel 26 at various times and this appeared to comprise dumped tyres, soil stockpiles associated with nearby residential development and dumped waste (some of which had been removed)
- no visual evidence in 2025 of dumped hard waste, industrial waste, chemicals, building materials, tyres or other evidence indicative of potential contamination (although some visual limitations due to overgrown vegetation were noted)
- the LCA had “*assumed*” industrial waste, chemicals and building waste was “*potentially*” present
- PPN30 identifies waste disposal such as illegal dumping as an activity that may have a potential for contaminating land
- MD1 identifies that “*minor above-ground storage [of chemicals, gas, waste or liquid fuel] that is ancillary to another use of the land*” is not sufficient to define the land as ‘potentially contaminated’
- a small volume of solid, illegally dumped above ground waste which was commonplace on Parcel 26 presents an overall low potential for contamination, and further investigation is not required prior to development or use of the land for sensitive uses and should be removed from Table 2.

The VPA considered its approach to managing areas of high and medium potential for contamination was appropriate where sensitive uses are permitted. The VPA submitted a precautionary approach was warranted in relation to Parcel 26 identifying:

... there is evidence that illegal dumping has occurred over years and the nature of what was dumped cannot be known. The aerial imagery that was discussed both highlighted the fact that illegal dumping has occurred and also raised the question of what additional dumping may have occurred that was not captured in aerial imagery.

The VPA’s Final Day version of UGZ16 proposed to further refine:

- the PRSA application requirement to include:
 - construction of buildings and works as a requirement trigger
 - reference to Plan 1
 - further alignment with EAO provisions
 - reference to 'the proposal' rather than 'the land'
- the Environment Audit condition to include in the trigger the construction of buildings and works - Compliance requirements.

(ii) Discussion

The Committee supports the position taken by the VPA (and ultimately supported by the EPA) to:

- apply the EAO only to areas identified as having a high potential for contamination
- manage areas with medium potential for contamination by a requirement for a PRSA (and a Preliminary Site Investigation (PSI) for other identified sites) in the UGZ16.

This approach is consistent with MD1 and the application of PPN30.

The Committee acknowledges the LAC informing the application of the EAO (noting it already applies to Parcels 20, 21, 22, 23 and 24) and the use of PRSAs and PSIs was a desktop assessment. Mr McPhillips’ evidence adds to what is known about the extent of potential contamination of Parcel 26. While the Committee is broadly satisfied that his assessment supports a view that the risk of contamination of the site is likely to be low and the observed (via historic aerial images or

on-ground analysis) materials where they still exist are typical of illegal dumping and development activity.

The Committee is reluctant to make a finding on just one of the 13 sites identified as having a high or medium potential for contamination and unpick the LCA risk assessment methodology particularly for sites identified for a residential future. The Committee does not have the benefit of the EPA's view on the evidence of Mr McPhillips.

Rather than removing Parcel 26 from Table 2, the application requirements should retain a level of flexibility for the responsible authority to waive or vary the requirement. While supporting the other Final Day changes relating to the PRSA requirement, the Committee it is not convinced that removing discretion to waive or reduce the requirement is justified or reasonable.

(iii) Conclusions and recommendations

The Committee concludes:

- It is appropriate to apply the EAO only to areas identified as having high potential for contamination.
- The application requirement for a PRSA in the UGZ16 consistent with the Final Day drafting is appropriate except for changes proposed to make it a mandatory requirement by removing the discretion to waive or reduce the requirement.

The Committee recommends:

Urban Growth Zone Schedule 16

Amend the Urban Growth Zone Schedule 16 consistent with the Committee recommended version in Appendix I to remove from the '3.0 Application Requirements' introductory paragraph the words: 'except for a Preliminary Risk Screen Amendment'.

5 Drainage

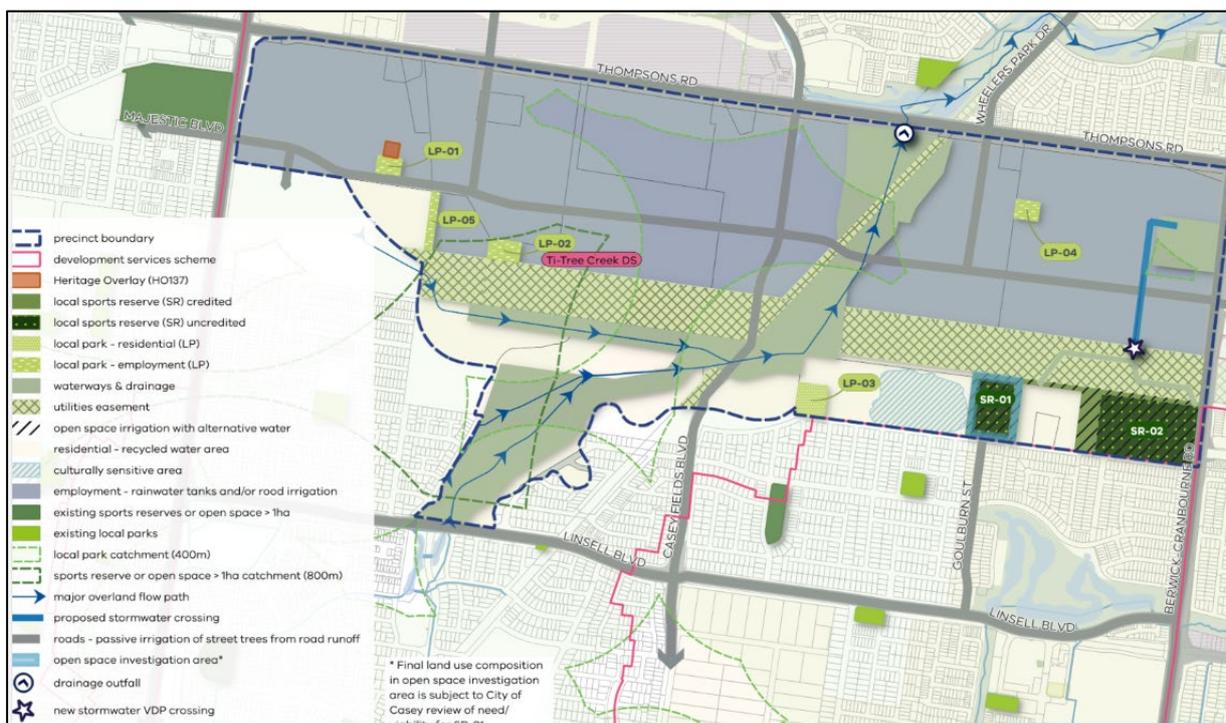
5.1 Background

(i) Amendment documents

With respect to flood protection, stormwater management and water quality, the Day 1 PSP includes:

- Plan 7 Public realm and Water (Figure 16) depicting waterways and drainage, overland flow paths and proposed stormwater crossings of utilities assets
- Plan 11 Infrastructure and development staging (Figure 17) with drainage infrastructure and development staging (listed in Committee Report Table 8)
- Section 3.4 'High Quality Public Realm which includes Objectives, Requirements and Guidelines with respect to stormwater quality, flood protection and the sequenced delivery of drainage assets.

Figure 16 Day 1 PSP Plan 7 Public Realm and Water



The main PSP Day 1 drainage related changes include (refer also Appendix F:1):

- amending all PSP Plans to:
 - update drainage land take to reflect the DSS Rev C
 - remove the drainage investigation areas
- updating Objective O21 and Requirements R28, R30, R31, and R32
- new requirements relating to crossings of the VDP asset and the existing water supply pipe and the alignment of DSS pipes
- rewording of Guideline G17
- deleting Figure 9 and updating Tables 19 and 20
- adding a new cross-section showing the design of open waterway.

Figure 17 Day 1 PSP Plan 11 Infrastructure and development staging

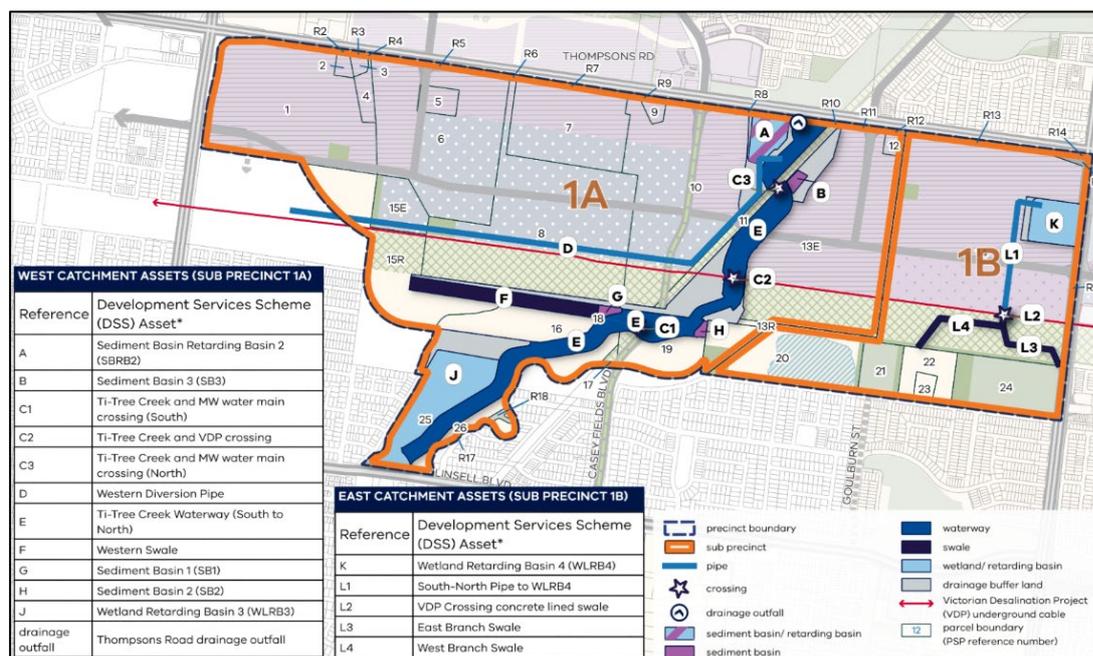


Table 8 Day 1 PSP Development Services Scheme assets

| DSS asset | PSP parcel # |
|-----------|---|
| A | 7, 8, 9, 10 (from C3 to drainage outfall (existing Thompsons Road culverts)) |
| B | 12, 13E |
| C1 | 15E, 15R, 16, 18, 26 |
| C2 | 13E, 13R, 15R, 16, 18, 19, 20, 26 |
| C3 | 11,12, 13E, 13R, 18, 19, 20, 26 10 (from C3 to drainage outfall (existing Thompsons Road culverts)) 15R (from C1 to drainage outfall (existing Thompsons Road culverts)) |
| D | 1, 2, 3, 4, 5, 6, 8, 10, 15E (from C3 to drainage outfall (existing Thompsons Road culverts)) |
| E | 11, 16, 18, 26 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 (from C3 to drainage outfall (existing Thompsons Road culverts)) 12, 13E (from C2 to drainage outfall (existing Thompsons Road culverts)) 19, 20 (from C1 to drainage outfall (existing Thompsons Road culverts)) |
| F | 15E, 15R |
| G | 16, 18 |
| H | 19, 20 |
| J | 10, 13E, 16, 18 |
| K | 14 |
| L1 | 20, 21, 22, 23, 24 |
| L2 | 20, 21, 22, 23, 24 |
| L3 | 14, 24 |

| DSS asset | PSP parcel # |
|-----------|--------------------|
| L4 | 14, 20, 21, 22, 23 |

Source: Day 1 PSP Tables 19 and 20

(ii) Background reports

Exhibited documents:

- *Integrated Water Management Plan*, ARUP, March 2024 (D3w)
- *Utility Services Assessment, Situational Analysis report, Revision 3*, Kleinfelder, March 2024 (D3p-q)

Supplementary documents:

- *Proposed Drainage Strategy Concept Design Report*, Water4Good, June 2024 prepared for Melbourne Water
- *Proposed Drainage Strategy: Optimised Drainage Concept Design Changes Report*, Water4Good, December 2024
- *Optimised Drainage Concept Design and Long Sections*, Water4Good, December 2024
- *Optimised Drainage Concept Design Report Rev C*, Water4Good, February 2025 (DSCD-C)
- *Optimised Drainage Concept Design Report Rev C Layout Map*, Water4Good, February 2025.

(iii) Referral

The referral letter identifies:

Drainage matters have been referred, as described above. However, the VPA requests the Committee focus its consideration on the discrete strategic planning aspects of drainage in Table 1 instead of detailed technical matters as the final drainage outcomes will be determined through Melbourne Water's Development Services Scheme. Drainage, which is not usually part of an ICP, has been included in the PSP for spatial planning purposes and not to fetter Melbourne Water's decision making discretion.

Matters relating to crossings of the Victorian Desalination Pipeline (VDP) have been referred as described in Table 1. The VPA notes there is 'in principle' cross-government agreement for the proposed crossings as shown in the PSP, and final approval of crossings is subject to technical assessment at the permit stage. Similarly to drainage, the VDP crossings have been included in the PSP for spatial planning purposes and not for detailed technical review.

(iv) Evidence

Table 9 lists the expert hydrology, drainage and stormwater evidence called by parties.

Table 9 Hydrology, drainage and stormwater experts

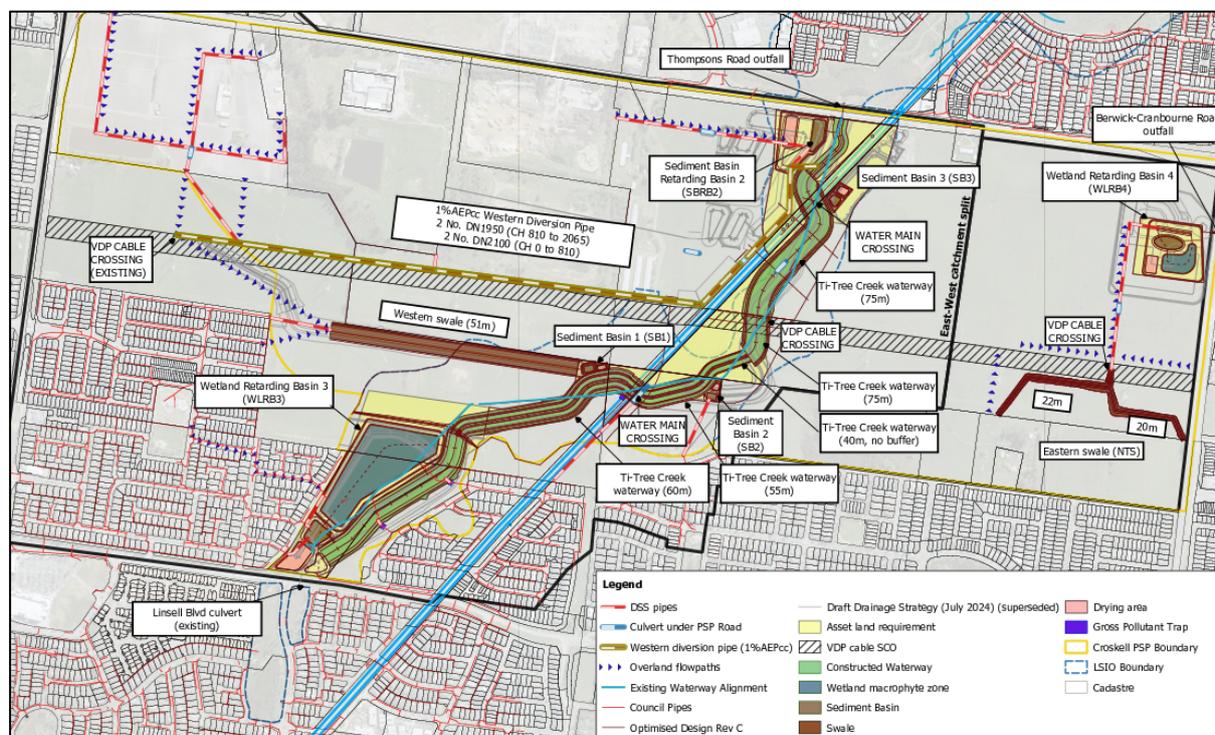
| Expert | Firm | Party | Report |
|-----------------|------------------|------------------|--------|
| Warwick Bishop | Water Technology | Melbourne Water | D42 |
| Nina Barich | Incitus | Fouz Group | D58 |
| | | Galileo | D56 |
| | | Spring Lodge | D62 |
| Chris Beardshaw | Afflux | MAB | D49 |
| Jamie Tainton | Water Studio | Cranbourne 1450* | D52 |

* Expert written evidence statement circulated but was not called in response to VPA day 1 changes

(v) Development Services Scheme Revision C

The Day 1 PSP Plan 7 and Plan 11 are based on Melbourne Waters' Ti Tree Creek Development Services Scheme Revision C (DSS-C). The DSS-C is described in the DSCD-C and depicted in the Optimised Drainage Concept Design Report Rev C Layout Map (Figure 18).

Figure 18 DSS Optimised Revision C



5.2 Location and size of drainage areas

(i) The issue

The Table 1 referred issue is whether the location and size of drainage areas, as shown in the PSP, is an appropriate envelope within which to subsequently resolve the detailed design of required infrastructure.

(ii) Final Day changes

The significant Final Day changes with respect to drainage included:

- update to the Progressive Certainty note
- amendments to Requirement R27 (R30 in Final Day version)
- amendments to Requirement R31 (R34 in Final Day version)
- a new guideline (Guideline G31 in Final Day version)
- new insert text added to PSP Plans 7 and 11
- amendment to UGZ16 application requirements for Stormwater Management Plan.

(iii) Evidence and submissions**VPA**

The VPA submitted that the technical design requirements of the DSS are outside the scope of the draft Amendment and there are no technical design requirements before the Committee. The VPA stated, that the draft Amendment does require the proposed land area and a mechanism to respond to any potential changes in land area for the DSS that may result in more or less NDA. It noted that drainage assets are not included in the ICP as the precinct is located within the DSS and the development and implementation of the DSS including appeal processes are governed by a separate process outside the PE Act.

The VPA submitted in closing that:

- the amendment process is not the appropriate vehicle to seek design changes to the DSS
- the DSS has its own separate consultation process under the *Water Act 1989* and *"...respectfully submits it is not open to the Committee to interrogate or be drawn on matters of design for the DSS"*
- the DSS-C had reduced its land area by approximately 40 per cent from Revision A
- while the evidence of Ms Barich pointed to further optimisation this should be done as part of a detailed drainage scheme design process
- Melbourne Water in finalising the DSS must validate and consider the evidence including full modelling and assumptions documents which are not before the Committee. The process of validation takes time, and the answers are not yet known
- it and Melbourne Water acknowledged land area may reduce and the PSP and UGZ16 contain a mechanism to allow land that becomes surplus to the DSS needs to be returned as developable land
- the parties appeared to agree the proposed applied zoning mechanism changes will allow this outcome.

The VPA referred to the Officer South (Employment) Planning Panel report which the VPA supported the approach taken by the VPA and Melbourne Water in relation to the drainage strategy for that PSP. It submitted that this Committee should adopt a similar approach.

The VPA opposed any reduction in land area to that identified in the Day 1 Plan 7 for the DSS. It submitted that any reduction could seriously affect the delivery of the DSS and adversely affect the ability of Melbourne Water to respond to change. It identified AusNet's most recent advice that it was adding a third transmission tower into the utilities easement as an example of the need to allow for such events.

As identified in Chapter 4.2.3 the VPA's Day 1 PSP included a progressive certainty note. Submissions sought further changes to the note to add clarity or provide more certainty about its outcomes or that any changes would constitute 'generally in accordance with'. The VPA's Final Day PSP (refer Table 11) included further changes to the progressive certainty note which responded to many submission concerns.

Several parties offered further post-hearing drafting comments on how the progressive certainty note should further amended to add greater certainty including by:

- allowing total reduction in the size of assets
- providing cross references to Plans 7 and 11
- identifying that the location and areas of assets are expected to change when detailed design is undertaken

- identifying a varied asset approved by Melbourne Water will be ‘generally in accordance with’ the PSP for drainage purposes to remove Council’s discretion to not approve a variation (with similar changes to the note on Plan 5) [Committees emphasis].

In closing, the VPA submitted that the changes it proposed in Memo 7 (D141) and agreed in its Part B submissions together with the well understood principle of ‘generally in accordance’ explicitly included in Requirement R33 were appropriate and that no further change was required to the Final Day documents.

Melbourne Water

Melbourne Water said it had not taken a forensic, detail by detail approach to the expert evidence. Its initial position on many items of evidence was that they were matters to be resolved at the detailed design stage.

Melbourne Water noted that the DSS-C design embodies feedback from submitters and has been optimised to reduce land area by 18.9 hectares (down from 44.8 to 25.9 hectares) compared to the Revision A design. It accepted that the process of detailed site investigations and subdivision design may lead to further refinement of land area but said that DSS-C is appropriate for the PSP stage in that it identifies an appropriate land area for drainage assets.

Mr Bishop concluded:

- the Rev C Drainage Strategy Concept Design Report provides a comprehensive assessment of drainage infrastructure requirements to service the Croskell PSP area
- the drainage strategy is appropriate to inform and support the PSP in its current form
- there are some uncertainties related to geotechnical implications and existing easements on the DSS asset sizings. It is reasonable to provide for buffer areas which may not be ultimately required for drainage purposes and which should be appropriately noted and treated to allow for required future flexibility
- PSP Plan 11 Infrastructure and Development Staging and supporting Tables 19 and 20, with appropriate modifications, provide guidance on future requirements for development of parcels in the PSP and R34 provides for flexibility in the staging of development.

Melbourne Water noted none of the five experts asserted DSS-C was not a competent or workable drainage design but rather sought changes to aspects of the design.

Melbourne Water supported the intent of the Final Day ‘Progressive certainty’ but requested a change to the second dot point as follows:

- Should the land required for the delivery of an asset be reduced with the written consent of Melbourne Water post-gazettal of this PSP, then that surplus land may be used and developed in accordance with the applied zoning of that land under Schedule 16 of the Urban Growth Zone

VPA accepted the change requested by Melbourne Water, as reflected in the post-hearing drafting version of the PSP (D207).

Melbourne Water advised that it had received a ‘possible modifications’ document from Water4Good which identified refinements to the DSS-C necessitated by:

- information recently from Ausnet (see D72); and
- further information from South East Water regarding its assets within the precinct.

Melbourne Water said:

- an additional 0.22 Ha will be required with consequent updates to the PSP and ICP

- the alternative eastern swale crossing the VDP asset should be further investigated and subject to approval from DEECA and Aquasure, this alternative VDP crossing should be incorporated in the drainage design for the precinct
- the response to South East Water assets is in the nature of detailed design and can be resolved after approval of the draft Amendment.

It submitted in closing that in the form advanced to the Committee, the PSP and ICP provided a framework that:

- sets aside a drainage envelope that Melbourne Water is confident will be sufficient to deliver the ultimate DSS assets
- allows a land use budget to be set in the PSP and the monetary and land components of the ICP calculated
- provides mechanisms for land to be released to development should it not ultimately be required for flood protection, water quality and waterway health purposes.

Melbourne Water said the Committee should recommend that planning for the precinct proceed based on the DSS-C design which will enable a suitable footprint for it to finalise the DSS after gazettal of the PSP. Melbourne Water advised that after the Hearing, it will proceed with preparing DSS Revision D design incorporating changes in respect of the new transmission towers proposed by AusNet and the VDP crossing. It would also undertake formal consultation on revised DSS plans and consider further potential changes as required by the *Water Act 1989*.

With respect to site specific detailed design, Melbourne Water noted that irrespective of how much design work is undertaken at the strategic stage, the statutory planning and development process will require further design work by proponents who may or may not be the current parties to this Hearing. The progression from concept to function and then detailed design inherently refines the DSS designs because the detailed design process captures further design information.

Melbourne Water said it did not oppose the position on applied zoning put by the VPA and the final PSP drafting should allow:

- any revised drainage infrastructure approved by Melbourne Water to be considered 'generally in accordance' with the PSP, that is to say that the PSP should not prevent a solution agreed by Melbourne Water just because it looks different to the drainage plan in the PSP; and
- an increase in developable land should Melbourne Water approve detailed asset designs that require a smaller land area than is assumed in the PSP.

Other submissions and evidence

Council said the Day 1 changes had resolved its concerns and supported the DSS land requirements.

Galileo, and Spring Lodge sought changes to the location and size of specific DSS assets and consequent changes to the relevant PSP Plans supported by the evidence of Ms Barich summarised in Table 10 along with Melbourne Water's responses.

Ms Barich's overarching conclusion was the PSP provided an optimised drainage strategy but this strategy contains errors associated with modelling and design resulting in excessive drainage areas being nominated for some of the drainage assets. She noted that assets included 'buffers' for climate change, shallow groundwater and potential limitations and considered these buffers could be reduced in size because the drainage strategy now accounted for climate change. She considered the assets had been set at levels required to match existing controls and to facilitate pipe drainage outfalls. Therefore any clashes with groundwater would require an engineering solution because the levels of the drainage infrastructure cannot be altered.

Galileo submitted the location and size of the drainage areas shown in the Day 1 PSP should be refined now before undesirable locations and unnecessary sizes are introduced into the Planning Scheme through the PSP. It said the evidence of Ms Barich established the assets were still too generous and the buffers identified were not required anymore given the level of available detail.

Fouz Group noted that Melbourne Water did not challenge the evidence of Ms Barich or suggest any of her assumptions were incorrect or the outcomes of her analysis flawed.

Fouz Group said Requirements R31, R32 and R33 sent the message that delivered drainage assets will be generally in accordance with what is depicted on PSP Plan 7 and that is inconsistent with the 'flexibility' that Melbourne Water said would exist at the time of permit applications. It proposed that additional wording be added to each requirement to clarify it was anticipated drainage locations/areas may change or, alternatively, there be a cross-reference to the 'Progressive certainty' note for these requirements.

Galileo and Fouz Group both submitted:

- the 'Progressive certainty' note should be strengthened by changing 'may' in the first dot point to 'will' and by inserting as a new first dot point the words suggested by parties:
The locations and areas of the assets are expected to change when detailed design is undertaken in support of planning permit applications
- parcels 20 to 24 do not require Asset K to be constructed before they are developed and hence Asset K should be removed from parcels 20 to 24 in Table 19.

Spring Lodge submitted the Committee should seek to resolve the size and location of the drainage assets based on the evidence before it and amend the PSP to provide that:

- a changed asset will be generally in accordance with the PSP if it satisfies the technical requirements specified by Melbourne Water.
- where, as a result of a changed asset, land is no longer required for the specified asset the surplus land may be used and developed consistently with the underlying zoning and the use of the surplus land for a non-drainage purpose shall be taken to be generally in accordance with the PSP.

Spring Lodge also sought that:

- DSS Asset F and the associated drainage area should be deleted from the PSP and a requirement imposed requiring the delivery of the functionality provided by that asset
- the drainage area of Asset J should be reduced in accordance with the evidence of Ms Barich and the buffer area deleted
- the GRZ should be applied to all land identified for drainage assets south of the transmission easement; and
- the PSP should be amended in line with the drafting contained in VPA memorandum 7 (D141)

Table 10 Summary of PSP changes recommended by Nina Barich and Melbourne Water response

| DSS Asset | Submitter/Recommended change | Melbourne Water response |
|-----------|--|--|
| K | Galileo: - Asset K has been oversized and can be reduced in size to 2.44 Ha - No buffer is required for Asset K area as the base of the asset cannot be raised | Not appropriate to reduce the size of Asset K based on information known now. |
| L3 and L4 | Galileo: - Eastern Swales L3 and L4 should be | In response to further information from AusNet, an alternative eastern swale and crossing of the VDP asset |

| DSS Asset | Submitter/Recommended change | Melbourne Water response |
|-------------------|---|--|
| | <p>combined south of the utilities easement and located in the existing depression through the utilities easement aligning with an existing drainage easement</p> <ul style="list-style-type: none"> - The area allocated for the eastern swale can be reduced from 1.51 Ha to 0.37 Ha | at the existing farm drain to be investigated. |
| L1 | <p>Galileo:</p> <p>Increase pipe in size to 1500mm diameter or larger to provide capacity required for conveyance of 20% AEP design flow and realign the pipe to match Incitus design for eastern swale</p> | No specific response |
| E – north section | <p>Fouz Group:</p> <p>Reduce the waterway corridor for Ti Tree Creek between the VDP crossing and the water main crossing north of the utilities easement to from 75 to 60 metres</p> | Agreed. Plan 11 amended accordingly |
| E – north section | <p>Fouz Group:</p> <p>Reduce the waterway corridor for Ti Tree Creek between the VDP crossing and the water main crossing north of the utilities easement to from 75 to 60 metres</p> | Retain 75 metres width because of uncertainty regarding the final heights at the VDP crossing and the supply pipe crossing at C3. This will be determined through approval of function design by Melbourne Water, DEECA and Aquasure |
| J | <p>Fouz Group:</p> <p>Reduce size of drainage reserve to 11.26 Ha</p> | Rationale for size of Asset J including the buffer is the South East Water assets. Retain Asset J footprint until South East Water asset issue is better resolved. |
| B | <p>Fouz Group:</p> <p>Reduce the size of the drainage area to 0.54 Ha (down from 2.1 Ha) by removing the buffer</p> | Land flood prone and within LSIO. Buffer may be important for flood storage and/or treatment function. Resolve at later design stage |
| D | <p>Spring Lodge:</p> <p>Western diversion pipe should be sized to convey 2100 1% AEP design flow</p> | No specific response |
| F | <p>Spring Lodge:</p> <p>Western swale not required as plenty of engineering solutions to convey peak flows generated by the catchment through future development layout</p> | Asset F required to ensure that extreme flow events not diverted east by Asset D (pipe) are conveyed away from development south of the utilities easement. Resolve at functional design stage when development specific design information will be available. |
| E – south | <p>Spring Lodge:</p> | No specific response |

| DSS Asset | Submitter/Recommended change | Melbourne Water response |
|-----------|---|--|
| section | Reduce waterway width for Ti Tree Creek between Asset J and the existing water main crossing south of the utilities easement to 45 metres | |
| J | Spring Lodge: Reduce drainage reserve size to 11.26 Ha | Rationale for size of Asset J including the buffer is the South East Water assets. Retain Asset J footprint until South East Water asset issue is better resolved. |

MAB disagreed that the technical design requirements of the DSS were outside the scope of the Committee's considerations because the technical design requirements were inextricably linked to the land area proposed in the PSP and ICP and that *"at a minimum, it is necessary for the SAC to be satisfied that the technical design requirements of the DSS are sufficiently understood and strategically justified, in order to conclude that the proposed land take is acceptable."*

MAB submitted that given Melbourne Water's submission took a flexible approach, there was no basis for it to resist more explicit recognition in the PSP that alternative and interim approaches to drainage are permissible. Based on the 'lived experience' of Ms Barich and Mr Beardshaw about the difficulties in seeking approval of an alternative or interim drainage measure which is not expressly provided for. It submitted a more directive approach to flexibility *"... will assist permit applicants, the responsible authority and Melbourne Water to avoid any "overly zealous" application of what can only be considered high-level drainage design set out in the draft PSP."*

MAB said there was no justification for the responsible authority being able to conclude that a revised DSS asset was not 'generally in accordance' with the PSP where Melbourne Water had approved the revised asset.

Cranbourne 1450 broadly accepted that interim stormwater measures for retarding flows and water quality were necessary for the development of the precinct. In theory the words in Requirement R34 allowed for flexibility but, in practice, a common experience of developers was that it could be difficult to persuade Melbourne Water to allow measures that are not expressly provided in the PSP.

AVA noted that Melbourne Water advised the swales and VDP crossing (Assets L2, L3 and L4) may change as a result of the design revisions necessitated by AusNet requirements. It said this outcome broadly aligned with the recommendation of Ms Barich and AVA's requested change.

AVA supported the alternative location of the outfall to the west in the location of the existing farm drain and requested consideration of additional storage to negate the requirement for the delivery of DSS Asset K to be delivered before development of its land (Parcel 23) could proceed.

Response to Final Day drafting

Galileo's drafting response proposed PSP Plans 7 and 11 be amended to reduce the area of DSS Asset K to 2.44 hectares and the eastern swale (Asset L4) be relocated in accordance with Ms Barich's evidence and resized to 0.37 hectares.

Fouz Group's drafting response proposed:

- PSP Plan 7 and Plan 11 be amended to reduce the area depicted for Asset B to 0.54 hectares

- Asset E (Ti Tree Creek waterway between the VDP crossing and the Melbourne Water pipeline) be resized to 60 metres in width
- reconfigure Asset J in line with Ms Barich's evidence to 11.26 hectares.

Spring Lodge's drafting response sought the progressive certainty note be updated by:

- inserting 'including to zero' after the words 'Any change in size' in the first dot point
- inserting 'from those shown in Plans 7 and 11 of this PSP' after the words 'or location of DSS assets' in first dot point
- replacing the words 'may considered by the responsible authority as being generally in accordance with this PSP' with the words 'will considered by the responsible authority as being generally in accordance with this PSP in respect of drainage matters'

MAB's drafting response proposed:

- the insert note to PSP Plans 7 and 11 should be amended by replacing the words "may be considered by the responsible authority" with "...will be considered as being generally in accordance with the PSP...".
- the same change be made to the first dot point in the updated Progressive certainty note

The VPA did not accept the changes proposed by Galileo, Fouz Group, Spring Lodge or MAB.

(iv) Discussion

The threshold issue before the Committee is whether the drainage scheme shown in the PSP is strategically suitable to facilitate development of the precinct based on DSS-C. No evidence or submission put to the Committee questioned the overall Revision C design or its workability and whether the overall DSS is appropriately depicted in the PSP.

What was questioned was whether the location and size of specific assets provided appropriate envelopes for these drainage assets within which to subsequently resolve the detailed design of required infrastructure. The submissions made by several parties was that some assets were oversized or in some cases not needed. The evidence was detailed and was technically sound and merits further examination at the appropriate time by Melbourne Water.

As noted by the VPA, this is a planning scheme amendment process and not a detailed drainage scheme design process. The role of the Committee is not to determine the detailed design of individual assets. As reported by previous panels and advisory committees, the final design of the DSS and individual assets is a matter for Melbourne Water under the *Water Act 1989*.

There will inevitably be changes to the design and location of drainage assets as the DSS is finalised and assets go through the functional and detailed design processes as part of a planning application proposing to subdivide or develop the PSP's land parcels. What is central to the Committee's considerations is whether the plans and provisions of the PSP provide sufficient guidance and, in particular, sufficient flexibility for alternative designs for drainage assets to be considered at the planning application stage. This includes whether an alternative asset size or location can be approved by Melbourne Water and the responsible authority as being 'generally in accordance' with the PSP. A further consideration is whether the PSP provides a mechanism for land to be released for development should it not ultimately be required for drainage purposes.

The Committee notes the evidence of Ms Barich and other experts about their experience with Melbourne Water's approach to determining what is 'generally in accordance' with a PSP. During the Hearing, Melbourne Water stated on several occasions that it applied a flexible and 'liberal' approach in applying the 'generally in accordance' with principle. The Committee considers this is the appropriate practice to be adopted.

Throughout the Hearing, there have been significant revisions and additions to the PSP plans and requirements (Plan 7, Requirements R34, R38 and new Guideline G31), including the general note on 'Progressive certainty', to provide more flexibility for the staged delivery of drainage assets and the use of interim assets. Importantly, the changes to the 'Progressive certainty' note clearly state upfront that if approved by Melbourne Water, any change to the size, type, staging or location of DSS assets may be considered by the responsible authority to be generally in accordance with the PSP. A further change to the 'Progressive certainty' note makes it clear that land surplus to drainage requirements after the PSP is gazetted may be developed in accordance with the applied zoning of that land specified in UGZ16.

These changes are incorporated in the Final Day PSP. With a small but significant change to the progressive certainty note the Committee considers that the Final Day PSP with respect to drainage matters should be adopted.

The Committee agrees with submissions that the outcomes sought by the progressive certainty note should provide greater certainty by amending the first dot point as follows:

... may will considered by the responsible authority as being generally in accordance with this PSP in respect of drainage matters'.

This is considered a reasonable and sensible change. The Committee supports amending the second dot point to refer to the "*written consent of Melbourne Water*".

Further changes to the DSS will be required because of AusNet's proposal to construct a third transmission line. This will likely result in changes with respect to drainage assets within the utilities easement, including L2, L3, L4 and a realignment of the waterway (C3). The Committee notes that these changes will probably align with the changes requested by Galileo and AVA. Melbourne Water advised that this re-design work will be done as part of further refinement of the DSS (Revision D). It is unclear how long it will take to complete DSS Revision D. Ideally, Revision D and the re-design should accommodate the AusNet request before the PSP is finalised so that the changes can be incorporated. Alternatively, the VPA should consider an amendment to PSP Plans 7 and 11 so that significant subsequent changes to the DSS are deemed to be in accordance with the PSP post its gazettal.

In undertaking Revision D of the DSS, Melbourne Water should take the opportunity to review in detail the evidence of Ms Barich. The Committee does not recommend changes to the DSS assets based on her evidence for the reasons set out above, that is a matter for Melbourne Water. Ms Barich has put forward a thorough analysis of possible refinements to some of the DSS assets which the Committee considers worthy of further consideration.

The VPA's Day 1 and Final Day PSP changes to requirements and guidelines including Plans and UGZ16 application requirements responded to many of the submissions and planning evidence suggestions. The Committee has sought to capture these in Table 11 below with its position and recommendations on those changes noting the reference to requirement and guideline numbers reflects the Day 1 numbering. The Committee supports minor corrections and changes minor changes to the wording of Requirements R19, R20, R31, R32 and R33 not identified in Table 11.

Table 11 Committee response to VPA Final Day changes to Day 1 version documents for drainage assets

| Doc ref | VPA Final Day changes | Recommendation |
|-----------------|--|--|
| PSP | | |
| General Notes | <p>Amend the Progressive Certainty note: <i>The Croskell (Employment) PSP includes land set aside for development services scheme assets.</i></p> <ul style="list-style-type: none"> - <i><u>Any change to the size, type, staging or location of DSS assets, may be considered by the responsible authority as being generally in accordance if those DSS assets achieve the intended performance standards and are approved by Melbourne Water.</u></i> - <i><u>Should the land required for the delivery of these assets be reduced post-gazettal of this PSP, then that surplus land may be used and developed in accordance with the applied zoning of the land under Schedule 16 of the Urban Growth Zone.</u></i> - <i>Any increases in NDHA are subject to Section 4.2 of the Croskell (Employment) Infrastructure Contributions Plan – which sets out the process for changes to the land use budget.</i> | <p>Support subject to the following change:</p> <ul style="list-style-type: none"> - In first dot point replace “may be considered” with “will be considered” and add after Melbourne Water “in respect of drainage matters”. - In the second dot point add: <i>“with the written consent of Melbourne Water”</i> before ‘post gazettal’ in the second dot point <p>Note: Relocate note to Chapter 2 of the PSP consistent with the Committee’s recommendations</p> |
| Plan 5 | Remove stormwater pipe identified in PSP for Parcel 14 | Support. Include in final version. |
| Plan 7 | Legend referring to ‘Stormwater pipe’ on Parcel 14 reworded to: ‘major overland flow path’ | Support. Include in final version. |
| Plans 7 and 11 | Inset added to both plans – stating: <i>Any change to the size, type, staging or location of DSS assets, may be considered by the responsible authority if those DSS assets achieve the intended performance standards and are approved by Melbourne Water.</i> | Support. Include in final version. |
| Requirement R27 | Amend to R30 and replace the dot point: "Stormwater volume reduction and infiltration targets in Melbourne Water’s Healthy Waterway Strategy (2018), which are applicable to the PSP." with: <i>The quantitative performance objectives relating to the mean annual runoff of stormwater stated in EPA Publication 1739.1 (June 2021), which are applicable to the PSP.</i> | Support. Include in final version. |
| Requirement R31 | Amended to Requirement R34: <i>Drainage waterways must be designed in accordance with the relevant Development Services Scheme <u>and generally in accordance with Plan 7 Public realm and water. Waterways must be delivered to:</u></i> | Support. Include in final version. |

| Doc ref | VPA Final Day changes | Recommendation |
|---------------|--|------------------------------------|
| | <ul style="list-style-type: none"> - <i>Provide safe drainage and flood protection.</i> - <i>Incorporate environmental, cultural and amenity value.</i> - <i>Provide an open drainage system where this typology is specified in the relevant Drainage Services Scheme</i> <p><i>to the satisfaction of Melbourne Water and the responsible authority</i></p> | |
| New Guideline | <p>New Guideline G31:</p> <p><i>Proposals for the staged delivery of the assets identified for that PSP parcel, interim drainage solutions, or the delivery of the assets identified for that PSP parcel at a later stage, may be considered by the responsible authority and Melbourne Water, provided this is submitted in writing and demonstrates:</i></p> <ul style="list-style-type: none"> - <i>The basis for not providing the ultimate assets prior to the issue of a statement of compliance for the first stage of the subdivision of the PSP parcel or completion of the first stage of the development of the PSP parcel.</i> - <i>How any interim or staged drainage solution will satisfactorily manage flow rates and treat stormwater generated from the development without causing adverse impacts to the other properties within or outside the precinct, the environment, cultural heritage, groundwater, or other infrastructure.</i> - <i>No risk to the ultimate delivery of drainage assets.</i> - <i>No additional costs to the DSS arising from providing the interim or staged drainage solution.</i> - <i>The ultimate asset will be delivered prior to the issue of a statement of compliance for the final stage or the completion of development of the PSP parcel.</i> | Support. Include in final version. |
| UGZ16 | | |
| 3.0 | <p>Amend 'Stormwater Management Strategy' application requirement as follows:</p> <ul style="list-style-type: none"> - change from 'strategy' to 'plan' - include 'Integrated Water Management' - include 'any proposed' in relation to temporary outfall provisions. | Support. Include in final version. |

(v) Conclusions and recommendations

The Committee concludes:

- The location and size of drainage areas, as shown in the PSP based on DSS-C, are appropriate and provides a suitable scheme within which to subsequently resolve the detailed design of required infrastructure.
- The amendments made during the Hearing and incorporated in the Final Day PSP in relation to drainage matters are appropriate, make explicit allowance for staged and interim drainage assets to be considered at the planning permit application stage and should provide more clarity and guidance to the responsibility authority in applying the 'generally in accordance' principle with respect to drainage assets.
- The Final Day versions of the PSP and UGZ16 contain an appropriate mechanism to allow for land that becomes surplus to DSS needs to be returned as developable land.
- That said, a further change should be made to the 'Progressive certainty' note to make it explicit that any change to a DSS asset approved by Melbourne Water will be considered generally in accordance with the PSP by the responsible authority.
- Any changes to the DSS in response to the request from AusNet should be incorporated, if possible, in PSP Plans 7 and 11 before the PSP is finalised or, alternatively, an appropriate amendment should be made to the PSP so that any significant subsequent changes to the DSS are deemed to be in accordance with the PSP post its gazettal.

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 169) subject to the changes in Table 11 of this Report to the 'Progressive certainty note'.

Urban Growth Zone Schedule 16

Amend Urban Growth Zone Schedule 16 consistent with Committee preferred version in Appendix I to revise 'Table 1: Applied zone provisions' to amend the 'Stormwater Management Strategy' application requirement.

5.3 Delivery of Drainage Services Scheme assets**(i) The issues**

The Table 1 referred issues are whether it is appropriate to:

- require parcels to deliver DSS assets before the statement of compliance is issued for any stage of subdivision
- include parcel specific liability for delivering assets.

(ii) Final Day changes

Relevant key changes made in the Final Day PSP were:

- amendments to Requirement R34 (R37 in Final Day version) to provide for staged deliver of DSS assets identified for a PSP parcel, interim drainage solution and delivery of assets at a later stage of development with the consent of the responsible authority and Melbourne Water.

- a new guideline (Guideline G31 in Final Day version) to allow for the consideration of proposals for the staged delivery of the DSS assets, interim drainage solutions, or the delivery of the assets at a later stage, by the responsible authority and Melbourne Water
- deletion of Table 19
- changes to Table 20 to delete the sub-precinct column and assets to be delivered by parcel 18 and an update of the parcel-specific asset references.

