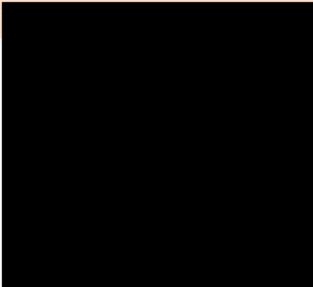


Submission

Draft Planning Scheme Amendment C109moor – Merrimu PSP

9 April 2026



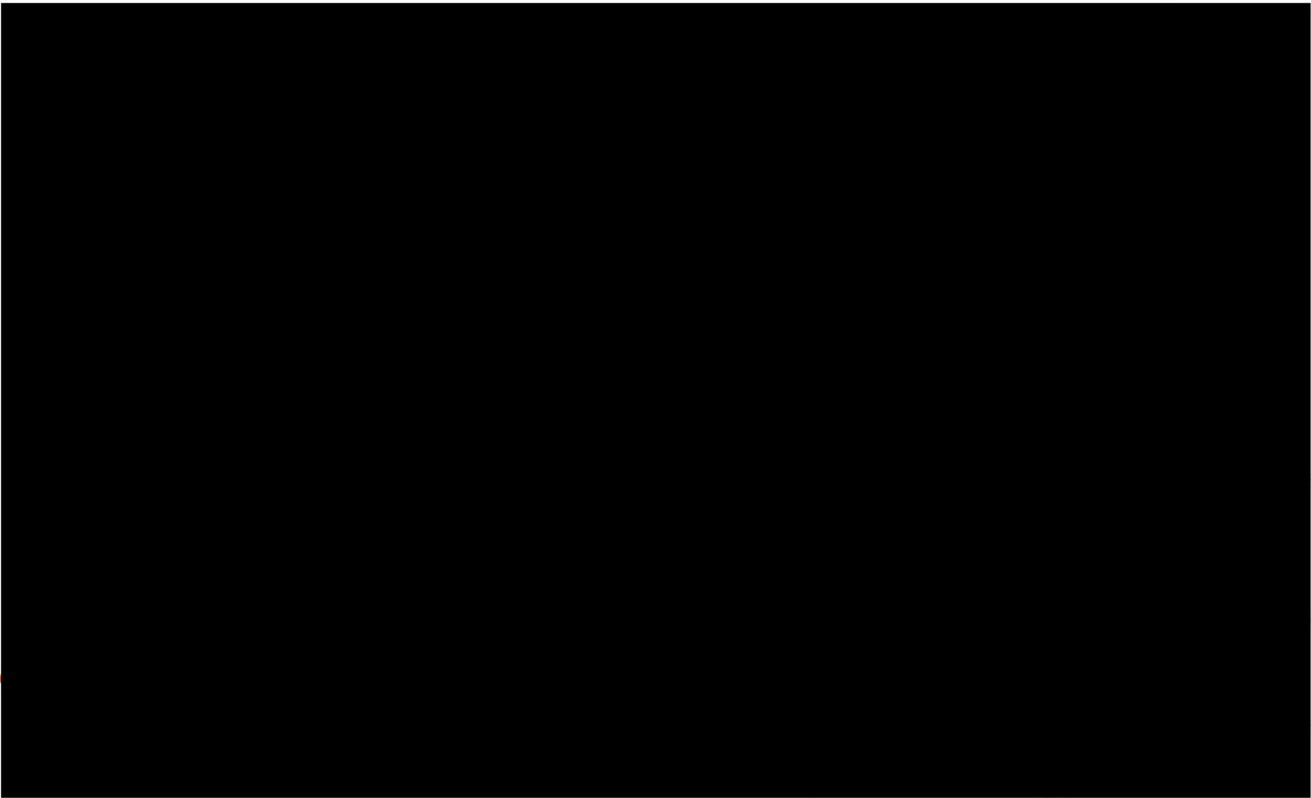
Submission

Draft Planning Scheme Amendment C109moor – Merrimu PSP



April 2026

Version	1.0
Prepared By	
Reviewed By	
Date	9 April 2026



Acknowledgement

acknowledges and celebrates the Traditional Owners of the land and waters on which this project is located. We pay our respects to their Elders past, present, and emerging, whose profound knowledge systems can teach us much about how we care and design for Country. As committed learners and active listeners, we seek opportunity to integrate the wisdom of First Nations peoples into our policy and place making work.