(iii) Evidence and submissions

VPA

The VPA submitted that the Final Day PSP included appropriate changes to identify parcels that must deliver DSS assets before a Statement of Compliance is issued for the first stage of development and to recognise the need for interim DSS assets where appropriate.

Melbourne Water

Melbourne Water set out its position on staging of the delivery of DSS assets in a memo (D72) which states:

- while it did not seek to regulate the staging of assets or development, it was a fundamental requirement to ensure the precinct has sufficient drainage assets in place congruent with the development of each parcel to ensure drainage related risks for that parcel have been mitigated
- to support that aim, the PSP sought to identify what drainage assets are required to service the development of each PSP parcel.

Melbourne Water stated in oral submissions that “*Melbourne Water will entertain interim assets to allow development of a parcel to ‘get away’*”. The revised Requirement R34 (R37 in the Final Day version) appropriately set out the preferred outcome (delivery of each asset up front to the ultimate standard) while allowing for detailed consideration of a different option at the application stage.

Mr Bishop concluded that the PSP staging Plan 11 and supporting Tables 19 and 20, with appropriate modifications, provided guidance on future requirements for the development of PSP parcels. He considered it important that appropriate flexibility was provided to allow for deviations from these requirements where appropriate in the future. Mr Bishop said in this view the revised Requirement R34 provided flexibility in the staging of development.

Melbourne Water supported the amended drafting of Requirement R34 because:

- The revised requirement includes triggers regarding both subdivision (statement of compliance) and development. This responds to the concern put to the Committee that some developments may proceed without subdivision.
- The drafting makes it clear to the user of the document that interim treatments will not be considered for the sensitive VDP and water supply pipe track crossings.
- The term ‘not possible’ has been replaced with the term ‘not practicable’.
- The provision allows a discussion with Melbourne Water where the upfront delivery of ultimate assets is not practicable. That discussion can include:
 - the staged delivery of the assets identified for that PSP parcel;
 - a proposal for interim drainage solutions for one or more stages; or
 - the delivery of the assets identified for that PSP parcel at a later stage of the subdivision or development.

Melbourne Water supported the deletion of Table 19 and several changes to Table 20 (Table 19 in the Final Day version) as follows:

- Asset J within the Melbourne Water land:

The asset is located partly on Melbourne Water land and partly on private land. Table 20 Properties 10 and 13E can be linked to ultimate standard of Asset J within Melbourne Water land only (parcel 25) by amending Table 20:

| | |
|-----|---|
| 10 | A, D, C3, E (from C3 to drainage outfall (existing Thompsons Road culverts)), J (at a minimum, the part of asset J within parcel 25) |
| 13E | 13E B, C2, C3, E (from C2 to drainage outfall (existing Thompsons Road culverts)), J (at a minimum, the part of asset J within parcel 25) |

- Splitting Property 15R into two sub-properties:

Spring Lodge requested modifications to PSP Plan 11 and Table 20 so that DSS assets are separately mapped. Melbourne Water agreed and proposed that Table 20 be updated:

| | |
|-----------|---|
| 15R North | D, E (from C3 to drainage outfall (existing Thompsons Road culverts)) |
| 15R South | F, C1, C2, C3, E (from C1 to drainage outfall (existing Thompsons Road culverts)) |

- Property 15E:

Melbourne Water accepted the evidence of Mr Bishop that property 15E does not rely on assets C1 and F and proposed that Table 20 be updated:

| | |
|-----|---|
| 15E | D, E (from C3 to drainage outfall (existing Thompsons Road culverts)) |
|-----|---|

- Asset K:

Melbourne Water accepted the evidence of Mr Bishop that properties 20 (east), 21, 22, 23 and 24 should be linked to asset K and proposed that Table 20 be updated:

| | |
|----------------|-------------------|
| 14 | K, L1, L2, L3, L4 |
| 20 (east side) | L1, L2, L4, K |
| 21 | L1, L2, L4, K |
| 22 | L1, L2, L4, K |
| 23 | L1, L2, L4, K |

- Properties 11 and 18:

Melbourne Water proposed to remove properties 11 and 18 from Table 20 on the basis that this land is owned by Melbourne Water and will only be used for drainage purposes.

Submissions and evidence

Council submitted that:

...the keys to the timely provision of stormwater assets under a PSP that operates in conjunction with a DSS scheme are on the one hand, to allow sufficient flexibility in the way that drainage infrastructure is rolled out by developers, including the ability to provide interim assets for *a time*, and to also balance the need to ensure that the ultimate assets are also delivered *at some point* as part of development.

Council noted that while it agreed the Requirement R34 consent mechanism allowed for the delivery of interim assets, this seems implicit rather than explicit. It submitted that an amended Requirement R34 that more explicitly recognises that interim assets may be required would provide more clarity for developers and the more efficient implementation of the PSP.

Council requested the following amendments to Requirement R34:

Prior to the issue of a statement of compliance for any stage of the subdivision of a PSP parcel or the commencement of development of a PSP parcel, all Development Services Scheme (DSS) assets identified for that PSP parcel within the:

- Plan 11 Infrastructure and development staging
- Table 20 Infrastructure coordination requirements – parcels - must be delivered.

Where it can be demonstrated that this is not possible, development proposals must demonstrate how any interim solution adequately manages flow rates, treats stormwater generated from the development (without causing adverse impacts to the other properties within or outside the precinct, the environment, cultural heritage, or other infrastructure), to the satisfaction of Melbourne Water and the responsible authority. (Council changes underlined)

AVA requested that the staging in Table 20 not link asset K to Parcel 23. It submitted that with the additional storage proposed under its alternative drainage concept, Parcel 23 could develop independently without the requirement to wait for considerable drainage infrastructure (Asset J) by others downstream of its land.

MAB noted that Table 20 did not assign responsibility for delivering drainage assets to particular landowners or require a particular sequence or staging of delivery. MAB said Asset J was not on its land (Parcel 10) but would have to rely on Melbourne Water and the owner of Parcel 16 for the delivery of asset J.

Mr Beardshaw concluded there was limited nexus between Parcel 10 and Asset J. He noted Asset J provides partial treatment and flood attenuation for the entire western catchment of the PSP. He observed that given Asset J is located upstream of Parcel 10 and some storage is proposed at Asset A (SBRB2), the link to Asset J is limited in the early stages of development.

Mr Beardshaw recommended that:

- initial staging include the construction of Asset A which would facilitate approximately 100 Ha of commercial land development
- further staging of a partial construction of Asset J on the Melbourne Water land can extend development to around 150 Ha
- final staging of Asset J to allow full development, that is the balance of land, of the western catchment (of approximately 260 Ha).

MAB said there no basis to constrain development of Parcel 10 until Asset J is fully delivered, noting Mr Beardshaw's evidence that around 100 hectares of land in Catchment 1A was likely to be developable before there was any need for the waterway and Thompsons Road outfall to connect to Asset J. MAB noted that Mr Bishop agreed that Asset C3 should be deleted from Table 20 in respect of Parcel 10 and for the inclusion of words of "*J or part thereof*" in Table 20 for Parcel 10. MAB submitted that drafting should clarify that:

- part delivery of Asset J is sufficient; and
- alternative and interim arrangements are permissible to the satisfaction of Melbourne Water and the responsible authority.

For Galileo, Ms Barich stated that as all the DSS assets for the eastern catchment are within Parcel 14, it was not unrealistic for Parcel 14 to construct the DSS assets however the construction of the DSS assets was not required for Stage 1 development. She considered “... *it is not reasonable to request that all of the DSS assets for the eastern catchment are constructed prior to the issue of a Statement of Compliance for any stage of a subdivision of a PSP parcel or commencement of development of a PSP parcel.*”

Galileo supported the introduction of clearer provisions for flexibility in the delivery of drainage assets and to recognise that interim assets may be appropriate and should be considered. It noted the evidence of Ms Barich that development of parcels 20 (east) to 24 did not require Asset K to be constructed. Galileo submitted that position should be reflected in Table 20 of the PSP.

For Fouz Group, Ms Barich opined:

- Fouz should have the opportunity to develop a portion of parcels 13E and 13R with temporary drainage measures prior to the requirement to construct Asset J or downstream waterways (Asset E)
- it is unreasonable to require Parcel 20 draining into the western catchment to construct any section of Ti Tree Creek (Asset E) and that requirement should be removed from the PSP
- Asset L1 (northern pipeline) should be constructed by parcel 14 and the requirement for the construction of this asset be removed from parcel 20 in the PSP
- parcel 26 will be able to obtain a temporary outfall to the existing form of Ti Tree Creek and the requirement for construction of asset E from Asset J to the Thompsons Road outfall should be removed from parcel 26 in the PSP.

Fouz Group supported the introduction of clearer provisions for flexibility in delivering drainage assets and allowing interim asset where appropriate. It supported Ms Barich’s evidence and the Galileo position relating to Asset K. It submitted that Asset J should not apply to Parcel 26.

For Spring Lodge, Ms Barich stated:

- DSS assets required for the portion of Spring Lodge land to the north of the utilities easement are not required for development subject to the inclusion of appropriate temporary stormwater measures
- Parcels of Spring Lodge land to the south of the utilities easement should have the opportunity to develop with temporary drainage measures prior to the requirement to construct Asset J
- the portion of Spring Lodge referred to as parcel 16 will need to construct Asset G
- the construction of Asset F (the western swale) is no longer warranted.

(iv) Discussion

The requirements for relevant parcels to deliver some DSS assets before a Statement of Compliance is issued for any stage of subdivision or development and for parcel specific liability for delivering assets was generally accepted by most if not all parties. What was in dispute was the specifics of requirements with respect to certain parcels. For example, whether all of a drainage asset must be delivered up front and which assets should be ‘tied’ to which parcel.

Significant revisions were made during the Hearing in response to submissions including deleting Table 19 and changes to Table 20 and providing for the staging of the delivery of assets and allowing for interim assets with the approval of Melbourne Water to be generally in accordance with the PSP. The Committee supports these changes.

While the Committee notes not all the requested changes to Table 20 (now Table 19) were adopted by the VPA, significant changes were made, for example with respect to Asset J. On other assets, the evidence was not entirely consistent. For example, Mr Bishop recommended that properties 20 (east), 21, 22, 23 and 24 should be linked to asset K but Ms Barich gave evidence to the contrary. The Committee agrees with the advice of Melbourne Water with respect to Table 20.

The Committee notes also that changes to Requirement R34 (amended to R38) now allow with the consent of Melbourne Water and the responsible authority for a development to rely on staged delivery of assets, interim drainage solutions, and the delivery of assets at a later stage of subdivision or development. In the view of the Committee, this provides considerable flexibility for developers to meet the requirements of the amended Requirement R38 and Table 20 and are supported.

The Committee's recommendations in response to the VPA Final Day changes to the PSP in relation to DSS asset delivery are set out in Table 12 below.

Table 12 Committee response to VPA Final Day PSP changes to Day 1 PSP version for delivery of DDS assets

| PSP ref | VPA Final Day changes | Recommendation |
|-----------------|--|------------------------------------|
| Requirement R34 | <p>Amended to R38:</p> <p><u>Prior to the issue of a statement of compliance for the first stage of the subdivision of a PSP parcel or completion of the first stage of the development of a PSP parcel, all Development Services Scheme (DSS) assets identified for that PSP parcel within the Plan 11 Infrastructure and development staging; Table XX Infrastructure coordination requirements – parcels must be delivered. Where it can be demonstrated that this is not reasonably practicable, with the written consent of the responsible authority and Melbourne Water, a development may rely on:</u></p> <ul style="list-style-type: none"> - The staged delivery of the assets identified for that PSP parcel; or - A proposal for interim drainage solutions for one or more stages; or - The delivery of the assets identified for that PSP parcel at a later stage of the subdivision or development. <p><u>An interim solution will not be considered for drainage crossings of the VDP infrastructure and water supply pipe track. These assets must be delivered in their ultimate form.</u></p> | Support. Include in final version. |
| Guideline | New Guideline G31 as identified in Table 11. | Support. Include in final version. |
| Table 19 | Delete | Support |
| Table 20 | Delete sub-precinct column, delete assets to be delivered by Parcel 18. Table parcel-specific asset references updated in consultation with Melbourne Water. | Support. Include in final version. |

(v) Conclusions and recommendation

The Committee concludes:

- It is appropriate to require relevant parcels to deliver some DSS assets before a Statement of Compliance is issued for any stage of subdivision or development.
- The requirement for parcel specific liability for delivering assets is appropriate.
- Allowing staged delivery of assets, interim drainage solutions, and the delivery of assets at a later stage of subdivision or development is necessary to provide sufficient flexibility where appropriate.
- The VPA Final Day changes including an amended Requirement R34 (R38), deletion of Table 19 and updates to Table 20 provide considerable flexibility to developers in meeting the PSP provisions relating to drainage asset delivery and are appropriate and should be included.

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 169) as identified in Table 12 of this Report.

5.4 Other drainage issues**(i) Discussion**

The VPA's Day 1 zone map changes (Document 177b) proposed to apply the PUZ1 to land owned by Melbourne Water rather than include it in the UGZ or retain it in the Urban Floodway Zone. There were no opposing drafting submissions to this change. The Committee supports the change.

The VPA's Final Day version of the draft Amendment proposed to include an amended Clause 66.04 (Referral of permit applications under local provisions) to identify Melbourne Water Corporation as a determining referral authority for:

- UGZ16 for:
An application to construct a building or carry out works (where the value of those works is in excess of \$1,000,000) on land identified on Plan 1 to Schedule 16 of Clause 37.07 as 'Industry', 'Retail' or 'Business'.
- SUZ8 for:
An application to construct a building or carry out works (where the value of those works is in excess of \$1,000,000).

Melbourne Water said this change was necessary given elements of the PSP contemplate development without subdivision. The amended Clause 66.04 would ensure developments are referred to it in the same way subdivision applications were referred to it under Clause 66.01. There were no opposing drafting submissions to this change. The Committee supports the change to Clause 66.04 being introduced through this draft Amendment.

(ii) Recommendations

The Committee recommends:

Public Use Zone

- **Apply the Public Use Zone 1 to Melbourne Water Corporation land consistent with the VPA Final Day zone map (Document 177b).**

Clause 66.04 Schedule

- **Amend Clause 66.04 Schedule consistent with the VPA Final Day version (Document 184e).**

6 Transport and movement

6.1 Background

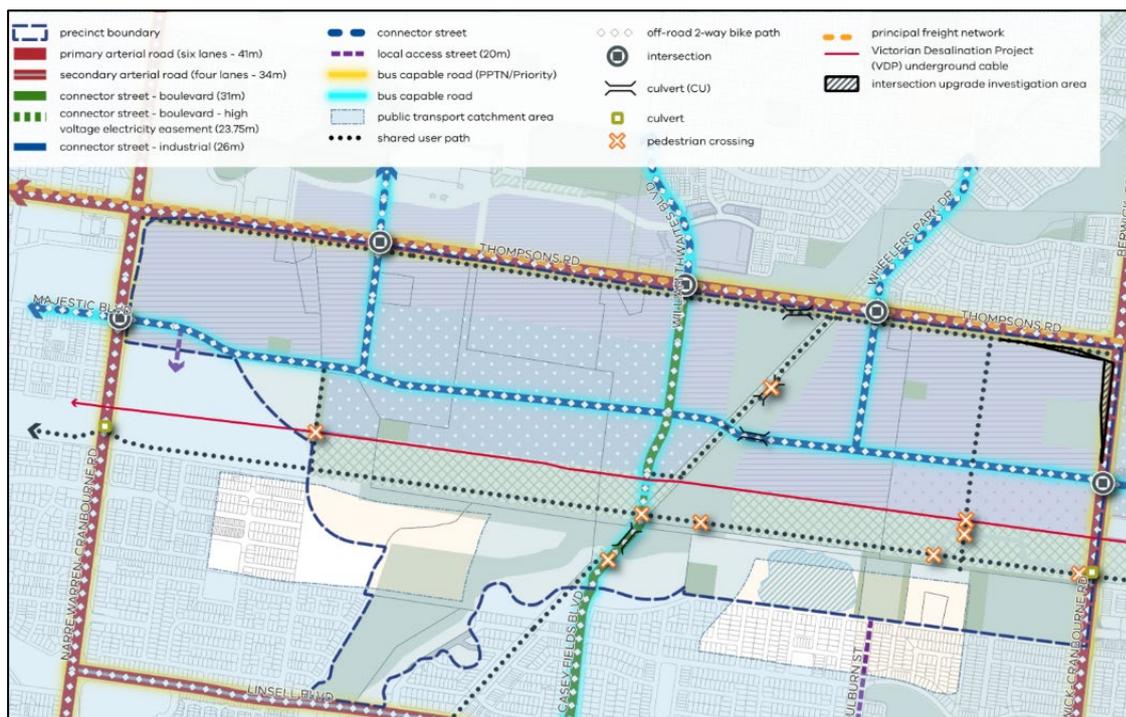
(i) Amendment documents

Day 1 PSP

Relevant to transport and movement, the Day 1 PSP includes:

- Plan 4 Movement network and public transport (Figure 19) identifying the connector street network, pedestrian crossings and signals, intersections with the surrounding arterial roads, bus capable roads, SUPs and off-road two-way bike paths
- 'Section 3.2 Safe, accessible and well-connected' which includes movement network objectives, requirements and guidelines
- standard road cross sections, place-based road cross sections and functional layout plans
- Plan 12 Precinct infrastructure plan (Figure 20) depicting road network infrastructure items
- Table 21 describing the precinct infrastructure items.

Figure 19 Day 1 PSP Plan 4 Movement network



The main PSP Day 1 movement network changes to the PSP include (refer to Appendix F:1):

- amendments to Plan 4 to:
 - show three intersections (developer works) on the connector street and six pedestrian crossings over Melbourne Water assets. These amendments were to provide clarity and do not represent new items
 - show a shift southwards in the alignment of the east-west connector road to avoid the abattoir buildings
 - delete the local road along the northern edge of the utilities easement
 - show a shift westwards of SUP-03 to align with the new linear park to the north
- rewording of Requirement R10 with respect to access from properties fronting Thompsons Road, Berwick-Cranbourne Road and Narre Warren-Cranbourne Road.

Figure 20 Day 1 PSP Plan 12 Precinct infrastructure plan



(ii) Background reports

Exhibited reports

- Integrated Transport Assessment Report, Movement & Place Consulting, August 2024)

Supplementary reports:

- Integrated Transport Assessment, Movement & Place Consulting, January 2025.

(iii) Evidence

Table 13 lists the expert traffic and transport evidence called by parties.

Table 13 Traffic and transport experts

| Expert | Firm | Party | Report |
|-------------------|-----------------|----------|-----------|
| Charmaine Dunstan | Traffic | Galileo | D54 |
| Simon Beardall | Eukai | MAB | D46 |
| Terry Hardingham* | O'Brien Traffic | Wagstaff | D50 & D75 |

* Expert report circulated but was not called following VPA Final Day changes to PSP Plan 4

6.2 Road network alignment

6.2.1 Left-in/Left-out access to Berwick-Cranbourne Road

(i) The issues

The issues are whether:

- specifically, the location of the proposed Left-in-Left-out (LILO) access for Council’s Active Open Space to Berwick-Cranbourne Road is appropriate or if this access point is better moved northwards within the high voltage electricity easement

- LILO access from Berwick-Cranbourne Road to the Galileo land covered by the easement should be shown on PSP Plan 4.

(ii) Evidence and submissions

The exhibited PSP Plan 4 depicted a LILO access from Berwick-Cranbourne Road to Council's Active Open Space (SR-02) just to the south of the high voltage electricity easement. This access was removed from the Day 1 version and no further change was made to the Plan 4 Final Day version.

Galileo submitted its site was faced with unique circumstances. A substantial portion of its land was covered by the utilities easement with limited certainty of accessing that portion of its land across the VDP easement. It would be inappropriate for there to be no legal access point to its land resulting in it being effectively 'severed' from being used and 'land-locked'.

Galileo noted with the removal of the LILO from Plan 4, Requirement R9 made it clear that the preference for access from Berwick-Cranbourne Road is for an arrangement other than left in/left out access. Leaving the consideration of an access point to Berwick-Cranbourne Road to the permit stage provided no certainty that an access would be considered 'generally in accordance' the PSP.

Galileo submitted that it was therefore "*imperative that there is some marking on the PSP Plan 4, that conveys how ongoing and longer-term access to the Galileo transmission line easement land will be provided.*"

Ms Dunstan's position was:

- some form of vehicle access is necessary to maintain functionality of the land for maintenance and ultimately for an appropriate land use
- the Galileo land within the electricity easement is burdened by the VDP underground cable and adjoined by Council's sport reserve land to the south and the VPA did not support vehicular crossings linking the collector street to the north to the easement land across the VDP cable asset
- the likelihood of achieving approval for a VDP vehicle access was low and the cost if it were permitted high
- the remaining and most viable option for access is direct access to Berwick-Cranbourne Road via a LILO arrangement
- this access arrangement was acceptable given the low level of traffic likely to be generated by the use of the Galileo easement land and the availability of U-turn opportunities within nearby
- access to the Council's Active Sports Reserves, particularly SR-02, to the south of the Galileo land is similarly constrained with the only option currently detailed in the PSP to the south via the existing residential area which would be inappropriate given the level intensity of use contemplated for SR-02
- LILO access to Berwick-Cranbourne Road would also be necessary for access to SR-02. Given the intensity of use, a U-turn would need to be created to facilitate entry from the north either at or on approach to the traffic signals at Plymouth Boulevard.

Ms Dunstan recommended that:

- a left in/left out access point north of the proposed pedestrian signals to ensure access for the Galileo land be shown on PSP Plan 4 Movement Network

- a left in/left out access point to SR-02 also be shown on PSP Plan 4 to ensure the sports reserve has appropriate vehicle access without relying solely on access through the residential area to the south
- while there may be potential for a consolidated left in/left out access point to the Galileo land and SR-02 at the approximate location of the boundary between the two properties, the PSP Plan 4 should not preclude independent left in/left out access to the Galileo easement land.

During cross examination, Ms Dunstan conceded that she had not assessed traffic volumes, but she had explored land uses that would generate low traffic volumes and therefore in her view, there would be no impacts on other intersections along Berwick-Cranbourne Road. She agreed that a short deceleration lane would be required.

Ms Dunstan in re-examination, considered there would be no harm in showing left in/left out access on Plan 4 as any proposed access would still require the usual assessment process.

Galileo submitted that the evidence of Ms Dunstan should be accepted as clear and compelling evidence as to why left in/left out access should be shown on Plan 4 and her evidence withstood extensive cross-examination.

Galileo requested Plan 4 be amended (refer Figure 21) as follows:

- a notation be added to Plan 1 or Plan 2 to recognise the existing access point (from Berwick-Cranbourne Road) on the eastern boundary of the Galileo easement land
- two left in/left out access points be marked on Plan 4, one being to the north of the proposed pedestrian signals and adjacent to the Galileo easement land and one to the south of the pedestrian signals.

Figure 21 Galileo proposed Berwick-Cranbourne Road access point investigation area



Source: Document 150a

Galileo proposed that Requirement R9 be amended as follows:

Vehicular access to commercial/industrial properties fronting Thompsons Road, Berwick-Cranbourne Road and Narre Warren-Cranbourne Road must be from connector streets, internal loop roads or rear laneways, unless it is within the transmission line easement or unless otherwise approved by the responsible authority and the Department of Transport.

The VPA submitted did not support Galileo's change at this time as the ultimate land use and subdivision design has not been prepared and no detailed traffic analysis was provided by Ms

Dunstan. Ms Dunstan acknowledged the potential use of the easement land was not known and potential uses could generate higher traffic volumes than a lower impact activity such as car park. The VPA submitted:

it is premature to show left in/left out access and this time and pre-supposes permission without allowing the normal planning permit application process to be followed and the necessary Road Safety/Safe System Assessment to occur at the time of subdivision, a detailed assessment can be provided to the responsible authority and the road authority. Ms Dunstan's verbal evidence acknowledged the many unknowns at this stage.

The VPA explained there are two existing access points that will remain. It added:

To suggest that just because something may be refused at the permit application stage is not a reason to show a LILO on Plan 4 Movement Plan as this would pre-determine the suitability of the LILO where there is insufficient information before the Committee in relation to the easement land.

The oral closing submissions, the VPA said no analysis on potential impacts of LILO on the broader road network had been submitted by Galileo. It did not support Galileo's approach and urged the Committee *"not to pre-suppose a particular access treatment when there is no supporting traffic data and analysis."*

Council said it is agnostic as to whether or not the PSP identifies a LILO to SR-02. It did not support Galileo's changes but if access was to be shown, the southern access option (at the location of the pathway between SR-02 and the electricity easement) was the most appropriate as it would serve both the SR-02 and Galileo's land. Council submitted no change was required to Requirement R9 as a secondary consent mechanism was already included in it.

(iii) Discussion

The Committee notes that no submissions were made or evidence presented that raised issues as to the suitability of the overall road network or in the context of Day 1 changes to adjust the alignment of the east-west connector in response to submissions. The submissions and evidence were specifically about LILO onto Berwick-Cranbourne Road.

The Committee observes that it is not usually the case that LILO access from arterial roads to abutting properties is shown on the relevant PSP plan. An assessment of such access is normally left to a planning permit application stage and often in relation to temporary access arrangements.

The circumstances in this case of access to both the Galileo easement land and the Council's Sports Reserve (SR-02) are somewhat different in that it is unlikely (but not impossible) that access could be achieved by an additional vehicular crossing of the VDP asset. Access through a service road or loop road given the relatively short frontages of the two properties to Berwick-Cranbourne Road would be all but impossible. Relying on access to SR-02 or the easement land though residential streets dependent on use and volumes have amenity and movement impact.

This leaves the only practical access option being a LILO to each property or a combined LILO at a suitable location. The question then is should LILO access points (or combined point) be shown on Plan 4 or be deferred to the planning application stage. The Committee accepts a concern is genuinely held by Galileo that an application for a LILO access at the permit application stage may be refused as not being 'generally in accordance' with the PSP or Requirement R9 (R10) notwithstanding that alternative access arrangements (which presumably could include LILO) could be approved by the responsible authority and the DTP.

Ms Dunstan put the view that a LILO could be achieved without any impacts on the operation of Berwick-Cranbourne Road. That may well be the case but the difficulty for the Committee is that her assessment was not based on a traffic impact assessment and the Committee does not have a detailed analysis before it to be confident that, for example, any required deceleration lane could be implemented, and that U-turns could be accommodated without impacting traffic operations on Berwick-Cranbourne Road. Further, while future land use on the Galileo land is likely to generate low levels of traffic given the constraints of development on the easement land, that cannot be said now for the future SR-02 which could generate significant volumes of traffic during peak usage times. The impact on Berwick-Cranbourne Road can only be determined with any certainty at a permit application stage when more detail is available on land use and a traffic impact assessment could be done.

LILO access points should not be shown on the Plan 4 at this time. To provide more certainty to Galileo (and Council) that, subject to a traffic impact assessment a LILO arrangement could be considered to be 'generally in accordance' with the PSP, showing a LILO 'investigation area' on PSP Plan 4 is an appropriate forward. While not overly concerned about showing the existing access points on Plan 4, it is not clear to the Committee what purpose would be achieved showing them. An indicative LILO access point on Plan 4 should not be identified. The location of any future LILO access point or points should be subject to investigation, detailed design and a traffic impact assessment at the planning permit application stage.

The Committee does not support the further changes to Requirement R9 (R10) proposed by Galileo. It questions the efficacy of the additional words and agrees with Council that the requirement already includes a 'secondary' consent mechanism.

(iv) Conclusions and recommendation

The Committee concludes:

- LILO access from the Galileo easement land and SR-02 to Berwick-Cranbourne Road should not be shown on the PSP Plan 4.
- Further detailed assessment on the traffic impacts should be undertaken before the acceptability and location of a LILO can be determined. This assessment is best done at the planning permit application stage.
- Additional guidance should be included in Plan 4 to identify a LILO investigation area, noting this may need to extend further south to include a portion of SR-02.
- No additional changes are required to Requirement R9 (R10) or Plan 4 beyond those included in the VPA's Final day changes.

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 169) with the following additional change:

- **amend 'Plan 4 Movement network and public transport' consistent with the VPA Final Day version (Document 172b) to show a left in/left out 'investigation area' on Berwick-Cranbourne Road extending from the northern boundary of the utilities easement to the northern portion of SR-02.**

6.2.2 Intersection project IN-01

(i) The issue

The Table 1 referred issue is whether the road network alignment is suitable, specifically if the alignment of IN-01 can be shifted so as to avoid bisecting the existing abattoir buildings.

(ii) Final Day changes

Final Day PSP included an addition to the Plan 4 to show a box around IN-01 and a new legend entry: 'alternative intersection alignment investigation area' with the following note:

*The alignment of IN-01 may shift with the written approval of the responsible authority, having regard to the existing abattoir operations and any approved future expansions.

(iii) Evidence and submissions

Wagstaff submitted that IN-01 should be modified to avoid its current abattoir buildings. It submitted that a design that achieves this is contained in Mr Hardingham's evidence statement.

Mr Hardingham considered the Beverage Williams alternative design for IN-01 introduced significant safety concerns due to the amended alignment of the intersection resulting in differing angles of approaches and without providing a straight line clear of other traffic lanes and islands. He proposed an amended design for IN-01.

Mr Hardingham provided an addendum (D75) to his expert evidence to consider the impact of planning permit PInA00543/03 that allows for the construction of buildings and facilities to the west of the existing abattoir buildings on the Wagstaff land. He concluded development of the approved buildings would likely result in the need to relocate the proposed north-south connector road (between Thompsons Road and the proposed east-west connector road 400 metres to the south) approximately 200 metres to the west to the boundary of the Wagstaff land.

The VPA noted in its Part B submission that:

The effect of this permit and the alignment of IN-01 is that it would require an increase in the road curve leading to IN-01 or complete realignment so that it does not connect with Medley Drive to the north.

The VPA added that while the straight alignment of IN-01 was the optimal design, it proposed to add a new appendix to the PSP showing the alternative "kinked" alignment with the intention of identifying the VPA's preferred alignment of the connector road and the location of IN-01 while also recognising an alternative arrangement. This would all Wagstaff seek to extend planning permit PInA00543/03 without the PSP being a barrier to the permit extension.

The VPA noted that there may be additional costs in delivering an alternative alignment and a reduction in NDA but in its view, whether the alternative IN-01 is delivered is ultimately a commercial decision for Wagstaff and any additional cost cannot be included fairly in the ICP nor warrant an adjustment to the land budget.

In closing submissions, the VPA advised that following further discussion, it had agreed with Wagstaff changes to the Day 1 version of Plan 4 to insert an investigation area and corresponding change to the Plan 4 as follows:

- add box around IN-01 and add new legend entry '*Alternative intersection alignment investigation area**'

- Add inset box stating: **The alignment of IN-01 may shift with the written approval of the responsible authority, having regard to the existing abattoir operations and any approved future expansions*.*

Wagstaff confirmed at the Hearing and in its drafting submissions response to VPA Final Day changes that it had agreed to those changes.

(iv) Discussion

The Committee agrees with the VPA that in road network and road safety terms, a straight alignment of the north-south connector road and location of the IN-01 intersection as shown on the Day 1 version of Plan 4 is the 'optimal' design. It is apparent that on the evidence of Mr Hardingham, this alignment is problematic given the existing Wagstaff abattoir buildings and the existing planning permit which would allow the expansion of the abattoir buildings to the west.

More design work will be required on any realignment of the connector road and intersection design to establish acceptability in terms of road safety and to confirm land area and cost. The VPA's proposed Final Day changes to the PSP will allow for any changes to the connector road alignment and location of IN-01 to be 'generally in accordance' with the PSP and to avoid the existing abattoir buildings and further expansion should Wagstaff decide to act on the existing permit or seek a permit extension. The Committee considers these changes to be a reasonable and workable outcome.

(v) Conclusions and recommendation

The Committee concludes:

- The alignment of intersection IN-01 has been appropriately resolved through the VPA Final Day changes to PSP Plan 4.

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 169) to amend 'Plan 4 Movement network and public transport' in relation to the alignment of IN-02.

6.3 Other transport and movement issues

6.3.1 Shared User Paths

(i) The issues

There are three unresolved issues with respect to Shared User Paths (SUPs). These are whether:

- the SUP within the utilities easement should be included within the ICP
- the SUP adjoining Thompsons Road not within DSS assets should be included as inner public purpose land and added to the ICP
- the north-south SUP on the Galileo land (parcel 14) should be relocated west (onto parcels 13E, 13R and 20) to align with the north-south connector street which connects with Wheelers Park Drive to the north of Thompsons Road.

The first and second of these issues are discussed in Chapter 9.3.

(ii) Evidence and submissions

Galileo submitted:

- there is no basis for the location and alignment of the north-south SUP on its land as the PSP area is well serviced by north-south SUPs both along Berwick-Cranbourne Road and the north-south drainage area
- the north-south SUP through the Galileo land does not provide a connection to the north beyond the PSP
- if there is to be a SUP in the north-east of the PSP it should be located along Wheelers Park Drive and a further extension added to link to the proposed east-west SUP within the electricity transmission easement.

Fouz Group submitted any relocation of the SUP westwards was illogical given that there are two pedestrian crossings proposed along the SUP alignment within the utilities easement to cross the VDP underground pipe asset and the drainage culvert. It noted that Galileo proposed to retain these crossings as part of the pedestrian network but the relocation of the SUP to the west would require an additional VDP crossing which Fouz Group understood would be in conflict with the request by Aquasure (the VDP asset owner) that crossings of the VPD should be avoided or minimised. Fouz Group said the current location of the SUP was logical in its alignment, being part way between SR-01 and SR-02, which provided a direct connection from Thompsons Road to the areas of active open space.

The VPA did not support relocating the SUP and VDP crossing to the west as the current alignment provided access to the future SR-02. It added that so as not to prejudice development outcomes north of the east-west connector street, it would amend the SUP connection to the north to show an arrow identifying that an SUP connection to Thompsons Road be delivered but leaving the exact means of implementation to be determined as part of subdivision. The VPA submitted that these changes utilise the VDP crossing at the point closest to SR-02 and allows flexibility for active transport connection to Thompsons Road to be provided via local roads.

(iii) Discussion

The Committee does not support the relocation of the SUP to the west as proposed by Galileo. It agrees with the VPA and Fouz Group that the current alignment of the SUP and the consequent location of the VDP crossing is logical in that it provides direct access from the north to SR-02. The current alignment should be preferred over the more westerly alignment.

The change proposed by the VPA to show the SUP as an arrow to the north of the east-west connector street is in the Committee's view a reasonable and practical compromise. It will allow flexibility in the alignment of the SUP north through the Galileo land thereby providing Galileo with flexibility in the subdivision layout of its land. The Committee supports the change as shown on the Final Day version of Plan 4.

(iv) Conclusions and recommendations

The Committee concludes that:

- The current alignment of the north-south SUP should be retained.
- The Final Day version of Plan 4 to show the SUP as an arrow to the north of the east-west connector street is a reasonable and practical compromise to give Galileo flexibility in determining the future subdivision layout of its land.

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 169) to include in 'Plan 4 Movement network and public transport' additional notations relating to the north-south Shared User Path.

6.3.2 Pedestrian crossing PED-01

(i) The issue

Pedestrian crossing PED-01 is a proposed signalised crossing of Narre Warren-Cranbourne Road outside the PSP area to the west on the alignment of the east-west SUP along the utilities easement.

The issue is whether pedestrian crossing PED-01 should be deleted from the PSP Plan 4 Movement Network.

(ii) Submissions

Spring Lodge submitted that PED-01 should be deleted because it is insufficiently justified. An existing signalised crossing was located a short distance to the north at Kingdom Drive and another crossing further to the north at Majestic Drive. This would result in a situation where there was less than 200 metres between crossings, an outcome which was not supported by government policy. Spring Lodge noted that VicRoads' *Guidance for Planning Road Networks in Growth Areas* states that "... consideration should be given to providing pedestrian crossing facilities on arterial roads no closer than 200m apart, to try and minimise disruption and retain the intended mobility and access of arterial roads."

Spring Lodge submitted that PED-01 is problematic because:

- it is unclear whether the Council intends to extend the SUP through the easement further west than the end of the precinct. If not, the utility of PED-01 is substantially undermined as it does not connect to anything.
- there is no demand analysis provided to demonstrate the expected level of use to justify provision of another signalised crossing at PED-01
- the cost of PED-01 is attributed 100 per cent to the Croskell PSP despite it being located outside the PSP area and would serve populations outside the PSP area moving along the SUP which ordinarily result in some of the cost be apportioned to external demand.

If PED-01 was to be retained, Spring Lodge supported the recommendation of Council that it be delivered by the Department of Transport and Planning (DTP) because the works are on an arterial road and would normally be funded by the road management authority.

Council submitted that given the Narre Warren-Cranbourne Road has already been triplicated, the DTP should deliver PED-01. It stated that it would enter an agreement with the DTP to provide funding for the works to be carried out.

The VPA submitted that PED-01 is required as there is strategic merit in facilitating an east-west active travel corridor through the utilities easement. The VPA did not support Spring Lodge's submission that PED-01 should be removed from the ICP or alternatively delivered by DTP. Its position was Council is the most appropriate lead agency for the project. The VPA added that Council had indicated to the VPA that Council sees the SUP within the utility easement as a long-

term aspiration. The VPA therefore submitted that there is strategic merit in ensuring the delivery of PED-01 through the PSP and ICP.

(iii) Discussion

The Committee agrees with the VPA that PED-01 should be retained in the PSP and ICP. This pedestrian crossing will in the future provide a key crossing point on Narre Warren-Cranbourne Road to ensure continuity of the east-west SUP on the utilities easement both within the PSP area and ultimately further to the west outside the PSP. Notwithstanding that the staging of PED-01 in the ICP is listed as short term (S), it may not be delivered for some time given Narre Warren-Cranbourne Road has already been upgraded. This is not a reason to remove it from the PSP and ICP. The timing of its delivery will be a matter for Council in consultation with the road authority.

For the reasons discussed in Chapter 9.5 below, the Committee considers that Council should be the lead agency for PED-01 notwithstanding its delivery will require the approval of DTP as the road authority.

There is some merit in Spring Lodge's position regarding apportionment because PED-01 is outside the PSP area and there will be some benefit to the wider community from its delivery. The difficulty though is how much of the cost should be apportioned to demand external to the PSP and what landowners should meet any externally apportioned cost. There is no prospect of apportionment to another ICP as the area to the west of the PSP area is already developed. The only option would be to apportion some of the cost to Council. This would place an unfair financial burden on Council. There is no dispute over the costing of PED-01 and the Committee considers that on balance it should be fully funded through the ICP.

(iv) Conclusions

The Committee concludes:

- PED-01 should be retained in the PSP.
- PED-01 should be fully funded as currently proposed by the ICP.
- Council should remain the development agency for PED-01.

6.3.3 Other Final Day transport changes

(i) Discussion

Other proposed Final Day changes to the PSP relating to transport network matters in response to submissions and evidence and the Committee's position on them in Table 14 below. The Committee supports the changes considering they are logical and add.

Table 14 Committee response to VPA Final Day PSP changes to Day 1 version documents for transport matters

| Doc ref | VPA Final Day changes | Recommendation |
|---------------|---|---|
| General notes | Amend the Victorian Desalination Project assets note to: <i>All north-south crossings shown over the Victorian Desalination Project (VDP) assets within the PSP are indicative and subject to a whole-of-government resolution process review by DEECA at subdivision. Each crossing will also require contractual arrangements to be entered into with DEECA to regulate its delivery.</i> | Support. Include in final version noting recommendation to relocate General Notes to the PSP Outcomes |

| Doc ref | VPA Final Day changes | Recommendation |
|-----------------|--|--|
| Requirement R5 | Amended to add: The design and delivery of all sections of Casey Fields Boulevard must be <i>undertaken</i> in consultation with the responsible authority. | chapter. Support. Include in final version. |
| New Requirement | <p>Previously part of R9 the following is proposed as a new Requirement (R11):</p> <p><i>If vehicular access to commercial/industrial properties fronting Thompsons Road, Berwick Cranbourne Road and Narre Warren-Cranbourne Road is provided via a service road, the proponent must demonstrate how the service road will not prejudice either:</i></p> <ul style="list-style-type: none"> - <i>The safe operation of any existing active transport infrastructure within the state road reserve or;</i> - <i>The safe delivery and operation of any future active transport infrastructure provided within the state road reserve to the satisfaction of the responsible authority.</i> | Support. Include in final version. |
| New Requirement | <p>Add a new requirement (R14):</p> <p><i>Roads must be designed and constructed to property boundaries where inter-parcel connections are required:</i></p> <ul style="list-style-type: none"> - <i>To existing and approved roads immediately outside the PSP area</i> - <i>Across separately owned or developed parcels within the PSP area</i> - <i>Across other land constraints, such as waterway crossings.</i> | Support. Include in final version. |

(ii) Recommendation

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 169) as identified in Table 14 of this Report.

7 Cultural heritage

7.1 Background

The PSP land is located on Bunurong Country. The Bunurong Council Aboriginal Corporation (BLCAC) is the Registered Aboriginal Party for the Bunurong people. The Bunurong people are recognised as the Traditional Owners of their lands and waters across metropolitan Melbourne, the Mornington Peninsula, the Bass Coast and West Gippsland.

(i) The draft Amendment

The draft PSP proposed to:

- identify a 5.1 hectare patch of vegetation on Parcel 20 (part of 37 Brocker Street, Clyde North) as 'Aboriginal heritage' in the PSP
- protect the vegetation and the cultural values by identifying the area as encumbered open space, and not as part of the net developable area for the precinct
- surround the portion of land identified as 'Aboriginal heritage' to the north, east and west with proposed local park LP-03 (credited open space).

The VPA explained its approach to Aboriginal cultural values for Parcel 20 was informed through consultation with BLCAC and by the:

- *Cultural Values Interpretation Strategy Summary Report* (CVIS), Bunurong Land Council, February 2024 (D3o)
- *Aboriginal Cultural Heritage Impact Assessment*, Uearthed Heritage, May 2024 (D3i).¹

The CVIS contained three recommendations for 37 Brocker Street, Clyde North:

- BLCAC strongly recommends that the VPA ensure the retention and revitalisation of the remnant vegetation patch identified at 37 Brocker Street, Clyde North. BLCAC's preferred method of retention is via the establishment of a public reserve encompassing this landscape feature.
- BLCAC supports the registration of the area encompassing the vegetation patch at 37 Brocker Street on the Victorian Aboriginal Heritage Register (VAHR) as an Aboriginal Place. Moreover, BLCAC recommends the creation of a new Aboriginal Place registration that merges two existing places currently located on the periphery of the vegetation patch (VAHR 7921-0880 and VAHR 7921-1841), creating a new place that encompasses the entire sandy rise/dune feature on which the vegetation sits.
- BLCAC would like to participate in the management of any future public reserve that encompasses the remnant vegetation patch.

The VPA explained it instructed its consultant, Uearthed Heritage, to work with BLCAC and First People's State Relations to merge the two previously existing Registered Places as recommended (forming Aboriginal Place Donohue Street Dune AS 7921-1989). It noted that while the new Aboriginal Place encompasses the entirety of the 5.41 hectare native vegetation patch (with a total area of 10.054 hectares), it does not include reference to a Cultural Place component referring to these trees. It was registered in recognition of the high potential for tangible artifacts associated with the sandy dune.

The draft PSP at section 1.5 states:

¹ A less redacted version of the Cultural Heritage Impact Assessment was provided to the Committee on 5 March 2025 (D82)

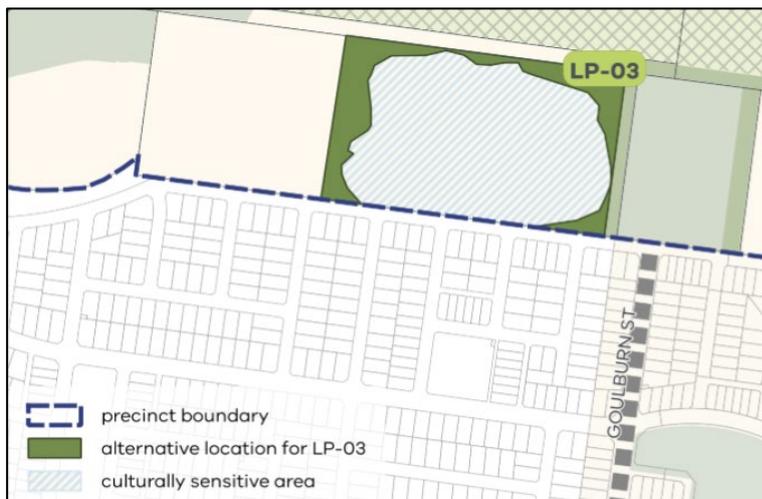
The BLCAC identified a patch of 5.41ha of vegetation in the south eastern portion of the precinct along Donohue Street that is culturally significant to the Bunurong peoples. This vegetation should be retained in recognition of its significance. The vegetation sits within the largest of several Aboriginal Places in the precinct. These Aboriginal Places are registered under the *Aboriginal Heritage Act 2006* and must be managed in line with the Act – Cultural Heritage Management Plans (CHMPs) must be prepared with the BLCAC as required.

(ii) Day 1 changes

The Day 1 PSP proposed an alternative approach for Parcel 20 to:

- change the designation of land on Parcel 20 identified as ‘Aboriginal heritage’ to ‘culturally sensitive area’ where no subdivision or development can occur unless it can be demonstrated that relevant approvals have been obtained
- show the GRZ as the applied zone to allow the potential for future development subject to Cultural Heritage Management Plan (CHMP) requirements being met, noting if no development can occur on the land the GRZ can be retained (similar to the other local parks) and a plan of subdivision would show the area as reserve to be handed over to the acquiring authority
- resize and relocate the LP-03 away from around the edge of the culturally sensitive area
- include a new Plan 14 as Appendix 5 identifying an alternative location for LP-03, which would surround the culturally sensitive area to the north, east and west (Figure 22).

Figure 22 Day 1 PSP Alternative LP-03 location



The Day 1 PSP includes further proposed changes to the following requirements and guidelines:

- amend Requirement R20 as follows:

The retention, enhancement and integration of the existing natural environment, landscape features, registered Aboriginal Places or any areas of tangible or intangible Aboriginal cultural significance ~~determined~~ identified via a Cultural Heritage Management Plan must be ~~considered~~ managed through subdivision design, and, where applicable, building design. Where possible, harm should be avoided and/or minimised to any identified Aboriginal cultural heritage values.
- amend the wording of Guideline G18 in the PSP as follows:

Integrated water management systems should be designed to:

 - Maximise habitat values for local flora and fauna species.
 - Enable future harvesting and/or treatment and re-use of stormwater.
 - Recognise and respond to Aboriginal cultural heritage and values. Where possible, harm should be avoided and/or minimised to any identified Aboriginal cultural heritage values.

- amend the wording of Guideline G22 in the PSP as follows:
Subdivision design and, where applicable, building design should demonstrate how it has considered and – where possible and appropriate – responded to the principles outlined under Section 5 - interpretation strategy of the *Cultural Values Interpretation Strategy Summary Report* (Feb 2024).

The VPA explained it had discussed the Day 1 approach with the BLCAC who confirmed by email, dated 19 February 2025, that it will rely on a sensitive use designation as now proposed in the Day 1 PSP and any future CHMP undertaken in line with *Aboriginal Heritage Act 2006* requirements.

(iii) Evidence

Fouz Group called the following evidence from:

- Dr Matt Cupper of Landskape on Aboriginal cultural heritage (D61).
- Mr Evan Grainger on planning for cultural heritage (D59).

7.2 Protecting cultural values

(i) The issue

The issue is whether the designation of a portion of Parcel 20 as encumbered open space is an appropriate mechanism for retaining and protecting cultural values in this circumstance and if not, what the most appropriate mechanism would be to achieve this purpose.

(ii) Evidence and submissions

The VPA submitted:

- the patch of vegetation on Parcel 20 is treated differently to other areas designated as having 'cultural heritage sensitivity' within the precinct because of the CVIS recommendations and not its registration as Aboriginal Place Donohue Street Dune (AS 7921-1989)
- the land should be treated as encumbered open space under the Land Use Budget because of the significance placed upon it by the BLCAC
- in recognition that no detailed assessment has been undertaken in relation to the land, an alternative approach was proposed in the Day 1 PSP.

The VPA said its revised approach:

- respectfully manages the interface between landowners seeking to develop their land and the need to conserve and enhance areas of value to the Bunurong People
- is consistent with the VPA and Victorian government's approach to provide meaningful opportunities for Traditional Owner input into precinct planning
- is consistent with section 4(1)(d) of the PE Act.

Council did not object to the VPA's amended approach. It submitted:

- Council had not agreed to acquire any land for a reserve in this location and any decisions about ownership and ongoing management are best made once the conditions of a CHMP for the land are known
- the UGZ16 should include a requirement for a Land Management Plan, and a section 173 Agreement to implement the plan, should Council or other public agency agree to become the acquiring authority. This was on the basis that a CHMP would identify management responses

- the PSP needed a trigger for actioning the alternative LP-03 location in Appendix 5.

Fouz Group submitted the *Aboriginal Heritage Act 2006 (AH Act)* and *Aboriginal Heritage Regulations 2018 (Vic)* (AH Regulations) are the primary legislative tools that do, and should, govern matters of Aboriginal cultural heritage. It said it would be undesirable for the Planning Scheme, and the planning system more generally, to introduce regulation that conflicts with, or is inconsistent with, the role and outcomes that Aboriginal heritage laws have and would permit.

Dr Cupper identified the AH Act:

... is the statute most effective to protect and manage Aboriginal cultural heritage at PSP Parcel 20 (part Lot 1 PS706792C) and no additional statutory instrument under the planning scheme is necessary to ensure appropriate protection or management.

Mr Grainger noted the Day 1 PSP does not provide any explicit guidance for Parcel 20 other than to identify the land as uncredited open space. Mr Grainger considered the Day 1 approach confusing. He said it was unclear whether the PSP was directing the land to be:

- Used and developed for residential purposes, subject to the requirements of a future Cultural Heritage Management Plan; or
- Retained as a patch of remnant vegetation, in recognition of the cultural value given to it by the Bunurong Land Council Aboriginal Corporation.

Mr Grainger recommended Parcel 20 not be shown as a 'culturally sensitive area' because the AH Act and the requirements and guidelines within section 3.4 of the PSP already provided an adequate framework for the protection of Aboriginal cultural heritage within the precinct.

Fouz Group acknowledged that Parcel 20 is presently covered by a Registered Place under the AH Act and that any high impact activity would trigger the need for a mandatory CHMP. It was not until that process has occurred that the development future of much of Parcel 20 (not just the area shown as a 'culturally sensitive area') would be known. Fouz Group said the proposed designation does not do what the CVIS recommended (for example show the land as a public reserve).

Fouz Group submitted there were two options that could be considered for Parcel 20 to avoid confusion and inconsistent outcomes between what is permitted by a future CHMP and what is considered 'generally in accordance' with the PSP:

- Option 1 (preferred option):
 - no 'special' designation of a 'culturally sensitive area' on Parcel 20 in the PSP because the AH Act and AH Regulations are intended to comprehensively cover this aspect, and the Place is now protected through registration
 - treat the Registered Place on Parcel 20 the same as all other registered places or areas of cultural heritage sensitivity within the precinct as depicted on Plan 1
- Option 2 – include a specific section in the PSP for the site which:
 - identifies a sub-set of Parcel 20 as considered to be culturally sensitive in the CVIS
 - identifies use and development of the site will be guided by the outcome of processes under the AH Act and AH Regulations
 - includes a single map showing the area with a note the area is a Registered Place under the AH Act
 - specifies use and development that is generally in accordance with what is permitted under the AH Act will be considered to be generally in accordance with the PSP.

Fouz Group said the PSP should not assume Parcel 20 is not developable until proven otherwise, the underlying zone should remain as residential, the area should be moved out of the open space

categories in Tables 22 and 23 and other references to cultural heritage should be reviewed to ensure they do not conflict with the above guidance for Parcel 20.

Fouz Group did not support UGZ16 including a Land Management Plan requirement. It considered it inappropriate and too specific when a CHMP process has not been undertaken. It submitted the detail of ongoing management actions will depend on the terms of a CHMP.

The VPA said the identification of the culturally sensitive area on Parcel 20 in the PSP works with the AH Act and is reflective of the PSP's strategic role. It ought to be distinguished from other culturally sensitive areas within the precinct because it has particular significance to the BLCAC, in addition to the values identified in VAHR 7921-1989. The VPA said Dr Cupper in oral evidence confirmed this held significant weight.

The VPA considered the term 'public reserve' used in the CVIS was done so in a non-technical sense and the intention was that the vegetation patch be retained for the public and not destroyed through development. BLCAC had not suggested any planning mechanisms to advance the retention of the vegetation patch, only that it was significant and ought to be retained.

The VPA referred to the lack of current planning protection for the vegetation patch under the *Metropolitan Strategic Assessment (MSA)*. It said that without a designation in the PSP a future landowner might be unaware of its significance and at risk committing an offense under the AH Act. It proposed additional reference in the PSP and the Clause 52.17 Schedule to ensure landowners would be aware of this. Council supported this approach.

Regarding LP-03, the Fouz Group proposed it be shown as a rectangular parcel at the eastern end of the 'culturally sensitive area' adjacent to SR-01.

Council did not support Fouz Group's proposed location of LP-03. It submitted:

- a CHMP needs to be prepared first to identify whether the land has any viable open space functions
- the proposed location at the eastern end of the site did not contemplate what would happen with the land shown as 'culturally sensitive area' to the west
- where unencumbered land values are provided for in an ICP through the Land Credit Amount Mechanism the land provided cannot be encumbered
- the location of the LP-03 can be determined based on the alternative location plan shown in the PSP.

The VPA acknowledged the unusual context of Parcel 20 where it includes a portion of land identified as having cultural sensitivity and has sought to deliver flexibility to the landowner by permitting the location of LP-03 to be confirmed upon a CHMP at the appropriate time.

The VPA said it had refined its approach throughout the Hearing process as documented in Memos 3 (D96) and 4 (D124). It acknowledged cultural heritage provisions were spread throughout the PSP but noted this resulted from the thematic grouping of the PSP template and that any consideration of a permit application would require a holistic review of the PSP. The VPA did not support Fouz Group's changes but proposed further changes in its the Final Day PSP and UGZ16:

- PSP:
 - a Cultural Heritage note under General Notes which refers to the 'culturally sensitive area' on Parcel 20 and states that any development must be consistent with the AH

- Act and relevant statutory requirements, and flags the potential significance of native vegetation even though it may be removed under the MSA
- a note on Plan 8 flagging the potential significance of native vegetation on Parcel 20
- a new requirement in section 3.1.2 that requires consideration of Aboriginal cultural values.
- revision to Requirement R24 to provide a link to Plan 14 and the alternative location for LP-03 and include notes on Plan 14
- UGZ16 – a condition requiring a Land Management Plan if Council or any other public agency agree in writing to become the acquiring authority for the land.

The VPA said the final Amendment would include a definition for the culturally sensitive area and include a mechanism to convert the area shown as encumbered open space in the Land Use Budget to NDA if required.

(iii) Discussion

The Committee commends the VPA's early engagement with the Bunurong people as the Traditional Owners of the Croskell (Employment) precinct land. It is appropriate, and consistent with the PE Act, to provide opportunities for meaningful engagement and to incorporate outcomes from this engagement in strategic planning documents such as PSPs.

The key issue put to the Committee in relation to cultural heritage is whether the designation of a portion of Parcel 20 as encumbered open space is an appropriate mechanism for retaining and protecting cultural values in this circumstance. The Committee considers there are several questions that require consideration to determine whether this is the appropriate mechanism:

- should the vegetation patch be identified differently to other land designated as an 'area of cultural heritage sensitivity'
- is the land encumbered
- is the land intended to have an open space function.

The Committee agrees the primary legislative tools to govern matters of Aboriginal cultural heritage are the AH Act and AH Regulations. It does not consider what is proposed through the draft Amendment would conflict with this legislation. While the Committee agrees with Dr Cupper that no additional statutory instrument is required to protect Aboriginal cultural heritage, identification of the vegetation patch in the PSP provides strategic planning context for future planning of the precinct and alerts users of the PSP to the presence of a site that has been clearly identified by the BLCAC, through the CVIS, as 'particularly significant'.

It is understood that Aboriginal Place registration AS 7921-1989 is in recognition of the high potential for tangible artifacts associated with the sandy dune and does not include a Cultural Place component referring to the trees. Therefore, it is appropriate to identify the vegetation patch separately to AS 7921-1989 and differently to other areas in the precinct designated as having cultural heritage sensitivity.

It is particularly important to identify the area in situations where other legislation could lead to different outcomes for the site, for example the removal of vegetation without a permit under the MSA. Therefore, reference to the site and the application of different requirements for retention of the vegetation under the AH Act on Plan 8 are supported.

The VPA proposed the following words for the note on Plan 8:

The culturally sensitive area may have potential constraints to development as highlighted within the *Cultural Values Interpretation Strategy Summary Report February 2024*.

While the vegetation present on this site is designated as “native vegetation that may be removed” – the removal of this vegetation prior to the completion of a Cultural Heritage Management Plan may amount to an offence under *the Aboriginal Heritage Act 2006*.

The first sentence is considered unnecessary as the second part of the note explains the potential conflict. The first sentence also repeats content in the General Notes. The second sentence should be reworded to define the site being referenced.

The Committee supports referencing Plan 8 in the Clause 52.17 Schedule. It does not consider the reference removes the ability to remove vegetation in the MSA without a permit. The Schedule would state “*This does not apply to native vegetation, habitat or scattered trees identified as to be retained or reinstated in ... Plan 8*”. Plan 8 does not specify any native vegetation to be retained, but it will draw the attention of future users to the requirements of the AH Act.

The Committee agrees the land should be included in the PSP as encumbered land. It has been clearly identified by the BLCAC as culturally significant and should not be included within the NDA unless the CHMP finds that the land (or part of the land) is suitable for development. The Committee agrees with the VPA that a mechanism to convert the land to NDA if required be included in the PSP.

Whether the land will ultimately have an open space function is a more complex question. Until a CHMP has been prepared the potential for such an outcome is unknown. The VPA advised that while the BLCAC may not have used the term ‘public reserve’ in a technical sense the intention is the vegetation patch be retained for the public and not destroyed through development. The Committee is unclear about what this means for the future of the land.

The PSP proposes to introduce a new term for the vegetation patch, ‘culturally sensitive area’. The Committee understands this term is intended to indicate a specific significance for this land in the PSP. The VPA proposed the inclusion of a definition of the term in the final version of the PSP however the Committee is unclear whether this is intended to be captured by the first paragraph under the Cultural heritage section of the General Notes or elsewhere. It is not included in the Glossary of terms in Appendix 6. It is also very similar to the existing term ‘areas of cultural heritage sensitivity’ defined in the AH Regulations. This is likely to cause confusion. It would be prudent to review the proposed term to avoid future confusion and to include a clear definition in the PSP’s Glossary of terms.

At present, the Committee understands there is no separate category in the PSP template for this type of land in the Land Use Budget tables. While the Committee agrees the land should not be part of the NDA unless a CHMP permits development, the land is not the same as other uncredited open space. It is unknown whether it will become a future public reserve, or other reserve or easement in favour of an agency separate to a private landowner. Nor can it be included as credited open space, again because its future is yet unknown. It is likely that in future, more land will be identified in a similar way and there is a need for a separate category for land which has been identified as having Aboriginal cultural significance but for which its future function and management is subject to processes under the AH Act. This land should be shown in a separate category in the Land Use Budget and should not be included as part of the NDA. As noted above, a mechanism should be included in the PSP to convert the land to NDA if required in the future.

In summary, while the Committee supports the general approach for the vegetation patch on Parcel 20 in the draft Amendment, including identification of the patch on all plans with the PSP, it considers the terminology used for the vegetation patch should be reviewed and it should be included in a separate category in the Land Use Budget.

The Committee supports the UGZ16 including a Land Management requirement, noting this will only apply if the land is moved into public ownership.

Regarding LP-03, the Committee supports the approach to identifying an alternative location in Appendix 5, with a linking provision, as it provides the landowner flexibility pending the outcomes of a future CHMP. It does not support showing the LP-03 on any land identified as culturally significant as this is encumbered land and cannot be included as credited open space.

Table 15 below summarises the Committee's response to the Final Day PSP and UGZ changes.

Table 15 Committee response to VPA Final Day changes to Day 1 version documents for cultural heritage

| Day 1 ref | VPA Final Day changes | Recommendation |
|--------------|---|---|
| PSP | | |
| General Note | <p>Add Cultural Heritage note:</p> <p><i>The "culturally sensitive area" identified on parcel 20 may have potential constraints to development as highlighted within the Cultural Values Interpretation Strategy Summary Report February 2024. Developers are encouraged to engage early with the Registered Aboriginal Party (RAP) to address cultural heritage considerations.</i></p> <p><i>Any development in this area must comply with the Aboriginal Heritage Act 2006 (Vic) and all relevant statutory requirements. While the vegetation present on this site is designated as "native vegetation that may be removed" on Plan 8 – Native Vegetation Retention and Removal and is therefore removable without a planning permit under the Metropolitan Strategic Assessment – the removal of this vegetation prior to the completion of a Cultural Heritage Management Plan may amount to an offense under the Aboriginal Heritage Act 2006.</i></p> | <p>Support. Include in final version.</p> <p>Refer also to Committee's recommendation relating to the location of the General Note.</p> |
| 1.4 | <p>Amend 8th paragraph under 'Precinct features' to include the words:</p> <p><i>has significance to the Bunurong peoples.</i></p> | Support. Include in final version. |
| 1.5 | <p>Amend first final sentence of final paragraph:</p> <p><i>The BLCAC identified a patch of 5.41ha of vegetation in the south eastern portion of the precinct along Donohue Street that <u>is significant</u> to the Bunurong peoples. This vegetation <u>might require retention</u> in recognition of its</i></p> | Support. Include in final version. |

| Day 1 ref | VPA Final Day changes | Recommendation |
|-----------------|---|---|
| | <i>significance</i> | |
| 3.1.2 | Add a new requirement: <i>The design of any subdivision containing a lot within the culturally sensitive area shown on Plan 3 Housing must be consistent with any Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.</i> | Support. Include in final version. |
| Requirement R22 | Amend to: <u><i>Unless there is an agreement in writing between affected landowners and the responsible authority, all local parks must:</i></u> <ul style="list-style-type: none"> - <i>Be located, designed and developed in accordance with the location identified in Plan 7 Public realm and water and the attributes described in Table 13 Open space delivery unless otherwise approved by the responsible authority.</i> - <i>Adhere to any conditions outlined within an approved Cultural Heritage Management Plan if relevant.</i> <u><i>The responsible authority may request an alternate location for LP-03 within Parcel 20, having regard to any approved Cultural Heritage Management Plan for the land and Plan 14 – ‘Alternative LP-03 Location.</i></u> | Support. Include in final version. |
| Plan 8 | Inclusion of the following note: <i>The culturally sensitive area may have potential constraints to development as highlighted within the Cultural Values Interpretation Strategy Summary Report February 2024.</i> <i>While the vegetation present on this site is designated as “native vegetation that may be removed” – the removal of this vegetation prior to the completion of a Cultural Heritage Management Plan may amount to an offence under the Aboriginal Heritage Act 2006.</i> Update legend on Plans 3 and 4 to add ‘culturally Sensitive Area’. | Support legend updates and amend note to delete first sentence and amend second to: <i>The vegetation present on Parcel 20 is designated as “native vegetation that may be removed” – the removal of this vegetation prior to the completion of a Cultural Heritage Management Plan may amount to an offence under the Aboriginal Heritage Act 2006.</i> |
| Plan 14 | Include the following text: <i>This alternative option for LP-03 is indicative only and provided for the purpose of guiding discussions between the responsible authority, landowner and relevant Registered Aboriginal Party – noting that any alternative location</i> | Support. Include in final version. |

| Day 1 ref | VPA Final Day changes | Recommendation |
|---------------------|---|------------------------------------|
| | <i>considered must remain wholly within parcel 20. Any alterations to the location of LP-03 will not increase the Local Network Park (ICP land) or Local Sports Reserve Credited (ICP Land) amounts shown in Table 17 of the Croskell Infrastructure Contributions Plan or other relevant ICP tables.</i> | |
| UGZ16 | | |
| 4.0 | Insert a Land Management Plan condition. | Support. Include in final version. |
| Clause 52.17 | | |
| Schedule | Retain reference to PSP Plan 8 and correct reference to UGZ16. | Support. Include in final version. |

(iv) Conclusions and recommendations

The Committee concludes:

- It is appropriate to identify the vegetation patch separately to AS 7921-1989 and differently to other areas in the precinct designated as having cultural heritage sensitivity.
- The vegetation patch is encumbered land and should not be included in the NDA.
- It is appropriate to include an alternative location for LP-03 in Appendix 5 in the PSP to allow flexibility pending the outcome of processes under the AH Act.
- The VPA's Final Day PSP, UGZ16 and Clause 52.17 Schedule (corrected version) are generally appropriate and supported consistent with the Committee's recommendations in Table 15 of this Report.
- That said, the following further changes should be made to the PSP:
 - the term 'culturally sensitive area' is likely to cause confusion. A clearer term which is defined in the PSP's Glossary of terms should be used and applied consistently throughout the PSP
 - a simplified note should be applied to Plan 8 regarding the vegetation patch.
 - the future function and management of the vegetation patch on Parcel 20 is unknown at this stage. It should be shown in a category separate from open space in the Land Use Budget
 - a mechanism should be included to enable the conversion of the land to NDA if required (and permitted) in the future.

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (document 169) subject to the following changes:

- **Review the term 'culturally sensitive area' and include a definition in the Glossary of terms with the final terminology applied consistently through the Precinct Structure Plan.**
- **Amend the 'Land Use Budget' tables to identify the vegetation patch on Parcel 20 in a separate category to 'Uncredited Open Space & Regional Open Space'.**

- **Insert a mechanism to enable the conversion of the vegetation patch on Parcel 20 to net developable area if required (and permitted) in the future.**
- **Include the VPA Final Day changes consistent with the Committee's recommendations in Table 15 of this Report.**

Urban Growth Zone Schedule 16:

Amend Urban Growth Zone Schedule 16 consistent with the Committee's preferred version in Appendix I to include a Land Management condition.

Clause 52.17 Schedule:

Amend the table in Clause 52.17 Schedule consistent with the VPA Final Day version (Document 182b) to refer to Plan 8 in the incorporated Croskell (Employment) Precinct Structure Plan and correct the reference to UGZ16.

8 Bushfire

8.1 Background

(i) Amendment documents

Relevant to bushfire management, the following provisions were included in the Day 1 version:

- PSP:
 - objectives, requirements and guidelines in section 3.5 of the PSP
 - setbacks for development adjoining bushfire hazards on Plan 10 and in Table 16, including setbacks from potential vegetation in future drainage assets
 - a Requirement R35 to manage vegetation within a setback area in a low threat state.
- UGZ16: a requirement for a Bushfire Management Plan for applications to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 10 of the PSP.

The *Bushfire Development Report*, by Terramatrix, July 2024 (D3u) informed the draft provisions.

(ii) Day 1 changes

The Day 1 PSP (refer Appendix F:1) included bushfire provisions that proposed to :

- update Plan 10 and Table 16 to reflect the DSS-C (refer Figure 23)
- amend Requirement R34 to include additional text:

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

A lesser setback may be considered subject to a site-specific assessment of bushfire risk, vegetation classifications and setbacks to the satisfaction of the responsible authority and relevant fire authority
- change Requirement R35 to a Guideline, and reword to refer to Table 6 of Clause 53.02 for vegetation management in setback areas
- delete Guideline G28 which required “*Landscape design and plant selection in open spaces, including waterways and drainage corridors, should not increase bushfire risk*”.

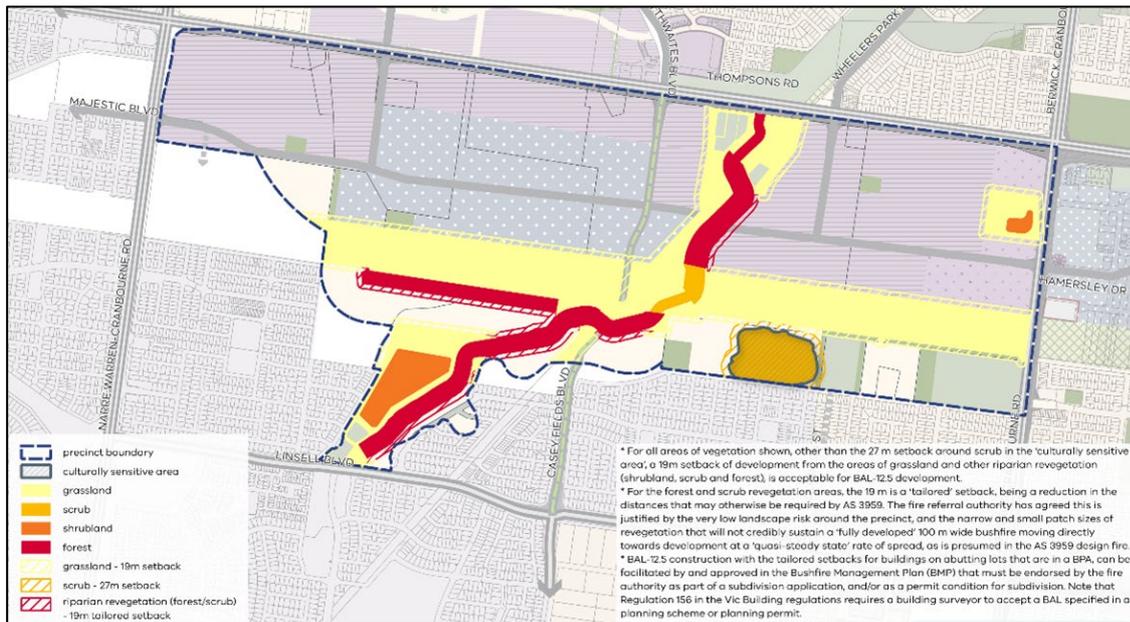
(iii) Evidence

Table 16 lists the expert bushfire evidence called by parties.

Table 16 Bushfire evidence

| Expert | Firm | Party | Report |
|--------------|-----------------------|------------|--------|
| Hamish Allan | Terramatrix | VPA | D45 |
| Mark Potter | Fire risk Consultants | Fouz Group | D57 |
| | | Galileo | D63 |
| Kevin Hazell | Bushfire Planning | MAB | D48 |

Figure 23 Day 1 PSP Plan 10 - Bushfire



8.2 Bushfire risk

(i) The issue

The referred Table 1 issue is whether it is appropriate to consider the bushfire risk of potential vegetation in drainage assets and other open space as opposed to existing conditions.

(ii) Submissions and evidence

The VPA explained it sought the advice of Fire Rescue Victoria (FRV), and consulted with Melbourne Water and Council, in responding to submissions on the draft Amendment. The CFA advised it was the not appropriate Authority given the precinct only has a small sliver of land along the eastern precinct within the CFA area.

Several submissions opposed the approach to bushfire management in the Day 1 draft Amendment documents, submitting:

- the level of detail in relation to bushfire risk was too great and the PSP should include a contextual map only in relation to bushfire
- new vegetation introduced into drainage assets should be limited to, and managed as, low threat vegetation
- the bushfire hazard areas on 1520 Thompsons Road should be deleted from Plan 10 as the vegetation does not pose a bushfire risk
- the utilities easement should not be included on Plan 10 as a bushfire hazard, or if it is included it should be shown as low threat vegetation
- alternatives to a perimeter road on employment land adjacent to a bushfire hazard area should be considered.

The VPA explained it took a conservative approach to bushfire management based on Clause 13.02-1S of the Planning Scheme which requires:

Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.

The VPA said where a hazard is introduced, bushfire setbacks including development setbacks, must not increase the risk and, if possible, reduce it through setbacks, building construction standards, perimeter roads, water supply for firefighting and access for residents and emergency services.

The VPA submitted the Day 1 version of the PSP went some way to resolving the issues of setbacks to potential vegetation and it would be inappropriate for the VPA to fail to consider the high likelihood of vegetation change in drainage asset and waterway areas. It said the Day 1 PSP provided an appropriate balance between facilitating vegetation and waterway health outcomes sought by Melbourne Water and managing the bushfire risk from revegetation.

Mr Allen generally supported the Day 1 PSP proposal but said further clarification was required about the extent and location of proposed setbacks from vegetation and the rationale for applying tailored setbacks.

Melbourne Water submitted:

- waterways and drainage corridors would be vegetated in accordance with Melbourne Water policy, reflecting established growth area practice across metropolitan Melbourne
- bushfire setbacks should be determined in relation to future vegetated state (vegetation at maturity) of the drainage assets
- bushfire setbacks must be delivered entirely outside of drainage asset/reserve areas, noting that while Melbourne Water will fulfill its maintenance obligations in respect of drainage reserves and assets, these obligations do not extend to management of vegetation in a low threat state
- only where there are existing constraints would the vegetation of the drainage reserve be reduced in response to that constraint, for example within the powerline easement (where canopy trees would be in conflict with this infrastructure).

Melbourne Water provided the VPA with details of proposed vegetation for the drainage asset and waterway areas.

Mr Potter expressed concern that the proposed draft Amendment had not been assessed against all the strategies within Clause 13.02-1S. There was potential for the introduction of high-risk vegetation that would result in increased bushfire risk, and this would not be consistent with Clause 13.02-1S.

Mr Hazell:

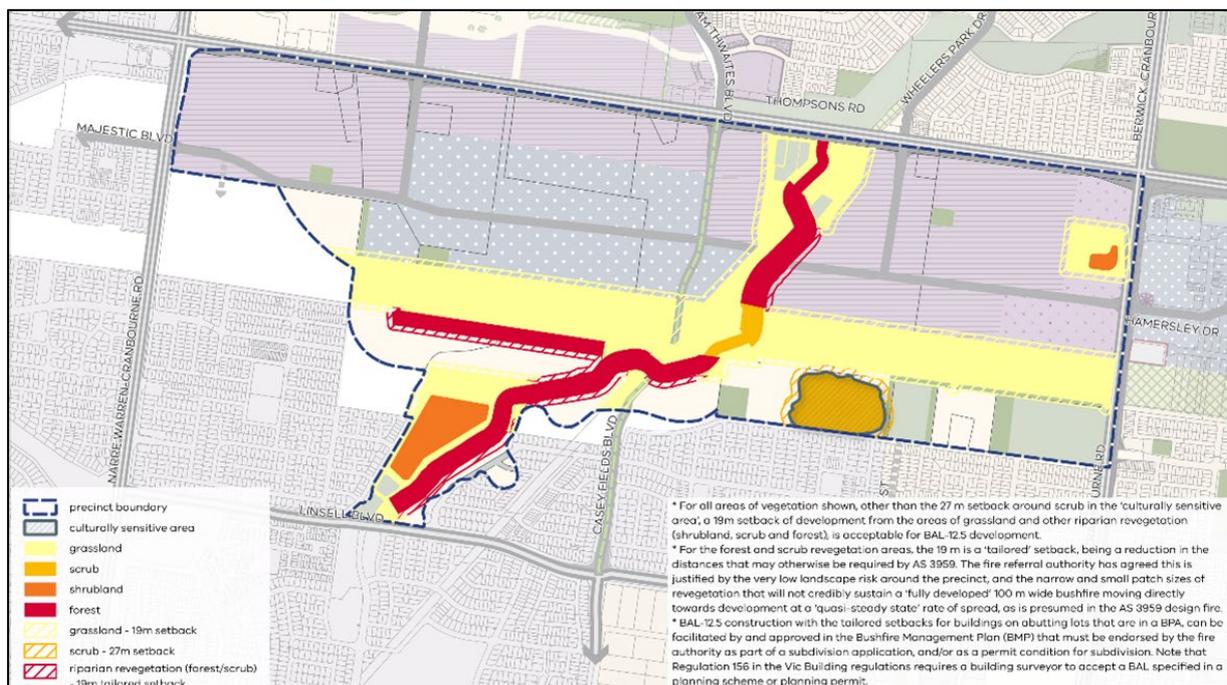
- agreed that utilities easements and waterways/drainage reserves were reasonably assessed as grassland hazards
- agreed with the assessment of the cultural investigation area as scrub
- agreed with the Day 1 PSP Plan 10 that other open spaces are not bushfire hazards
- did not agree with classifying parts of the waterways / drainage reserves as shrubland or forest, and said there was no practical effect of this disagreement because of the reduced setbacks to 19 metres in the Day 1 documents
- did not support identification of bushfire hazards on 1520 Thompsons Road and did not agree that vegetation on this parcel was a bushfire risk.

In response to written evidence, the VPA suggested further revisions to bushfire provisions in the PSP as outlined in Memo 2 (D95). The following changes were proposed:

- an amended Plan 10 (D172j) (Figure 24):

- with a note describing the setbacks acceptable for BAL 12.5 development, why the setbacks are considered appropriate, Bushfire Management Plan requirements and identifying the need for building permits to comply with BALs specified in the planning scheme or a planning permit
- removal of the bushfire hazards at 1520 Thompsons Road
- a new Requirement (R36):
Bushfire hazard areas shown on Plan 10 Bushfire must be managed to a level that ensures they do not result in an AS 3959 vegetation class greater than that specified for that area in Plan 10, unless otherwise agreed to in writing by the fire authority and responsible authority.
- an amendment to Guideline G27:
Subdivision adjoining a bushfire hazard area in Plan 10 Bushfire should include a publicly accessible road as a perimeter road to separate the hazard from development and assist in firefighting
- an amendment to Guideline G29:
Where a setback is required from a bushfire hazard, the setback should be provided on public land (excluding drainage reserve land unless otherwise agreed to in writing by Melbourne Water), where practical
- an updated Table 16 to describe areas of proposed future vegetation as 'Riparian revegetation (Scrub)' and 'Riparian Revegetation (Forest)'.

Figure 24 Final Day PSP Plan 10 Bushfire



This revised position was put to experts through oral evidence. Mr Hazell agreed it provided further clarity but was unnecessarily complex and could generally be managed by a perimeter road (except for the existing vegetation on Parcel 20).

MAB, and other parties, continued to oppose:

- the vegetation classifications used to describe bushfire hazard areas (including potential hazards) and reference to AS 3959 in the proposed new Requirement and on Plan 10
- the inclusion of indicative setbacks for development adjoining bushfire hazard areas
- the inclusion of Guideline G25 in relation to vegetation management in setback areas.

MAB requested changes which sought to:

- revise Guideline G27 to allow for site features alternative to a perimeter road to manage the bushfire hazard interface in commercial and industrial areas
- re-introduce a guideline for landscape design and plant selection in open spaces, waterways and drainage areas.

Melbourne Water responded to VPA's Memo 2 proposal by suggesting further amendments to bushfire provisions in the PSP, having considered drafting proposed by MAB and Spring Lodge (D181d). Melbourne Water submitted:

- the proposed new requirement for management of vegetation in bushfire hazard areas and Guideline G25 relating to management of vegetation in setback areas, should be deleted
- Guideline G27 should allow for alternative site features to form the interface in industrial and commercial areas
- Guideline G29 should be amended to allow defensible space to be provided on public land where it is reasonably practicable to do so and on private land if accessible from the public realm
- a guideline to guide landscape design and plant selection in waterways and drainage land should be reintroduced
- vegetation classifications should be deleted and referred to as 'potential bushfire hazard areas' on Plan 10
- indicative setbacks should be replaced with 19 metres for drainage and waterway land and 27 metres for 'bushfire hazard interface'
- Table 16 should be deleted
- the Bushfire Management Plan application requirement in the UGZ16 should be modified to clarify that vegetation management requirements apply to private land because regulation of public land management for bushfire risk is controlled by the *Fire Rescue Victoria Act 1958*.

The VPA sought the advice of FRV on Melbourne Water's proposed drafting, with FRV confirming it considered the intent of the Memo 2 position to be clear and did not suggest additional changes other than to:

- update the legend on Plan 10 to be consistent with the vegetation classifications proposed in Table 16
- include a new Guideline to guide landscape design and plant selection in waterways and drainage land as proposed by Melbourne Water.

Council did not support the proposed reference to AS 3959 in the proposed new requirement and said Australian Standards are not generally or freely accessible to the public or to many organisations, including Council, and in referring to AS 3959 what is required remains unclear. Certain landowners would not be in a position to understand what their obligation comprises, and the provision should be drafted to make this clear.

Mr Allen clarified that:

The term 'riparian (re)vegetation' is not in AS 3959 and so in that sense, is not consistent with the standard. However, the Forest and Scrub (and others including Grassland and Shrubland) terms are vegetation groups defined by AS 3959, so I think the 'Forest/Scrub' nomenclature in brackets beside 'Riparian revegetation' in the legend, provides enough linkage to and consistency with AS 3959 ;2018.

With this latest version of Plan 10, I think the nomenclature in the legend is clear and a reasonable response to what are 'anticipated' hazards, rather than existing hazard areas. In my view, the notation on the plan provides the needed transparency about how the hazards, and appropriate development responses, have been determined, if the areas do not meet the AS 3959:2018 criteria for exclusion as low threat (non-hazardous) vegetation. It also provides flexibility to address any uncertainty and future changes, by providing for variations subject to fire authority agreement. In my mind this is similar to, and consistent with, the process for performance solutions, which is built into our planning and building system where the ability to vary or tailor a deemed-to-satisfy solution is provided for. Doc 184a.

(iii) Discussion

The key issue for the Committee is whether it is appropriate to consider the bushfire risk of potential vegetation in drainage assets and other open spaces as opposed to existing conditions.

As part of any land use planning exercise in a Bushfire Prone Area (such as the Croskell precinct), it is appropriate to take a comprehensive approach to bushfire management planning in recognition of the Planning Scheme's direction to prioritise the protection of human life over all other policy considerations (Clause 13.02-1S).

While some submissions sought minimal direction for bushfire planning by the inclusion of only a plan to identify bushfire hazards, generally parties accepted it was appropriate to include strategic policy to address bushfire risk in the PSP. The Planning Scheme clearly seeks to ensure strategic planning documents properly assess bushfire risk and include appropriate protection measures (Committee's emphasis).

Clause 13.02-1S does not explicitly state that a planning authority must consider the bushfire risk from a potential future bushfire hazard. In identifying bushfire hazards and assessing risks, strategies at Clause 13.02-1S include as relevant (summarised):

- applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard
- considering the best available information about bushfire hazard
- considering and assessing bushfire hazard at a landscape and local scale
- consulting with the relevant fire authority early in the process.

It is sensible and appropriate to consider information about the likely future use and development of a site, including proposed landscaping and planting where this information is available and consistent with established practice and outcomes and, in this instance, Melbourne Water policy.

That said, settlement planning policy at Clause 13.02-1S also seeks to ensure bushfire risk to residents, property and community infrastructure will not increase as a result of future land use and development. Introducing vegetation to the extent that it would create a major bushfire risk would appear contrary to this direction. For this reason, the Committee finds it necessary to interrogate the provisions relating to the introduction of new vegetation as part of its consideration of the key issue. This relates to both the type of vegetation proposed (through proposed classifications) and recommended mitigation measures (including setbacks and ongoing vegetation management).

There was considerable disagreement between parties about the vegetation classifications proposed for the drainage and waterway areas. All experts agreed that at a landscape scale, and using current conditions, the landscape bushfire risk for the precinct was very low and existing risks were primarily from grassland across the precinct and the scrub forming the vegetation patch over part of Parcel 20.

The Committee acknowledges Mr Potter's view that revegetation of large areas to strictly accord with EVC classifications of Forest and Scrub as referenced in AS 3959 would be inconsistent with State policy. The Committee understands this is not the intent as clarified by Melbourne Water and notes the proposed revised wording for the classifications in regard to proposed setbacks as Riparian revegetation (Forest) and Riparian revegetation (Scrub). While the Committee understands the adoption of these classifications is based on the type of vegetation that will be planted and not the density of planting, and the proposal to include reference to 'riparian vegetation' is an attempt to make this distinction clearer, it finds their use confusing. It is concerned that in the absence of a definition in the PSP, and with reference to AS 3959 on Plan 10, future users would look to the definitions in the AS 3959 and planning conditions could be imposed in this context.

The Committee does not support referring to future drainage and waterway areas as 'forest', 'scrub' or 'shrubland' and recommends they be shown as 'riparian revegetation' only, or a similar alternative if the future planting areas need to be distinguished from one another. The Committee is unclear though why this would be the case if the tailored setback for all revegetation areas is now proposed to be 19 metres. The Committee considers the term 'riparian revegetation' provides greater clarity as to the nature of the hazards rather than the more generic term 'bushfire hazard areas' sought by some submissions. There should be a clear definition of 'riparian vegetation' in the PSP. The classifications of 'grassland' and 'scrub' for existing vegetation are appropriate.

The Committee shares Council's concern about referencing AS 3959 when it is not a freely accessible document and considers this unfortunate. The Committee notes Clause 13.02-1S already references AS 3959 numerous times and considers an applicant would need to seek appropriate advice in any case.

Both Mr Allen and Mr Hazell supported the inclusion of setbacks from bushfire hazards in the PSP, with Mr Hazell suggesting a perimeter road would suffice as an appropriate bushfire mitigation measure (except from the existing vegetation on Parcel 20). The Committee supports the use of setbacks as proposed bushfire mitigation for new development from bushfire hazard areas. It also supports the proposed Day 1 PSP provision to allow reduced setbacks subject to a site-specific assessment and with the approval of Council and the relevant fire authority. No party objected to this addition.

It is not necessary to specify separate, but numerically the same, setbacks for riparian revegetation in Table 16 or on Plan 10 because it unnecessarily complicates the matter. This would also negate the need for dot points one and two in the proposed note on Plan 10:

- For all areas of vegetation shown, other than the 27 m setback around Scrub in the 'Culturally Sensitive Area', a 19m setback of development from the areas of Grassland and other riparian revegetation (Shrubland, Scrub and Forest), is acceptable for BAL-12.5 development.
- For the Forest and Scrub revegetation areas, the 19 m is a 'tailored' setback, being a reduction in the distances that may otherwise be required by AS 3959. The fire referral SVT M 18209404v1 SVT 2 authority has agreed this is justified by the very low landscape risk around the precinct, and the narrow and small patch sizes of revegetation that will not credibly sustain a 'fully developed' 100 m wide bushfire moving directly towards development at a 'quasi-steady state' rate of spread, as is presumed in the AS 3959 design fire.

Dot point 2 explains the justification in coming up with the tailored setback but does not need to be specified on Plan 10.

Regarding future vegetation management, the Committee does not support the introduction of new Requirement R36 that refers to managing vegetation to a level that will not result in an AS 3959 vegetation class greater than specified for that area in Plan 10. This is because:

- the use of AS 3959 vegetation classes to describe future potential vegetation is not supported as outlined above
- revegetation of drainage land to meet the strict definition of 'forest' in AS 3959 would not be appropriate in an urban setting and would not comply with Clause 13.02-1S.

For the same reason, the final dot point under Bushfire Management Plan in the UGZ16 should also be deleted.

The Committee has no issue with the Guidelines (G25 and G26 Final Day versions) proposed to manage vegetation within bushfire hazard setback areas or outside of bushfire hazard areas and supports their inclusion. The Committee supports the re-introduction of a landscape design guideline for waterway and drainage areas.

The Committee supports the ability to consider site features alternative to a perimeter road to manage the bushfire hazard interface in commercial and industrial areas where it is practicable and publicly accessible. The proposal was supported by Mr Hazell and there was no other reason provided as to why it should not be supported other than FRV did not consider additional changes to the provisions were required.