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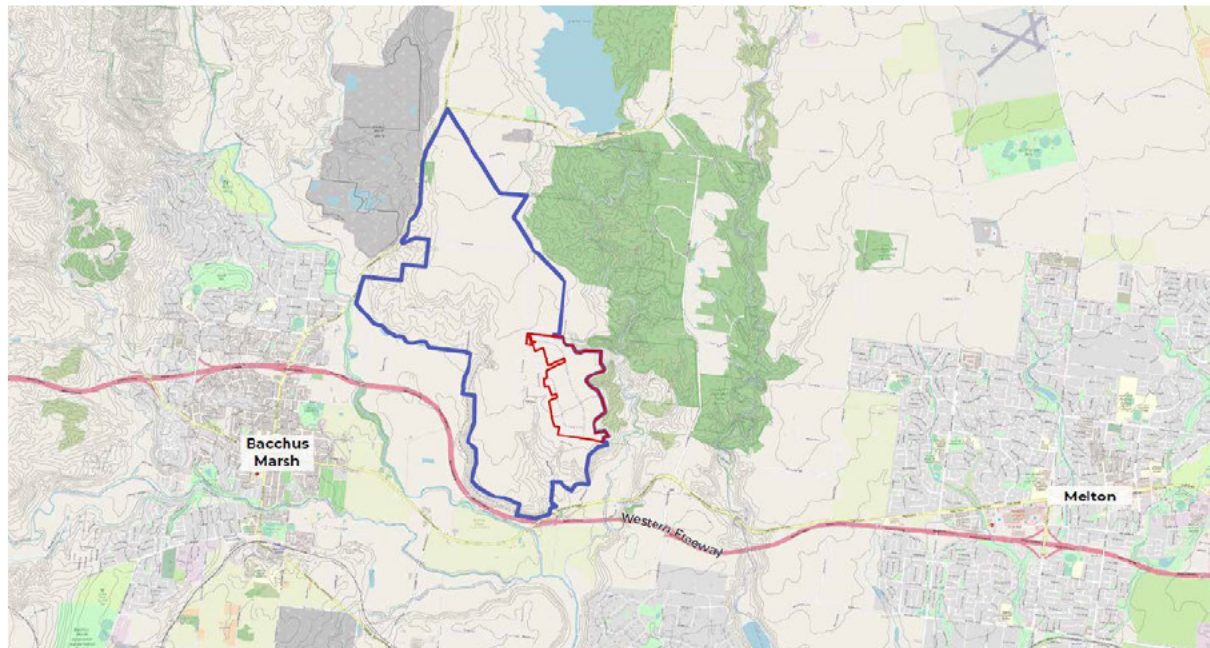
Strategic Context

1. INTRODUCTION

acts on behalf of in relation to the is the owner of the land located at Merrimu. The various land titles that comprise the land are set out in Appendix 2 and are formally described as Lot S2, S3, S4, S6 and S7 on PS420001.

The plan below identifies the area to which this submission relates being the extent of the landholding. The landholding is 107.39ha hectares in total.

Figure 1. landholdings (red) within PSP Boundary (blue)



This submission is made on behalf of with respect to the informal consultation process currently underway in relation to draft Planning Scheme Amendment C109moor. The draft amendment relates to the implementation of the Merrimu Precinct Structure Plan (PSP), Merrimu Development Contributions Plan (DCP) and Merrimu Native Vegetation Precinct Plan (NVPP). It also relates to other proposed changes to the Moorabool Planning Scheme to facilitate development of a future residential community.