The Committee does not support submissions seeking to amend Guideline G29 to include additional wording stating that bushfire hazard interface may be provided on private land. It considers this unnecessary and considers the guideline already provides this flexibility.

Table 17 below summarises the Committee's response to the Final Day PSP and UGZ changes to the Day 1 version.

Table 17 Committee response to VPA Final Day changes to Day 1 version documents for bushfire

| Doc ref | VPA Final Day changes | Recommendation |
|---------------|---|--|
| PSP | | |
| Plan 10 | Update in line with Bushfire Memo 2 circulated on 7 March 2025 | Not supported. Amend Plan 10 to: <ul style="list-style-type: none"> - refer to potential bushfire hazard areas in drainage assets and along waterways as '<i>riparian revegetation</i>' - Remove dot points one and two from the Note. |
| 3.5.2 | Add a new Requirement (R36): <i>Bushfire hazard areas shown on Plan 10 Bushfire must be managed to a level that ensures they do not result in an AS 3959 vegetation class greater than that specified for that area in Plan 10', unless otherwise agreed to in writing by the fire authority and responsible authority</i> | Not supported. Delete. |
| Guideline G27 | Amend to: <i>Subdivision adjoining a bushfire hazard area in Plan 10 Bushfire should include a road as a</i> | Not supported. Amend to: <ul style="list-style-type: none"> - <i>Subdivision <u>and development</u> adjoining a bushfire hazard area in</i> |

| Doc ref | VPA Final Day changes | Recommendation |
|---------------|--|--|
| | <u>perimeter road to separate the hazard from development and assist in fire fighting</u> | <p><u>Plan 10 Bushfire should include a publicly accessible road as a perimeter road to separate the hazard from development and assist in fire fighting.</u></p> <p>- <u>In business, industry and retail areas, alternative site features can be considered where they provide an equivalent level of bushfire risk reduction and barrier free access between a public road and the potential bushfire hazard area, to the satisfaction of the responsible authority & relevant fire authority, and where the bushfire hazard area is drainage and waterway land to the satisfaction of Melbourne Water.</u></p> |
| Guideline G29 | <p>Amend to:</p> <p><u>Where a setback is required from a bushfire hazard, the setback should be provided on public land (excluding drainage reserve land unless otherwise agreed to in writing by Melbourne Water), where practical.</u></p> | Support. Include in final version. |
| 3.5.2 | <p>Add a new Guideline:</p> <p><u>GX: The landscape design and plant selection in waterways and drainage land should be consistent with the level of bushfire protection provided by the bushfire hazard interface identified on Plan 10.</u></p> | Support. Include in final version. |
| Table 16 | <p>Rename to:</p> <p><u>Table 16 – Bushfire hazard areas and applicable setbacks for BAL-12.5 development</u></p> <p>Amend to show:</p> <ul style="list-style-type: none"> - 19 metre setbacks to grassland and shrubland - 19 metre setbacks to Riparian Reveg (Forest) and Riparian Reveg (Forest) | Not supported. Amend Table 16 to: refer to potential bushfire hazard areas in drainage assets and along waterways as ‘riparian revegetation’ with a 19 metre setback. |
| UGZ16 | | |
| 3.0 | <p>Amend Bushfire Management Plan application requirement to:</p> <ul style="list-style-type: none"> - Delete reference to ‘in section 5.1’ - Delete CFA and replace with <u>relevant fire authority</u> | Support. Include in final version. |
| 4.0 | Amend the Clause 4.0 Condition ‘Management of bushfire risk during subdivision works’ to | Support. Include in final version. |

| Doc ref | VPA Final Day changes | Recommendation |
|---------|---|----------------|
| | Include reference to <i>'any approved Bushfire Management Plan'</i> | |

(iv) Conclusions and recommendations

The Committee concludes:

- It is appropriate to consider the bushfire risk of potential vegetation in drainage assets and other open spaces as opposed to existing conditions.
- The classification of potential bushfire hazard areas using EVC classifications as referenced in AS 3959 is inappropriate because it does not reflect the intended future density of planting and will cause confusion.
- Classification of potential bushfire hazard areas in drainage assets and along waterways as 'riparian revegetation' would be appropriate.
- A definition of 'riparian revegetation' should be included in the Glossary of terms in the PSP.
- The proposed indicative setbacks are appropriate.
- The proposed Notes 1 and 2 on Plan 10 are unnecessary and should be deleted because all proposed setbacks are 19 metres with the exception of the existing Scrub.
- Vegetation management guidelines are generally appropriate subject to deleting the proposed new requirement as outlined in the Committee's recommendations in Table 17 of this Report and the deletion of the final dot point in the Bushfire Management Plan application requirement of UGZ16.
- It is appropriate to permit consideration of site features alternative to a perimeter road where practicable and publicly accessible in commercial or industrial areas.

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 172) subject to the following changes:

- **Amend 'Plan 10 Bushfire' to:**
 - refer to potential bushfire hazard areas in drainage assets and along waterways as 'riparian revegetation'
 - remove dot points one and two from the Note.
- **Delete Requirement R36.**
- **Amend Guideline G27 and Table 16 and include other changes identified in Table 17 of this Report.**

Urban Growth Zone Schedule 16

Amend Urban Growth Zone Schedule 16 consistent with the Committee preferred version in Appendix I to delete of the final dot point in the Bushfire Management Plan application requirement.

9 Infrastructure Contributions Plan

9.1 Background

(i) Amendment documents

The ICP specifies:

- the development and community infrastructure items to be funded by infrastructure contributions
- the total cost of the funded infrastructure items and the proportion of that cost attributed to the precinct
- the levies payable by development
- the timing for delivery of funded infrastructure
- how the ICP will be implemented; and
- how any development contributions received will be administered.

The draft Amendment proposes to incorporate the ICP into the Planning Scheme by applying Infrastructure Contributions Plan Overlay Schedule 4 (ICPO4) to the Precinct.

(ii) Day 1 changes

A number of changes were made to the ICP after the consultation period. These changes are incorporated in the Day 1 version of the ICP and are summarised in Appendix E:2. The major changes relate to updated ICP costings to reflect DSS-C, higher costs for intersections and VicRoads fees and other scope changes.

(iii) Background reports

Exhibited documents:

- *Transport Concept Design and Costs*, SMEC, September 2024
- *Interim Costs Summary, Revision C*, VPA, August 2024.

Supplementary reports:

- ICP Interim Costs Summary (Revision E), VPA, 6 February 2025
- ICP Designs, SMEC, January 2025.

9.2 Costings

(i) The issue

The Table 1 referred issue is whether the proposed ICP costings are appropriate, specifically whether benchmark costings provide sufficient contingency for cost increases on account of ‘up-scoping’ infrastructure for State Arterial Roads and costing for IN-04 is accurate.

(ii) Submissions

Cranbourne 1450’s original submission raised issues with ICP costings of intersections, specifically IN-04. In response to the Committee’s Direction 15, Cranbourne 1450 advised in its letter to the Committee (Document 15d) that it intended to call an expert witness on civil engineering/infrastructure costing as it considered that the intersection benchmark costings for IN-

04 were unresolved as costings did not allow for IN-04's location on a state arterial road with respect to:

- high grade asphalt on the 80 metres approach of the connector road to protect it from heavy vehicle braking
- additional street lighting
- traffic management costs.

In submissions at the Hearing, Cranborne advised that its issues with respect to infrastructure costings had been resolved. Cranbourne 1450 did not call evidence on infrastructure costings.

The VPA advised that it had amended the costings of IN-04 with changes incorporated in the Day 1 version of the ICP. Because Cranbourne 1450 did not call its costing expert, it assumed the costings of IN-04 were now acceptable to Cranbourne 1450. The VPA submitted in closing submissions that the Final Day ICP appropriately captured the costs of infrastructure projects within the precinct.

(iii) Discussion

The Committee considers this issue to be resolved. It notes that the parties held discussions during the Hearing and no submissions from Cranbourne 1450 were made at the Hearing nor any expert evidence lead about costings relating to IN-04.

(iv) Conclusion and recommendation

The Committee concludes:

- The ICP costings are appropriate subject to the changes in the VPA's Final Day version.

The Committee recommends:

Infrastructure Contributions Plan

Amend the Croskell (Employment) Infrastructure Contributions Plan consistent with the VPA Final Day version (Document 173) to make costings related changes.

9.3 Shared User Paths

A network of SUPs is shown on PSP Plan 4. SUPs along the Melbourne Water pipe track (SUP-01), within the drainage asset abutting Thompsons Road (SUP-02) and two crossings (SUP-3 and SUP-4) over the VPD asset in the utilities easement are included in the ICP. Other SUPs on Plan 4 are to be delivered as developer works.

9.3.1 Shared user path within the utilities easement

(i) The issues

The issues are whether the SUP:

- within the utilities easement should be included in the ICP
- should be relocated onto the Council reserve land immediately to the south of the utilities easement.

(ii) Submissions

Galileo requested that the SUP running along the southern edge of the utilities easement in its land (Parcel 14) be relocated south into the Council reserve land because it would have a broader

network function and should more sensibly be on public land. Galileo submitted that if the SUP stays on its land, it should be an ICP item. It considered it unreasonable to expect Galileo to construct and fund the SUP which had a role beyond its land. Galileo noted that the other SUPs within the waterway area are ICP items and all SUPs in the PSP should be treated equally.

The VPA did not support the inclusion of the SUPs on private land as an ICP cost. It submitted the SUPs proposed within the utilities easement (except for SUP-03 and SUP-4) are developer works as this land, while constrained, is otherwise developable. SUP-02 and SUP-03 over the VDP assets are appropriately included in the ICP because of their high cost.

(iii) Discussion

The utilities easement SUP to the west of the Galileo land also extends over private land (MAB and Spring Lodge) other than for drainage asset crossings. Neither MAB nor Spring Lodge made submissions that the SUP should be an ICP item.

The Committee agrees with the VPA that the SUP on the Galileo land should remain as developer works and not be an ICP item. This is consistent with the funding treatment in the PSP for other SUPs on private land. The Committee notes that there are sections of SUPs included in the ICP where a section of an SUP abuts a waterway (with no obvious developer to deliver the infrastructure), is on land otherwise undevelopable (within DSS asset boundaries) or where the SUP crosses the major VDP asset. These circumstances do not apply in the case of the east-west SUP on the Galileo land although the Committee does acknowledge that development of the Galileo land is already somewhat constrained because it is within the utilities easement.

As to the possible relocation of the SUP onto the Council's land, the Committee does not consider that just because a SUP has a broader network function it should be located on public land. Neither the VPA nor Council made submissions with respect to relocating the SUP onto the Council reserve as requested by Galileo. It is unclear whether this arrangement would compromise the delivery of the SUP or impact on the usability of Council land. The Committee considers therefore that at this stage the SUP should stay within the Galileo land as shown on PSP Plan 4.

(iv) Conclusions

The Committee concludes the utilities easement SUP:

- should not be included in the ICP.
- should not be located onto Council land adjacent to the Galileo land.

9.3.2 Shared user path adjoining Thompsons Road

(i) The issue

The issue is whether:

- the SUP adjoining Thompsons Road not within Development Services Scheme assets should be included as inner public purpose land.

(ii) Evidence and submissions

The VPA submitted providing the SUP on private land along Thompsons Road was intended to facilitate east-west active transport movements in an interim manner until Thompsons Road is triplicated. It was reasonable to expect PSP development to provide for active transport

movements until the ultimate upgrade of Thompsons Road and the eventual delivery of dedicated active transport infrastructure within the state arterial road.

The VPA acknowledged that the two-way off road bike path (within the triplicated Thompsons Road cross-section) could be replaced by a shared user path within the road reserve. It proposed, in recognition of the interim nature of the proposed SUP and its likely ultimate designation as a footpath once Thompsons Road is triplicated and the off-road bike path provided, that PSP Requirement R14 be amended to state:

Buildings directly fronting Thompsons Road must:

- Provide **four** metre minimum depth landscaping planting zone setbacks (which includes a **maximum two metre wide shared user path**) between the road and buildings to allow landscaping to soften building edges and provide a vegetated landscape character.

...

to the satisfaction of the responsible authority. (VPA emphasis)

The VPA noted that this change would reduce the SUP from 3 to 2 metres in width which it said met the minimum width for a SUP recommended in the *AustRoads Guide to Road Design Part 6A: Paths for Walking and Cycling (Feb 2021)* and generally aligned with the suggested minimum width of 1.8 metres for fully DDA compliant footpath under the guide.

Mr Beardall stated that, notwithstanding apparent inconsistencies with the SMEG intersection designs, he assumed that the PSP requires on the south side of Thompsons Road a two-way cycle path within the road reserve and a shared path adjacent to the property boundary and outside the road reserve. He concluded that:

- it was not necessary or appropriate to require the delivery of both a two-way cycle path and a SUP on the south side of Thompsons Road
- given that Thompsons Road is not part of the Strategic Cycling Corridor and the two-way cycle path would not connect to other two-way cycle paths on Berwick-Cranbourne Road or Narre Warren-Cranbourne Road, the provision of only a SUP on the south side of Thompsons Road would be sufficient to cater for expected travel needs
- a suitable outcome could be achieved by changing the two-way cycle path to a SUP and deleting the SUP outside the road reserve which would be consistent with the approach adopted on the northern side of Thompsons Road, that is, a SUP within the road reserve.

He considered that based on active transport provision for Thompsons Road and the Primary Arterial Roads discussed in his evidence, the PSP requirement was not consistent with several sources of guidance with respect to contemporary active transport planning.

Mr Clarke's evidence concluded that the shared footway along Thompsons Road should be provided in the road reserve and its construction funded by the State or alternatively its provision and construction should be included as an ICP item. He was not satisfied that a satisfactory landscaped frontage setback may eventuate if that setback is also required to satisfy active transport requirements. He suggested for example that the need to maintain safe cycling sight distances may impact landscaping that impedes those sight distances.

MAB noted the opinion of Mr Beardall that there is no strategic justification to require landowners along an arterial road to provide a SUP including in circumstances where that provision would be piecemeal and uncertain. MAB submitted that there are obvious delivery and maintenance issues with the proposed SUP and it was inconsistent with the reality of active transport paths delivered

along Thompsons Road where the standard approach of DTP has been and will be to deliver a SUP within the road reserve rather than a two-way bike path.

MAB referred to the VPA's Part B submission that the SUP is meant to facilitate east-west active transport movements in an interim manner until Thompsons Road is triplicated. This made it more certain that the provision of the SUP and loss of NDA was inappropriate because:

- there is already facilitation of east-west active transport movement on the north side of Thompsons Road with a SUP in the road reserve
- the likely outcome when Thompsons Road is delivered in its final form will be a SUP within the road reserve given that the current project to upgrade the Thompsons Road/Berwick-Cranbourne Road intersection proposes SUPs and no off-road bike paths
- the effect of this intersection upgrade will be that there will be no future utility for a footpath alongside the employment land but ability to absorb the land required for the 'interim' back into NDA
- an interim path will not facilitate east-west travel because of the piecemeal delivery of the SUP over an unknown period and the likely non-delivery of the path along the Wagstaff land which means that the interim path will have no purpose at all as it would be of no use unless it provides a continuous link.

MAB submitted that Requirement R14 required landowners fronting Thompsons Road provide a five (or even a four) metre setback to include an interim SUP was "*inequitable, pointless, and without justification.*" It submitted that Requirement R14 should be amended to require only a two-metre setback for landscaping and the draft PSP maps amended to delete references to a two-way bike path along Thompsons Road and replaced it with a SUP within the road reserve. MAB said the relocation of the SUP and changes to Requirement R14, would require the deletion of SUP-02 and adjustment of ICP costings.

Galileo supported the position put by MAB that the SUP along Thompsons Road should be deleted from private land. It submitted that the proposed SUP would result in unnecessary duplication of movement networks and would be inconsistent with how movement networks along Thompsons Road have been provided in the vicinity of the PSP. Further it would be undesirable to have a SUP along Thompsons Road provided by different developers in a piecemeal fashion. It submitted it is preferable that the appropriate paths are provided within the Thompsons Road road reserve.

Cranbourne 1450 submitted the requirement was ill-conceived and would result in poor outcomes:

- Delivery will be piecemeal as frontages develop and some frontages such as Wagstaff may not develop with the outcome being sections of unconnected paths
- The purpose of the SUP is to supplement active transport along Thompsons Road as part of the state road profile and should therefore be done as part of the road
- There is the prospect that whatever is constructed will be redundant upon the redevelopment of Thompsons Road with the PSP SUP being an unnecessary duplication with a loss of developable land
- It should be left to the state to pursue its delivery as part of the state's road project.

Cranbourne 1450 said the justification for landowners to provide land and construct a component of state infrastructure was "*slim at best*" and, where provided for an interim purpose only, the justification "*evaporates entirely*". While vesting the land in Council may resolve the maintenance issue it would still remove NDA without compensation or adequate justification. Cranbourne 1450 concluded the Committee should recommend deletion of the SUP or that it be an ICP item.

The VPA did not agree that the ICP should fund delivery of the SUP within the PSP adjacent to the Thompsons Road road reserve on otherwise developable land, noting that certain elements of SUP infrastructure had been included in the ICP where:

- there is no obvious developer to deliver the infrastructure (SUP-01 along the Melbourne Water pipe track)
- the land is otherwise undevelopable (SUP-02 within the boundaries of DSS Asset A and Asset E); and
- the SUP crosses a major easement (SUP-3 and SUP-04 crossing the VDP asset).

In closing, the VPA submitted that in residential precincts, the standard arrangement is a for a cycle path in the road reserve plus a footpath to serve dwellings. It noted, the precinct was in a built out urban area and required a bespoke place-specific response to avoid interim gaps in the active path network until triplication of Thompsons Road and to respond to the non-residential nature of development adjoining the partially constructed Thompsons Road. The VPA considered *“the fear of a piecemeal delivery is not a reason in itself to assume that it (the SUP) should be an ICP cost and deliverable by a developer as one project.”*

In response to questions from the Committee, the VPA confirmed that the Thompsons Road SUP would be an allowable item under the *Ministerial Direction on the Preparation and Content of Infrastructure Plans*. It expressed caution about blanket inclusion of the SUP as an ICP item. It was not unreasonable to expect developers to provide active transport along their frontages. While it acknowledged the SUP could be delivered within the state road reserve this would have implementation issues. This included the relocation of existing infrastructure and design along the entire length of Thompsons Road to ensure that the SUP and associated works are costed appropriately and would not be redundant when Thompsons Road is triplicated.

(iii) Discussion

Several options were proposed to the Committee to:

- retain the SUP on private land but amend Requirement R14 to reduce the width of the SUP (to 2 metres) as proposed by the VPA
- retain the SUP on private land but fund its delivery as an ICP item
- relocate the SUP onto the Thompsons Road road reserve (and delete the two-way bike path on the road reserve) and deliver the relocated SUP as either an ICP item or by the State as part of the future triplication of Thompsons Road.

There are positives and negatives for all these options, and in the Committee’s view, none stand out as the most appropriate approach.

The VPA option to reduce the width of the SUP on developer land does reduce the land area but it would still need to be delivered overtime by several developers or potentially not delivered within for an extended time frame in the case of the Wagstaff land. This option does not overcome the fundamental flaw that the SUP would be a fragmented, non-contiguous SUP probably for many years. While meeting AustRoads guidelines though at the lower end of the AustRoads recommended width, the narrow path two-metre wide path proposed by the VPA is a suboptimal outcome and likely provide a poor level of service for cyclists and pedestrians.

The second option of funding the SUP as an ICP item would still require its delivery by developers (probably by works in kind) when their land is developed. Again, this would not overcome the problem of the SUP being delivered in a piecemeal way as the various land parcels are developed

overtime. Including the SUP on private land in the ICP would also be inconsistent with the treatment of the other SUPs in the PSP. The Committee considers that would be inequitable.

The third option of relocating the SUP onto the Thompsons Road reserve could result in uncertainty about the timeframe for its delivery pending the Thompsons Road triplication (the timing or funding of which is unknown) or create potential 'sacrificial works' and unknown costs if funded through the ICP.

Relocating the SUP onto the south side of the Thompsons Road within the road reserve would be consistent with the path network along the other arterial roads in the area including on the north side of Thompsons Road. It would, however, probably mean that a SUP on the south side of Thompsons Road would not be delivered for some time, indeed in reality for many years, irrespective of the source of funds for its delivery.

Though not ideal, the Committee considers a later delivery of the SUP along Thompsons Road acceptable. None of the options would result in a contiguous SUP along the south side of Thompsons Road in the short to medium term. A gap for even some considerable time in the SUP network on the arterial network in the area is not, in the Committee's view, an unacceptable outcome considering the circumstances in the PSP. The SUP network in the PSP includes a SUP along the utilities easement which will provide an east-west link to existing off-road shared paths along Berwick-Cranbourne Road and Narre Warren-Cranbourne Road and the existing shared path on the north side of Thompsons Road already provides an existing alternative east-west link. The proposed off-road 2-way bike paths within precinct connector streets provides additional connectivity to Thompsons Road.

On balance, the Committee considers that the better outcome would be to relocate the SUP onto the road reserve to replace the off-road bike path along the south side of Thompsons Road and for the relocated SUP to be funded and delivered as part of the State project to triplicate Thompsons Road.

With this change, it is arguable that SUP-02 (and CU-3) as shown on Plan 12 would duplicate the SUP on the road reserve and should be deleted from the PSP and ICP. If the relocation of the SUP is accepted and the PSP amended accordingly, the VPA should review the need for SUP-02 and CU-03 and related changes to the ICP costings and ICO4 levies.

The Committee considers that with a relocated SUP, a reduced setback of two metres to allow for landscaping between the road and buildings is a reasonable requirement and Requirement R14 should be amended as identified in the Committee's position on the related Final VPA Day changes in Table 18 below.

Table 18 Committee response to VPA Final Day changes to Day 1 PSP version for Shared User Paths

| PSP ref | VPA Final Day changes | Recommendation |
|-----------------|--|---|
| Plan 4 | Change SUP north of the east-west connector to a shared user path arrow pointing northwards towards Thompsons Road | Support. Include in final version. |
| Requirement R14 | Amend to: <i>Buildings directly fronting Thompsons Road must:</i> - Provide <u>four</u> metre minimum depth | Not supported. Amend as follows: <i>Buildings directly fronting Thompsons Road must:</i> - Provide <u>two</u> metre minimum depth |

| PSP ref | VPA Final Day changes | Recommendation |
|---------|---|--|
| | <p><i>landscaping planting zone setbacks (which includes a two metre shared user path) between the road and buildings to allow landscaping to soften building edges and provide a vegetated landscape character. Locate car parking along the side or at the rear of the site with the exception of disabled and short stay car parking which can be provided closer to the main entrance of the building</i></p> <ul style="list-style-type: none"> - <i>Break car parking up by tree islands at a rate of at least one island per six spaces, where feasible</i> - <i>Ensure that trucks/heavy vehicles are able to safely egress the site and avoid conflicts with pedestrians or cyclists</i> <p>to the satisfaction of the responsible authority</p> | <p><i>landscaping planting zone setbacks (which includes a two metre shared user path) between the road and buildings to allow landscaping to soften building edges and provide a vegetated landscape character.</i></p> <ul style="list-style-type: none"> - <i>Locate car parking along the side or at the rear of the site with the exception of disabled and short stay car parking which can be provided closer to the main entrance of the building</i> - <i>Break car parking up by tree islands at a rate of at least one island per six spaces, where feasible</i> - <i>Ensure that trucks/heavy vehicles are able to safely egress the site and avoid conflicts with pedestrians or cyclists</i> <p>to the satisfaction of the responsible authority.</p> |

(iv) Conclusions and recommendations

The Committee concludes:

- Thompsons Road SUP should be relocated from private land to the road reserve.
- The relocated SUP should be funded and delivered by the State as part of future Thompsons Road upgrade works.
- Requirement R14 should be amended to remove the requirement for the setback to include a two metre shared path and to reduce the setback from four to two metres.

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 169) and changes to:

- **Amend 'Plan 4 Movement network and public transport' to:**
 - **remove the shared user path on private land along Thompsons Road**
 - **delete the off-road two-way bike line along Thompsons Road within the road reserve and replace it with a shared user path.**
- **Amend Requirement R14 as identified in Table 18 of this Report to remove the requirement for a two metre shared user path and reduce the minimum depth landscaping planting zone setbacks from four to two metres.**
- **Review 'Plan 12 Precinct infrastructure plan' to determine the need for SUP-02.**
- **Make any consequent changes to the Precinct Structure Plan and Infrastructure Contributions Plan.**

Infrastructure Contributions Plan

Amend the Croskell (Employment) Infrastructure Contributions Plan consistent with the VPA Final Day version (Document 173) with additional changes to reflect the Committee's recommendations regarding the Shared User Path along Thompsons Road and SUP-02.

Infrastructure Contributions Overlay Schedule 4

Amend Infrastructure Contributions Overlay consistent with the VPA Final Day version (Document 176g) with additional changes to reflect the Committee's recommendations regarding the Shared User Path along Thompsons Road and SUP-02.

9.4 Development agency responsibility

(i) The issue

The referred Table 1 issue is whether Council should be specified as the Development agency for intersection and pedestrian signal projects on declared State Arterial Roads.

(ii) Submissions

In its submission to the draft Amendment, Council did not agree that it be identified as the development agency in the ICP for seven transport projects.

At the Hearing, Council indicated that it had modified its position and would now accept nomination as development agency for the seven projects, but it did not accept responsibility for itself to provide any of the intersection projects.

Council noted that the only obligation under the PE Act is for it to apply the ICP funds only to projects for which the funds are raised. Council stated that its experience in delivering ICP projects has resulted in it no longer delivering transport projects on arterial roads either because of among other reasons scope creep and the associated costs and timeframes associated with obtaining design approval from DTP. It submitted that these projects must be delivered either as works in kind by a relevant developer or by DTP as the relevant road manager for the arterial roads affected by the works.

Council noted that under section 63 of the *Road Management Act 2004* there were penalties for interference with a road without the consent of the coordinating road authority. It submitted that the effect of this provision is that the DTP and not Council is the ultimate approvals authority for any works on an arterial road. Therefore, as the authority responsible for signing off the projects on arterial roads, DTP is and should be identified in the PSP Table 21 as the lead agency for the seven transport projects. Unlike the 'development agency' moniker in the ICP, there is no statutory provision that requires Council to be identified as the 'lead agency' for a project which a different authority is responsible for consenting to the works to deliver that project.

The VPA submitted section 46GH of the PE Act was unequivocal and if the ICP is to be gazetted and incorporated into the Planning Scheme, Council cannot refuse to be the Development Agency. It added that "*whether Council is able to deliver the ICP projects is an implementation matter for Council to resolve at the appropriate time.*"

The VPA did not agree to the change to PSP Table 21 requested by Council. It submitted that 'lead agency' is not a defined term in the PE Act but was consistently used in PSP vernacular to describe the agency responsible for coordinating the approvals process for a project. It submitted that

where an application is made to a council that includes works on an arterial road, that council manages the referral process including to the DTP as the determining referral authority.

The VPA submitted that the PSP appropriately identifies Council as the Development Agency and the Lead Agency in Table 21 of the PSP for all ICP items.

(iii) Discussion

Council accepted that under the PE Act it must be the designated Development Agency. The issue then is whether Council or DTP should be the designated Lead Agency.

Council expressed concern over DTP being the agency responsible for consenting to works on arterial roads. However, Council through its current practice of not itself delivering projects on arterial roads is mitigating any exposures it may have (such as cost over runs) by DTP being the approval agency.

The Committee agrees with the VPA that 'lead agency' is a term used in PSPs to identify an agency responsible for coordinating the approval of projects. As the works on the arterial roads will be triggered by applications for development of the PSP by the land owners, it is most likely the projects will be delivered by 'works in kind' by developers. Council has in effect stated that to be the case.

Council's role will be to consider planning applications proposing to develop or subdivide land within the PSP. Part of its role will be to refer applications to relevant referral authorities including the DTP where proposed development includes works affecting arterial roads. Referral to DTP would be no different to Council referring applications to other referral authorities. That is what in practice a 'lead agency' does. The Committee sees no reason in determining a 'lead agency' to distinguish between projects where the DTP may be a referral authority and where there may be other referral agencies. The Committee considers therefore that Council is the appropriate 'lead agency' for the transport projects.

(iv) Conclusion

The Committee concludes that:

- Council should be specified as the Development Agency for intersection and pedestrian signal project on declared State Arterial Roads.

10 Other issues

10.1 Provision of local parks

(i) Background

The draft PSP identified three local parks to be provided as credited open space in addition to the two uncredited active open space areas to the south-east of the precinct (SR-01 and SR-02):

- LP-01 (0.6ha)
- LP-02 (0.71ha)
- LP-03 (2.19ha).

The Day 1 PSP Plan 7 and Table 13 Open space delivery propose:

- LP-01 be resized to 0.5ha and relocated to the south of the proposed Heritage Overlay place (Springmont) in response to the submission of Cranbourne 1450
- LP-02 remain unchanged
- LP-03:
 - be identified in the south-west corner of Parcel 20 and 1.04 ha in area
 - an alternate LP-03 around the perimeter of the culturally sensitive location on Parcel 20 subject to the outcomes of the CHMP
- LP-04, a new local park in Parcel 14 of 0.5ha
- LP-05, a new 25 metre wide, 0.5ha north-south linear park, extending from the utilities easement to the east-west connector road and to accommodate a SUP.

(ii) The issue

The issue is whether the provision of local parks is appropriate.

(iii) Evidence and submissions

Several submissions supported the reduction or deletion of specific local parks because:

- there was sufficient access to open space to meet the needs of workers within the drainage asset land or utilities easement
- the spaces were inappropriately located or sized and not likely to be used
- priority should be given to maximising developable land within employment precincts.

The following summarises the evidence and submissions relating to specific local parks, noting Cranbourne 1450 did not oppose the changes to the location of LP-01.

LP-02

Mr Granger's evidence proposed LP-02 (and other employment area open spaces, LP-04 and LP-05) be deleted. He considered total open space provision within the precinct (including uncredited encumbered open space) was high and that the PSP guideline two per cent target for local employment parks should be prudently applied to achieve a more balanced outcome that resulted in an additional 1.7 hectares of employment land. He said passive open space opportunities were present throughout the precinct including within the central waterway and utilities easement.

MAB's hearing submission did not comment on LP-02.

The VPA submitted its location was appropriate and along with LP-01, LP-04 and LP-05 play an important role in contributing to the amenity of the employment area and were consistent with the PSP guidelines for open space provision in employment areas.

LP-03

Mr Granger's evidence was LP-03 should be deleted given it:

- was close to the central waterway and utilities easement and similar sized existing local parks in residential areas to the south
- it would release 1 hectare for residential purposes.

As discussed in Chapter 7, the Fouz Group supported the relocation of LP-03 if it were to be required to an area adjacent to SR-01. It did not support an alternative whereby it would be identified around the 'culturally sensitive area' on Parcel 20.

The VPA and Council submitted that LP-03 at 1.04 hectares is required and appropriately sized in order to meet the 3-5 percent target in the PSP Guidelines for open space in residential areas. The VPA said:

... based on the projected residential population of approximately 2,120 residents, LP-03 is the appropriate size and is appropriately located as it can be positioned either surrounding the culturally sensitive area to provide a regularised boundary or it can be located proximate to the DSS land. Either location is appropriate as both leverage off the different locational attributes of both places.

Further it submitted:

... the unusual context of parcel 20 where it includes a portion of the land that has been identified as having cultural sensitivity. As a consequence, the VPA has sought to deliver flexibility to Fouz in relation to the location of LP-03 that can be confirmed upon a Cultural Heritage Management Plan at the appropriate time.

The VPA's Final Day PSP version of Requirement R24 relating to LP-03 included additional wording in response to Council's submission that the Day 1 version lacked a trigger for actioning the alternate location identified in Appendix 5 Plan 14:

Unless there is an agreement in writing between affected landowners and the responsible authority, all local parks must:

- Be located, designed and developed in accordance with the location identified in Plan 7 Public realm and water and the attributes described in Table 13 Open space delivery unless otherwise approved by the responsible authority.
- Adhere to any conditions outlined within an approved Cultural Heritage Management Plan if relevant.

The responsible authority may request an alternate location for LP-03 within Parcel 20, having regard to any approved Cultural Heritage Management Plan for the land and Plan 14 – 'Alternative LP-03 Location'.

LP-04

Galileo supported the evidence of Mr Granger that LP-04 should be deleted. It submitted the park would be isolated with surveillance limited to local streets and would be of limited benefit to workers because of its location and size. If it were to be provided, it should be relocated onto Parcel 13E (Fouz Group land) at a more central location at the intersection of the two connector roads where it could be accessed from an off-road bicycle path (and a potential relocated SUP) and contribute to a 'sense of space'.

Fouz Group did not support the relocation of LP-04 considering it a further encumbrance to its land and preferred it be removed entirely for similar reasons to Galileo.

Council did not support the deletion of LP-04, submitting this would leave a large area devoid of a local park. While it did not support relocating the park to the Fouz land Council was amenable to shifting it but ultimately considered the Day 1's central location was appropriate.

The VPA did not support the removal of LP-04 but acknowledged the Galileo suggested relocation was an improvement. It proposed an alternative location south of DSS asset K to service the east quadrant of the employment area and retail node. It said this location could leverage off the asset and landscaping to provide improved amenity and locationally provide a benefit to the retail area in addition to workers in the business area.

Council did not support the Galileo alternate location although was open to a more centrally located position (including the VPA's suggested alternative) noting the final location and dimensions could be left to the permit process and 'generally in accordance with' the UGZ16 provisions.

LP-05

The location and need for LP-05 was opposed by Spring Lodge and not supported by Mr Woodland on the basis that: it is not required to address open space access deficiencies within walkable catchments given proximity to LP-01 and LP-02

- lacks the necessary features to be useable (including its width)
- serves a predominantly buffer role or interface between residential and industrial areas which could be better achieved through zoning or urban design treatments.

Council observed that the park aligned with a SUP between the east-west employment area connector and the utilities easement SUP.

The VPA submitted LP-05 has a different function to the other employment local parks as it performs both a buffer function between the industry and residential areas and a linkage function due to its co-location with the western shared user path connection over the VDP assets. It submitted:

LP-05 is justified, especially as LP-05 is the only north south active transport linkage between Narre Warren Cranbourne Road and Casey Fields Boulevard – a distance of approximately 1.6km.

It observed:

If the Committee support the extension of Industry land to the west on Spring Lodge land (as identified above), the VPA submits that LP-05 would also be moved further to the west and that this will further enhance the linkage to LP-01. The VPA would retain the VDP crossing at the same location so as to keep the crossing within the PSP area but kink the SUP to the west to align with the relocated LP-05

SR-01 and SR-02

Mr Granger considered the extent of land required for SR-01 on Parcel 21 (Council owned land) should be reviewed on account of the reduced resident population within the precinct based on Day 1 changes.

The VPA advised that Council:

- had purchased Parcels 21 and 24 for sporting reserves SR-01 (for a future lawn bowls facility) and SR-02 using funds from the Cranbourne East DCP with the ICP to contribute to their construction
- was conducting a review into the need and viability of SR-01.

Council advised:

- the SR-02 land area was tight and insufficient for sporting fields and there would be a significant shortfall of funding to deliver the associated sporting facilities
- it intended to develop active open space improvements at the sites subject to funding and had no intension of disposing the land.

(iv) Discussion

There is a clear benefit in (and strategic support in Clause 19.02-6S for) the providing a diversity of high quality, accessible public open spaces which provide for a range of open space needs for the community (residents and workers). This includes creating a sense of identity, providing for amenity, social cohesiveness, liveability, health and wellbeing and reducing the heat island effect. It is acknowledged that within employment areas, the use of open space will be different to the function and design of open spaces in residential areas. This is recognised in the provisions of Clause 19.02-6S the PSP guidelines open space target (T11):

- Within residential areas (including activity centres):
 - 10% of net developable area for local parks and sports field reserves
 - 3-5% of net developable area set aside for local parks
 - 5-7% of net developable area set aside for sports field reserves.
- Within dedicated employment and/ or economic activity areas, 2% of the net developable area for local parks.

Waterways and large utility easements can provide secondary opportunities for integrating with and contributing to the connectivity of open space networks and place-making, but this is not their primary function. The design of waterways will necessarily focus on delivering drainage, flood management, retention, habitat and water quality functions ahead of open space functionality. This is particularly so when all drainage experts supported opportunities to reduce the extent of drainage land area in favour of NDA opportunities.

It is apparent that the utilities easement will be augmented with another high voltage powerline and while the easement is proposed to be used to enhance pedestrian and cycling connectivity through the precinct it will not be a visually appealing open space environment for residents or workers for more passive purposes.

In this context, the provision of unencumbered local parks within the precinct's employment areas aiming for a 2 per cent NDA target (1.9 per cent proposed) is supported where they are appropriately located, form part of a logical open space network and flexibility exists for their final delivery form.

LP-01

The amended location and size of LP-01 is appropriate. It services the western portion of the employment area and has an interface with the heritage property, Springmont. Cranbourne 1450 accepted its relocated position in the Day 1 PSP.

LP-02

The general location and size of LP-02 is appropriate. It is aligned with the utilities easement, provides the opportunity for more active recreation and services the lower central section of the industry land. MAB did not oppose its position and location. The Committee notes Guideline G23 provides flexibility for the location and configuration of all local parks.

LP-03

The Committee supports the provision, location and dimensions of LP-03 proposed in the Day 1 PSP. It is located central to proposed and existing residential areas.

The alternative location of LP-03 adjacent to the culturally significant area on Parcel 20 through the Final Day version of Requirement R24 and Plan 14 provides additional flexibility for the provision of LP-03 if it responds appropriately to the outcomes of the CHMP and is broadly supported as an alternative.

LP-04

The Committee supports the provision of LP-04 (including its size) which will allow for a mix of passive and active open space needs with a design cognisant of its employment area setting. The park could be more centrally located within the Galileo site but should not be located to the intersection of industrial/employment collector roads as proposed by Galileo. This location is not ideal from an amenity perspective given potential traffic volumes. It is of a size that will not achieve any meaningful public-realm or place-making outcomes in Galileo's proposed location.

VPA's suggested relocation adjacent to DSS asset K is an improvement. It builds on an interface with that asset and proximity to the retail precinct while still being walkable from employment areas to the west. Further, it should not overlap with the retail precinct as it has the potential to reduce retail floor space. A location to the immediate west of DSS asset K, noting the flexibility built into Guideline G23 and 'generally in accordance with' provisions of the UGZ16, is preferred.

LP-05

The Committee agrees with the VPA and Council that LP-05 serves an important open space linkage, contributes to the variety of open space offered in the employment area, supports the SUP and provides amenity benefits to pedestrian and cyclists. It is sufficiently wide to accommodate a SUP and serve a linear park role. Its position also aligns with the existing subdivision design (including that anticipated by Spring Lodge south of the utilities easement) of the western most north-south road.

The Committee acknowledges that if located between residential and industrial land, it would provide some amenity and visual buffer benefit although this could equally be achieved through a mix of zoning, built form guidance and location of roads. Using open space in this way is not unique. Based on the Committee's recommendations about Spring Lodge's land north of the utilities easement being employment land (C2Z) however, this secondary benefit will not be achieved. As discussed above Guideline G23 provides capacity for a different configuration if this results in a better open space outcome. This could mean, for example, that north of the VDP crossing the alignment could be changed to follow the western PSP edge or align with LP-01 if this assisted in managing the transition to the western residential area outside the PSP.

SR-01

Reducing the size of SR-01 is a matter for Council as the landowner and its planning for the delivery of open space services. The alternative location of LP-03 could enable this active open space area to be expanded westwards and this could be accommodated within the 'generally in accordance' provisions.

(v) Conclusions and recommendations

The Committee concludes:

- The provision of local parks within employment and residential areas is appropriate.
- The broad locations and quantum of local parks as identified in the Final Day PSP is appropriate subject to:
 - amending Guideline G23 to allow the realignment of LP-05 north of the identified VDP crossing to provide a transition to the existing residential area outside the western PSP boundary
 - relocating LP-04 being located on Plan 7 to the west of DSS asset K.

The Committee recommends:

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 169) subject to the following changes:

- **Amend Guideline G23 to allow the realignment of LP-05 north of the identified VDP crossing to provide a transition to the existing residential area outside the western PSP boundary.**
- **Amend 'Plan 7: Public Realm and Water' consistent with the VPA Final Day version (Document 172g) subject to locating LP-04 to the west of Development Services Scheme asset K.**

10.2 Housing density and affordability**(i) The issues**

The issue is whether the PSP:

- should provide for minimum residential densities greater than 20 dwellings/hectare
- include a housing affordability guideline.

(ii) Background

The Day 1 PSP includes:

- an objective of facilitating affordable housing
- 'Plan 3 Housing'
- a Requirement (R1) for residential subdivision to be in accordance with Plan 3 and Table 3
- a Guideline (G2) to encourage subdivision and development to meet an 11 per cent affordable housing target
- a housing density target of 20 dwellings or more per NDA in Table 3.

The UGZ16 includes:

- an application requirement for a written statement outlining how proposals of over 10 lots or dwellings will achieve the density targets and affordable housing in the precinct
- a decision guideline of whether a proposal makes an affordable housing contribution.

(iii) Evidence and submissions**Density**

In response to submissions, the VPA's Day 1 changes removed the 'amenity areas' designation from the PSP which supported higher densities including through the MUZ.

AVA sought the reintroduction and expansion of the amenity areas to Parcel 26 and/or target densities of 30 dwellings/hectare. This it said:

- could be accommodated within the capacity of the local road network
- provides for an additional yield of 120 dwellings (including affordable housing) and greater housing diversity
- supports the 20-minute neighbourhood concept
- acknowledges the limited constraints of the site.

The VPA said the housing density target for GRZ land is appropriate for the precinct's context and does not preclude Council considering proposals for greater densities. In response to the evidence of Mr Granger, the Final Day version PSP proposed changes to:

- Requirement R1 to add the word "*generally*" before in the in accordance with Plan 3 and Table 3 wording
- Guideline G4 to delete the second dot point "*Be located within amenity areas as shown on Plan 3 Housing*" as a result of removing the amenity areas.

Housing affordability

Several submissions questioned the basis of applying Guideline (G2) which the Day 1 version proposed:

Residential subdivision and development that contributes to meeting the 11% affordable housing target is encouraged.

Mr Granger's evidence was the 11 percent appeared to have been set with no underpinning analysis or justification, that Guideline G2 should be deleted, and that the analysis falls well short of what is expected under section 3AA of the PE Act. He considered Objective O3 should be simplified.

Fouz Group submitted the 11 per cent figure was derived from an in-house VPA report using methodology prepared by SGS (based on VPA Memo 5) (D137) and which was an internal document that was not intended to be released and could not be tested. On this basis alone, it considered the guideline should be deleted or amended to remove references to percentage targets.

Fouz Group considered the City of Casey Affordable Housing Strategy, 2020 (Affordable Housing Strategy) while adopted by Council, is not referred to in the Casey Planning Scheme or been subject to a process of 'public testing'. The Affordable Housing Strategy:

... does not itself provide for an 'affordable housing target' to be referred to in the Planning Scheme. It includes a statement that a minimum of 12% of all new dwellings built would need to be affordable housing to meet the total future estimated affordable housing need by 2041, including the current and future need based on population growth.

But this is a different thing to asserting that all new housing developments should be responsible for providing that 12%, or providing a 'target' of 12%. It refers to the need for 12% affordable housing, and then outlines a range of measures and further considerations that need to occur in order to build upon the Strategy. Ultimately, it provides (emphasis added):

The Strategy will provide the operational and policy foundation for Council to commence working towards a minimum of 12 percent of all new dwellings built to be affordable housing by 2041 through observing an increase in the proportion of affordable housing in Casey.

The VPA submitted it was committed to delivering the PSP Guidelines including target T4 which identifies a PSP needs to:

Set a minimum target for provision of affordable housing in accordance with affordable housing policy, evidence, and guidance.

The VPA's Final Day changes proposed the following preferred wording for Guideline G2:

Residential subdivision and development that contributes to meeting the 12% affordable housing target as set out in the City of Casey Affordable Housing Strategy 2020 (or subsequent revision) is encouraged.

Or alternatively:

Residential subdivision and development that ~~contributes to~~ works towards meeting the long term aspiration of Casey City Council of 12% affordable housing target as set out in the City of Casey Affordable Housing Strategy 2020 (or subsequent revision) is encouraged.

(iv) Discussion

Density

An average target housing density in GRZ areas of 20 dwellings/hectare through a range of housing typologies is considered appropriate for the context of the proposed residential areas. While there is opportunity to leverage off proposed open space areas and proximity to future employment and retail services, the existing residential character of the area and street network, proximity of industrial operations and high voltage powerlines does not support significantly higher densities across the board. It is not an appropriate strategy to reintroduce the amenity area designation to just one residential parcel south of the utilities easement as proposed by AVA.

As identified by the VPA, discretion remains for the responsible authority to consider site specific higher density outcomes. Requirement R1 further requires the delivery of a minimum number of Table 3 typologies and target densities [Committee's emphasis]. The PSP provisions provide suitable flexibility for a range of typologies and higher densities to be considered through a more detailed design process through the permit application process.

The Committee supports the VPA's Final Day changes to PSP Requirement R1 and Guideline G4 because they appropriately respond to removing amenity areas from the PSP.

Housing affordability

While the VPA supported the provision of affordable housing, there is no legal obligation on a developer to deliver affordable housing, or to deliver a particular amount of such housing on the PSP land. There is no policy direction as to what level of provision should be made, or the manner in which it should be made. The Affordable Housing Strategy which is referenced in Objective O3 and the VPA's Final Day or alternate Guideline G2 wording has no status in the Casey Planning Scheme at this time.

Nonetheless, State and local policy (in a general way at Clause 21.03-3) raise the expectation that provision of affordable housing is now inherent in the development of land for residential purposes. The PSP Guidelines also identify that a PSP should include affordability targets. However, in this instance beyond broader strategic objectives, the underpinning basis for a specific rate is limited to:

- an internal VPA document not able to be scrutinised
- the Housing Affordability Strategy which is not in the Casey Planning Scheme and which aims to work towards a municipal wide aspiration.

While it is acknowledged Requirement G2 only has the status of a guideline, it (and Objective O3) should not refer to a specific rate of contribution or the Housing Affordability Strategy. An appropriate guideline still has utility to support the related objective.

(v) Conclusions and recommendations

The Committee concludes:

- The PSP housing density target in Table 3 and Requirement R1 are appropriate.
- It is appropriate to include an objective and guideline for housing affordability in the PSP that are revised to not reference the Housing Affordability Strategy and specific rates of provision because there is no strategic work to support them.
- The Final Day PSP changes to Requirement R1 and Guideline G4 are appropriate.

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 169) and subject to the following changes:

- **Amend Objective O3 to read: ‘To encourage affordable housing provision.’**
- **Amend Guideline G2 to read: ‘Residential subdivision and development should contribute to the provision of affordable housing in the precinct.’**

10.3 Native vegetation

(i) The issue

The issue is whether the draft Amendment appropriately guides retention of native vegetation across the precinct.

(ii) Background

Most of the precinct falls within the Melbourne Strategic Assessment (MSA) area. Under the MSA, none of the vegetation within the precinct is deemed critical for retention (although this does not consider the retention of vegetation considered culturally significant as discussed in Chapter 7). Levies paid by developers for clearing native vegetation in the MSA are allocated to other conservation projects.

Approximately 45.6 hectares of land within the precinct is outside the MSA area with the NVPP prepared to assess biodiversity in this area. The NVPP did not identify any threatened species habitat or conservation areas within the precinct although it did identify several small patches of endangered native vegetation.

The exhibited NVPP included five patches of vegetation to be retained. In response to submissions, the NVPP was updated to identify that all vegetation identified within the NVPP area can be removed.

(iii) Evidence and submissions

Several submissions sought to retain native vegetation across the precinct, particularly vegetation with a BioEVC status of endangered.

Other submissions opposed requirements and guidelines in the PSP which sought to retain native vegetation or trees identified as significant, particularly as shown on Plan 8 of the draft PSP.

The VPA explained it commissioned a review of the NVPP in response to submissions. The review acknowledged that while ecological recommendations should always be to retain as much native vegetation and habitat as practicable, all native vegetation within the NVPP area are low quality, small and isolated occurrences and do not necessarily warrant protection in the NVPP.

Based on this recommendation, the VPA no longer sought to retain any vegetation within the NVPP and key changes proposed in the Day 1 PSP included:

- the arborist assessed significant trees were moved from ‘Plan 8 Native Vegetation Retention and Removal Plan’ to ‘Plan 1 (Precinct Features)’
- all native vegetation within the MSA shown as ‘may be removed’
- updated Requirement R19 (previously R21), Guidelines G19 (previously G21) and G21 (previously G23).

The NVPP was also revised to state that no native vegetation is required to be retained:

- in response to submissions and with the agreement of Council and DEECA
- outside MSA areas and to outline obligations under *Catchment and Land Protection Act 1994*.

The VPA submitted that the PSP guidelines would ensure where possible the retention of existing vegetation through subdivision layout as determined through the planning permit application process.

MAB sought further refinements to provisions relying on the written evidence of Mr Harvey of Biosis. These refinements were agreed by the VPA and included in its Final Day documents including amending Requirement R21 as follows:

The removal of native vegetation on land to which the Croskell (Employment) Native Vegetation Precinct Plan April 2025 (NVPP) applies must be generally in accordance with the NVPP. ~~Retention and removal of native vegetation must be generally in accordance with the Croskell (Employment) Native Vegetation Precinct Plan June 2024 or Plan 8 Native vegetation retention and removal.~~

In closing, the VPA submitted “*all matters in relation to the NVPP and native vegetation have been resolved during the hearing, with the following change agreed and consequential changes made in the Final Day Documents, where necessary*”.

(iv) Discussion

It is important to encourage the retention of significant trees and existing native vegetation in the precinct where the vegetation makes a positive contribution to the character, amenity, cultural or ecological values of a place.

Notwithstanding this, the Committee accepts that much of the precinct falls within the MSA area and that none of the vegetation in the precinct has been deemed critical for retention. The findings expressed in the NVPP that native vegetation outside the MSA area is generally low quality and contained in small and isolated occurrences that do not necessarily warrant protection.

On this basis, the Committee supports revised provisions in the Final Day versions of the PSP and NVPP.

(v) Conclusion and recommendations

The Committee concludes:

- The draft Amendment with the inclusion of the Final Day changes to the PSP and NVPP and Clause 52.17 appropriately guides retention of native vegetation across the precinct where practicable.

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 169) relating to native vegetation.

Native Vegetation Management Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 175) relating to native vegetation.

10.4 Telecommunications facilities**(i) The issue**

The issue is whether a PSP guideline should be included to consider Commonwealth telecommunications policy.

(ii) Submissions

Council sought the addition of a new guideline to the PSP:

At subdivision and or development design stage, as part of telecommunications utility planning and provision, developers will need to have regard to the requirements for mobile telecommunications infrastructure outlined within the 2024 Commonwealth Telecommunications in New Developments (TIND) Policy.

The Commonwealth Telecommunications in New Developments Policy contained requirements for mobile telecommunications infrastructure for residential development greater than 50 lots to ensure reliable mobile access (system capacity and coverage). Council identified that its suggested wording was the same as that identified in the PSP Background Report at section 4.8.2.

The VPA's Final day version included the guideline requested.

(iii) Discussion

The Committee considers that it is unnecessary for a PSP to seek to implement a Commonwealth government policy. The PSP Guidelines provide no guidance on the need to plan for or manage the provision of telecommunications infrastructure at the PSP level. Council did not identify that there are major mobile phone capacity or coverage limitations within the precinct that require this PSP to include specific guidelines or that the need was supported by a local planning policy. The Committee considers this is a matter for the development stage and not the PSP.

(iv) Conclusion

The Committee concludes:

- A PSP guideline is not required to provide for the consideration of Commonwealth telecommunications policy.
- The VPA's proposed Final Day PSP version in Section 3.6.2 is not supported.

11 Drafting

(i) Discussion

MAB's submission noted there were inconsistent use of defined terms throughout the PSP including references to the PSP, DSS, VDP, RAP and BLCAC.

The Committee agrees that the final PSP would benefit from a check to ensure that defined terms are applied consistently in addition to any document cross-referencing.

The Committee is comfortable with the use of the term 'hallmark' in the context of the 20-minute neighbourhood. The term is used in Plan Melbourne which identifies six associated hallmarks and the PSP Guidelines which identify seven. The Final Day version identifies that five of the PSP Guideline hallmarks form the basis of PSP implementation chapters. The Committee is broadly satisfied the Final Day PSP's 'Context' chapter relating to implementation objectives, implementation, place-based requirements and guidelines has adequately addressed many of MAB's drafting concerns. The place-based guidelines would be more clearly expressed as [Committee's emphasis]:

The PSP Guidelines identify matters that should be addressed by a permit application, and guide how discretion will be exercised by the responsible authority in respect of those matters. The responsible authority may consider an alternative to a guideline if it is satisfied that an application for an alternative achieves the objectives. A guideline may include or reference a plan, table or figure in the PSP.

The final changes to the PSP will also impact:

- the ICP in terms of projects and their costs, Plans (to reflect the Committee's recommended land use designations in Plan 2), public purpose land provisions and equalisation amounts, land use budget and levy rates to reflect the increased commercial and industrial NDA and reduced residential NDA and deletion of the Thompsons Road SUP
- the ICO4 consistent with the above changes
- the references to the PSP in the ICP and NVPP and Schedules to Clauses 52.16, 52.17 and 72.04.

The Committee has not cross-checked to see if all the relevant PSP changes are reflected in the Final Day versions of draft Amendment documents or if the changes to the ICP are reflected in ICO4. As identified in Chapter 1, it has not reviewed the draft Amendment documents in their entirety and has focused its discussions, conclusions and recommendation on the elements that were subject to submissions and evidence.

The VPA should undertake a final check of all draft Amendment documents to ensure they reflect its PSP and ICP changes, and changes associated with the Committee's recommendations for document changes. It should also check to ensure drafting of the UGZ is consistent with the advice in the Practitioner's Guide. For example, using 'before a Statement of Compliance is issued' rather than 'prior to the issue of...'.

(ii) Recommendations

The Committee recommends:

Precinct Structure Plan

Amend the Croskell (Employment) Precinct Structure Plan consistent with the VPA Final Day version (Document 169) to amend the 'Place-based guidelines' description to:

'The PSP Guidelines identify matters that should be addressed by a permit application, and guide how discretion will be exercised by the responsible authority in respect of those matters. The responsible authority may consider an alternative to a guideline if it is satisfied that an application for an alternative achieves the objectives. A guideline may include or reference a plan, table or figure in the PSP.'

Further recommendation

The VPA undertake a final check of all Amendment documents to ensure they reflect the final Croskell (Employment) Precinct Structure Plan and Croskell (Employment) Contributions Plan and the Committee's recommendations for document changes.

Appendix A Terms of Reference

Terms of Reference

VPA Projects Standing Advisory Committee

Version 1: July 2020

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (the Act) to advise the Minister for Planning and the Victorian Planning Authority (VPA) on referred projects and plans and associated draft planning scheme amendments.

Name

The Standing Advisory Committee is to be known as the 'VPA Projects Standing Advisory Committee'.

1. The Committee is to have members with the following skills:
 - a. Strategic planning
 - b. Statutory planning
 - c. Civil engineering (infrastructure planning)
 - d. Development contributions
 - e. Road and transport planning
 - f. Biodiversity
 - g. Social planning
 - h. Urban design
 - i. Heritage (post contact and Aboriginal)
 - j. Planning law.
2. The Committee will include a Chair, Deputy Chairs and not less than ten other appropriately qualified members.
3. The Committee may seek advice from other experts where it considers this necessary.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning and the VPA on specific matters referred to it related to various proposals, including but not limited to structure plans, infrastructure and development contribution plans, framework plans, development plans and any associated draft planning scheme amendment and planning permits.

Background

5. The VPA is responsible for preparing development plans and other proposals in identified metropolitan, growth areas and regional cities and towns. Some of these plans are to be approved through the planning scheme amendment process using the provisions of section 20(4) of the Act.
6. This Committee process allows submissions to be made to the VPA on a draft plan and associated draft planning scheme amendment, with any unresolved issues to be considered by the Committee before the final planning scheme amendment is submitted to the Minister for Planning for approval.
7. The Committee will provide a targeted and timely process to assess the merits of discrete unresolved issues associated with State and regionally significant projects.

Method

8. The Committee may meet, and depending on the nature of the referral and the issues raised, undertake consultation that is fit for purpose. This may be on the papers; through round table discussions or forums;

or Hearings. There must be a quorum of at least two Committee members, including either the Chair or a Deputy Chair.

9. The Committee may apply to vary these Terms of Reference in any way it sees fit.

Notice

10. As directed by the Minister, the VPA will prepare and give notice of a 'draft Amendment' and receive submissions. The VPA will consider all submissions and where possible seek to resolve issues with submitters prior to referring matters to the Committee.
11. The Committee is not expected to carry out additional public notification or referral of matters but may seek the views of any relevant referral authority, responsible authority or government agency.

Referral

12. Once all submissions are considered, the Chief Executive Officer, VPA (or delegate) will provide a letter of referral to the Committee Chair, seeking its advice on particular matters or unresolved issues raised in the submissions and/or any other relevant matter. The letter of referral will be a public document.
13. The letter of referral must be accompanied by:
- a. The relevant plan and associated draft planning scheme amendment and planning permit documentation
 - b. The referred submissions
 - c. Any supporting background material.

Committee Assessment

14. The Committee may inform itself in anyway it sees fit, but must consider:
- a. The relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it
 - b. The referred submissions
 - c. *Plan Melbourne*
 - d. Any relevant Regional Growth Plan or Growth Corridor Plan
 - e. The applicable Planning Scheme
 - f. Relevant State and local policy
 - g. Any other material referred to it.
15. Depending upon the nature of the referral, the Committee can conduct its proceedings through round table discussions, on the papers or, a public hearing, including by video conference if unable to conduct this 'in person'.
16. The Committee will be provided with the written submissions and other supporting material by parties, and may:
- a. Direct that parties meet, to discuss and further resolve issues, or
 - b. Act as a mediator to seek to resolve issues in dispute.
17. The Committee may direct the VPA and relevant parties to provide additional information on specified matters.
18. The committee must not consider submissions or evidence on a matter that a planning authority is prevented from considering by operation of ss 22(3) and 22(5) of the Planning and Environment Act 1987.
19. The written submission of the VPA is to include:
- a. an overview of the draft amendment and/or any relevant planning permit and the relevant Plan, including a detailed explanation of the referred elements.

- b. a written response to each referred submission and how the draft plan, amendment or permit might be changed to respond to the submission.

Outcomes

20. The Committee must produce a written report for the VPA and the Minister for Planning, providing the following:
 - a. Whether the referred element(s) of the draft amendment or planning permit is appropriate
 - b. A summary and assessment of the issues raised in submissions referred to the Committee.
 - c. Any other relevant matters raised in the course of the Committee process.
 - d. A list of persons who made submissions considered by the Committee.
 - e. A list of tabled documents.
 - f. A list of persons consulted or heard, including via video conference.
21. Following the completion of the report the Committee may deliver an oral briefing to the Minister for Planning or the VPA. The briefing may be in person, by video conference or telephone.

Submissions are public documents

22. The Committee must retain a library of any written submissions or other supporting documentation provided to it until a decision has been made on its report or five years has passed from the time of its appointment.
23. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain 'in camera'. A document may be made available for public inspection electronically.

Timing

24. The Committee is required to commence its process by issuing a written notice of the referral of a matter from the VPA to all referred submitters no later than 10 business days from the date of any specific letter of referral received.
25. The Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the last day of its proceedings, tabling of submissions or consultation process.
26. The VPA must release the report of the Committee within 10 business days of its receipt.

Fee

27. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
28. The costs of the Committee will be met by the VPA.



Richard Wynne MP
Minister for Planning

Date: 17 / 07 / 2020

Appendix B Referral letter



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23 December 2024

Doc No: D/24/4302

Ms Sarah Carlisle
Lead Chair
Victorian Planning Authority Projects Standing Advisory Committee
Planning Panels Victoria

Sent via: planning_panels@transport.vic.gov.au

Dear Ms Carlisle,

**DRAFT AMENDMENT C296CASE TO THE CASEY PLANNING SCHEME – CROSKELL (EMPLOYMENT)
PRECINCT STRUCTURE PLAN
REFERRAL OF SUBMISSIONS TO THE VPA PROJECTS STANDING ADVISORY COMMITTEE**

I refer to draft Amendment C296case to the Casey Planning Scheme (draft Amendment), which proposes to facilitate the use and development of the Croskell (Employment) precinct for employment and residential uses generally in accordance with the Croskell (Employment) Precinct Structure Plan (PSP).

On 18 August 2024, the Minister for Planning gave approval for the VPA to use a streamlined planning process to progress the PSP and amendment, undertake informal public consultation about the matter and delegated to the VPA Chief Executive Officer (CEO) the power to refer any unresolved submissions on the matter directly to the VPA Projects Standing Advisory Committee (Committee).

Between 11 September to 9 October 2024, the VPA undertook a targeted public consultation process for the Croskell (Employment) PSP and the associated draft Amendment. A total of 31 submissions have been received.

Referral

In accordance with clause 12 of the terms of reference for the Committee (July 2020) and delegation provided to the VPA, I am writing to refer unresolved submissions relating to the Croskell (Employment) PSP, Croskell (Employment) Infrastructure Contributions Plan and draft Amendment for advice.

I enclose all submissions received in relation to the draft Amendment and a submissions summary table, which provides an analysis and current status of all issues raised (resolved or unresolved) by each submission. The Committee's advice is only requested in relation to the issues in Table 1.

Key issues referred

In accordance with clause 4 of the terms of reference, the VPA has identified key issues it is seeking the Committee to focus its advice on to assist with streamlining the Committee's assessment and hearing process:

Table 1 – Key Issues

| KEY ISSUES | ADVICE SOUGHT |
|------------|---|
| Land use | <p>The PSP provides a mix of industrial and commercial land, in line with the Melbourne Industrial and Commercial Land Use Plan (MICALUP), and residential land.</p> <p>Please advise whether:</p> <ul style="list-style-type: none"> The balance of industry and commercial employment areas are appropriate to facilitate outcomes consistent with the precinct's designation as a Regionally Significant Commercial Area under MICALUP, Appropriate provisions, including appropriate applied zones, are included to facilitate employment outcomes on parcels within both industry and business employment areas. |

| KEY ISSUES | ADVICE SOUGHT |
|---|--|
| | <ul style="list-style-type: none"> The inclusion of sensitive uses within identified buffers is appropriate. Provisions in the UGZ that mandate additional assessments to support the use and development of land for sensitive uses within identified buffers are appropriate to manage land use conflict or potential contamination. |
| Drainage & Staging | <p>The PSP outlines drainage areas and requires the ultimate delivery of Development Services Scheme (DSS) assets prior to the issue of a statement of compliance for any stage of subdivision. Each precinct parcel is responsible for delivering particular drainage assets, and if multiple parcels are liable for a particular asset, the first to develop will be accountable for delivery. While the intent is for the ultimate DSS assets to be delivered up front - the wording of R36 includes the statement "unless otherwise agreed in writing by the responsible authority and Melbourne Water" – meaning that R36 has flexibility and does not preclude the delivery of interim assets should such solutions be deemed appropriate.</p> <p>Please advise whether:</p> <ul style="list-style-type: none"> The location and size of drainage areas, as shown in the PSP, is an appropriate envelope within which to subsequently resolve the detailed design of required infrastructure, Requiring parcels to deliver DSS assets prior to the issue of statement of compliance for any stage of subdivision is appropriate, Parcel specific liability for delivering assets is appropriate. |
| Infrastructure Contributions Plan (ICP) | <p>Submissions have been made that the draft ICP does not accurately reflect true costings and there have been requests for the inclusion of additional items – notably the inclusion of Shared User Paths (SUP) within the high voltage electricity easement within the ICP.</p> <p>SUPs along the Melbourne Water pipe track, within drainage assets adjoining Thompsons Road and two crossings over the Victorian Desalination Project (VDP) assets within the high voltage electricity easement are currently included within the ICP. The remainder of the SUPs shown on Plan 4 – Movement and Network are expected to be delivered as developer works.</p> <p>Additionally, Casey City Council oppose being specified as the Development Agency for intersection and pedestrian signal projects on declared State Arterial Roads.</p> <p>Please advise whether:</p> <ul style="list-style-type: none"> Proposed ICP costings are appropriate, specifically: whether benchmark costings provide sufficient contingency for cost increases on account of 'up-scoping' infrastructure for State Arterial Roads and costing for IN-04 is accurate. The SUP within the electricity easement should be included within the ICP, The SUP adjoining Thompsons Road not within DSS assets should be included as inner public purpose land. Casey City Council should be specified as the Development Agency for intersection and pedestrian signal projects on declared State Arterial Roads. |

| KEY ISSUES | ADVICE SOUGHT |
|-------------------|--|
| Cultural heritage | <p>The Bunurong Land Council Aboriginal Corporation (BLCAC) have identified a 5.41 hectare patch of vegetation in Parcel 20 as having cultural significance and requested its retention. The PSP seeks to protect the vegetation and the cultural values by identifying the area as encumbered open space.</p> <p>Please advise whether the designation of a portion of Parcel 20 as encumbered open space is an appropriate mechanism for retaining and protecting cultural values in this circumstance and if not what the most appropriate mechanism would be to achieve this purpose.</p> |
| Transport | <p>Submissions have been made on as to the location of a proposed Left-In-Left-Out access to Council's Active Open Space adjoining Berwick Cranbourne Road and the alignment of IN-01 so as to minimise impacts to the existing abattoir buildings.</p> <p>Please advise whether the road network alignment is suitable, specifically:</p> <ul style="list-style-type: none"> • If the location of the proposed Left-in-Left-out access for Council's Active Open Space to Berwick-Cranbourne Road is appropriate or if this access point is better moved northwards within the high voltage electricity easement. • If the alignment of IN-01 can be shifted so as to avoid bisecting the existing abattoir buildings |
| Bushfire | <p>Plan 10 – Bushfire of the PSP includes setbacks based on potential vegetation of drainage assets, which would occur outside of the PSP process by Melbourne Water.</p> <p>Please advise whether it is appropriate to consider the bushfire risk of potential vegetation in drainage assets and other open space as opposed to existing conditions.</p> |

Drainage matters have been referred, as described above. However, the VPA requests the Committee focus its consideration on the discrete strategic planning aspects of drainage in Table 1 instead of detailed technical matters as the final drainage outcomes will be determined through Melbourne Water's Development Services Scheme. Drainage, which is not usually part of an ICP, has been included in the PSP for spatial planning purposes and not to fetter Melbourne Water's decision making discretion.

Matters relating to crossings of the Victorian Desalination Pipeline (VDP) have been referred as described in Table 1. The VPA notes there is 'in principle' cross-government agreement for the proposed crossings as shown in the PSP, and final approval of crossings is subject to technical assessment at the permit stage. Similarly to drainage, the VDP crossings have been included in the PSP for spatial planning purposes and not for detailed technical review.

Without limiting its powers under the *Planning and Environment Act 1987*, including the power to regulate its own proceedings, I encourage the Committee to consider whether to adopt any of the following hearing procedures to provide an efficient and timely process for the assessment of the draft Amendment for this State significant Housing Statement project:

- Specifying a time limit for submitters seeking to be heard.
- Regulating evidence in chief to balance efficiency and fairness.
- Limiting cross examination to matters which are of interest or importance to the Committee, and to avoid repetition.
- Directing submitters focus preparation of submissions and appointment of experts only on the specific matters the VPA has requested your advice on and raised in their submissions as outlined in Table 1.

The SAC should consider the submissions in the manner it sees fit in accordance with its terms of reference.



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The VPA requests the Committee secure the following dates:

- a Directions Hearing commencing in the week of 3 February 2025 – with a preference for the 3, 4 or 6 February 2025
- a Hearing commencing in the week of 3 March 2025.

The VPA will continue to seek to resolve matters with submitters, including the submissions that are not contained in Table 1, and will advise the Committee if further matters are resolved that the VPA no longer requires advice on.

Please find enclosed the supporting documents required by clause 13 of the terms of reference.

If you would like further information, please email Justin O'Meara, Executive Director Metropolitan Melbourne at Justin.Omeara@vpa.vic.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stuart Moseley', is positioned above the printed name.

STUART MOSELEY
CHIEF EXECUTIVE OFFICER

Encl. Croskell (Employment) PSP and ICP
Draft Amendment C296case to the Casey Planning Scheme documentation
Referred submissions and submitter details
VPA Submissions Summary Table
Croskell (Employment) Public Consultation Report (draft)
Supporting background reports

cc. Glenn Patterson, Chief Executive Officer, Casey City Council

Appendix C List of submitters

| No. | Submitter |
|-----|--|
| 1 | Tracey Paxevanos |
| 2 | Peter Mikhail |
| 3 | Deanna |
| 4 | Anthony Taranto |
| 5 | Harshana Jayanetti |
| 6 | Arun Thomas |
| 7 | Sukhbir Singh |
| 8 | Daniel Mahoney |
| 9 | Environment Protection Authority Victoria |
| 10 | Louisa Willoughby |
| 11 | Sukhbir Singh (additional submission) |
| 12 | Tristan Fulham |
| 13 | Department of Education |
| 14 | Isabello Do |
| 15 | Homes Victoria |
| 16 | AVA Faltaous-Kyrellos Pty Ltd |
| 17 | Wagstaff Cranbourne Pty Ltd |
| 18 | Galileo Group |
| 19 | MAB Property Developments Pty Ltd |
| 20 | Spring Lodge Farms Pty Ltd |
| 21 | Spring Lodge Farms Pty Ltd (additional submission) |
| 22 | Department of Energy, Environment and Climate Action (Planning and Environment Assessment) |
| 23 | Rose Howell |
| 24 | Urban Development Institute of Australia (Victoria) |
| 25 | Maya Szyszko |
| 26 | Cranbourne 1450 Holding Pty Ltd |
| 27 | Department of Energy, Environment and Climate Action (Victorian Desalination Project) |
| 28 | Melbourne Water |
| 29 | Casey City Council |
| 30 | Fouz Superannuation Pty Ltd, Yusuf Property Pty Ltd and Fouz Investments Pty Ltd |
| 31 | Department of Transport and Planning (for Head, Transport for Victoria) |

Appendix D Parties to the Committee Hearing

| Submitter | Represented by |
|---|---|
| VPA (Proponent) | James Lofting assisted by Sonia Turnbull of Russell Kennedy and Richard Overall of the VPA who called evidence from Hamish Allan of Terramatrix on Bushfire |
| Casey City Council | Terry Montebello and Amelia Hunter (at Directions Hearing) of Maddocks |
| Melbourne Water | Greg Tobin assisted by Aaron Shrimpton of Harwood Andrews who called evidence from Warick Bishop of Water Technology on drainage |
| EPA | Todd Cracknell |
| Galileo Group Pty Ltd Fouz Superannuation Pty Ltd, Yusuf Property Pty Ltd and Fouz Investments Pty Ltd | <p>Emma Pepler of Counsel instructed by Eliza Minney of Best Hooper, who called evidence from:</p> <ul style="list-style-type: none"> - Matt Cupper of Landskape on cultural heritage (for Fouz Group only) - Nina Barich of Incitus on drainage - Charmaine Dunstan of Traffix on transport (for Galileo only) - Mark Potter of Fire risk Consultants on bushfire - Evan Granger of Urbis on planning <p>Tim Peggie of Ethos Urban appeared for Galileo in relation to LP-04 and the north-south shared use path on Parcel 14</p> |
| Wagstaff Cranbourne Pty Ltd | <p>Peter O'Farrell KC and Sean McArdle of Counsel instructed by Eliza Minney of Best Hooper, who called evidence from:</p> <ul style="list-style-type: none"> - Terry Hardingham of O'Brien Traffic on transport - Peter Ramsay of Peter Ramsay and Associates on odour buffers - Andrew Clarke of UPco on planning |
| MAB Property Developments Pty Ltd | <p>Nick Tweedie SC (Tom Ellicott of Counsel at Directions Hearing) and Jordan Wright instructed by Rhodie Anderson of Rigby Cooke Lawyers, who called evidence from:</p> <ul style="list-style-type: none"> - Kevin Hazell of Bushfire Planning on bushfire - Chris Beardshaw of Afflux on drainage - John Glossop of Glossop Town Planning on planning - Simon Beardall of Eukai on transport - Aaron Harvey of Biosis on ecology |
| Spring Lodge Farms Pty Ltd | <p>Susan Brennan SC and Rupert Watters of Counsel instructed by Ellen Tarasenko of Polis Legal, who called evidence from:</p> <ul style="list-style-type: none"> - Nina Barich of Incitus on drainage - Dr Iain Cowan of Zephyr Environmental on odour buffers - Dr Jason Shepherd of SLR Consulting on odour buffers - Mr Mark Woodland of Echelon Planning on planning |
| Cranbourne 1450 Holdings Pty Ltd | Paul Chiappi of Counsel instructed by Marshal Melbourne Pty Ltd (Clydie Brewer at Directions Hearing) who called evidence from: |

| Submitter | Represented by |
|-------------------------------|---|
| | <ul style="list-style-type: none">- Jamie Tainton of Water Studio on drainage- Andrew Clarke of UPco on planning |
| AVA Faltaous-Kyrellos Pty Ltd | Alisanne Boag of Beveridge Williams |

Appendix E Procedural issues

E:1 Issues before the Committee

i) Background

The Committee's Terms of Reference provide [Committee's emphasis]:

4. The purpose of the Committee is to provide timely advice to the Minister for Planning and the VPA on specific matters referred to it related to various proposals, including but not limited to structure plans, infrastructure and development contribution plans, framework plans, development plans and any associated draft planning scheme amendment and planning permits.
12. Once all submissions are considered, the Chief Executive Officer, VPA (or delegate) will provide a letter of referral to the Committee Chair, seeking its advice on particular matters or unresolved issues raised in the submissions and/or any other relevant matter. The letter of referral will be a public document.
14. The Committee may inform itself in anyway it sees fit, but must consider:
 - a. The relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it
 - b. The referred submissions
 - c. *Plan Melbourne*
 - d. Any relevant Regional Growth Plan or Growth Corridor Plan
 - e. The applicable Planning Scheme
 - f. Relevant State and local policy
 - g. Any other material referred to it

The referral letter of 23 December 2024 identified the following [Committee's emphasis]:

In accordance with clause 12 of the terms of reference for the Committee (July 2020) and delegation provided to the VPA, I am writing to refer unresolved submissions relating to the Croskell (Employment) PSP, Croskell (Employment) Infrastructure Contributions Plan and draft Amendment for advice.

I enclose all submissions received in relation to the draft Amendment and a submissions summary table, which provides an analysis and current status of all issues raised (resolved or unresolved) by each submission. The Committee's advice is only requested in relation to the issues in Table 1.

In accordance with clause 4 of the terms of reference, the VPA has identified key issues it is seeking the Committee to focus its advice on to assist with streamlining the Committee's assessment and hearing process:

In relation to unresolved submissions the referral letter identified:

The VPA will continue to seek to resolve matters with submitters, including the submissions that are not contained in Table 1, and will advise the Committee and any parties if further matters are resolved, prior to and during the Hearing.

All submissions were referred to the Committee along with a spreadsheet which summarised submissions, included a VPA response, issue status ('resolved', 'unresolved', 'pending') and identified submissions to be referred to the Committee.

On 23 January 2025 the Committee sought clarification from the VPA (D4) regarding:

1. the status of a 'pending' submission
2. the basis on which the 'resolved' status was determined
3. whether Table 1 captures all the unresolved issues, and if not, is it intended that the SAC consider all unresolved submissions or limits its advice to the matters in Table 1?

On 23 January 2025 the VPA advised (D5) and later confirmed at the Directions Hearing that the Committee to limit its advice to the key matters identified in Table 1.

In relation to the status of submissions the VPA advised:

- submissions identified as 'resolved' are considered to be resolved by the VPA and further consideration of these matters is not requested. The matters that have been identified as resolved have either been clarified via a submission response, withdrawn by the submitter or confirmed as being resolved by the submitter (unclear to the Panel if any have – no confirmation of this provided) or the VPA has made the changes as requested by the submitter.
- 'pending' means that no formal acknowledgement of agreement has been received from the submitter and the submission is treated as pending or unresolved. The VPA continues to resolve pending submissions and will provide an updated submission table as part of its Part A submission package, or as requested by the Committee.
- The SAC, and parties, will be updated on an ongoing basis where submissions are resolved through the hearing. At the close of the hearing, as part of the VPA closing submissions, the VPA will confirm which submissions it considers to be resolved. The VPA proposes to circulate an updated submissions table on 19 February as part of the VPA's Part A submission package.

The Committee's draft directions proposed that VPA provide a Day 1 version of draft Amendment documents by 24 February 2025. At the Directions Hearing Spring Lodge Farms P/L (Spring Lodge) requested that the Day 1 documents be produced earlier. The VPA advised that it was unable to produce the Day 1 documents earlier in part because some issues were still being resolved and further information was anticipated from Melbourne Water and the CFA. The VPA was not opposed to providing a consolidated table of proposed changes earlier.

ii) Committee response

The Committee acknowledges that under its Terms of Reference the referral letter can limit the matters to be considered by the Committee. The referral letter however includes a contradiction between the paragraphs limiting the Committee's advice to Table 1 matters and the earlier paragraph which refers all unresolved submissions to the Committee for its advice.

The Committee observes that there were many unresolved submission issues not included in the Table 1 issues. The Committee was concerned that excluding consideration of issues outside those in Table 1 given this contradiction could give rise to issues of procedural fairness and natural justice. It is also unclear whether some issues identified by the VPA as 'resolved' have actually been resolved (that is withdrawn or resolution confirmed by a submitter) or a resolved change has resulted in an issue for another landowner or submitter.

In response to these concerns the Committee advised parties that it would conduct the Hearing and provide its advice to VPA in a manner which:

- has a focus on the Table 1 issue themes and their sub-components
- enable parties to make submissions on other unresolved issues and for the Committee to report on these matters in more limited way, noting the referral letter is ambiguous about the unresolved issues for which the Committee's advice is being sought.

Given this focus the Committee considered it necessary for submissions and evidence dealing with matters outside the Table 1 issues structured to deal with the Table 1 issues and then 'other issues'.

In relation to Day 1 documentation the Committee considered it important that parties have a clear understanding of the VPAs initial proposed changes early to enable decisions to be made on

whether to call experts and determine what issues remained unresolved. The Committee identified several drafting issues with the draft UGZ16, ICO4 and SUZ8 that could be reviewed as part of the Day 1 document versions.

The Committee issued the following directions for the VPA to provide:

10. A summary of proposed Amendment changes to the PSP, ICP, NVPP, Zone and Overlay schedules and mapping in table form identifying the relevant document clause or section and a summary of changes by 12 noon on 10 February 2025.
11. An updated submissions table identifying unresolved or pending submissions that are resolved by 12 noon on 19 February 2025.
12. A Day 1 version of Amendment documents by 12 noon on 24 February 2025 which:
 - f) includes any changes in response to a review of the documents, including against the initial drafting issues identified by the Committee at the Directions Hearing and consideration against the *Practitioner's Guide to Victorian Planning Schemes* and the *Ministerial Direction on Form and Content of Planning Schemes*.
16. VPA must file its Part A (Background and context) submission by 12 noon on Wednesday, 19 February 2025 that includes:
 - e) a summary of the issues raised in submissions, including an explanation of which (if any) of those issues have been resolved and how.
20. The VPA to provide an opening submission on Day 1 which includes:
 - e) Identifies the status of any unresolved or pending submissions
 - f) summarises its Day 1 changes.

The Committee issued the following direction to parties:

1. All parties must advise the Committee of the following by 12 noon on 11 February 2025:
 - c) A summary of resolved issues and remaining unresolved issues by Table 1 issue theme and/or 'other issues'. Sufficient detail is to be included about the nature of unresolved issues for each issue theme. (Refer Table 11 below)
23. Written submissions must be structured in a manner that:
 - a) sets out the position in relation to the relevant Table 1 issue theme
 - b) sets out the position in response to 'Other' matters that relate to an issue theme but do not clearly fall within the focus elements of that theme
 - c) includes an 'Other issues' section dealing with submission issues outside the Table 1 issues
 - d) clearly sets out document changes sought.
24. Oral submission presentations are to focus on the referral Table 1 issues and briefly summarise positions in relation to 'Other issues'. The Committee will take the written submission content on these issues as read and will ask for clarification on matters that are unclear.
25. Evidence-in-chief should be no longer than 30 minutes for evidence related to the referral Theme issues. It should focus on opinions relating to the relevant themes and not on issues outside those themes. The Committee will ask for clarification where the evidence on other matters is unclear. For evidence not directly related to the referral Table 1 issue themes evidence-in-chief should be limited to 10 minutes.
27. For referral Table 1 issues a party, advocate and the Committee may question an expert witness. Cross examination must focus on the Table 1 issues and be conducted in an

efficient manner. For evidence on matters outside the referral Table 1 issue there will be no cross examination, and questions will be limited to clarification of opinions.

Table 19 summarises the unresolved issues for the parties.

Table 19 Party unresolved issues at the commencement of the Hearing

| Issue theme | Issue element | Parties |
|------------------------------|--|--|
| Land use | Theme issues: | |
| | - Balance of zones including implied zones and UGZ16 provisions | Wagstaff, Fouz Group, Spring Lodge, Galileo, MAB |
| | - Pipe track zoning | Melbourne Water |
| | - Urban Floodway Zone controls | Melbourne Water |
| | - Buffers and sensitive uses | Wagstaff, EPA, Spring Lodge |
| | Other: | |
| | - Application of the EAO to for medium potential contamination sites | EPA |
| | - Drainage land take and buffer impacts | Galileo, Fouz Group |
| | - Drafting of PSP and ordinance | MAB |
| | - Use of utilities easement | MAB, Spring Lodge |
| Drainage and staging | Theme issues: | |
| | - Location and size of drainage assets | Galileo, Spring Lodge, Fouz Group |
| | - Staging and timing of drainage asset delivery | MAB, AVA, Spring Lodge, Melbourne Water, Wagstaff, Galileo |
| | - VDP drainage crossings | Cranbourne 1450 |
| | - DSCP-C modelling availability | Council |
| | - PSP to reflect DSCP-C | Melbourne Water |
| | - SUP and drainage reserve interactions | Melbourne Water |
| | - Depiction of redundant water main | Melbourne Water |
| | - Open waterway cross section | Melbourne Water |
| | - PSP requirements R27 and R28 and UGZ application requirements | Melbourne Water |
| | - Application of PCRZ to drainage asset land | Spring Lodge |
| | Other: | |
| | - Road capacity to convey flows | Wagstaff |
| | - PSP Southern Rural Water licence requirement | Spring lodge |
| - Removal of LSIO | Spring Lodge | |
| Infrastructure contributions | Theme issues: | |
| | - ICP costings | Council, MAB |
| | - IN-04 costings | Cranbourne 1450 |
| | - Council as Development Agency | Council |
| | Other: | |
| | - Parcel identifier errors | Spring Lodge |
| | - Casey Fields Boulevard costings | MAB |
| - Asset D costing | Cranbourne 1450 | |
| - Thompsons Road SUP | Cranbourne 1450 | |

| Issue theme | Issue element | Parties |
|-------------------|---|---|
| | - PED-01 | Spring Lodge |
| Cultural heritage | Theme issue: | |
| | - Designation of Parcel 20 as culturally sensitive land | Fouz |
| Transport | Theme issues: | |
| | - IN04 location | Wagstaff, Cranbourne 1450 |
| | Other: | |
| | - East-west industrial access street | Spring Lodge, MAB |
| | - VDP crossing of Casey Fields Boulevard | Council |
| | - Casey Fields Boulevard | MAB |
| | - Thomsons Road SUP | Cranbourne 1450 |
| | - Road network alignment, connections and access | Galileo, Fouz Group, Spring Lodge, Wagstaff, Galileo |
| Bushfire | Theme issues: | |
| | - Bushfire setbacks from drainage assets | Galileo, Melbourne Water, Spring Lodge, Fouz Group, MAB |
| | - PSP Plan 10 to be amended | Council |
| | Other: | |
| | - Requirement R34 | Cranbourne 1450, MAB |
| | - Bushfire Plan | MAB |
| Other | - Native vegetation removal, NVPP and associated PSP and control drafting | MAB, Spring Lodge, Fouz Group, MAB |
| | - Local park location or provision | Galileo, Spring Lodge |
| | - Housing density | AVA, Spring Lodge |
| | - Affordable housing | Spring Lodge |
| | - UGZ16 acoustic assessment | Spring Lodge |
| | - utilities easement ownership and management and use | Spring Lodge, MAB |

E:2 Bunurong Land Council Aboriginal Corporation

The Committee has been asked for specific advice in relation to a site (Parcel 20) with identified cultural heritage values. While the Committee understands that the Bunurong Land Council Aboriginal Corporation (BLCAC) has been involved in the preparation of informative Aboriginal cultural heritage investigative work, it did not make a submission. The Committee therefore does not have the benefit of their view about the adequacy of the proposed planning mechanism to recognise areas of Aboriginal cultural heritage.

Committee asked VPA to confirm any discussions with the Corporation including potential involvement in the hearing.

The VPA advised:

the VPA consulted early with the Bunurong Land Council Aboriginal Corporation (Corporation), Bunurong elders and representatives and has sought to encourage the participation of the Corporation and elders in the amendment process, but has been unsuccessful. The VPA will rely on the background documents to the Amendment to support

its submissions on cultural heritage and will provide an outline of its consultation with the Corporation and its position in its Part A submissions. The VPA continues to engage with the Corporation and has advised it of the upcoming hearing dates as recommended by PPV.

On 5 February 2025 the Committee wrote to BLCAC inviting them to participate in the Hearing. The Committee further directed the VPA's opening submission include an update on any further discussions with the Bunurong Land Council Aboriginal Corporation particularly in relation to the outcomes proposed by the draft Amendment.

BLCAC did not take up the Committee's invitation to participate in the Hearing.

E:3 Documentation

i) Drainage

At the Directions Hearing the VPA and Melbourne Water advised that:

the *Proposed Drainage Strategy Optimised Concept Design Changes Report*, 9 December 2024 had been prepared post-submissions and was to be updated with a Version 3 which would be provided to the parties

Melbourne Water and VPA further advised that they were shortly meeting to further resolve outstanding drainage issues. The Committee was of the view that it was critical for parties to be advised of the latest drainage scheme and extent of Melbourne Water's outstanding drainage issues before the Hearing commences and drainage evidence was called.

The Committee issued the following directions:

9. The VPA must provide the following information by **12 noon on 7 February 2025**:
 - a) Proposed Drainage Strategy Optimised Concept Design Changes Report, 9 December 2024 (The Committee notes this version will be superseded by a Revision C of the Drainage Services Scheme to be provided by Melbourne Water)
14. The VPA in conjunction with Melbourne Water must provide a summary of resolved and unresolved drainage issues by **12 noon on 24 February 2025** and any additional Drainage Strategy Optimised Concept Design Changes.

These documents were provided and circulated to parties.

ii) Bushfire

The VPA's response to submissions table provided to the Committee identified that:

The VPA is finalising its approach to bushfire planning with other government agencies and will provide a definitive position prior to the Direction's Hearing in February 2025 - including the assumptions around re-vegetation characteristics in drainage assets.

At the Directions Hearing the VPA advised that it was waiting further bushfire advice and continuing discussions with Fire Services Victoria.