Prior to this informal consultation process, on behalf of made numerous submissions in the preceding five years to the Victorian Planning Authority (VPA), now the Department of Transport and Planning (DTP), and relevant authorities and agencies, including the Department of Energy, Environment and Climate Action (DEECA) in relation to the PSP and the subject land.

This response to the consultation process builds upon our prior engagement and addresses the material exhibited with the draft Amendment.

is in support of the preparation of a PSP and a DCP (and associated documents and changes to the Planning Scheme) to enable the to be developed for urban purposes.

2. SUPPORTING INFORMATION

The submission is supported by the following information:

> Appendix 1: Masterplan;

- > **Appendix 2:** [REDACTED] Parcels Plan and Plan of Subdivision;
- > **Appendix 3:** Stormwater Management Strategy Memorandum, Colliers (12 December 2024);
- > **Appendix 4:** Transport Impact Assessment, Colliers (11 February 2026);
- > **Appendix 5:** Engineering Services Report, Colliers (29 May 2025);
- > **Appendix 6:** Ecological Assessment, AECOM (3 August 2023);
- > **Appendix 7:** Victorian Grassland Earless Dragon Habitat Assessment, AECOM (3 July 2024);
- > **Appendix 8:** Summary of Previous Submissions on behalf of [REDACTED] and [REDACTED];
- > **Appendix 9:** Agreed Conservation Area Extent Plan, [REDACTED] (October 2025).

3. SUMMARY OF SUBMISSION

We submit the:

- > [REDACTED] land is largely free from environmental or other constraints. It is suitable for at least standard density residential purposes;
- > [REDACTED] is a relatively large landholding with favourable topography that is in singular ownership and can be readily provided with all reticulated services. Its location is such that the development of the [REDACTED] can be directly serviced by Bacchus Marsh Road and the Western Highway;
- > Master planning prepared to date demonstrates the land has unique characteristics, including its interface to the Long Forest Conservation Reserve to the east. This can be leveraged to inform delivery of a place-based outcome; and
- > [REDACTED] land is well positioned to deliver a range of lot sizes and housing outcomes in the short term.

Despite these significant strategic advantages there is on-going concern the:

- > Background reports prepared on the part of a key proponent of the PSP to inform preparation of the draft PSP and DCP have not properly and fairly recognised the attributes and potential of the [REDACTED]
- > The drainage strategy, transport modelling and Native Vegetation Precinct Plan (NVPP) information is lacking and/or unclear;
- > Site constraints such as in relation to bushfire risk have been overstated and/or are subject of on-going review;
- > The draft PSP inappropriately identifies the [REDACTED] land and some of the surrounding land as being subject of a 'density review'; and
- > The traffic modelling report inappropriately and without any transparent justification identifies the [REDACTED] as the last stage of development contrary to the physical attributes of the [REDACTED] and its ready access to transport infrastructure.

Considering the significant range of site related information previously submitted and the locational and other attributes of the [REDACTED] land it is appropriate for the draft PSP to be amended to:

- > Remove the density review designation;
- > Identify the [REDACTED] land in its entirety as a stage 1 development front in the staging plan; and
- > Significantly reduce the size of WL-09, adjust the size of WL-10 and WL-11 as required (pending receipt of further drainage information).

In relation to broader draft PSP and draft DCP matters, absent further information in relation to transport and in particular the Eastern Link Road (and the "place holder" transport projects) it has not been possible to provide a proper review of the draft DCP in detail at this stage save to note that the levies attributable to transport infrastructure seem very high in comparison to many other contribution plans progressed in recent times.

Pending receipt of further information from the VPA in relation to the draft DCP, [REDACTED] is concerned at the cost of the DCP projects in their entirety. [REDACTED] is also concerned about the unresolved potential expectations regarding development making potential contributions toward State infrastructure projects.