The Committee directed that the VPA provide an update on any changes to the PSP bushfire requirements and guidelines as part of its opening submission following discussions with Fire Services Victoria.

iii) Odour

Spring Lodge on 29 January 2025 requested the Committee direct Wagstaff Cranbourne P/L (Wagstaff) to provide 15 documents and sets of abattoir operational information it said were necessary for it to undertake odour and buffer assessments and for the Committee to fully

consider buffer issues. It also requested the deferral of the consideration of odour buffer issues for two months from the receipt of this material. The request for deferral was not supported by the VPA or Wagstaff at the Directions Hearing and the request for documents was broadly opposed by Wagstaff for a range of reasons.

Section 161(2) of the PE Act provides:

A panel may require a planning authority or other body or person to produce any documents relating to any matter being considered by the panel under this Act which it reasonably requires.

This section also applies to an advisory committee (s152).

The Committee noted advice at the Hearing that some of these documents were in the process of being obtained from either Council or the EPA. The Committee accepted that some of the information sought from Wagstaff may contain information that is commercial in confidence or otherwise of a sensitive nature. It further noted that Wagstaff indicated at the Directions Hearing they were not opposed to providing some operational information to be identified through direct discussions with Spring Lodge. The Committee was not satisfied that the material sought was documentation that would assist it in its task or would restrict the ability for Spring Lodge to make submissions or provide evidence in relation to buffer and sensitive use issues to the Committee. The Committee did not support deferral of odour issues to a later date given the VPAs position on buffers was known to Spring Lodge in December 2024.

Spring Lodge on the 11 February 2025 made a further request for the Committee to direct the provision of documents from Wagstaff on the basis this material was required as a matter of procedural fairness to undertake an assessment of the appropriate buffers.

On 12 February 2025 the Committee directed that by 12pm on 14 February 2025:

- Spring Lodge identify which of the planning permit or EPA license agreements included in its Appendix list has not been able to source from Casey City Council or the EPA as discussed at the Directions Hearing
- Wagstaff advise what operational information it is able to provide to Spring Lodge
- Wagstaff/EPA and the VPA (noting it is not calling odour experts) advise of their positions on the utility of an odour expert conclave.

Spring Lodge's response identified documents it has now obtained from its Appendix A list and identified a narrowed list of operational information and a single document it said were required at a minimum to undertake an odour assessment. It further identified that if the Committee were not mindful to support its request that it sought to call an additional odour witness.

Wagstaff advised by 21 February 2025 it would "*provide some information by that will hopefully provide some assistance to Spring Lodge*". It further noted the (post-exhibition) separation distance assessments provided in the GHD report that accompanied Wagstaff submission and the LCA reports commissioned by the VPA which support the VPA's proposed separation distances for the Wagstaff site:

- Land Capability Assessment, Kleinfelder, 19 November 2024
- Land Capability Assessment (Rev 8), Kleinfelder, 30 January 2025.

The Committee confirmed its earlier position that it does not require the full range of documents identified by Spring Lodge in its Appendix A in order to consider the strategic buffer and sensitive use issues before it. It did acknowledge that there were some operational details (that were not sensitive) which may be of assistance to Spring Lodge in presenting evidence or submissions to the

Committee to respond to the VPA's proposed amended buffer approach. The Committee accommodated Spring Lodge's request to call an additional expert and extended the time for circulation of odour evidence accordingly.

While the Committee did not direct Wagstaff to provide the requested information or documents, it encouraged Wagstaff to provide the operational information it undertook to provide to Spring Lodge.

Wagstaff provided operational information on 28 February 2025 (D66) and usefully set out the sequence of communications regarding information requests between Spring Lodge, Wagstaff and the Committee. The Committee extended an opportunity for buffer and planning related evidence to be circulated on a later date and for Spring Lodge to call an additional expert.

Neither the VPA or Wagstaff supported an odour expert conclave. The Committee considered there was little utility in an odour expert conclave where:

- the VPA was not calling like evidence and not in a position to provide administrative support for a conclave
- it remained unclear that there would be any common methodology between respective experts that would enable a meaningful joint report to be prepared.

The Committee further noted that:

- the EPA would be making a submission with the benefit of expert witness reports and before the odour evidence was heard
- differences of opinion could still be tested in the usual way through cross examination and submissions
- parties could continue to discuss and refine buffer issues with the VPA and other parties up to and during the Hearing.

The EPA was subsequently invited by the Committee after presenting its Hearing submission to provide a written response to the odour evidence and requested to advise how SUAs were to be calculated and from where the WWTP separation distance should be measured (D120). The EPA's response (D144) was circulated to the parties before the odour buffer experts were called.

iv) Cultural heritage

Fouz Group requested:

- an unredacted version of the Aboriginal Cultural Heritage Impact Assessment, May 2024
- the report informing the Cultural Values Interpretation Strategy, BLCAC, February 2024.

The VPA advised the Committee that BLCAC did not support the release of these documents on a restricted or confidential basis.

The Committee considered that to the degree these documents inform the PSP approach to dealing with land Parcel 20, being unable to view the full version of the Cultural Values Interpretation Strategy makes it difficult to attach significant weight to the Strategy and for the landowner to reasonably respond to the issue.

On 5 February 2025 the Committee wrote to BLCAC requesting the documents be provided to the Committee and landowner advocate and their cultural heritage expert only on a confidential basis and identifying a number of ways in which the information in these culturally sensitive documents could be managed.

BLCAC did not respond to the Committee's request. The VPA subsequently advised the Committee it had been contact by BLCAC who advised:

- they did not wish to release an unredacted copy of the Impact Assessment
- it would defer to the author of Interpretation Strategy as to whether that document could be provided.

The VPA provided via the author a less redacted version of the Impact Assessment (D73). The Committee agreed to this being provided to Fouz Group and Council.

E:4 Site inspection

The Committee advised parties that it intended to undertake its site inspection unaccompanied and from the public realm but invited parties to nominate sites to be included in the inspection. Several parties identified sites which were included in the inspection itinerary.

On 11 February 2025 Wagstaff invited the Committee to inspect the Wagstaff abattoir land at 1500 Thompsons Road, Cranbourne. The Committee advised parties on the 13 February 2025 that including an accompanied inspection of the site as part of its wider precinct unaccompanied inspection would be of value to the Committee's understanding of buffer issues. Given the operational and safety logistics identified by Wagstaff the Committee's inspection was limited to two representatives each of:

- the Committee (Mr Hellsten and Ms Conway)
- Spring Lodge
- Wagstaff.

The accompanied portion of the inspection was conducted on 18 February 2025. No parties made submissions to the Committee about the merits of the draft Amendment and PSP or about submission issues. Parties were only permitted to point out matters of fact and answer the Committee's questions with factual responses.

Appendix F VPA Day 1 changes summary tables

F:1 Day 1 PSP changes

| Section | Proposed change |
|---------------|---|
| All PSP Plans | <ul style="list-style-type: none"> - Drainage land take updated to reflect February 2025 Rev C DSS. - Proposed VDP SCO will be removed from all plans except Plan 5 - Utility Infrastructure. - The drainage investigation areas have been removed from all PSP plans but the open space investigation area remains over SR-01. - LP-01 re-sized and moved south of HO137 and east-west connector. LP-03 re-sized and moved. New LP-04. New LP-05. SR-01 expanded westwards. - Remove Commercial/Office Employment Area from the PSP and bring the existing "Industry" employment area eastwards to be flush with Casey Fields Boulevard. The remainder of the former Commercial/Office Employment Area will be shown as "Business". |
| General Notes | <ul style="list-style-type: none"> - Removed Regionally Significant Commercial Area, DSS and Drainage Investigation Area note. - Added new note re Progressive certainty: <i>The Croskell (Employment) PSP includes land set aside for development services scheme assets. Should the land required for the delivery of these assets be reduced post-gazettal of this PSP – that land area will then convert to the underlying applied zone of the adjoining land under Schedule 16 of the Urban Growth Zone and the responsible authority will determine the developability of this land. Any increases in NDHA are subject to Section 4.2 of the Croskell (Employment) Infrastructure Contributions Plan – which sets out the process for changes to the land use budget.</i> |
| Context | <p><u>1.4 Precinct features:</u></p> <ul style="list-style-type: none"> - Paragraph 2 reworded as follows: Thompsons Road, a major east-west arterial road and part of the Principal Freight Network that is planned to be duplicated to 6 lanes and extended across the Cardinia Creek to state significant industrial land in Officer South. - Paragraph 5 amended: '...corner of the PSP that is an extension of <u>stormwater treatment</u> wetlands from the development to the south...' After 5th paragraph insert: <i>'The PSP area sits within the broader Ti-Tree Creek Development Services Scheme Area (DSS). The DSS area discharges generally in a north-easterly and then north-westerly direction into Greaves Road Retarding Basin before entering Hallam Valley Contour Drain. The PSP relies upon, and will assist in the implementation of, the DSS.'</i> - Updated paragraph 6: 'There is also a <u>critical</u> Melbourne Water underground water supply pipeline reserve that runs diagonally through the middle of the site.' <p><u>Plan 1:</u> Inclusion of arborist assessed significant trees from Plan 8.</p> |
| PSP Outcomes | <p><u>Purpose:</u></p> <ul style="list-style-type: none"> - Reworded to add: <i>'A precinct that protects, manages and celebrates its Aboriginal places <u>and values, and historic heritage sites</u>'.</i> - Reworded to: <i>'A well integrated network of waterways and open spaces that tell the story of Country, <u>safely and sustainably</u> effectively manage and drain stormwater, and provide amenity to workers and residents.'</i> <p><u>Plan 2:</u></p> <ul style="list-style-type: none"> - Removed reference to Sand and Soil Processing Plant. - Increased the sensitive use buffer around the abattoir to a 1,000m buffer around the abattoir |

| Section | Proposed change |
|---------|--|
| | <p>building and a 707m buffer around the wastewater aerobic pond.</p> <ul style="list-style-type: none"> - Updated the abattoir and pond extents to encompass additional portions of the site in line with Kleinfelder's Jan 2025 LCA. - Land Use updates: <ul style="list-style-type: none"> • 'Commercial/office' and 'mixed use' changed to 'Business' • A small portion of Parcel 6 changed from Industry to Business to create a logical Employment Area boundary across parcels. • The applied zoning between residential / industry in the NW on Parcel 15 will be split down the middle to reflect the removal of the Sand and Soil sensitive use buffer. • Additional residential, business and industry added in response to reduced drainage land take. - Proposed stormwater VDP crossing shown on Parcel 14. - Other uncredited open space (waterway) differentiation added reflecting the land currently under the UFZ that will be re-zoned to UGZ - Applied PCRZ as part of the amendment. - Shifted alignment of Casey Fields Boulevard so that it is flush with the MW pipe track. |
| 3.1 | <p><u>Objectives:</u></p> <ul style="list-style-type: none"> - new objective inserted: 'To maximise net developable land within the Regionally Significant Commercial Area.' <p><u>Requirements and Guidelines:</u></p> <ul style="list-style-type: none"> - Reword R2 and R3 to add: "<i>unless otherwise approved by the responsible authority</i>". - Reword G2 to: '<i>Residential subdivision and development that contributes to meeting the 11% affordable housing target is encouraged.</i>' - Delete G3 and renumber G4 and G5 to G3 and G4 <p><u>Tables 3 and 4:</u></p> <ul style="list-style-type: none"> - Removed Amenity Area and Mixed Use cells from Table 3 and Table 4. In Table 4 all residential will be designated as "residential" with a minimum dwelling yield of 20 dwellings/ha and zoned as GRZ under the UGZ. - Housing densities prescribed for each residential area now make allowance for a potential increase with the inclusion of wording: "or more per NDHa". <p><u>Plan 3:</u></p> <ul style="list-style-type: none"> - Removed Amenity Areas and renamed balance to "Residential" - Reference to "key Local Access Street" changed to "Local Access Street" for consistency across all plans. |
| 3.2 | <p><u>Requirements and Guidelines:</u></p> <ul style="list-style-type: none"> - Amend R4 to replaced first sentence with '<i>Standard local streets</i>' to remove reference to arterial roads). - Reword R6 to: <i>The proponent delivering Casey Fields Boulevard over the high voltage transmission utilities easement and Victorian Desalination Project (VDP) infrastructure must:</i> <ul style="list-style-type: none"> - <i>Ensure the road is delivered in the location specified on Plan 4 Movement network and public transport and Plan 5 Utility easement unless otherwise approved by the Secretary to the Department of Energy, Environment and Climate Action and the responsible authority.</i> - <i>Design and develop the road in accordance with the relevant site-specific cross section in Appendix 4 for the extent of road shown in Plan 4 Movement network and public transport and Plan 5 Utility easement unless otherwise approved by the Secretary to the Department of Energy, Environment and Climate Action and the responsible authority.</i> - <i>Enter into an Interface Works Agreement with the Department of Energy, Environment and Climate Action for the development of an appropriate engineering response for the road</i> |

| Section | Proposed change |
|---------|--|
| | <p><i>crossing over the VDP assets, based on the design in Appendix 4 unless otherwise approved by the Secretary to the Department of Energy, Environment and Climate Action.</i></p> <ul style="list-style-type: none"> - R8 deleted. - R10 (amended to R9) reworded to: <i>"Vehicular access to commercial/industrial properties fronting Thompsons Road, Berwick Cranbourne Road and Narre Warren-Cranbourne Road must be from connector streets, service roads, internal loop roads or rear laneways, unless otherwise approved by the Responsible Authority and the Department of Transport and Planning".</i> - R11 deleted. - R12 (amended to R10) amended to add new dot point: <i>"Crossings of waterways must be delivered where shown on Plan 4 Movement network and public transport and Plan 5 utility Easement and must be designed to ensure that flood flows can still be conveyed by the waterway or the overland flow path, to the satisfaction of Melbourne Water."</i> - R13 (amended to R11) amended to read: <i>"Design of all subdivisions, local streets and intersections must provide.."</i> and third dot point reworded to: <i>"Safe pedestrian crossings within major intersections to arterial roads, at key desire lines, and on regular intervals appropriate to the function of the road and public transport provision."</i> - G9 deleted (G10 renumbered G9). <p><u>Plan 4:</u></p> <ul style="list-style-type: none"> - The East-west connector road alignment has shifted southwards to avoid the abattoir buildings and provide a better subdivision layout on Parcel 1. - Deleted previous SUP-04 on Parcel 13. Previous SUP-05 now re-named as SUP-04. - Shifted SUP-03 westwards to align with new linear local park to the north. - Added new ped crossing symbols on plans 4 and 5 to reflect crossing DSS assets. - Removed local road along northern edge of high voltage transmission easement (MW pipe road). - Deleted LILO symbol from Plan. <p><u>Plan 5:</u></p> <ul style="list-style-type: none"> - Proposed stormwater VDP crossing shown on Parcel 14. - Callout inserted stating the following: <i>The high voltage electricity easement may accommodate limited activities as indicated within the AusNet document Living with transmission lines (or most recent version).</i> |
| 3.3 | <p><u>Requirements and Guidelines:</u></p> <ul style="list-style-type: none"> - R14 (amended to R12) reworded to state: <i>"Subdivision of employment land must be <u>generally</u> in accordance with Plan 6 and Table 9 to the satisfaction of the responsible authority"</i>. - R15 (amended to R13) reworded to delete the dot point: <i>"be adaptable to changing use, regeneration, and intensification initiatives"</i>. - R16 changed to a guideline (new G12). - R17 (amended to R14) updated and reworded to remove the reference to set backs: <i>Buildings directly fronting Thompsons Road must:</i> <ul style="list-style-type: none"> - <i>Provide five metre minimum depth landscaping planting zone setbacks (including shared user path) between the road and buildings to allow landscaping to soften building edges and provide a vegetated landscape character</i> - <i>Locate car parking along the side or at the rear of the site. Convenience car parking can be provided closer to the main entrance of the building</i> - <i>Break car parking up by tree islands at a rate of at least one island per six spaces, where feasible</i> - <i>Ensure that trucks/heavy vehicles are able to safely egress the site and avoid conflicts with pedestrians or cyclists</i> |

| Section | Proposed change |
|---------|-----------------|
|---------|-----------------|

to the satisfaction of the responsible authority.

- New requirement (R15) added relating to interface between sensitive uses and non-sensitive uses: *“Appropriate transition must be provided within business or industry areas via landscape, building height, setbacks and materials to any adjacent residential interfaces or heritage buildings.”*
- G11 renumbered G9
- New guideline (G10) added: *“Land within the high voltage electricity easement should be utilised for ancillary commercial and industrial uses, compatible with the utilities easement”.*
- New guideline (G11) added relating to interface between sensitive uses and non-sensitive uses: Guideline: *“The design of buildings at interface areas should reflect an appropriate transition between employment and residential areas by encouraging a finer grain style of buildings.”*

Table 9

- Retail: Deleted first dot point under "Subdivision and development within the Retail area should:"
- Reword to: *“The Retail area is envisaged as a walkable destination for workers and visitors to the precinct to access larger household goods and services as well as daily needs and services. It is anticipated that this area will include lots capable of supporting retail, restricted retail and other commercial services.”*
- Planned Character Outcomes for “Business”: third dot point updated to include reference to *“waterways & drainage”*
- New sentence added to the Planned Character Outcomes for Business within Table 9 - stating that *“Over the longer term, offices are encouraged to locate along the arterial road frontages and Casey Fields Boulevard.”*
- Delete ‘Commercial/Office’ and ‘Mixed Use’ provisions

Table 10

Changes to NDA with job numbers to be updated in collaboration with Geografia post-hearing.

Plan 6:

Align with changes to Plan 2

3.4

Objectives:

- O16 amended to reference Council’s Greening Casey Strategy (2025)
- O21 updated to: *“To ensure stormwater is managed for flood protection factoring in climate change and water quality treatment, and the need to facilitate safe and appropriate crossings of critical infrastructure (including water supply mains, and the VDP cable).”*

Requirements and guidelines:

- R18 (amended to R16) reworded to: *“Canopy tree coverage within the public realm must achieve a minimum of 30% coverage (excluding areas dedicated to biodiversity, native vegetation conservation, and drainage assets)”*
- R20 (amended to R18) amended to read: *“A landscape plan must specify tree species which are suitable to the local climate and soil conditions, to the satisfaction of the responsible authority and - when relating to land adjacent to waterways - Melbourne Water”.*
- R21 (amended to R19) reworded to: *“Retention and removal of native vegetation must be generally in accordance with the Croskell (Employment) Native Vegetation Precinct Plan June 2024 and Plan 8 Native Vegetation Retention and Removal”*
- R22 (amended to R20) reworded to: *“The retention, enhancement and integration of the existing natural environment, landscape features, registered Aboriginal Places or any areas of tangible or intangible Aboriginal cultural significance identified via a Cultural Heritage Management Plan must be managed through subdivision design, and, where applicable, building design. Where possible, harm should be avoided and/or minimised to any identified Aboriginal cultural heritage values”*
- R23 - R26 renumbered R21-R24
- R27 deleted.

| Section | Proposed change |
|---------|---|
| | <ul style="list-style-type: none"> - R28 (amended to R27) reworded to: <i><u>“Permit Applications must be accompanied by an appropriate Integrated Water Management plan, to demonstrate the extent to which development will contribute towards:</u></i> <ul style="list-style-type: none"> - <i>Outcomes identified in the DEECA Dandenong Strategic Directions Statement (September 2018) and Dandenong IWM Plan (September 2022).</i> - <i>Outcomes identified in the Croskell Precinct Structure Plan Integrated Water Management Plan (ARUP, Nov 2023).</i> - <i>Stormwater volume reduction and infiltration targets in Melbourne Water’s Healthy Waterway Strategy (2018), which are applicable to the PSP.</i> - <i>Potable water reduction targets outlined in the draft Greater Melbourne Urban Water and System Strategy – Water for Life, which are applicable to the PSP.</i> - <i>Waterways and integrated water management outcomes that enable land to be used for multiple recreation and environmental purposes.</i> - <i><u>The delivery of outcomes identified in Plan 7 Public realm and water.</u></i> - <i><u>The delivery of the applicable DSS;</u></i> <i>to the satisfaction of South East Water, Melbourne Water and the responsible authority.”</i> - R29 (amended to R28) amended to add: <i>“Proposals that exceed the performance objectives are highly encouraged and can be considered, all to the satisfaction of Melbourne Water and the responsible authority.”</i> - R30 (amended to R29) reworded to: <ul style="list-style-type: none"> <i>“The final layout, boundaries and design of <u>drainage, flood protection, stormwater quality treatment infrastructure, and associated paths, boardwalks, bridges, and planting must:</u></i> <ul style="list-style-type: none"> - <i>Include appropriate treatments to provide protection for dispersive soils where these are present</i> - <i>Must mitigate the risk of erosion from sodic and dispersive soils</i> - <i><u>Mitigate impacts to groundwater</u></i> - <i><u>Be generally in accordance with Plan 7 Public realm and water</u></i> <i>to the satisfaction of Melbourne Water and the responsible authority”.</i> - R31 (amended to R30) reworded to: <ul style="list-style-type: none"> <i>“Stormwater conveyance, <u>storage</u> and treatment must be designed in accordance with the relevant Development Services Scheme and <u>generally in accordance with Plan 7 Public realm and water, such that:</u></i> <ul style="list-style-type: none"> - <i>Overland flow paths and piping within road reserves will be connected and integrated across parcel boundaries.</i> - <i>Melbourne Water and the responsible authority freeboard requirements for overland flow paths will be adequately contained within the road reserves and waterways.</i> - <i>The risk of erosion of sodic and/or dispersive soils is avoided or mitigated;</i> - <i><u>The infrastructure typology (i.e. swales, open waterways, pipes) specified in the DSS for each asset are delivered.</u></i> - <i><u>to the satisfaction of Melbourne Water and the responsible authority.</u></i> - <i><u>Any risks from shallow groundwater are avoided or mitigated</u></i> <i>to the satisfaction of Melbourne Water and the responsible authority.”</i> - R32 (amended to R31) reworded to add to the last dot point: <ul style="list-style-type: none"> - <i>Provide an open drainage system <u>where this typology is specified in the DSS.</u></i> - R33 (amended to R32) reworded to: <i>“Prior to the completion and handover of any drainage assets shown within the relevant Development Services Scheme, the proponent must obtain any relevant groundwater licenses and/or approvals from the relevant authority.”</i> |

| Section | Proposed change |
|---------|---|
| | <ul style="list-style-type: none"> - Insert the following two new requirements: (R25): <i>“The proponent delivering any drainage infrastructure over the Victorian Desalination Project (VDP) infrastructure within the high voltage electricity easement must:</i> <ul style="list-style-type: none"> - <i>Ensure the drainage infrastructure is delivered in the location specified on Plan 7 Public Realm and Water unless otherwise approved by the Secretary to the Department of Energy, Environment and Climate Action, Melbourne Water and the responsible authority.</i> - <i>Enter into an Interface Works Agreement with the Department of Energy, Environment and Climate Action for the development of an appropriate engineering response for the drainage crossing over the VDP assets.</i> - <i>Ensure the asset is delivered in its ultimate form and not as an interim or staged asset</i> - <i>Design and deliver the drainage infrastructure to the satisfaction of Melbourne Water, the Department of Energy, Environment and Climate Action and the responsible authority.”</i> (R26): <i>“The proponent delivering any drainage, transport or other infrastructure over the water supply pipe track shown in Plan 5 Utility Easement must:</i> <ul style="list-style-type: none"> - <i>Ensure the infrastructure is delivered in the location specified on Plan 4 Movement network and public transport and Plan 7 Public realm and water unless otherwise approved by Melbourne Water and the responsible authority.</i> - <i>Liaise with Melbourne Water to ensure the infrastructure meets all water supply pipe track guidelines, standards for asset protection, operation and maintenance, and/or removal of redundant assets within or adjoining the pipe track.</i> - <i>Ensure the asset is delivered in its ultimate form and not as an interim or staged asset</i> - <i>Design and deliver the infrastructure to the satisfaction of Melbourne Water.”</i> - Renumber G12 – G16 to G13-G17 - G17 (amended to G18) reworded: <i>“Development should include integrated water management initiatives to reduce reliance on potable water and increase the utilisation of storm and recycled water contributing to a sustainable urban environment by having regard to relevant water management policies and strategies implemented by the responsible authority. Integrated water management systems should be designed to:</i> <ul style="list-style-type: none"> - <i>Maximise habitat values for local flora and fauna species.</i> - <i>Enable future harvesting and/or treatment and re-use of stormwater.</i> - <i>Recognise and respond to Aboriginal cultural heritage and values. <u>Where possible, harm should be avoided and/or minimised to any identified Aboriginal cultural heritage values.</u>”</i> - G18 (amended to 19) reworded to insert an additional dot point: <i>“Provides habitat or ecological links connecting areas of retained vegetation to Ti Tree Creek where feasible.”</i> - G19 renumbered G20 - G20 (amended to G21) reworded to: <i>“Subdivision design should consider opportunities to retain arborist assessed significant trees were safe, sustainable and practicable within the public realm – including road reserves and open space – and within private lots. The practicality of retaining trees in this manner should consider Objective 14 and the need for major earthworks, excavation or cut and fill.”</i> - G21 (amended to G22) reworded to: <i>“Subdivision design and, where applicable, building design should demonstrate <u>how it has considered and – where possible and appropriate – responded to the principles outlined under Section 5 - interpretation strategy of the Cultural values interpretation strategy summary report (Feb 2024).</u>”</i> - G22 and G23 renumbered G23 and G24 |

Table 13

Updated to amend size of LP-03 and add LP-04 and LP-05

| Section | Proposed change |
|------------|---|
| | <p><u>Plan 7:</u></p> <ul style="list-style-type: none"> - Removed label "dedicated spongy areas". - Changed label to 'major overland flowpath'. - Added 'major overland flowpath' alignment at location shown in Appendix A image 3 of Melbourne Water's submission. - The Aboriginal Heritage designated encumbered open space on Parcel 20 has been relabelled to "Culturally sensitive area: <p><u>Plan 8:</u></p> <ul style="list-style-type: none"> - The arborist assessed significant trees have moved from Plan 8 to Plan 1 (Precinct Features). - Labelling updated with all MSA vegetation shown as 'may be removed'. |
| 3.5 | <p><u>Requirements and guidelines:</u></p> <ul style="list-style-type: none"> - R34 (amended to R33) reworded to: "<i>Development adjoining bushfire hazards shown on Plan 10 Bushfire must be set back in accordance with Table 16 Bushfire hazard vegetation management and setback requirements unless the bushfire hazard has been removed to the satisfaction of the responsible authority. A lesser setback may be considered subject to a site-specific assessment of bushfire risk, vegetation classifications and setbacks to the satisfaction of the responsible authority and relevant fire authority.</i>" - R35 changed to a guideline (G25) and reworded to: "<i>Where a setback from a bushfire hazard area is required - the vegetation within the setback should be managed in accordance with Table 6 of Clause 53.02 to the Casey Planning Scheme</i>". - G24-G27 renumbered G26-G29 - G28 deleted. <p><u>Plan 10:</u></p> <p>Updated to reflect Optimised DSS Rev C and reduced indicative setbacks as agreed with Melbourne Water and FRV.</p> |
| 3.6 | <p><u>Requirements:</u></p> <ul style="list-style-type: none"> - R36 renumbered R35 - Add a new requirement (R36): "<i>The final location and alignment of any Development Service Scheme pipes required to be delivered by RXX must be clearly shown within a road, public space or a lot on a subdivision master plan prior to the first statement of compliance to the satisfaction of the responsible authority and Melbourne Water</i>". <p><u>Table 19 and 20:</u></p> <p>Updated following the DSS Staging workshop on 5 February 2025.</p> <p><u>Plan 11:</u></p> <p>Updated to reflect the Optimised DSS Rev C February 2025.</p> |
| Appendix 1 | Plan 12 updated extent of SUP-02, deleted old SUP-04 and re-named previous SUP-05 as SUP-04. |
| Appendix 2 | <ul style="list-style-type: none"> - Summary land use budget and parcel specific land use budget updated - Plan 13 updated the parcel identifiers to ensure accuracy |
| Appendix 4 | <ul style="list-style-type: none"> - Figure 9 deleted. - Additional cross section added showing the design of the open waterway. |
| Appendix 5 | New Appendix including Plan 14 showing alternative LP-03 location |

F:2 Day 1 ICP changes

| Section/Plan | Proposed change |
|---|--|
| Whole document including Tables 5 & 6 | <ul style="list-style-type: none"> - ICP Costings / FLPs have been updated to reflect Rev C DSS, higher costs for intersections and VicRoads fees and other scope changes. - Intersection land takes have also changed slightly from PC version of ICP to reflect design updates. |
| Plan 1 | Remove MW land/DSS asset under residential charge areas |
| Page 10, 12 | <ul style="list-style-type: none"> - Updated document to remove label errors - Intersection land takes have also changed slightly from PC version of ICP to reflect design updates" |
| Plan 2 | <ul style="list-style-type: none"> - SUP-01 extent reduced to reflect smaller DSS land take. - Scope of CU-03 updated to reflect DSS information. - Changes to CU-01 alignment as a consequence of DSS changes. |
| Table 5 | Deleted SUP-03 (VDP crossing, shared user path) and re-named SUP-05 to SUP-04 |
| 4.2 | <p>Added wording:</p> <p><i>For the purposes of this ICP, if the net developable area for any specific parcel ID as set out in Table xx is increased as a result of changes to the PSP design and/or land use variation – the responsible authority may require the land owner to enter into an agreement under section 173 of the Planning and Environment Act 1987 for payment of the Monetary Component for the additional net developable area at the ICP rates applicable at the time of any permit application.</i></p> |
| 5.9.2 | Amend to include correct Department name – ‘Department of Families, Fairness and Housing (DFFH)’. |
| Tables 16 & 17 | <ul style="list-style-type: none"> - PPL Land take for local parks, SR-01 and intersections updated - Aboriginal Heritage label renamed 'Culturally Sensitive Area'. |
| Appendices & Plan 2 | PED-01 extended westwards to link in with existing North-South footpath west of Narre Warren Cranbourne Road. |
| ICP Design and Costings - SMEC Rev E (Feb 2025) | <ul style="list-style-type: none"> - Increased kerb and channel rate to \$174 cost estimate - applied to all intersection projects. - Adopted an additional 165m of SSD at pavement interface. This item has been updated on all ICP intersection projects as all were based on kerb length, however the additional left and right turn auxiliary lanes would require additional pavement interface SSDs for each intersection. - Adopted an additional \$50,000 for localised relocation of Telstra conduits. This item will be updated on all ICP intersection projects where Telstra conduits cross the side road. - Adopted an additional 30m3 of demolition with no change to rate. This item will be updated on all ICP intersection projects where auxiliary lanes interface with existing roads. - Removed raised pedestrian crossings on all intersections interfacing with primary arterials. - IN-04 costing now includes entire dam remediation costs, as well as other updates. - Adopted additional drainage pits and pipes for IN-04 and applied to other ICP intersections as required. - Added notation to SMEC functional layout plans requiring the proponent to investigate potential additional easements in existence beyond the pipe track. - VicRoads fees updated to \$175,000 for intersections interfacing with state arterials and PED-01 and PED-02 VicRoads fees have been updated to \$25,000. |

F:3 Day 1 NVPP changes

| Section | Proposed change |
|------------|---|
| Title page | Amend date of document from 'September 2024' to 'January 2025' |
| Contents | Revise Table of contents updated to reflect updated NVPP |
| 3.1 | Amend 'Table 2 - Assessment pathway and reason for the assessment pathway' to reflect change in extent of vegetation considered and updated NVR |
| 3.2 | Amend paragraph identifying that no patches of native vegetation or scattered trees are identified for retention. Amend 'Table 3 Native vegetation to be removed' to reflect additional patches of vegetation to be removed. |
| 4.1 | Amend 'Table 4 Table 4 Total offset requirements for NVPP area' to reflect change in vegetation to be retained/removed following updated Biodiversity Report and revised classification of native vegetation. |
| 4.2 | Amend paragraph on offset statement to reflect change to in vegetation to be retained/removed following updated NVR and reclassification of native vegetation. |
| 5.1 | Delete section (inclusive of Table 5 - Native vegetation to be retained' to reflect no native vegetation is proposed to be retained in response to submissions and support from DEECA and Council. Amend paragraph relating to management responsibilities to reflect that no native vegetation is to be retained outside MSA areas and to outline obligations under Catchment and Land Protection Act 1994. |
| 7 | Updated Plan 2 - Existing Conditions and Plan 3 Native Vegetation Retention and Removal to reflect vegetation considered under this NVPP and that no native vegetation is proposed to be retained. |

F:4 Day 1 ordinance changes

| Provision | Section/Plan | Proposed change |
|-----------|-------------------|--|
| SUZ8 | Purpose | Amend documents date from 'September 2024' to 'February 2025' |
| SUZ16 | 1.0 The Plan | Update Plan 1 to Schedule 16 of Clause 37.07 (Place Based Plan (PBP)) updated to be consistent with PSP plan set. |
| | Various | Amend schedule to delete redundant reference 'incorporated' where referring to 'incorporated Croskell (Employment) Precinct Structure Plan (PSP)'. Amend Table 1: Applied zone provisions as follows: <ul style="list-style-type: none"> - Delete reference to applied Mixed Use Zone consistent with updated PSP - Delete reference to 'Commercial/Office' to align with updated PSP - Insert new applied zone Public Conservation and Resource Zone to land shown as 'Other uncredited open space (floodway)' - Delete reference to 'Other uncredited open space south/north of utilities easement'. |
| | 2.2 Applied zones | Amend table of uses as follows: <ul style="list-style-type: none"> - Delete reference to applied Mixed Use Zone consistent with updated PSP - Update combined leasable floor area to deletion of 'Commercial/Office' as per updated PSP - Delete reference to Sand and Soil Processing buffer as use has ceased - Delete 'Accommodation' and update to include only existing section 1 accommodation uses. |
| | 2.3 Use of land | Amend table of uses as follows: <ul style="list-style-type: none"> - Delete reference to applied Mixed Use Zone consistent with updated PSP - Update combined leasable floor area to deletion of 'Commercial/Office' as per updated PSP - Delete reference to Sand and Soil Processing buffer as use has ceased - Delete 'Accommodation' and update to include only existing section 1 accommodation uses. |

| Provision | Section/Plan | Proposed change |
|-----------------------|---|---|
| | | <ul style="list-style-type: none"> Delete reference to Place of worship in Mixed Use Zone to General Residential Zone. |
| | 2.5 Buildings and works | Amend specific provision 'Dwellings on a lot less than 300 square metres' to reflect updated SHLC provisions gazetted under GC206. |
| | 3.0 Application requirements | <ul style="list-style-type: none"> Amend 'General Subdivision' to delete application requirement relating to further assessment of potential acid sulphate soils. Amend 'Residential Subdivision and Development' to include reference to general subdivision requirements. Delete Shared Path Network Plan application requirement. Amend 'Applications within Sensitive Use Buffer Sand and Soil Processing and Sensitive Use Buffer - Concrete Batching Plant' as follows: <ul style="list-style-type: none"> Delete reference to Sand and Soil Processing as use has ceased Include reference to capture cessation of Concrete Batching Plants Further refinement of condition. Amend 'Applications within Sensitive Use Buffer - Abattoir' to correct address. Amend PRSA application requirement to align with existing EAO and recent gazettal of potentially contaminated land provisions under C185knox, and minor redrafting for clarification. |
| | 4.0 Conditions and requirements for permits | <ul style="list-style-type: none"> Amend 'Conditions – Subdivision permits that allow for the creation of a lot of less than 300 square meters' to reflect updated SHLC provisions gazetted under GC206. Amend 'Condition – Road network' and 'Conditions – Subdivision or buildings and works permits where land is required for community facilities, public open space, or road widening' to delete reference to '(excluding widening under a Public Acquisition Overlay for road widening)'. Delete Shared Path Network Plan application requirement. Amend condition to align with PPN30 and recent gazettal of potentially contaminated land provisions under C185knox, and minor redrafting for clarification. Insert condition regarding Stormwater Management Strategy. |
| | 6.0 Decision Guidelines | <ul style="list-style-type: none"> Amend 'Retail impact assessment' to delete reference to 'Commercial/Office' to align with updated PSP. Amend 'Sensitive Use Buffers' to delete reference to use cessation of operations of Sand and Soil Processing. |
| Clause 43.01 Schedule | | Amend HO137 to reflect updated Statement of Significance: "Springmont" date to 'November 2024' |
| ICO4 | | Amend document date to 'February 2025' Updated supplementary levy to align with updated ICP. Updated ICP land contribution percentage to align with updated ICP. |
| Clause 52.16 Schedule | | Update date of NVPP to 'February 2025' |
| Clause 52.17 Schedule | | Update plan reference from 'Plan 8' to 'Plan x' |
| Clause 72.04 Schedule | | Update date of incorporated documents |

| Provision | Section/Plan | Proposed change |
|---------------------------------------|--------------|--|
| PS Maps | | Update map to change land owned by Melbourne Water as PUZ1. Update map to show reduced HO curtilage |
| HO137 Statement of Significance | | Revised to remove reference to dead/removed trees and windmill |

Appendix G Planning context

G:1 Planning policy framework

The VPA submitted that the draft Amendment is supported by relevant planning policy and strategies in the Planning Policy Framework, which the Committee has summarised below.

Victorian planning objectives and infrastructure contributions

The Explanatory Report details how the draft Amendment will assist in implementing the following objectives in section 4 of the PE Act:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- (e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community
- (f) to balance the present and future interests of all Victorians.

Part 3AB of the PE Act addresses Infrastructure Contributions and includes:

Section 46GG(1)

Without limiting section 6, a planning scheme may include one or more infrastructure contributions plans for the purposes of imposing infrastructure contributions to fund -

- (a) the provision of works, services and facilities
 - (i) in the ICP plan area; and
 - (ii) outside of the ICP plan area, if the works, services or facilities are essential to, and the need for which is generated by, the development of land in the ICP plan area;
- (b) the provision of works, services and facilities
 - (i) in the ICP plan area; and
 - (ii) outside of the ICP plan area that is essential to, and the need for which is generated by, the development of land in the ICP plan area; and
- (c) the reasonable costs and expenses incurred by the planning authority in preparing the infrastructure plan and the related precinct structure plan relating or strategic plan.

Planning policy

Table 20 provides an overview of relevant Planning Policy Framework and Local Planning Policy Framework based on the draft Amendment Explanatory Report.

Table 20 State and Local Planning Policy Framework

| Policy | Overview |
|----------------------------------|--|
| Planning Policy Framework | |
| Clause 11 (Settlement) | Planning is to anticipate and respond to the needs of communities by providing zoned land and infrastructure for housing, employment, and amenities, while promoting sustainability, health, diversity, climate adaptation, and preventing environmental and land use conflicts. |

| Policy | Overview |
|---|--|
| | <p>11.01 (Victoria):</p> <ul style="list-style-type: none"> - 11.01-1S (Settlement): To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. <p>11.02 (Managing growth):</p> <ul style="list-style-type: none"> - 11.02-1S (Supply of urban land): To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. - 11.02-2S (Structure planning): To facilitate the fair, orderly, economic and sustainable use and development of urban areas. - 11.02-3S (Sequencing of development): To manage the sequence of development in areas of growth so that services are available from early in the life of new communities. <p>11.03 (Planning for places):</p> <ul style="list-style-type: none"> - 11.03-2S (Growth areas): To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas. <p>The PSP plans for orderly and coordinated urban growth by providing residential and industrial land with access to existing and planned amenities, services and infrastructure, including the planning for a local town centre within the network of existing and planned centres in the region.</p> |
| <p>Clause 12 (Environmental and landscape values)</p> | <p>12.01-2S (Native vegetation management): To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.</p> <p>The PSP identifies vegetation to be retained and areas of vegetation that are appropriate for removal to accommodate development. The draft amendment will streamline the process for native vegetation removal provided it is in accordance with the PSP and Native vegetation Precinct Plan. The NVPP applies to approximately 45.6 hectares of land in the precinct. The remainder of the precinct, which comprises approximately 271.6 hectares, is inside the Melbourne Strategic Assessment and not subject to this NVPP.</p> |
| <p>Clause 13 (Environmental risks and amenity)</p> | <ul style="list-style-type: none"> - 13.02-1S (Bushfire planning): To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. <p>The PSP has responded to the requirements of Clause 13.02 (Bushfire) of the Planning Policy Framework through a combination of defensible space at the development edge and construction management requirements as described earlier in this report.</p> <ul style="list-style-type: none"> - 13.04-1S (Contaminated and potentially contaminated land): To ensure that contaminated and potentially contaminated land is used and developed safely. <p>The Amendment responds to this clause through the application of the EAO and provisions in the UGZ16.</p> <ul style="list-style-type: none"> - 13.05-1S (Noise management): To assist the management of noise effects |

| Policy | Overview |
|--|---|
| | <p>on sensitive land uses.</p> <ul style="list-style-type: none"> - 13.06-1S (Air quality management): Ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants, and sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital). <p>Separation Guidelines identified as a relevant policy document.</p> <ul style="list-style-type: none"> - 13.07-1S (Land use compatibility): To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts through strategies including: <ul style="list-style-type: none"> - avoiding locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses - avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures - protecting commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively. <p>Separation Guidelines identified as a relevant policy document.</p> <p>The PSP provides for the consideration of noise and air quality impacts from existing sources, such as arterial roads, by requiring proponents to demonstrate the appropriateness of a proposed use relative to noise and air quality impacts that may be experienced on-site. Decision guidelines are also included to allow due consideration of these issues as part of permit applications for future development.</p> |
| <p>Clause 14 (Natural resource management)</p> | <p>14.02 (Water):</p> <ul style="list-style-type: none"> - 14.02-1S (Catchment planning and management): To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment. - 14.02-2S (Water quality): To protect water quality. |
| <p>Clause 16 (Housing)</p> | <p>16.01 (Residential development):</p> <p>Planning should promote housing diversity, sustainability and affordable housing by ensuring infrastructure is provided and encouraging access to services, walkability, and proximity to public transport, schools and public open space.</p> <ul style="list-style-type: none"> - 16.01-1S (Housing supply): To facilitate well located, integrated and diverse housing that meets community needs. - 16.01-2S (Housing affordability): To deliver more affordable housing closer to jobs, transport and services. <p>The PSP plans for residential land of varying densities, with access to services, employment opportunities, community infrastructure and open spaces.</p> |
| <p>Clause 17 (Economic development)</p> | <p>Planning should provide land and resolve land use conflicts to support economic growth.</p> <p>The PSP will also provide for up to 6,500 jobs in the long term within</p> |

| Policy | Overview |
|---------------------------------------|---|
| | <p>commercial and industrial areas that will contribute to an employment hub for the southeast that is conveniently served by major arterial roads.</p> <ul style="list-style-type: none"> - 17.01-1S (Diversified economy): To strengthen and diversify the economy. - 17.01-1R Diversified economy – Metropolitan Melbourne): To support diverse employment generating uses, including offices, innovation and creative industries in identified areas within regionally significant industrial precincts, where compatible with adjacent uses and well connected to transport networks. - 17.02-1S (Business): To encourage development that meets the community's needs for retail, entertainment, office and other commercial services. - 17.03-1S (Industrial land supply): To ensure availability of land for industry. - 17.03-2S (Sustainable industry): To facilitate the sustainable operation of industry. <p>The PSP plans for an employment precinct which collectively contribute to the local services and employment opportunities available to future and existing residents.</p> |
| <p>Clause 18 (Transport)</p> | <ul style="list-style-type: none"> - 18.01-1S (Land use and transport integration): To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport. - 18.01-2S (Transport system): To facilitate the efficient, coordinated and reliable movement of people and goods by developing an integrated and efficient transport system. - 18.01-3S (Sustainable and safe transport): To facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing. <p>The PSP plans for a transport network that is well-integrated with the existing surrounding network. This includes a north-south connector road network that provides for an efficient movement network across the precinct, shared paths and bicycle and pedestrian paths.</p> <ul style="list-style-type: none"> - 18.02-1S (Walking): To facilitate an efficient and safe walking network and increase the proportion of trips made by walking. - 18.02-2S (Cycling): To facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling. - 18.02-3S (Public transport): To facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport. - 18.02-4S (Roads): To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure. |
| <p>Clause 19 (Infrastructure)</p> | <ul style="list-style-type: none"> - 19.03-1S (Development and infrastructure contributions plans): To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans. - 19.03-2S (Infrastructure design and provision): To provide timely, efficient |

| Policy | Overview |
|--|--|
| | <p>and cost-effective development infrastructure that meets the needs of the community.</p> <ul style="list-style-type: none"> - 19.03-3S (Integrated water management): To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach. <p>The Amendment will implement a Infrastructure Contributions Plan (ICP) collect developer contributions to fund infrastructure through the PSP.</p> |
| Local Planning Policy Framework | |
| <p>Clause 21.03 (Settlement and Housing)</p> | <ul style="list-style-type: none"> - To provide a framework for urban growth and development that will support and strengthen the diverse communities in Casey. - To provide quality housing to accommodate significant population increases and to suit a range of household types and lifecycle needs. - To recognise, value, provide and facilitate a choice of facilities, including learning centres and services that reflect the diverse needs of the Casey community. <p>The PSP will facilitate the development of the land for residential purposes and promote a range of typologies to suit varying household types and lifecycle needs. Community facilities and an active open space area are also planned to provide future residential communities an opportunity to participate in leisure activities.</p> |
| <p>Clause 21.04 (Environment)</p> | <ul style="list-style-type: none"> - To protect and significantly restore Casey’s biological diversity, recognising its fundamental importance in achieving a healthy environment and way of life for current and future generations. - To progressively improve the health of Casey’s built and natural environments through ecologically sustainable land use and development practices. <p>The Amendment supports the protection, conservation and enhancement of the natural environment.</p> |
| <p>Clause 21.05 (Economic Development)</p> | <ul style="list-style-type: none"> - To facilitate the creation of knowledge-based jobs in Casey. - To take advantage of Casey’s competitive edges to create local employment opportunities across a diverse economic base to secure a sustainable and prosperous future. <p>The PSP seeks to improve Casey’s competitive edges through the creation of a commercial and industrial precinct which will provide further employment opportunities for residents of Casey.</p> |
| <p>Clause 21.06 (Transport)</p> | <p>To develop a highly accessible city structure that ensures people and businesses have easy access to goods, services, jobs and facilities.</p> <p>The PSP provides a high degree of accessibility to goods, services, jobs and facilities. The PSP also identifies higher-order roads needed to allow for the efficient movement of people and goods through the precincts and include guidance on local road typologies and design to provide for sustainable transport.</p> |

| Policy | Overview |
|--------------------------------|--|
| Clause 21.16 (Cranbourne East) | Provides strategic direction for land within the Cranbourne East Local Area Plan. The PSP will enable the development of an employment precinct supported by new residential community. |

G:2 Other relevant strategies and policies

(i) State and regional documents

Plan Melbourne 2017-2050 (DELWP, 2017)

Plan Melbourne 2017-2050 aims to promote the sustainable growth of Melbourne and regional Victoria. Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved.