Key issues in relation to drainage and transport infrastructure are unresolved at this stage so [REDACTED] reserves the right to provide additional submissions on these critical issues as further information comes to hand.

In relation to the draft NVPP, the plans within the NVPP are not legible at the scale provided. This makes it difficult to reconcile what has been shown in the NVPP with associated plans within the draft PSP. The offset requirements in relation to the [REDACTED] land are being reviewed to determine whether any off-site offsets will be required. Upon clarity being provided in relation to the NVPP, a further response will be provided in relation to the draft NVPP and the associated offset requirements.

[REDACTED] considers it critical the VPA proposes to identify matters for referral to an advisory committee. The referred matters should be drafted sufficiently broad to enable each matter to be aired and appropriately the subject of submissions before the advisory committee.

[REDACTED] submits the provision of a too narrowly defined referral of matters will inhibit a fair process in view of the significantly unresolved nature of the draft PSP and DCP in relation to the key issues of the [REDACTED] density review designation, drainage issues including the location and sizing of drainage assets, staging depictions, transport issues and the listing, or vague listing, of draft DCP projects and their costings together with the lack of clarity in relation to the NVPP on key issues.

[REDACTED] highlights an ongoing significant concern with the process associated with the preparation of the draft PSP and associated documents which has affected the transparency of the process and importantly for [REDACTED] the outcomes that have been depicted in the draft consultation documents.

4. PROCESS CONCERNS

The preparation of the draft PSP, as it relates to [REDACTED] has been marred by an approach by key players that have led to the constant and ongoing misrepresentation of the [REDACTED] land. This misrepresentation has typically been in the form of background reports which show [REDACTED] as having only a low density development potential, inaccurate representation of ecological values, oversized drainage assets and/or identification of the [REDACTED] land as a final stage of a seven stage PSP notwithstanding its favourable locational attributes to the transport network and drainage catchments.

These matters have been raised with the VPA on multiple occasions. Despite receipt of assurances from the VPA that the [REDACTED] is planned as a standard density development in the PSP, formal releases of information by the VPA, including the draft PSP, continue to misrepresent the development potential of the [REDACTED]. This extends to the background reports currently on exhibition as part of draft Amendment C109moor. For example, the *Strategic Transport Modelling Assessment Report, 25 February 2026* by Clarity represents a future urban structure plan prepared by another key landowner and shows the [REDACTED] land as the last of seven stages.

In this regard, the key issues associated with the process to date are summarised as:

- > A range of background reports were commissioned and reviewed by a private landowner;
- > The landowners of the [REDACTED] offered to be funding partners with the VPA but while the VPA took up a similar offer from another landowner, the [REDACTED] offer was not afforded equal opportunity;
- > No request was made to access the [REDACTED] and neither was access gained to the [REDACTED] land throughout the preparation of background documents;
- > No background reports were made available to the [REDACTED] landowners prior to formal exhibition;
- > Background reports affecting the [REDACTED] were provided to authorities without the knowledge or the courtesy of providing similar access to [REDACTED];
- > The information contained in the exhibited background reports omits and/or misrepresents the development potential of the [REDACTED]

- > Information provided in relation to the [REDACTED] is not consistently available in the background reports;
- > The exhibited background reports do not offer a sound basis for preparation of the PSP as it affects the [REDACTED] land;
- > The process conducted to date lacks independence and is not in accordance with third party funding arrangements;
- > The approach adopted is highly prejudicial toward the [REDACTED] land; and
- > The [REDACTED] land is being treated as an unwelcome 'addition' to the PSP rather than a core and desirable part of the plan despite its positive attributes.

Even if the issue of the process is not itself a referred matter, and we submit that it should be, inevitably an explanation will be need to be given to any advisory committee as how it is that matters which are referred matters came to be in the form that has been proposed in the consultation version of the various proposed incorporated documents. It is [REDACTED] preference these matters are properly resolved by the VPA by further discussions with [REDACTED] and ultimately the preparation of a form of Day 1 materials consistent with that resolution. Background documents which misrepresent the potential or factual state of the [REDACTED] should not be permitted to inform the process further.

Submission Items

Planning for the [REDACTED] is informed by five important technical inputs relating to ecology, stormwater management, transport impacts and the provision of services. These reports, listed below, form an evidence base upon which the submissions in the following sections are made.

Technical Inputs

1. Stormwater Management Strategy Memorandum, Colliers (12 December 2024);
2. Transport Impact Assessment, Colliers (11 February 2026);
3. Engineering Services Report, Colliers (29 May 2025);
4. Ecological Assessment, AECOM (3 August 2023); and
5. Victorian Grassland Earless Dragon Habitat Assessment, AECOM (3 July 2024).

We note the two AECOM reports are made available as part of the exhibited material for the draft Amendment.

5. DENSITY

The [REDACTED] land occupies a strategically important location within the south-eastern portion of the Merrimu PSP. It benefits from strong and direct access to the existing arterial road network, particularly via Flanagans Road and its connection to the Western Freeway. In addition, the area has direct connectivity to Bacchus Marsh town centre via Bacchus Marsh Road. These attributes support the [REDACTED] land being treated as a logical early development front from a transport perspective.

If there are to be yield constraints in the PSP area, these are a precinct-scale matter, not a site-specific problem to be dealt with by a single landowner or small group of landowners. The representation of the [REDACTED] and other parcels along Flanagans Drive as a 'density investigation area' is highly inappropriate and emblematic of over-influence by one landowner in the preparation of the draft PSP.

The assertion by the VPA and its planning consultant at a meeting on 27 March that the density investigation area is not geographically accurate and should cover more land west of Bences Road is rejected as being without foundation. As has consistently been communicated to the VPA and other parties through previous submissions on behalf of [REDACTED] it is inappropriate, inequitable and lacking transparency to treat the [REDACTED] and surrounding land as somehow different to the balance of the PSP area if yield and consequential traffic generation and infrastructure provision is an issue. To the contrary, it is submitted that different parts of the PSP which have different levels of accessibility to the transport network suggests that yield constraints on the [REDACTED] and surround land have been inappropriately identified and miss the mark so far as the true cause of identified transport network issues are concerned.

This should be the subject of referral by the VPA.

Drainage Support for Standard Density

The Stormwater Management Strategy Memorandum (12 December 2024), Transport Impact Assessment, (11 February 2026) and Engineering Services Report (29 May 2025), that were each prepared by Colliers acting for [REDACTED] support a standard density outcome on the [REDACTED]

The Stormwater Management Strategy Memorandum demonstrates how stormwater can be managed within a contained and self-sufficient system in accordance with contemporary performance standards and Melbourne Water requirements using on-site assets sized to treat and attenuate flows generated by development of the land to best practice standards. The proposed approach avoids the need for oversized regional assets to be located on the [REDACTED] which are intended to primarily service broader catchments external to the [REDACTED]. The strategy confirms that stormwater considerations do not constrain the potential development of the [REDACTED] or justify a disproportionate identification of stormwater infrastructure for northern catchments being satisfied by the unnecessary placement of large stormwater assets on the [REDACTED]

The stormwater strategy supports early and orderly development of the [REDACTED] and aligns with the broader conclusion that the [REDACTED] can support standard density residential development within the draft PSP and in the early stages of the development of the PSP area.

Transport Support for Standard Density

The transport impact similarly confirms the [REDACTED] land can accommodate a standard residential density development outcome without generating unacceptable impacts on the surrounding network through an evaluation of the capacity of the surrounding road network to accommodate the development of the [REDACTED] land and its role within the broader Merrimu PSP. The assessment considered access arrangements, arterial road connectivity and the interaction between local roads and the regional transport network.