The draft Amendment Explanatory Report provided the following summary of the relevant Plan Melbourne Outcomes, Directions and Policies:

Outcome 1: Melbourne is a productive city that attracts investment, supports innovation and creates jobs

- Direction 1.1 Create a city structure that strengthens Melbourne’s competitiveness for jobs and investments
- Policy 1.1.7 Plan for adequate commercial land across Melbourne
The draft amendment seeks to enable the development of the Croskell (Employment) precinct for commercial development, consistent with its designation in the MICLUP as containing a regionally significant commercial area. The precinct is highly suitable for future commercial development due to its proximity to the principal freight network and existing urban areas.
- Direction 1.2 Improve access to jobs across Melbourne and closer to where people live
- Policy 1.2.2 Facilitate investment in Melbourne’s outer areas to increase local access to employment
The PSP provides land designated for commercial and industrial development and a total projection of approximately 6,500 jobs. These commercial and industrial areas are located to be generally consistent with MICLUP.

Outcome 2: Melbourne provides housing choice in locations close to jobs and services.

- Direction 2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city
- Policy 2.1.3 Plan for and define expected housing needs across Melbourne’s regions
A range of housing densities have been planned across the Croskell (Employment) precinct as guided by the PSP, including higher densities in walkable catchments.
- Direction 2.2 Deliver more housing closer to jobs and public transport
- Policy 2.2.5 Require development in growth areas to be sequenced and staged to better link infrastructure delivery to land release
The PSP includes objectives that seek to ensure subdivision and development occurs in a sequenced and staged approach and requires that each lot be appropriately serviced.
- Direction 2.4 Facilitate decision-making processes for housing in the right locations
- Policy 2.4.1 Support streamlined approval processes in defined locations

In general, and as intended by the PSP process, the draft amendment will streamline the process for applications generally in accordance with the approved PSP. The UGZ16 facilitates use of the 'Small Lot Housing Code' (SLHC), which streamlines the process for development of single dwellings on lots less than 300 square metres in size by removing the need for a planning permit.

Outcome 3: Melbourne has an integrated transport system that connects people to jobs and services and goods to market.

- Direction 3.1 Transform Melbourne's transport system to support a productive city
 - Policy 3.1.4 Provide guidance and certainty for land-use and transport development through the Principal Public Transport Network and the Principal Freight Network
- The PSP facilitates an employment precinct adjacent Thompsons Road, which forms part of Melbourne's Principal Freight Network. The development provides for bus capable roads and higher density residential development to enable the creation of public transport routes in the future.

Outcome 4: Melbourne is a distinctive and liveable city with quality design and amenity.

- Direction 4.4 Respect Melbourne's heritage as we build for the future
 - Policy 4.4.2 Respect and protect Melbourne's Aboriginal cultural heritage
- Cultural Heritage Management Plans to protect values are required prior to subdivision permits being issued in an area of cultural heritage sensitivity, as defined by the Aboriginal Heritage Regulations 2007.
- An Aboriginal Cultural Heritage Impact Assessment and Aboriginal Cultural Values Assessment has been prepared for the precinct, which has informed the preparation of the PSP. The Aboriginal Cultural Values Assessment was prepared by the Bunurong Land Council as the Registered Aboriginal Party for the area.

Outcome 5: Melbourne is a city of inclusive, vibrant and healthy neighbourhoods and liveable city with quality design and amenity.

- Direction 5.1 Create a city of 20-minute neighbourhoods
 - Policy 5.1.1 Create mixed-use neighbourhoods at varying densities
- The place-based plan identifies a large employment precinct supported by residential and mixed use precincts. Collectively these will create neighbourhoods with varying densities and a mix of uses.
- Direction 5.3 Deliver social infrastructure to support strong communities
 - Policy 5.3.1 Facilitate a whole-of-government approach to the delivery of social infrastructure
- The PSP identifies a range of social infrastructure to be delivered across government agencies to support the new and existing residential communities.
- Providing for new population growth and employment growth in Crookwell will add to the economic well-being of the community and provide further employment opportunities to existing residents of nearby suburbs. The provision of new goods and services and an increase in demand can help facilitate local jobs and economic activity.
- Additional opportunities for recreation and social groups will also emerge as a result of the provision of new public open space and recreation facilities.
- Direction 5.4 Deliver local parks and green neighbourhoods in collaboration with communities
 - Policy 5.4.1 Develop a network of accessible, high quality, local open spaces
- The draft amendment sets aside approximately 127 hectares of open space including 12 hectares of local sports reserve. The PSP also sets aside 3.5 hectares of local parks. Local parks and active open space are located within reasonable walking distance of all planned residential areas, and well-located throughout the future employment precinct.

Outcome 6: Melbourne is a sustainable and resilient city

- Direction 6.3 Integrate urban development and water cycle management to support a resilient and liveable city
- Policy 6.3.2 Improve alignment between urban water management and planning by adopting an integrated water management approach

An integrated water management strategy is being developed that will manage urban development flows across the PSP area.

- Policy 6.3.3 Protect water, drainage and sewerage assets
The integrated water management strategy will manage urban development flows across the PSP area, and clearly define constructed and existing storm-water management assets.
- Direction 6.4 Make Melbourne cooler and greener
- Policy 6.4.2 Strengthen the integrated metropolitan open space network
The PSP provides an integrated and accessible public open space network offering attractive active and passive recreation that will cater to future residents and employees.
- Direction 6.5 Protect and restore natural habitats
- Policy 6.5.2 Protect and enhance the health of urban waterways
The integrated water management strategy will manage urban development flows across the PSP in accordance with the applicable water management standards and regulations.

South East Growth Corridor Plan

The Growth Corridor Plans were released by the Minister for Planning in June 2012. The plans seek to accommodate a substantial amount of Melbourne's future housing and employment land supply over the next 30 to 40 years by providing a framework to guide the planning of new communities in each corridor.

The Crockell (Employment) PSP area is located in the SEGCP, which includes land in the municipalities of Casey and Cardinia. When drafted the SEGCP area was projected to accommodate a population of approximately 230,000 people and has the capacity to provide between 86,000 jobs.

The SEGCP is a policy reference document in the Casey Planning Scheme and provides broad direction for directing Melbourne's Southeastern metropolitan region's growth through land use and development. The SEGCP identifies the Crockell (Employment) PSP area as predominantly 'business with residential'.

The SEGCP identifies the following broad features within and immediately surrounding the Crockell (Employment) PSP area:

- the area directly adjacent to the west is an existing urban area
- directly adjacent to the north are growth areas identified as 'Residential' and 'Business'. The planning for Cranbourne North PSP Stages 1 and 2 have been completed for this area
- the area to the northeast of the precinct is a growth area identified as 'Residential'. The planning for the Clyde North PSP has been completed for this area
- directly adjacent to the east is a growth area identified as 'Business with Residential'. The planning for the Thompsons Road PSP has been completed for this area
- the area to the southeast of the precinct is a growth area identified as 'Residential'. The planning for the Clyde Creek PSP has been completed for this area
- the area directly adjacent to the south is identified as existing urban area and 'Residential'. The Cranbourne East PSP has been completed for this area and the Collison Estate Development Plan is the subject of a current planning scheme amendment.

Melbourne Industrial and Commercial Land Use Plan

The MICLUP is a policy reference in the Casey Planning Scheme. It provides an overview of current and future needs for industrial and commercial land across metropolitan Melbourne and puts in place a planning framework to support state and local government to plan for future employment and industry needs more effectively, and better inform future strategic directions.

The MICLUP outlines that growth area “business and residential” precincts identified in the Growth Corridor Plans are considered to have regional significance and have the capacity to provide for a range of employment opportunities.

The MICLUP identified that there is about 0.55 million square metres estimated additional commercial floor space required in the Southern region from 2016 to 2031 to support population and jobs growth in this growth area.

The MICLUP sets out a framework for identifying future industrial and commercial land development. For regionally significant commercial areas:

These include commercial areas and places identified in Plan Melbourne as major activity centres as well as growth area business with residential precincts identified in Growth Corridor Plans. They should provide for and support access to a wide range of goods and services, including office and retail development, and provide for a wide range of employment opportunities. They are expected to deliver more intensive forms of employment uses including office and commercial activity.

Further, the MICLUP identifies:

Growth area business and residential precincts are identified in Growth Corridor Plans and are considered as places of regional significance able to provide for a wide range of employment opportunities. These areas are expected to deliver more intensive forms of employment uses including service industries, office and commercial activity, research and development and some large format retailing. The precincts may also include residential, cultural, recreational and civic uses as part of a broader mix of activities supporting the overall employment activities. These precincts should have a primary role for economic and employment purposes with no less than 50 per cent of the land in each precinct being allocated for these purposes.

The subject land is located within the Plan’s Southern region as one of two ‘Regionally Significant Commercial Areas - Future Growth Area Business with Residential Precinct’.

Victoria’s Housing Statement: The Decade Ahead 2024-2034 (Department of Premier and Cabinet, 2023)

Victoria’s Housing Statement: The Decade Ahead 2024-2034 plans to increase housing supply and affordability in Victoria, with a view to building 800,000 homes over the next decade. It includes reforms to streamline development approvals and promote affordable housing near key infrastructure. The Croskell (Employment) PSP is identified as one of twenty-one priority planning projects (industrial) to contribute towards the sustainable supply of greenfield land.

City of Casey Council Plan 2021-2025 (2021)

This plan outlines the long-term vision for the community, aiming to create a more connected, bold, and resilient community. It focuses on collaboration with the community, stakeholders, and other levels of government.

Casey Council Economic Development Strategy 2021-25 (2021)

This strategy provides an insight into the current and emerging conditions of economic development in Casey, strategic opportunities, and risks. Casey’s current economy is reliant on a

few dominant sectors, mainly driven by population serving industries, such as Health and Social Assistance, Retail Trade, Construction, and Education and Training. The Strategy is a policy document in the Casey Planning Scheme.

Casey Housing Strategy (2019)

The Housing Strategy (Version 5, City of Casey, updated 2019) identifies that the City of Casey is one of the fastest growing regions in Australia with approximately 313,521 (as at 2016 Census) and forecast to increase to approximately 549,190 residents by 2041.

The Housing Strategy focuses on housing types that support the changing and growing community, whilst also seeking to ensure that new dwellings are appropriately.

The Strategy vision is:

Casey will offer a diversity of housing to meet the needs of its community, now and in the future. Residents will be able to find housing that suits their current and future needs in terms of type, tenure, size and cost. More diverse housing such as townhouses, units and apartments will be located with convenient access to shops, services, transport and open space, where it is easy to walk or cycle. Housing diversity will create a more self-sufficient city so that residents do not have to move outside Casey to find the housing they want.

The City of Casey's Housing Strategy identifies locations suitable for different rates of housing change (minimal, incremental and substantial change). The Strategy directs more intensive development (substantial change) into areas with easy access to existing services and high frequency transport options, and in-centre areas. It encourages moderate development (incremental change) in areas with good access to activity centres and close to strategic transport routes.

The Housing Strategy contains objectives, strategies and actions to assist in achieving the vision building on the foundation of the Municipal Strategic Statement, the Council Plan and key State Government strategies, policies and directions, such as Plan Melbourne: 2017-2050.

The residential areas identified within the PSP area align with the incremental change areas (GRZ1) identified in the Housing Strategy.

G:3 Planning scheme provisions

Zone and overlay provisions

A common zone and overlay purpose is to implement the Planning Policy Framework and Local Planning Policy Framework. Table 21 includes the relevant zone and overlay provisions (as summarised from the Practitioner's Guide).

Table 21 Zones and Overlays

| Clause | Zone purpose and application |
|-----------------------------|--|
| Zones | |
| Mixed Use Zone (MUZ) | This zone is applied to areas suitable for a mixed-use function, including a range of residential, commercial, industrial and other uses. It is suitable for areas identified for residential development at increased densities including urban renewal and strategic redevelopment sites. A schedule to the zone may specify a maximum building height and local requirements for specified clause 54 and clause 55 standards. |

| Clause | Zone purpose and application |
|---------------------------------------|---|
| General Residential Zone (GRZ) | <p>This zone is applied to areas where housing development of three storeys exists or is planned for in locations offering good access to services and transport.</p> <p>A mandatory maximum building height of 11 metres and three storeys applies to a dwelling or residential building. A schedule to the zone can be used to:</p> <ul style="list-style-type: none"> - change the permit requirement for a dwelling (based on lot size) - specify a higher mandatory maximum building height - set local requirements for specified clause 54 and clause 55 standards. |
| Industrial 3 Zone (INZ3) | <p>This zone is designed to be applied as a buffer between the Industrial 1 Zone or Industrial 2 Zone and residential areas, if necessary. It may also be applied to industrial areas where special consideration is required because of industrial traffic using residential roads, unusual noise or other emission impacts, or to avoid inter-industry conflict. A schedule to the zone allows the maximum floor space to be limited for office use.</p> <p>The zone provides for some retailing, including convenience shops, small-scale supermarkets and associated shops in appropriate locations.</p> |
| Commercial 2 Zone (C2Z) | <p>This zone encourages offices and associated business and commercial services together with appropriate industry and retailing. A small-scale supermarket (up to 1800 square metres) is allowed without a permit on land located within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne. Any supermarket in a rural area requires a permit to ensure the protection of established centres in regional towns. A supermarket and any associated shops must adjoin or have access to a main road</p> |
| Farming Zone (FZ) | <p>This zone encourages the retention of productive agricultural land and encourages the retention of employment and population to support rural communities. The zone provides a minimum lot size of 40 hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is allowed under particular circumstances.</p> |
| Transport 2 Zone (TZ2) | <p>This zone identifies land in the transport system. State-managed transport infrastructure is designated Transport Zone 1. A road declared under the Road Management Act 2004 is designated Transport Zone 2 and significant municipal roads are designated Transport Zone 3. Other transport infrastructure is designated Transport Zone 4.</p> |
| Special Use Zone (SUZ) | <p>This zone provides for the use of land for specific purposes. The purposes and the land use requirements are specified in a schedule to the zone. This allows detailed land use requirements to be prescribed for a particular site. Development conditions (where they are necessary) are still set out in a permit rather than the planning scheme. Exemptions from notification and review can be provided in the zone if desired. The <i>Ministerial Direction Form and Content of Planning Schemes</i> includes some specific requirements for this zone. <i>Planning Practice Note 3 – Applying the Special Use Zone</i> explains the operation of this zone in more detail.</p> |

| Clause | Zone purpose and application |
|--|--|
| Urban Floodway Zone (UFZ) | <p>This zone is applied to urban land where the primary function of the land is to carry or store floodwater. It applies to high hazard areas with high flow velocities, where impediment of floodwater can cause significant changes in flood flows and adversely affect flooding in other areas. Where land is subject only to inundation and low velocities, the Land Subject to Inundation Overlay can be used. The views and flooding information of the relevant floodplain management authority must be considered when applying this zone.</p> |
| Urban Growth Zone (UGZ) | <p>This zone sets out the requirements for the development of new residential and employment precincts on previously undeveloped land. It requires the establishment of a precinct structure plan before a growth area can be developed and subdivided. The zone includes provisions to ensure that any new use and development does not prejudice the future urban use and development of the land where a precinct structure plan is yet to be applied.</p> <p>Where a precinct structure plan is in place, the zone provides for specific zone provisions to be applied by way of a schedule.</p> |
| Overlays | |
| Heritage Overlay | <p>Any heritage place with a recognised citation should be included in the schedule to this overlay. In addition, any heritage place identified in local heritage studies can also be included, provided the significance of the place can be shown to justify application of the overlay.</p> <p>The documentation for each place must include a statement of significance that establishes the importance of the place. The statement of significance must form part of an incorporated document and be specified in the schedule to the Heritage Overlay. Relevant guidance is included in PPN01.</p> |
| Development Plan Overlay (DPO) | <p>This overlay is used where the form of development is appropriately controlled by a plan that satisfies the responsible authority as there is no public approval process for the plan. A planning scheme amendment is not required to amend a plan established by a Development Plan Overlay.</p> |
| Land Subject to Inundation Overlay (LSIO) | <p>This overlay applies to either rural or urban land in riverine areas that are subject to inundation but are not part of the primary floodway. The overlay is also applied to areas subject to coastal flooding, including areas where the flood risk will increase as a result of climate change. The identification of these areas should be established in consultation with the relevant floodplain management authority.</p> |
| Environmental Audit Overlay (EAO) | <p>This overlay is applied to land identified, known or reasonably suspected of being contaminated for which certain obligations under the EP Act have not been met. Refer to MD1 and PPN30 for further direction on how the overlay is applied.</p> |
| Development Contributions Plan Overlay (DCPO) | <p>This overlay identifies areas where a development contributions plan is in place. The schedule to the overlay summarises the development contributions required. A more detailed incorporated document and local content within the Planning Policy Framework will usually be associated with the overlay.</p> |

| Clause | Zone purpose and application |
|---|--|
| Infrastructure Contributions Overlay (ICO) | This overlay identifies the area where an infrastructure contributions plan applies for the purpose of imposing contributions for the provision of infrastructure. The schedule to the overlay summarises the development contributions required. A more detailed incorporated document will be associated with the overlay. The Infrastructure Contributions Overlay is used to implement any new infrastructure contributions plan into a planning scheme. |

G:4 Ministerial Directions, Planning Practice Notes and guidelines

(i) Ministerial Directions

Ministerial Direction on the Form and Content of Planning Schemes

The Ministerial Direction sets out the layout and mandatory information that must be included in a planning scheme and also applies to amendments to planning schemes.

Ministerial Direction 1: Potentially Contaminated Land

MD1 applies to potentially contaminated land and seeks to ensure the land is suitable for a use which is proposed to be allowed under a planning scheme amendment and which could be significantly adversely affected by contamination. It includes a definition of potentially contaminated land and requirements that must be met in preparing a planning scheme amendment for potentially contaminated land.

For sensitive land uses, including residential use or use of land as a playground or secondary school, MD1 contains requirements for planning scheme amendments which allow land to be used for a sensitive use, including residential, childcare centre, kindergarten, pre-school centre or primary school, even if ancillary to another use. In preparing the planning scheme amendment the planning authority must comply with one of the following:

- satisfy itself whether or not the land, or parts of the land, are potentially contaminated
- where it has determined that the land is not potentially contaminated, state the determination in the amendment Explanatory Report
- where it has determined the land, or parts of the land, are potentially contaminated, must state the determination in the amendment Explanatory Report and satisfy itself that the environmental conditions of that land are or will be suitable for that use.

It also contains requirements for planning scheme amendments which allow land to be used for agriculture or public open space. Where these uses are allowed on potentially contaminated land, the planning authority must satisfy itself that the land is or will be suitable for that use.

Ministerial Direction 9: Metropolitan Planning Strategy

The Ministerial Direction requires the responsible authority to ensure that planning scheme amendments have regard to the Metropolitan Planning Strategy by setting out necessary requirements.

Ministerial Direction 11: Strategic Assessment of Amendments

The Ministerial Direction requires the responsible authority to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

Ministerial Direction 12 Urban Growth Areas

The Ministerial Direction is to manage the provision of sustainable and coordinated urban development in growth areas.

Ministerial Direction 19: Amendments that may result in impacts of the environment, amenity and human health

The Ministerial Direction recognises the preventative value of EPA's early involvement in strategic land use planning and requires planning authorities to seek the views of the EPA in the preparation of planning scheme reviews and amendments that could result in use of development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

Ministerial Direction on the preparation and content of infrastructure contributions plans and Ministerial reporting requirements for infrastructure contributions plans

The Ministerial Direction is to direct planning authorities in relation to the preparation and content of infrastructure contributions plans and to set out the requirements of the Minister in relation to reports prepared by collecting agencies and development agencies in respect of infrastructure contributions plans.

(ii) Planning Practice Notes

Planning Practice Note 30: Potentially Contaminated Land

PPN30 provides planning guidance on:

- how to identify potentially contaminated land
- the appropriate level of assessment of contamination in different circumstances
- appropriate provisions in planning scheme amendments
- appropriate conditions on planning permits.

PPN30 identifies the recommended assessment mechanism for a planning proposal (see Figure 25).

Planning Practice Note 46: Strategic Assessment Guidelines, September 2022

Provides a consistent framework for preparing and evaluating a proposed planning scheme amendment.

Planning Practice Note 92: Managing buffers for land use compatibility (PPN92)

The purpose of PPN92 is to provide guidance on:

- planning for land use compatibility and the Planning Policy Framework
- requirements in planning provisions relating to the management of buffers.

PPN92 identifies the importance of strategic planning in the management of buffers:

As reflected in the Planning Policy Framework, the priority when planning land use and development is avoiding land use conflict in the first place. This involves understanding where existing industry and other uses with potential off-site impacts are and ensuring current zoning appropriately protects operators and surrounding communities. It also means making sure that sensitive uses and future urban growth are directed away from areas that could be affected by off-site impacts. Strategic planning around uses with potential off-site impacts should consider the capacity or need for future expansion of that use or expected changes to operations. Planning approaches might differ depending on the strategic planning scenario.

In relation to avoiding land use conflicts in greenfield areas it identifies:

Industries and other uses with potential off-site impacts should be clearly identified so they can be considered early in strategic planning processes and in the development of precinct structure plans.

Where incompatible land uses are forecast to be transitioned out of an area, implementation should be staged to ensure land use conflict can be effectively managed before transition has finished. This should be outlined in precinct structure plans.

In relation to avoiding land use conflicts in urban renewal areas it identifies:

Understanding the nature of potential off-site impacts, whether noise, dust, odour or other impacts, can help determine what type of controls should be applied...

Land within identified buffers or separation distances should be assessed to determine whether sensitive uses can be supported, including recommendations about managing future development.

The extent of these buffers should be reviewed by the relevant expert agency, based on all available evidence.

Figure 25 Recommended approach to assessing potentially contaminated land

| Planning Proposal | | Potential for Contamination | |
|--|---|-----------------------------|--------|
| | | High | Medium |
| Uses defined in Ministerial Direction No. 1, the EAO, and clause 13.04-1S | | | |
| <ul style="list-style-type: none"> Sensitive uses: Residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use. Children's playground Secondary school | New use, or buildings and works associated with a new use | A | B |
| | Buildings and works associated with an existing use | B | B |
| Other land use | | | |
| Open space Agriculture Retail or office Industry or warehouse | New use, or buildings and works associated with a new or existing use | C | D |

| Planning Scheme Amendment | | Planning Permit Application |
|---------------------------|--|---|
| A | PRSA or audit option applies Proceeding directly to an audit is recommended. | PRSA or audit option applies Proceeding directly to an audit is recommended. |
| B | PRSA or audit option applies PRSA to determine need for audit is recommended. | PRSA or audit option applies PRSA to determine need for audit is recommended. |
| C | PSI to inform need for audit is recommended | PSI to inform need for audit is recommended |
| D | Planning authority to document consideration of potential for contamination to impact proposal | Responsible authority to document consideration of potential for contamination to impact proposal |

Note: Where land is used for more than one purpose, the most sensitive land use should be used to inform the approach to determining if an audit is required.

Source: PPN30 Table 3 (July 2021)

(iii) Guidelines**Precinct Structure Planning Guidelines**

The PSP Guidelines launched by the Victorian Planning Authority in October 2021 provide the framework for preparing Precinct Structure Plans (PSPs). They provide guidance on the following topics:

- Viable densities
- Safe, accessible and well-connected places
- Connecting people jobs and higher order services
- Public realm quality
- Services and destinations
- Economic outcomes
- Infrastructure coordination.

The Guidelines deal with various technical aspects of preparing PSP, including land use planning, infrastructure provision, and staging of development.

Infrastructure Contribution Plan Guidelines

The ICP Guidelines provide that an ICP can impose infrastructure contributions on the development land to:

- fund the provision of infrastructure:
 - in the ICP plan area
 - outside of the plan area, if it is essential to, and the need for it is generated by, the development of land in the ICP plan area
- require the provision of land for public purposes in the ICP plan area (inner public purpose land)
- fund the acquisition of land for public purposes outside of the ICP plan area if it is essential to, and the need for which is generated by, the development of land in the ICP plan area (outer public purpose land)
- fund the reasonable costs and expenses incurred by the planning authority in preparing the ICP and the related precinct structure plan or strategic plan.

A standard levy can only be used to fund standard levy allowable items specified in the Ministerial Direction. A standard levy may also be used to fund supplementary levy allowable items if:

- there are surplus standard levy funds
- the Ministerial Direction allows the infrastructure to be funded from a standard levy.

A supplementary levy is an additional levy that may be used to fund Ministerial Direction allowable 'non-standard' infrastructure or costs.

The ICP Guidelines set out ICP requirements including for:

- levy indexation
- works-in-kind
- allowable items
- land components
- collecting agencies and development agencies
- preparing ICPs
- specified development settings.

Native Vegetation Guidelines

The guidelines for the removal, destruction or lopping of native vegetation are incorporated into the Victorian Planning Provisions and all planning schemes in Victoria.

The guidelines set out, and describe the application of Victoria's statewide policy in relation to assessing and compensating for the removal of native vegetation. This includes:

- the assessment of impacts from removing native vegetation on biodiversity and other values
- how offsets are calculated and established to compensate for the loss in biodiversity value from the removal of native vegetation.

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved through the following three-step approach, in accordance with the Guidelines:

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

Separation Distance Guideline (EPA 1949)

This guideline provides advice on recommended separation distances between industrial land uses that emit odour and/or dust, and sensitive land uses.

Separating incompatible land uses is important. It protects the community from industries and activities that pose health, safety and amenity risks. It also protects industries from incompatible land use and development. Separation distances are often used as a planning tool to manage and mitigate these risks by keeping conflicting land uses apart.

The purpose of this guideline is to support land use and development decisions that:

- Protect the community from human health and amenity risks associated with unintended offsite odour and dust generated by industry/activity
- Protect industry/activities from inappropriate land use and development nearby that may constrain its operations.

The decision-making process for considering a separation distance between an odour or dust emitter and sensitive land use is categorised into 3 stages. The guidelines contain a flow chart which describes the decision making process for Stages 1 (Does a recommended separation distance apply?) and 2 (Is the recommended separation distance met?).

The guidelines states that if a proponent wishes to seek a variation of a recommended separation distance for odour from a decision maker a risk assessment should be completed. This entails the proponent:

- providing a risk assessment that details the factors and risks associated with the odour source
- proposing an alternative separation distance based on the findings of the risk assessment
- demonstrating the proposed separation distance poses a low risk of odour impact.

Practitioner's Guide

A Practitioner's Guide to Victorian Planning Schemes Version 1.5, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victoria Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

Appendix H Document list

| No | Date | Description | Presented by |
|-------------|--------|---|------------------------------------|
| 2020 | | | |
| 1 | 1 Jul | Terms of Reference | Minister for Planning |
| 2024 | | | |
| 2 | 23 Dec | Referral letter | Victorian Planning Authority (VPA) |
| 3 | 23 Dec | Referral documents: | VPA |
| | | a) Croskell (Employment) PSP, September 2024 | |
| | | b) Croskell (Employment) Infrastructure Contributions Plan, September 2024 | |
| | | c) Croskell (Employment) Infrastructure Contributions Plan Cost Estimates, September 2024 | |
| | | d) Infrastructure Contributions Plan Appendix 3, September 2024 | |
| | | e) Croskell (Employment) Precinct Structure Plan and ICP Concept Design and Costs, September-2024 | |
| | | f) Croskell (Employment) Native Vegetation Precinct Plan | |
| | | g) Amendment schedules, Planning Scheme maps and Statement of Significance (HO137) | |
| | | h) Croskell (Employment) Precinct Structure Plan Background Report, September 2024 | |
| | | i) Aboriginal Cultural Heritage Impact Assessment, Redacted Final, May 2024 | |
| | | j) Commercial and Industrial Land Needs Assessment and Implementation Plan, Geografia, July 2023 | |
| | | k) Commercial and Industrial Land Needs Assess Addendum, Geografia, July 2024 | |
| | | l) Land Capability Assessment, Kleinfelder, July 2024 | |
| | | m) Post Contact Heritage Assessment, EHP, August 2024 | |
| | | n) Integrated Transport Assessment Report, M&P, August 2024 | |
| | | o) Cultural Values Interpretation Strategy, Summary Report, BLCAC, February2024 | |
| | | p) Utility Services Assessment, Part 1, Kleinfelder, April 2024 | |
| | | q) Utility Services Assessment, Part 2, Kleinfelder, April 2024 | |
| | | r) Utility Services Assessment, Part 3, Kleinfelder, April 2024 | |
| | | s) Arboriculture Assessment, ENSPEC, January 2023 | |
| | | t) Biodiversity Assessment, WSP, January 2024 | |
| | | u) Bushfire Development Report, Terramatrix, August 2024 | |
| | | v) Community Infrastructure and Open Space Needs Assessment, SGS Economics Planning, March 2023 | |
| | | w) Integrated Water Management Plan, ARUP, March 2024 | |
| | | x) Landscape Character Assessment, Part 1, Spiire, December 2022 | |

| No | Date | Description | Presented by |
|-------------|--------|---|--------------------------------|
| | | y) Landscape Character Assessment, Part 2, Spiire, December 2022 | |
| | | z) Public Consultation Report | |
| | | aa) Exhibited Clause 37.01s8 (SUZ8) | |
| | | bb) Exhibited Clause 37.07s16 (UGZ16) | |
| | | cc) Exhibited Clause 43.01 (HO) | |
| | | dd) Exhibited Clause 45.11s4 (ICO4) | |
| | | ee) Exhibited Clause 52.16 (Native vegetation precinct plan) | |
| | | ff) Exhibited Clause 52.17 (Native Vegetation) | |
| | | gg) Exhibited Clause 72.03 | |
| | | hh) Exhibited Clause 72.04 | |
| | | ii) Exhibited Map11 HO | |
| | | jj) Exhibited Map 11 and 12 UGZ | |
| | | kk) Exhibited Map 11 and 12 ICO | |
| | | ll) Exhibited Map 11 and 12 EAO | |
| | | mm)Exhibited Map 11 D-DCPO | |
| | | nn) Exhibited Map 11 D-DPO | |
| | | oo) Explanatory Report | |
| | | pp) Instruction Sheet | |
| 2025 | | | |
| 4 | 7 Jan | Directions Hearing notification letter | Planning Panels Victoria (PPV) |
| 5 | 23 Jan | Letter to VPA seeking clarification of referred submissions and other hearing matters including discussions with the Bunurong Land Council Aboriginal Corporation | PPV |
| 6 | 24 Jan | VPA response to Committee's questions regarding referred submissions | VPA |
| 7 | 4 Feb | Committee Directions and Distribution List | PPV |
| 8 | 5 Feb | Committee letter to Bunurong Land Council Aboriginal Corporation | PPV |
| 9 | 7 Feb | Proposed Drainage Strategy Optimised Concept Design Changes Report, 9 December 2024 (Revision B) | VPA |
| 10 | 7 Feb | Spring Lodge Farm Pty Ltd second submission to VPA, 6 December 2024 | VPA |
| 11 | 7 Feb | Proposed Drainage Strategy Optimised Concept Design Changes Report, 3 February 2025 (Revision C) | VPA |
| 12 | 7 Feb | Proposed Drainage Strategy Optimised Concept Design Revision C – Layout Map | VPA |

| No | Date | Description | Presented by |
|----|--------|--|--|
| 13 | 10 Feb | Email – summary of proposed amendment changes to the PSP, ICP, NVPP, Zone and Overlays, enclosing attachments: a) Strategic Document changes log, February 2025 b) Plan 2 – Place Based Plan c) Plan 4 – Movement Network d) Plan 7 – Public Realm and Water | VPA |
| 14 | 10 Feb | Land Capability Assessment Report, 30 January 2025 (Revision 8) | VPA |
| 15 | 11 Feb | Party responses to Direction 15: a) EPA b) Casey City Council c) MAB Property Developments Pty Ltd d) Cranbourne 1450 Holdings Pty Ltd e) VPA f) AVA Faltaous-Kyrelos g) Melbourne Water h) Spring Lodge Farms Pty Ltd including request for direction for provision of documents i) Wagstaff Cranbourne Pty Ltd i) Attachment – response to submissions j) Fouz Superannuation k) Galileo Group | Parties |
| 16 | 11 Feb | Site inspection request | Wagstaff Cranbourne Pty Ltd (Wagstaff) |
| 17 | 12 Feb | ICP Cost estimates | VPA |
| 18 | 12 Feb | ICP Designs | VPA |
| 19 | 12 Feb | Committee Directions and Hearing Timetable | PPV |
| 20 | 12 Feb | Email – information request from Polis Legal, with attachment: a) Land Capability Assessment – Wagstaff Facilities Update, 19 November 2024 | VPA |
| 21 | 13 Feb | Letter to Parties regarding site inspection at Wagstaff | PPV |
| 22 | 14 Feb | Committee site inspection map and itinerary, with attachments: a) Submitter map (for Committee only) b) Submitter list (for Committee only) | VPA |
| 23 | 14 Feb | Response to Committee’s letter dated 12 February 2025 (D19) | VPA |
| 24 | 14 Feb | Response to Committee’s letter dated 12 February 2025 (D19) | Wagstaff |
| 25 | 14 Feb | Response to Committee’s letter dated 12 (D19) and 13 (D21) February 2025 | Spring Lodge Farms Pty Ltd |

| No | Date | Description | Presented by |
|----|--------|--|----------------|
| | | | (Spring Lodge) |
| 26 | 14 Feb | Further locations for site inspection | VPA |
| 27 | 17 Feb | Letter to Parties regarding requests for documents, odour evidence and witness arrangements | PPV |
| 28 | 19 Feb | Part A submission, with attachment: Appendix 1 – Summary of submissions and VPA Responses | VPA |
| 29 | 24 Feb | Day 1 Precinct Structure Plan (updated 26 Feb 2025) | VPA |
| 30 | 24 Feb | Day 1 Precinct Structure Plan – Plan set documents: a) Plan 1 – Precinct Features b) Plan 2 – Place Based Plan c) Plan 3 – Housing d) Plan 4 – Movement Network e) Plan 5 – Utility Easement f) Plan 6 – Employment and Activity Centre g) Plan 7 – Public Realm and Water h) Plan 8 – Native Vegetation Retention and Removal i) Plan 9 – Community Infrastructure j) Plan 10 – Bushfire k) Plan 11 – Infrastructure and Development Staging l) Plan 12 – Precinct Infrastructure Plan m) Plan 13 – Land Use Budget n) Plan 14 - Alternative LP-03 Location (added 26 Feb 2025) | VPA |
| 31 | 24 Feb | Day 1 Infrastructure Contributions Plan | VPA |
| 32 | 24 Feb | Day 1 Infrastructure Contributions Plan – Plan Set documents: a) Plan 1 – Plan Area and Classes of Development b) Plan 2 – Standard and Supplementary Levy Transport Construction Projects c) Plan 3 – Standard Levy Community & Recreation Construction Projects d) Plan 4 – Public Land Provision e) Plan 5 – Public Land Provision | VPA |
| 33 | 24 Feb | Day 1 Native Vegetation Precinct Plan | VPA |
| 34 | 24 Feb | Day 1 Planning Scheme ordinance: a) Explanatory report b) Instruction Sheet c) Clause 37.01s8 d) Clause 37.07s16 e) Clause 43.01s f) Clause 45.11s4 g) Clause 52.16s h) Clause 52.17s i) Clause 72.03s j) Clause 72.04s | VPA |

| No | Date | Description | Presented by |
|----|--------|---|--|
| | | k) HO137 Statement of Significance | |
| 35 | 24 Feb | Day 1 Planning Scheme Maps: a) HO Map 11 b) Zone Maps 11 and 12 c) IC04 Maps 11 and 12 d) EAO Maps 11 and 12 e) D-dcpo Map 11 f) D-dpo Map 11 | VPA |
| 36 | 24 Feb | Day 1 Plan 10 Assumptions – Terramatrix, with email correspondence: a) Email 17 February 2025 b) Email 29 January 2025 and attachment c) Email 30 January 2025 and attachments | VPA |
| 37 | 24 Feb | Day 1 Document Changes Log (Updated 26 Feb 2025) | VPA |
| 38 | 24 Feb | Optimised Drainage Design Report Rev C W4G | VPA |
| 39 | 24 Feb | Optimised Drainage Design Report Rev C Layout Map W4G | VPA |
| 40 | 24 Feb | Direction 14 - VPA and MW drainage response | VPA |
| 41 | 24 Feb | Committee Directions and Hearing Timetable (version 2) | PPV |
| 42 | 26 Feb | Expert Statement – Warwick Bishop of Water Technology (Drainage) | Melbourne Water |
| 43 | 26 Feb | Letter – to Committee regarding discrepancies in VPA Day 1 Documents | MAB Property Developments Pty Ltd (MAB) |
| 44 | 26 Feb | Email – response regarding discrepancies in Day 1 Documents and notification of new versions being uploaded | VPA |
| 45 | 26 Feb | Expert Statement – Hamish Allan of Terramatrix (Bushfire) | VPA |
| 46 | 26 Feb | Expert Statement – Simon Beardall of Eukai (Transport) | MAB |
| 47 | 26 Feb | Expert Statement – John Glossop of Glossop Town Planning (Planning) | MAB |
| 48 | 26 Feb | Expert Statement – Kevin Hazell of KH Planning Services Pty Ltd (Bushfire) | MAB |
| 49 | 26 Feb | Expert Statement – Chris Beardshaw of Afflux Consulting (Drainage) | MAB |
| 50 | 26 Feb | Expert Statement – Terry Hardingham of O'Brien Traffic (Traffic) (Corrected to include Appendix A, 27 February 2025) | Wagstaff |
| 51 | 26 Feb | Expert Statement – Andrew Clarke of UPco (Planning) | Wagstaff |
| 52 | 26 Feb | Expert Statement – Jamie Tainton of Water Studio (Drainage) | Cranbourne 1450 Holdings Pty Ltd (Cranbourne 1450) |

| No | Date | Description | Presented by |
|----|--------|--|--|
| 53 | 26 Feb | Expert Statement – Andrew Clarke of UPco (Planning) | Cranbourne 1450 |
| 54 | 26 Feb | Expert Statement – Charmaine Dunstan of Traffix Group (Traffic) | Galileo Group Pty Ltd (Galileo) |
| 55 | 26 Feb | Expert Statement – Evan Granger of Urbis (Planning) | Galileo |
| 56 | 27 Feb | Expert Statement – Nina Barich of Incitus (Drainage) | Galileo |
| 57 | 27Feb | Expert Statement – Mark Potter of Fire Risk Consultants (Bushfire) | Galileo |
| 58 | 26 Feb | Expert Statement – Nina Barich of Incitus (Drainage) | Fouz Superannuation Pty Ltd Yusuf Property Pty Ltd and Fouz Investments Pty Ltd (Fouz Group) |
| 59 | 26 Feb | Expert Statement – Evan Granger of Urbis (Planning) | Fouz Group |
| 60 | 26 Feb | Expert Statement – Rory McPhillips of Atma Environmental (Environmental matters) | Fouz Group |
| 61 | 26 Feb | Expert Statement – Matt Cupper of Landskape (Aboriginal Cultural Heritage) | Fouz Group |
| 62 | 26 Feb | Expert Statement – Nina Barich of Incitus (Drainage) | Spring Lodge |
| 63 | 27 Feb | Expert Statement – Mark Potter of Fire Risk Consultants (Bushfire) | Fouz Group |
| 64 | 27 Feb | Expert Statement – Aaron Harvey of Biosis (Ecology) | MAB |
| 65 | 27 Feb | Committee Directions and Hearing Timetable (version 3) | PPV |
| 66 | 28 Feb | Letter – to Committee outlining operational information concerning Wagstaff abattoir | Wagstaff |
| 67 | 28 Feb | Opening Submission | VPA |
| 68 | 28 Feb | Opening Submission presentation | VPA |
| 69 | 28 Feb | Biodiversity Assessment Update, February 2025 | VPA |
| 70 | 28 Feb | Croskell Employment PSP Post Contact Heritage Assessment, November 2024 | VPA |
| 71 | 28 Feb | Integrated Transport Assessment, January 2025 | VPA |
| 72 | 28 Feb | Memo – Staging, AusNet and Bushfire | Melbourne Water |
| 73 | 28 Feb | Aboriginal Cultural Heritage Impact Assessment - fewer redactions <i>Confidential for Committee, Council, Fouz and Galileo Group only</i> | VPA |