The level of accessibility to the arterial road network is uncommon in growth areas and supports early development without reliance on the provision of major future arterial road projects. [REDACTED] is well-positioned to commence development promptly following PSP gazettal. Accordingly, the staging of the development of the PSP as per the staging plan within the consultation draft requires review.

Servicing Support for Standard Density

The Engineering Services Report assesses the availability and capacity of essential services for the [REDACTED] including potable water, sewer, power and telecommunications. The report examined both existing infrastructure and realistic extension requirements to support urban development.

The assessment confirms [REDACTED] benefits from the presence of nearby trunk infrastructure, enabling services to be extended efficiently and in a timely manner. This level of servicing readiness is uncommon in growth areas and provides a strong basis for early development relative to other parts of the draft PSP area.

The servicing report concluded services can be provided to support a standard density residential development without extraordinary infrastructure requirements or dependency on future precinct-wide upgrades. This finding reinforces the strategic importance of the [REDACTED] within the PSP. It enhances and supports [REDACTED] ability to commence development of [REDACTED] promptly following PSP gazettal. Accordingly, the staging of the development of the PSP as per the staging plan within the consultation draft requires review.

6. DEVELOPMENT STAGING

The development staging shown on PSP Plan 13 (Infrastructure and Development Staging) shows a staging arrangement whereby the northern and southern ends of the PSP are shown as Stage 1 and the central portion is shown as Stage 2.

The representation of the southern PSP area as Stage 1 is supported noting that this area benefits from direct, existing access to the arterial road network. However, the actual extent of Stage 1 is not supported as it excludes the northern portion of the [REDACTED] land that should be included in Stage 1.

Requirement 97 and 98 of the PSP in collaboration with Guideline 97 are important in providing direction for development staging within the PSP.

Requirement 97 states development must not occur until an ultimate drainage outfall is secured. The [REDACTED] land is well placed to secure an ultimate outfall noting its proximity to outfalls OUT6 and OUT7 in the PSP.¹

Requirement 98 states development must provide for ultimate drainage infrastructure. The [REDACTED] is well positioned to provide ultimate drainage infrastructure noting the Colliers stormwater management strategy provides for the progressive delivery of a self-sufficient outcome.

Guideline 97 provides a detailed framework for what development staging should have regard to and is reproduced below.

¹ Note: the Colliers Stormwater Management Strategy proposes the outfall to be delivered along Flanagans Drive, not as shown in the exhibited PSP.

Using the framework for development staging established by Guideline 97 to consider the development staging of the [REDACTED] land demonstrates its suitability to be delivered within Stage 1, see Table 1 for a detailed response to Guideline 97.

Guideline 97

Development staging should have regard to:

- > Proximity to existing or proposed development fronts or serviced land.
- > Proximity to significant existing public transport infrastructure or public transport service.
- > Proximity to existing or committed community infrastructure, such as schools.
- > Proximity to new or existing arterial or connector road infrastructure
- > Its role in facilitating delivery of the above infrastructure.

Staging that meets alternative criteria to the above may be considered by the responsible authority where an applicant satisfactorily demonstrates that development will not be isolated from basic and essential infrastructure and services.

Table 1. Response to PSP Guideline 97 (Delivery Staging)