| No | Date | Description | Presented by |
|----|--------|---|------------------------|
| 74 | 28 Feb | Email – to Committee outlining changes to Background documents in its opening statement | VPA |
| 75 | 3 Mar | Addendum to expert statement of Terry Hardingham of O'Brien (Traffic) | Wagstaff |
| 76 | 3 Mar | Emails between Melbourne Water and AusNet dated 25 Feb 2025, enclosing attachments: a) Optimised Design Rev C Layout Map W4G b) AusNet meeting 25 Feb 2025 appendix | Melbourne Water |
| 77 | 4 Mar | Hamish Allan of Terramatrix – notes on other bushfire expert statements | VPA |
| 78 | 4 Mar | Croskell Employment PSP Post Contact Heritage Assessment, November 2024 (track change) | VPA |
| 79 | 4 Mar | Integrated Transport Assessment, January 2025 (tracked change) | VPA |
| 80 | 4 Mar | Biodiversity Assessment Update, February 2025 (tracked change) | VPA |
| 81 | 4 Mar | Committee Directions and Timetable (version 4) | PPV |
| 82 | 5 Mar | Aboriginal Cultural Heritage Impact Assessment <i>Confidential for Committee, Fouz/Galileo and Council only</i> | VPA |
| 83 | 5 Mar | Submission, enclosing attachments: a) Officer South VPASAC Hearing Doc 228 Melbourne Water – Examples of asset resizing post PSP gazettal b) Drainage Strategy Concept Design AusNet and SEW possible modifications | Melbourne Water |
| 84 | 6 Mar | AusNet Transmission assets in Croskell PSP | Melbourne Water |
| 85 | 6 Mar | Memo – Water Technology – 24 September 2024 | MAB |
| 86 | 7 Mar | Summary of evidence – Evan Granger of Urbis (Planning) | Galileo and Fouz Group |
| 87 | 7 Mar | Expert Statement – Peter Ramsay of Peter Ramsay and Associates (Buffers) | Wagstaff |
| 88 | 7 Mar | Expert Statement – Dr Iain Cowan of Zephyr Environmental (Buffers), enclosing: a) Addendum to statement | Spring Lodge |
| 89 | 7 Mar | Expert Statement – Jason Shepherd of SLR (Buffers) | Spring Lodge |
| 90 | 7 Mar | Expert Statement – Mark Woodland of Echelon (Planning) | Spring Lodge |
| 91 | 7 Mar | Planning Permit for residential subdivision at 280 Narre Warren Road | Spring Lodge |
| 92 | 7 Mar | Endorsed odour assessment dated 25 July 2018 for 280 Narre Warren Road | Spring Lodge |

| No | Date | Description | Presented by |
|-----|--------|---|------------------------------|
| 93 | 7 Mar | Endorsed Development Plans – Freezer | Spring Lodge |
| 94 | 7 Mar | Memo 1 – VPA response to Granger evidence (planning) | VPA |
| 95 | 7 Mar | Memo 2 – VPA response to Granger evidence (Bushfire) | VPA |
| 96 | 7 Mar | Memo 3 – Granger evidence (Culturally Sensitive Area) | VPA |
| 97 | 11 Mar | Part B Submission | VPA |
| 98 | 12 Mar | <i>Cranbourne East Precinct Structure Plan, May 2010</i> | VPA |
| 99 | 12 Mar | <i>AusNet - Living With Transmission Lines</i> | VPA |
| 100 | 12 Mar | <i>Cranbourne East Development Contributions Plan, May 2010, Amended December 2023</i> | VPA |
| 101 | 12 Mar | <i>Cranbourne North Development Contributions Plan, Stage 1 January 2007, Part 1 of 2</i> | VPA |
| 102 | 12 Mar | <i>Cranbourne North Development Contributions Plan, Stage 1 Appendix 3, January 2007, Part 2 of 2</i> | VPA |
| 103 | 12 Mar | <i>Cranbourne North Service Business Precinct Development Plan Version 11, Strategic Development</i> | VPA |
| 104 | 12 Mar | <i>Cranbourne North Stage Development Plan</i> | VPA |
| 105 | 12 Mar | Addendum to expert statement of Jason Shepherd | Spring Lodge |
| 106 | 12 Mar | Submission | EPA |
| 107 | 12 Mar | Submission | Casey City Council (Council) |
| 108 | 13 Mar | Response to Committee requests made during the Hearing | VPA |
| 109 | 13 Mar | Memo – Applied zoning | Melbourne Water |
| 110 | 14 Mar | Submission | AVA Faltaous-Kyrelos (AVA) |
| 111 | 14 Mar | Submission | MAB |
| 112 | 14 Mar | PSP markup | MAB |
| 113 | 14 Mar | UGZ16 markup | MAB |
| 114 | 14 Mar | SUZ8 markup | MAB |
| 115 | 14 Mar | Schedule to Clause 52.17 mark up | MAB |
| 116 | 14 Mar | <i>Officer South (Employment) Precinct Structure Plan (VPA, November 2024)</i> | MAB |
| 117 | 14 Mar | <i>VPA Projects SAC Referral 8 Officer South Employment Precinct Structure Plan [2024] PPV</i> | MAB |
| 118 | 14 Mar | Officer South Employment PSP Bushfire Development Report, Terramatrix, February 2023 | MAB |

| No | Date | Description | Presented by |
|-----|--------|--|------------------------|
| 119 | 14 Mar | John Glossop – Hearing presentation | MAB |
| 120 | 14 Mar | Committee letter to EPA | PPV |
| 121 | 16 Mar | EPA Buffer Comparison – Entire Pond Area | VPA |
| 122 | 16 Mar | EPA Buffer Comparison – Northern Pond Area | VPA |
| 123 | 16 Mar | EPA Buffer Comparison – All Options | VPA |
| 124 | 16 Mar | Memo 4 – Response to SAC re Culturally sensitive area | VPA |
| 125 | 16 Mar | Letter – to Committee, enclosing <i>Telecommunications in new developments policy, February 2024</i> | Council |
| 126 | 17 Mar | South-East Economic Corridor Employment precinct dashboards, October 2020 | VPA |
| 127 | 17 Mar | <i>South-East Economic Corridor Strategic Context Report to 2060, January 2022</i> | VPA |
| 128 | 18 Mar | Revised drafting of section 3.5 of the PSP - Bushfire management | MAB |
| 129 | 18 Mar | Design Guidelines for Settlement Planning at the Bushfire | MAB |
| 130 | 18 Mar | Submission | Cranbourne 1450 |
| 131 | 19 Mar | Amended section 3.5 of the PSP – Bushfire management | MAB |
| 132 | 19 Mar | Submission | Galileo |
| 133 | 19 Mar | Thompsons Road verge plan – referred to by Andrew Clarke during his evidence statement | Cranbourne 1450 |
| 134 | 19 Mar | Incitus Stormwater Memorandum 585 Berwick Cranbourne Rd AusNet | Galileo |
| 135 | 19 Mar | Incitus Stormwater Memorandum 1660 Thompsons Rd AusNet | Galileo |
| 136 | 19 Mar | MWA1160871 365391 Beattys Road Fraser Rise Melbourne Water Response | Galileo |
| 137 | 19 Mar | Memo 5 – VPA response to SAC on Guideline G2 and Affordable Housing | VPA |
| 138 | 19 Mar | Memo 6 – VPA position on utilities easement | VPA |
| 139 | 19 Mar | Presentation – Mark Potter (Bushfire) | Galileo and Fouz Group |
| 140 | 20 Mar | Submission – regarding Plan 4 and Plan 7 | Fouz |
| 141 | 20 Mar | Memo 7 – VPA response on applied zones and infrastructure coordination | VPA |
| 142 | 21 Mar | Submission - in relation to location of Park and removal of shared user path on Parcel 14 | Galileo |
| 143 | 21 Mar | Submission | Fouz Group |

| No | Date | Description | Presented by |
|-----|--------|--|------------------------|
| 144 | 21 Mar | Addendum Submission | EPA |
| 145 | 24 Mar | Submission | Spring Lodge |
| 146 | 24 Mar | Proposed drafting changes to Amendment documentation | Spring Lodge |
| 147 | 24 Mar | Presentation – Jason Shephard (Odour) | Spring Lodge |
| 148 | 24 Mar | Supporting material to submissions: <ul style="list-style-type: none"> a) Casey C77 Panel Report, February 2006 b) Cardinia C232 Panel Report, February 2019 c) <i>Cranbourne East Development Plan</i>, version 9.3, October 2024 d) <i>Cranbourne North Development Plan</i>, version 2.1, August 2018 e) <i>Animal production separation distance requirements</i>, May 2023, DEECA (draft consultation) f) <i>Guidance for assessing odour</i>, EPA publication 1833, June 2022 g) <i>Guidance for field odour surveillance</i>, EPA publication 1881, May 2021 h) <i>Recommended Separation Distance for Industrial Residual Air Emissions</i>, EPA publication 1518, March 2013 i) <i>Separation distance guideline</i>, EPA publication 1949, August 2024 j) Extract of <i>Environment Protection Regulations 2021 – Definition of Animal Unit</i> k) Permit Pln A00543.03 Endorsed Development Plans – Freezer l) Permit Pln A00543.03 issued 23 June 2005 amended on 19 July 2021 m) Plan i - Spring Lodge Land on the Day 1 Place Based Plan n) Plan ii - Closest Existing Residential Development to Wagstaff o) Plan iii - Spring Lodge Land Existing Subdivision Approvals p) Plan iv - Shepherd Survey Results over Cowan Risk Zones q) Plan v - Distances from Odour Sources to Furthest Odour Experienced (Shepherd) r) Plan vi - Spring Lodge Revised Buffer Plan s) PPN92 Managing Buffers and Land Use Compatibility February 2025 | Spring Lodge |
| 149 | 25 Mar | Presentation – Mark Woodland (Planning) | Spring Lodge |
| 150 | 26 Mar | Email – confirmation of matters affecting Galileo and Fouz, with attachment: <ul style="list-style-type: none"> a) Plan 4 | Galileo and Fouz Group |
| 151 | 26 Mar | Tarneit Projects Pty Ltd – Wyndham CC [2017] VCAT | Spring Lodge |
| 152 | 26 Mar | Casey C284case Panel Report July 2024 | Wagstaff |
| 153 | 26 Mar | Submission, enclosing: | Wagstaff |

| No | Date | Description | Presented by |
|-----|--------|---|-----------------|
| | | <ul style="list-style-type: none"> a) Changes to VPA Day 1 UGZ16 b) RMIT Student project report c) <i>City of Nunawading v Harrington [1985] VR 641</i> | |
| 154 | 26 Mar | Correspondence exchanges relevant to submission: <ul style="list-style-type: none"> a) Supplementary submission to PSP b) Emails to and from VPA c) Letter to Committee – 29 January 2025 d) Letter to Best Hooper for Wagstaff – 31 January 2025 e) Committee Directions f) Letter to Best Hooper for Wagstaff – 7 February 2025 | Spring Lodge |
| 155 | 26 Mar | Background Report | Spring Lodge |
| 156 | 27 Mar | WWTP Separation distance – sensitivity check | Wagstaff |
| 157 | 27 Mar | WWTP Separation distance calculations | Wagstaff |
| 158 | 27 Mar | EPA Publication – <i>Sampling and Analysis of Waters, Wastewaters, Soils and Wastes</i> | Spring Lodge |
| 159 | 27 Mar | EPA - <i>Waste Saving Fact Sheet: Managing waste in abattoirs and meat processing facilities</i> | Spring Lodge |
| 160 | 28 Mar | Email – Peter Ramsay’s site inspection notes dated 26 February 2025 | Wagstaff |
| 161 | 28 Mar | Andrew Clarke summary of position | Wagstaff |
| 162 | 28 Mar | Sample science letter – clarifying details of wastewater sampling conducted at 1500 Cranbourne-Thompsons Road | Wagstaff |
| 163 | 1 Apr | Email - Confirmation of sampling location at 1500 Cranbourne-Thompsons Road | Wagstaff |
| 164 | 1 Apr | Email – to Committee request to provide a response to Wagstaff information | Spring Lodge |
| 165 | 1 Apr | Email – to Parties with directions in response to Spring Lodge request | PPV |
| 166 | 1 Apr | Closing submission | Council |
| 167 | 1 Apr | Closing submission | Melbourne Water |
| 168 | 1 Apr | Closing submission | VPA |
| 169 | 1 Apr | Final Day PSP | VPA |
| 170 | 1 Apr | Final Day – Major changes log | VPA |
| 171 | 1 Apr | Combined VPA Memos 1 to 7 | VPA |
| 172 | 1 Apr | Final Day PSP Plans: <ul style="list-style-type: none"> a) Plan 1 Precinct Features b) Plan 2 Place Based Plan c) Plan 3 Housing d) Plan 4 Movement Network | VPA |

| No | Date | Description | Presented by |
|-----|-------|--|--------------|
| | | <ul style="list-style-type: none"> e) Plan 5 Utility Easement f) Plan 6 Employment and Activity Centre g) Plan 7 Public Realm and Water h) Plan 8 Native Vegetation Retention and Removal Plan i) Plan 9 Community Infrastructure j) Plan 10 Bushfire k) Plan 11 Infrastructure and Development Staging l) Plan 12 Precinct Infrastructure Plan m) Plan 13 Land Use Budget n) Plan 14 Alternative LP-03 Location | |
| 173 | 1 Apr | Final Day Infrastructure Contributions Plan | VPA |
| 174 | 1 Apr | Final Day Infrastructure Contributions Plans for: <ul style="list-style-type: none"> a) Plan 1 Plan Area and Classes of Development b) Plan 2 Standard and Supplementary Levy Transport Construction Projects c) Plan 3 Standard Levy Community & Recreation Construction Projects d) Plan 4 Public Land Provision e) Plan 5 Land Use Budget | VPA |
| 175 | 1 Apr | Final Day Native Vegetation Precinct Plan | VPA |
| 176 | 1 Apr | Final Day Planning Scheme Ordinance: <ul style="list-style-type: none"> a) Explanatory Report – Day 1 Version b) HO137 - Statement of Significance c) Instruction Sheet d) Clause 37.01s8 e) Clause 37.07s16 f) Clause 43.01s g) Clause 45.11s4 h) Clause 52.16s i) Clause 52.17s j) Clause 72.03s k) Clause 72.04s | VPA |
| 177 | 1 Apr | Final Day Planning Scheme Maps: <ul style="list-style-type: none"> a) HO Map 11 b) Zone Maps 11 and 12 c) IC04 Maps 11 and 12 d) EAO Maps 11 and 12 e) D-dcpo Map 11 f) D-dpo Map 11 | VPA |
| 178 | 1 Apr | Letter – to Committee relating to document 162 from Spring Lodge | Wagstaff |
| 179 | 2 Apr | Letter – to Committee with request to vary its requested UGZ16 drafting | Wagstaff |
| 180 | 2 Apr | Letter – to Wagstaff Cranbourne regarding drafting amendments to UGZ16 | MAB |

| No | Date | Description | Presented by |
|-----|-------|---|--------------|
| 181 | 2 Apr | Fire Rescue Victoria correspondence in relation to Bushfire: a) Email 1 of 2 b) Email 2 of 2 c) Attachment to Email 1 of 2 – 01. MAB Property Developments Pty Ltd – Submissions d) Attachment to Email 2 of 2 – MW Bushfire position 27 March e) Attachment to Email 1 of 2 – Section 3.5 Bushfire management – 19 March f) Attachment to Email 1 of 2 – Spring Lodge – Submissions 24 March | VPA |
| 182 | 2 Apr | Email – to Committee to provide clarification in relation to Amendment Plan A and Casey Affordable Housing Strategy, with attachments: a) Plan 8 Amended b) Amended Final Day PSP 52_17s | VPA |
| 183 | 3 Apr | Committee further directions on drafting | PPV |
| 184 | 3 Apr | Email – to Committee with responses to further directions on drafting, with attachments: a) Further information in relation to riparian revegetation (shrub/forest) and AS 3959 b) The Explanatory Report – Amendment Final Day version c) Instructions Sheet – Amended Final Day version d) Part C – Major Changes log (version 2) e) PSP – 66_04s – Amended Final Day Version | VPA |
| 185 | 4 Apr | Letter – to Committee with response to Tabled Document 162 | Spring Lodge |
| 186 | 8 Apr | Letter – to Committee with response to Spring Lodge letter dated 4 April (D185) | Wagstaff |
| 187 | 8 Apr | Letter – to Committee with response to final day documents (D172 – D177) | Council |
| 188 | 9 Apr | Reply Submission to drafting | MAB |
| 189 | 9 Apr | Drafting comments – Final Day PSP | MAB |
| 190 | 9 Apr | Drafting comments – Final Day PSP | Fouz |
| 191 | 9 Apr | Drafting comments – Final Day UGZ16 | Fouz |
| 192 | 9 Apr | Drafting comments – Final Day versions | Spring Lodge |
| 193 | 9 Apr | Drafting comments – Final Day UGZ16 | Wagstaff |
| 194 | 9 Apr | Drafting submission – Final Day UGZ16 | Wagstaff |
| 195 | 9 Apr | Drafting comments – Final Day PSP | Galileo |
| 196 | 9 Apr | Drafting comments – Final Day UGZ16 | Galileo |

| No | Date | Description | Presented by |
|-----|--------|--|-----------------|
| 197 | 9 Apr | Drafting comments | AVA |
| 198 | 9 Apr | Drafting comments – Final Day PSP | AVA |
| 199 | 9 Apr | Drafting comments – Final Day UGZ16 | AVA |
| 200 | 10 Apr | Drafting comments – Major changes log | Melbourne Water |
| 201 | 10 Apr | Drafting comments – Major changes log | MAB |
| 202 | 10 Apr | Drafting comments – Major changes log | AVA |
| 203 | 10 Apr | Drafting comments – Major changes log | Council |
| 204 | 11 Apr | Drafting comments – Major changes log | Fouz Group |
| 205 | 11 Apr | Drafting comments – Major changes log | Galileo |
| 206 | 11 Apr | Drafting comments – Major changes log | Wagstaff |
| 207 | 14 Apr | Post Drafting PSP | VPA |
| 208 | 14 Apr | Post Drafting PSP Plans: | VPA |
| | | a) Plan 1 Precinct Features | |
| | | b) Plan 6 Employment and Activity Centres | |
| 209 | 14 Apr | Post Drafting Planning Scheme Ordinance: | VPA |
| | | a) Explanatory Report | |
| | | b) HO137 Report | |
| | | c) Instruction Sheet | |
| | | d) Clause 37_01s8 | |
| | | e) Clause 37_07s16 | |
| | | f) Clause 43_01s | |
| | | g) Clause 45_011s4 | |
| | | h) Clause 52_16s | |
| | | i) Clause 52_17s | |
| | | j) Clause 66_04s | |
| | | k) Clause 72_03s | |
| | | l) Clause 72_04s | |
| 210 | 14 Apr | Post Drafting Planning Scheme Maps: | VPA |
| | | a) 002hoMap11 | |
| | | b) 003znMaps 11 &12 | |
| | | c) 004icoMaps 11 & 12 | |
| | | d) 005eaoMaps 11 & 12 | |
| | | e) 006d-dcpoMap11 | |
| | | f) 007d-dpoMap11 | |
| 211 | 14 Apr | VPA response to Parties Major changes log: | VPA |
| | | a) Casey Council | |

| No | Date | Description | Presented by |
|----|------|--------------------|--------------|
| | | b) Fouz Group | |
| | | c) Galileo | |
| | | d) MAB | |
| | | e) Melbourne Water | |
| | | f) Spring Lodge | |
| | | g) Wagstaff | |
| | | h) AVA | |

Appendix I Committee recommended version of the Urban Growth Zone Schedule 16

This Committee preferred version of the UGZ16 shows recommendations based on the VPA's Final Day 1 version (Document 176e).

[Tracked Added](#)

~~Tracked Deleted~~

Proposed
C296case

SCHEDULE 16 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ16**.

CROSKELL (EMPLOYMENT) PRECINCT STRUCTURE PLAN

1.0 The Plan

Proposed
C296case

Plan 1 shows the future urban structure proposed in the *Croskell (Employment) Precinct Structure Plan*.

Plan 1 to Schedule 16 of Clause 37.07

[Committee Note: Insert new plan based on land use chapter recommendations](#)

2.0
Proposed
C296case

Use and development

2.1

The Land

Proposed
C296case

The use and development provisions specified in this schedule apply to the land within the 'precinct boundary' on Plan 1 and shown as UGZ16 on the planning scheme maps. This schedule must be read in conjunction with the *Croskell (Employment) Precinct Structure Plan* (PSP).

Note: If land shown on Plan 1 is not zoned UGZ16, the provisions of this schedule do not apply.

2.2

Applied zone provisions

Proposed
C296case

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

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

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

Note: e.g. The General Residential Zone specifies 'Place of worship' as a Section 1 Use with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Transport Zone or an applied Transport Zone in the Urban Growth Zone schedule applying to the land'.

Table 1: Applied zone provisions

| | |
|--|--|
| Land shown on plan 1 of this schedule Residential All other land south of utilities easement | Applied zone provisions Clause 32.08 – General Residential 1 Zone |
| Land shown on plan 1 of this schedule Industry | Applied zone provisions Clause 33.03 – Industrial 3 Zone |
| Land shown on plan 1 of this schedule Business / Retail Other uncredited open space north of utilities easement | Applied zone provisions Clause 34.02 – Commercial 2 Zone |
| Land shown on plan 1 of this schedule Arterial Road | Applied zone provisions Clause 36.04 – Transport Zone 2 Zone |

2.3Proposed
C296case**Specific provisions – Use of land****Section 1 - Permit not required**

| Use | Condition |
|---|---|
| Shop (other than Adult sex product shop) where the applied zone is Commercial 2 Zone | The combined leasable floor area of all shops in the precinct does not exceed: 10,000 square metres for land shown as Business in the <i>Croskell (Employment) Precinct Structure Plan</i> . 25,000 square metres for land shown as Retail in the <i>Croskell (Employment) Precinct Structure Plan</i> . |
| Community care accommodation Dwelling Residential aged care facility Rooming house Small second dwelling where the applied zone is General Residential Zone | Must not be on land shown within the Abattoir, Aerobic Pond and Concrete Batching Plant sensitive use buffers in the <i>Croskell (Employment) Precinct Structure Plan</i> . |
| Art Gallery where the applied zone is Commercial 2 | Must not be on land shown within the Abattoir, Aerobic Pond and Concrete Batching Plant sensitive use buffers in the <i>Croskell (Employment) Precinct Structure Plan</i> . |
| Museum where the applied zone is Commercial 2 | Must not be on land shown within the Abattoir, Aerobic Pond and Concrete Batching Plant sensitive use buffers in the <i>Croskell (Employment) Precinct Structure Plan</i> . |
| Place of worship where the applied zone is General Residential Zone | Must not be on land shown within the Abattoir Aerobic Pond and Concrete Batching Plant sensitive use buffers in the <i>Croskell (Employment) Precinct Structure Plan</i> . |
| Any use listed in Clause 62.01 | Must meet requirements of Clause 62.01. |

Section 2 - Permit required

| Use | Condition |
|--|-----------|
| Cinema or Cinema-based entertainment facility where the applied zone is Commercial 2 Zone | |
| Any other use not in Section 1 or 3 in the Table of uses in the applicable applied zone | |

Section 3 – Prohibited

| Use |
|---|
| Any use listed in Section 3 in the Table of uses of the applicable applied zone |

2.4 Specific provisions - Subdivision

Proposed
C296case

None specified.

2.5 Specific provisions - Buildings and works

Proposed
C296case

Buildings and works for future local parks and community facilities

A permit is not required to construct a building or construct or carry out works for a local park, sport reserve or community facility provided the use or development is carried out generally in accordance with the *Croskell (Employment) Precinct Structure Plan* and with the prior written consent of Casey City Council.

Dwellings on a lot less than 300 square metres

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

3.0 Application requirements

Proposed
C296case

The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, ~~except for a Preliminary Risk Screen Assessment~~, the responsible authority may waive or reduce the requirement.

General Development

- A written statement that sets out how the application implements the *Croskell (Employment) Precinct Structure Plan*.
- A land use budget setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.

- A plan showing access arrangements for properties adjacent to all existing and future arterial roads.
- A hydrogeological assessment of the groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater on the development and the impact of the development on groundwater.
- A drainage and integrated water management plan.
- A Stormwater Management Plan, including Integrated Water Management Plan, that assesses the existing surface and subsurface drainage conditions on the site, addresses the provision, staging and timing of stormwater drainage works, including any proposed temporary outfall provisions, to the satisfaction of Casey City Council and Melbourne Water.
- A landscape master plan that:
 - Shows natural features including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, wetlands, ridgelines, hill tops and features of geomorphic significance;
 - Recognises and responds to sodic or dispersive soils;
 - Shows recreation facilities to be provided within public open space;
 - Shows storm water facilities that are compliant with the relevant approved drainage strategy; and
 - Identifies vegetation to be retained and removed and any re-vegetation.
 - Specifies tree species which are suitable to the local climate and soil conditions; and
 - Demonstrates how integrated water management and water sensitive design outcomes are to be implemented.
- Where relevant, demonstration of how the subdivision will respond sensitively to the heritage significance of the Springmont (Heritage Overlay – HO137) and its surrounding area.

Residential Subdivision and Development

In addition to the requirements listed under general subdivision and those requirements of Clause 56.01-2, a subdivision design response for subdivision of 10 lots or more must be accompanied by the information listed below.

An application for the construction of 10 or more dwellings on a lot must be accompanied by the same information:

- Subdivision and Housing Design Guidelines, in accordance with the *Croskell (Employment) Precinct Structure Plan*, that demonstrates how the proposal responds to and achieves the objectives and planning and design requirements and guidelines within the viable densities section of the PSP.
- A demonstration of how the application will contribute to the achievement of the residential density outcomes in Table 3 of the *Croskell (Employment) Precinct Structure Plan*.
- Written statement outlining how the proposal will contribute to the delivery of affordable housing in the precinct, including proposed delivery mechanisms.

Public infrastructure plan

An application to subdivide land, or to construct a building or construct and carry out works on land must be accompanied by a public infrastructure plan which addresses the following:

- What land may be affected or required for the provision of infrastructure works;
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- What, if any, infrastructure set out in the infrastructure contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency;
- The provision of public open space and land for any community facilities; and

- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

A public infrastructure plan must be consistent with any Integrated Traffic and Transport Management Plan approved under this schedule.

Traffic impact assessment

An application that proposes to create or change access to a primary or secondary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility and/or concept road safety audit, must be to the satisfaction of the relevant road management authority, as required.

Retail impact assessment

An application to use land for a Shop where the combined leasable floor area of all shops exceeds the figure shown in the land use table at 2.3 of this schedule must be accompanied by a retail economic impact assessment prepared by a suitably qualified professional.

Acoustic assessment report

Any application to use or subdivide land, or to construct a building or construct and carry out works on land for Accommodation, Education centre (other than Tertiary institution and Employment training centre) or Hospital, must be accompanied by an acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority which:

- Applies the following noise objectives:
 - Not greater than 35 dB LAeq,8h when measured within a sleeping area between 10pm and 6am.
 - Not greater than 40 dB LAeq,16h when measured within a living area between 6am and 10pm.
 - For areas other than sleeping and living areas, not greater than the median value of the range of recommended designed sound levels.
- Noise levels should be assessed:
 - Considering the cumulative noise from all sources impacting on the proposal including road traffic noise and industry noise, as well as other potential noise sources; and
 - In unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment.
- Identifies lots and/or buildings requiring mitigation from noise from all sources impacting on the proposal, including road traffic noise and industry noise. If lots and/or buildings requiring acoustic mitigation are identified, the report should include recommendations for any noise attenuation measures required to meet the applicable noise level objectives. These recommendations should prioritise measures that benefit both outdoor and indoor spaces, and should address:
 - Noise compatible design for buildings, with siting, orientation, and internal layout, to be considered prior to setting building envelope performance requirements.
 - Potential noise character (tonality, impulsiveness or intermittency);
 - Noise with high energy in the low frequency range;
 - Transient or variable noise; and
 - Vibration.

This requirement does not apply if the permit applicant provides, to the satisfaction of the responsible authority, a statement in writing, supported by verifiable evidence, from a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority that, having regard to Clause 13.05, the proposed development is not prejudiced and community

amenity and human health is not adversely impacted by noise emissions, and that no noise attenuation measures are required.

Bushfire Management Plan

An application to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 10 Bushfire Management of the *Croskell (Employment) Precinct Structure Plan* must be accompanied by a Bushfire Management Plan that demonstrates how the application will address bushfire risk at the site. The plan must be prepared in accordance with the relevant requirements and guidelines of the *Croskell (Employment) Precinct Structure Plan*, unless otherwise agreed in writing by the Responsible Authority and relevant fire authority. The plan must include:

- The design and layout of the subdivision, including lot layout, road design and access points, both vehicular and pedestrian;
- The location of any bushfire hazard areas;
- The details of any bushfire protection measures required for individual lots;
- The identification of any areas to form the setback between a bushfire hazard and built form;
- The details of any vegetation management in any area of defendable space including, information on how vegetation will be managed and when the vegetation management will occur i.e. annually, quarterly, during the fire danger period;
- Notation that indicated what authority is responsible for managing vegetation within open space areas; and
- ~~Notation that ensures that the areas of classified vegetation in the nominated bushfire hazard areas must be managed to a level that will ensure the vegetation classification under AS3959-2019 will not be altered.~~

The responsible authority and fire authority may waive this requirement if a plan has been approved for the land.

Heritage Places

An application to use or subdivide land, or to construct a building or construct and carry out works on land containing an identified heritage place(s) must:

- Address the proposed future use or adaptive reuse of the affected heritage place(s);
- Include a Heritage Conservation Management Plan for the heritage place(s) to the satisfaction of the responsible authority; and
- Include the provision of sufficient space around the heritage building to allow its adaptive reuse to comply with other planning requirements, such as car parking and landscaping.

Applications within Sensitive Use Buffer - Concrete Batching Plant

While ~~land at the Concrete Batching Plants at 1550 and 1575 Thompsons Road, Cranbourne East are used for the purpose of a concrete batching plant~~ ~~continue to operate~~, an application to use or subdivide land, or to construct a building or construct and carry out works on land for a sensitive use (including accommodation, education centre, place of assembly or public open space) located within the 'sensitive use buffer – concrete batching plant' buffer as shown on Plan 1 of this Schedule must be accompanied by an assessment prepared by a suitably experienced and qualified environmental consultant, which demonstrates that a variation to the Recommended separation distance for industrial residual air emissions (EPA Separation Distance Guideline August 2024) is justified and provides sufficient confidence that land can be appropriately developed for sensitive uses.

Applications within Sensitive Use Buffer – Abattoir and Aerobic Pond

While ~~land at the abattoir~~ at 1500 Thompsons Road, Cranbourne East ~~is used for the purpose of an Abattoir~~ ~~continues to operate~~, an application to use or subdivide land, or to construct a building or construct and carry out works on land for a sensitive use (including accommodation, education centre place of assembly or public open space) located within ~~the abattoir and abattoir aerobic~~

~~pond sensitive use buffers~~ ~~‘sensitive use buffer—abattoir buffer’~~ and ~~‘sensitive use buffer—aerobic pond’~~ identified on Plan 1 of this Schedule ~~and Plan 2—Place Based Plan in the Croskell (Employment) Precinct Structure Plan~~ must be accompanied by an Odour Environmental Risk Assessment prepared by a suitably experienced and qualified person to the satisfaction of the responsible authority, in consultation with the Environment Protection Authority. The Odour Environmental Risk Assessment must be prepared in accordance with *EPA Publication 1883 Guidance for assessing odour (June 2022)* and *EPA Publication 1881 Guidance for field odour surveillance (May 2021)* (or any updated versions of these publications) and acknowledge abattoir operations and assess the risk ~~of offensive odour from potential adverse amenity impacts of~~ the abattoir ~~and aerobic pond~~ on the proposed sensitive use of the land.

Subdivide, use or develop land for a sensitive purpose - Preliminary Risk Screen Assessment

An application to subdivide land (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision) or to use land for a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use) or children’s playground or secondary school, or construct or carry out buildings and works associated with these uses, and where identified as having a medium potential for contamination on Plan 1 of the *Croskell (Employment) Precinct Structure Plan* and described in Table 2 must be accompanied by either:

- A preliminary risk screen assessment in accordance with the Environment Protection Act 2017 must be issued stating that an environmental audit is not required for the proposal; or
- An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the proposal; or
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
- A statement of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the proposal.

If an environmental audit statement under Part 8.3 of the Environment Protection Act 2017 has been issued stating that the land is suitable for the proposal, a condition must be included on the planning permit consistent with section 4.0 of this schedule.

Where a Preliminary Risk Screen Assessment (or environmental audit) has already been undertaken for the land, a further Preliminary Risk Screen Assessment (or environmental audit) may not be required, if the previous Preliminary Risk Screen Assessment (or environmental audit) has considered the relevant land uses.

This requirement does not apply to the construction or carrying out of buildings and works if:

- The buildings and works are associated with an existing sensitive use, secondary school or children’s playground, included in Clause 62.02-1 or 62.02-2, and the soil is not disturbed;
- The buildings and works are required by the Environment Protection Authority or an environmental auditor appointed under the Environment Protection Act 2017 to make the site suitable for use; or
- The buildings and works are reasonably required by environmental auditor appointed under the Environment Protection Act 2017 or the Environment Protection Act 1970 to undertake a preliminary risk screen assessment or environmental audit.

This application requirement does not apply to any lot where the Environmental Audit Overlay applies.

Table 2

| Address | Legal Description |
|-------------------------------------|--------------------------|
| 1450 Thompsons Road Cranbourne East | Lot 2 PS729806 |
| 1454 Thompsons Road Cranbourne East | Lot 1 LP217543 |
| 1660 Thompsons Road Cranbourne East | Lot 10 PS729806 |

| | |
|---------------------------------------|-----------------|
| 1670 Thompsons Road Cranbourne East | Lot 11 PS729806 |
| 80S Linsell Boulevard Cranbourne East | Lot C PS704181 |

Preliminary Site Investigation

An application to use, subdivide land (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), or to construct a building or construct and carry out works on land associated with the new or existing use of the land for minor sports and recreation facility, retail premises, office, agriculture, industry or warehouse and described in Table 3, must be accompanied by a Preliminary Site Investigation (PSI) prepared by a suitably qualified environmental consultant in accordance with National Environment Protection (Assessment of Site Contamination) Measure (National Environment Protection Council, 1999) to the satisfaction of the responsible authority.

The PSI must make a recommendation as to:

- The likelihood of contamination and its potential to affect the planning proposal.
- Whether a risk-based remediation or management strategy can be derived or further investigation (such as an audit) is recommended.

Table 3

| Address | Legal Description |
|--|--------------------|
| 1460 Thompsons Road Cranbourne East | Lot 3 PS729806 |
| 1468 Thompsons Road Cranbourne East | Lot 4 PS729806 |
| 1500 Thompsons Road Cranbourne East | Lot 5 PS729806 |
| 1500 Thompsons Road Cranbourne East | Lot 1 TP113854 |
| 1550 Thompsons Road Cranbourne East | Lot 7 PS729806 |
| 1550T Thompsons Road Cranbourne East | |
| 1520 Thompsons Road Cranbourne East | Lot 6 PS729806 |
| 1568 Thompsons Road Cranbourne East | Lot 9 PS729806 |
| 1580 Thompsons Road Cranbourne East | Lot 8 PS729806 |
| 1580a Thompsons Road Cranbourne East | |
| 1580b Thompsons Road Cranbourne East | |
| 37 Bocker Street Clyde North | Lot 1 PS706792 |
| 35 Bocker Street Clyde North | Lot 2 PS718150 |
| 585I Berwick-Cranbourne Road Clyde North | Lot Res 1 PS706792 |
| 90I Donohue Street Clyde North | Lot Res 2 PS706792 |

Arboricultural report

An application to subdivide land, or to construct a building or construct and carry out works on land and described in Table 4, must be accompanied by an arboricultural report identifying all trees on the site and a tree retention plan identifying how the application responds to tree protection requirements and guidelines within the *Croskell (Employment) Precinct Structure Plan*.

Table 4

| Address | Legal Description |
|--------------------------------------|-------------------|
| 1500 Thompsons Road Cranbourne East | Lot 5 PS729806 |
| 1500 Thompsons Road Cranbourne East | Lot 1 TP113854 |
| 1550T Thompsons Road Cranbourne East | Lot 7 PS729806 |

4.0 Conditions and requirements for permits

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The following conditions and requirements apply to a permit issued pursuant to this schedule, as appropriate, to the satisfaction of the responsible authority.

If in the opinion of the responsible authority (or for any condition or requirement expressed as requiring approval / endorsement by, or being required to the satisfaction of an agency, in the opinion of that agency and the responsible authority) a condition or requirement listed below, other than condition relating to Environmental Audit requirements, is not required, the responsible authority may waive or reduce the condition or requirement.

Conditions – Subdivision permits that allow for the creation of a lot of less than 300 square metres

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:
 - type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or
 - type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act, which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies, must be approved and endorsed by the responsible authority.

Conditions – Management of bushfire risk during subdivision works

Prior to the commencement of works in an area adjacent to a Bushfire Hazard Area shown on Plan 10 of the *Croskell (Employment) Precinct Structure Plan*, a Site Management Plan prepared by a suitably qualified professional that addresses bushfire risk during, and where necessary, after construction must be approved by the Responsible Authority. The plan must specify:

- The staging of development and the likely bushfire risks at each stage;
- An area of land between the development edge and non urban areas consistent with the separation distances specified in AS3959-2018 or shown on any approved Bushfire Management Plan, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 construction standard in accordance with AS3959- 2018;
- The land management measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape to protect residents and property from the threat of fire;
- How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

All to the satisfaction of the Responsible Authority.

Condition – Public transport

Unless otherwise agreed by Head, Transport for Victoria, ~~prior to the issue of~~ [before](#) a Statement of Compliance [is issued](#) for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:

- In accordance with the Public Transport Guidelines for Land Use and Development; and compliant with the Disability Discrimination Act – Disability Standards for accessible Public Transport 2002.

- At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Head, Transport for Victoria.

Condition – Road network

Any permit for subdivision or buildings and works requiring road widening must contain the following conditions:

- Prior to the certification of a plan of subdivision, the plan of subdivision must show the land affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.
- Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in council at no cost to the acquiring agency unless funded by the *Croskell (Employment) Infrastructure Contributions Plan*.

Conditions – Subdivision or buildings and works permits where land is required for community facilities, public open space, or road widening

A permit for subdivision or buildings and works, where land is required for community facilities, public open space or road widening must include the following conditions:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by the permit holder.
- Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

Condition – Public Infrastructure Plan

Any permit for subdivision must contain the following conditions:

- Prior to the certification of a plan of subdivision or at such other time which is agreed between the council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the Planning and Environment Act 1987 which provide for:
 - The implementation of the Public Infrastructure Plan approved under this permit.
 - The timing of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds in the Infrastructure Contributions Plan.

Condition – Environmental Audit

Any permit to subdivide land (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision) or to use land for a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use) or children's playground or secondary school, or to construct or carry out buildings and works associated with these uses, and where an environmental audit statement under Part 8.3 of the Environment Protection Act 2017 has been issued stating that the land is suitable for the use or proposed use subject to recommendations:

- The recommendations that relate to the use and development of the land must be complied with to the satisfaction of the responsible authority before the use or development commences; and
- Written confirmation of compliance with any recommendations in the environmental audit statement must be provided by a suitably qualified environmental professional (with the costs borne by the applicant) to the satisfaction of the responsible authority, regarding verification of works. Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verifications of works.

Where recommendations of the Environmental Audit Statement require significant ongoing maintenance and/or monitoring, the applicant must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The Section 173

Agreement must be executed on the title of the relevant land prior the grant of a permit to develop the land, unless otherwise agreed to by the responsible authority. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.

Condition – Stormwater Management Plan

A permit to subdivide land, [or to construct a building or construct and carry out works on land](#) must include the following condition:

Unless otherwise agreed by the Responsible Authority and Melbourne Water, before certification of the plan of subdivision [or the commencement of development](#) the Stormwater Management Plan must be approved by Melbourne Water and endorsed by the Responsible Authority.

Condition – Land Management Plan

A permit to develop land identified in Plan 1 of this schedule as ‘Culturally Sensitive Area’ must include the following conditions if the City of Casey or any other public agency agree in writing to become the acquiring authority for the land:

Land Management Plan

Unless otherwise agreed by the Responsible Authority, prior to the certification of a plan of subdivision, or, the commencement of development, a Land Management Plan for the Culturally Sensitive Area identified in Plan 1 of this schedule must be prepared by a suitably qualified professional to the satisfaction of the Responsible Authority. The Land Management Plan must detail ongoing vegetation and weed management actions and be to the satisfaction of the Bunurong Land Council Aboriginal Corporation.

Once approved the Land Management Plan will be endorsed and form part of the permit.

Implementation of Land Management Plan

Unless otherwise agreed by the Responsible Authority, ~~before~~ ~~prior to the issue of~~ a statement of compliance for a plan of subdivision [is issued](#), or, the occupation of development, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. The agreement must provide for:

- implementation of the endorsed Land Management Plan; and
- the timeframe for the transfer to or vesting of the Culturally Sensitive Area.

The owner and/or developer must pay the Responsible Authority’s reasonable costs for the preparation, review, execution and registration of the Section 173 Agreement.

Requirement – Acoustic Report

Any permit to use or subdivide land, or to construct a building or construct and carry out works on land where an acoustic assessment report has identified that mitigation from noise sources is required, must implement any recommendations of the acoustic assessment report submitted with the application and include any conditions necessary, in the opinion of the responsible authority, to implement noise attenuation measures.

All to the satisfaction of the responsible authority.

5.0 Exemption from notice and review

Proposed
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None specified.

6.0 Decision guidelines

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

Affordable Housing

Before deciding on an application to develop or subdivide land for dwellings, the responsible authority must consider, as appropriate:

- Whether the proposed subdivision application contributes towards the provision of affordable housing
- The Ministerial Notice under 3AA(2) of the Act, as amended from time to time.

Noise impacts

Before deciding on a permit application under this schedule the responsible authority must consider, as appropriate:

- If Accommodation, Hospital or Education centre (other than Tertiary institution and Employment training centre) is proposed, whether the proposal minimises the impact on human health and amenity from noise exposure near the transport system and other noise emission sources having regard to:
 - the impact of potential noise sources have been mitigated through siting, orientation design, layout, and location; and whether this reduces the need for acoustic treatment of buildings or compromises the useability of the building by its occupant;
 - Any building façade treatments that are required to mitigate noise impacts; and
 - Any relevant recommendations of an Acoustic Assessment Report for the application.

Retail impact assessment

Before deciding on an application to create Shop floorspace above the square metres permitted 'as of right' for the Business, and Retail land shown on Plan 1 of this schedule, the responsible authority must consider, as appropriate:

- The local catchment and PSP catchment demand for the additional floor area; and
- The effect on existing nearby centres.

Sensitive Use Buffer – Concrete Batching Plant

Before deciding on an application for a sensitive use, or development associated with a sensitive use, within the 'sensitive use buffer – concrete batching plant' buffer shown on Plan 1 of this Schedule, in addition to the decision guidelines in Clause 37.07-14 and Clause 65, the responsible authority must consider, as appropriate:

- Any effect that emissions of noise, vibration, odour, and dust may have on the proposed use or development.
- The risk of harm from dust based on the size of the dust source, the type of dust emission, the frequency, intensity and duration of the dust emission and the level of dust control implemented as demonstrated by an appropriate risk assessment.
- If operations have ceased.

Sensitive Use Buffer – ~~Abattoir~~ ~~Abattoir~~ and Aerobic Pond

Before deciding on an application for a sensitive use, or development associated with a sensitive use, within the ~~abattoir and abattoir aerobic pond sensitive use buffers~~ ~~'sensitive use buffer – abattoir'~~ and ~~'sensitive use buffer – aerobic pond'~~ shown on Plan 1 of this Schedule, in addition to the decision guidelines in Clause 37.07-14 and Clause 65, the responsible authority must consider, as appropriate:

- Any effect that emissions of odour from the abattoir may have on the proposed use or development.
- The risk of harm from odour based on the type of odour emission, and the frequency, intensity and duration of the odour emission and the level of odour emission control implemented as demonstrated by an appropriate risk assessment.

- If there are likely to be odour levels arising from the abattoir which would have a detrimental impact on the amenity of the sensitive use.
- If operations have ceased.

7.0 Signs

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None specified.