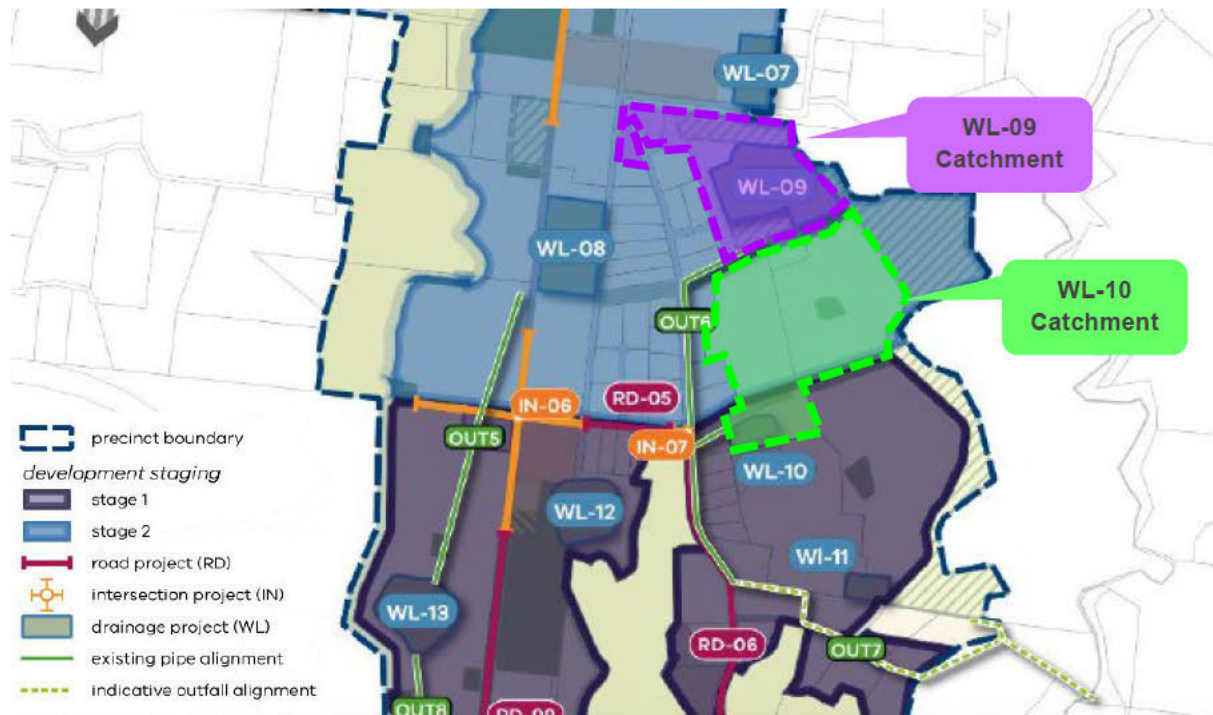
GUIDELINE 97	RESPONSE
Proximity to existing or proposed development fronts or serviced land.	The [REDACTED] land is conveniently located on the southern PSP development front and readily has access to trunk services.
Proximity to significant existing public transport infrastructure or public transport service.	There is limited public transport infrastructure and services available within and surrounding the PSP area. Given the absence of local public transport availability, it is submitted this guideline should not be heavily weighted in determining the development staging of the PSP.
Proximity to existing or committed community infrastructure, such as schools.	The [REDACTED] land is located proximate to the planned activity centre in the south of the PSP which comprises a local town centre, primary school, community facility, indoor recreation facility
Proximity to new or existing arterial or connector road infrastructure	The [REDACTED] land is located very close to the existing arterial road network with the Western Highway and Old Western Highway situated approximately 1km to the south of the site. Convenient access onto the arterial road network is available from the site via Flanagans Drive which provides direct access onto Bacchus Marsh Road for westward traffic and the Western Highway and Old Western Highway for eastward traffic. The planned arterial and connector road network in the exhibited PSP/DCP, namely RD06 and RD07 (Flanagans Drive upgrades) and IN08 and IN09 (intersections along Flanagans Drive), can be provided, if required, to provide access to the [REDACTED] land.
Its role in facilitating delivery of the above infrastructure.	While the [REDACTED] land may not rely on the delivery of all of the DCP road and intersection projects along Flanagans Drive traffic modelling can assess whether additional capacity can be made available in Flanagans Drive to support development of other land.

Having established the suitability of [REDACTED] delivery in Stage 1, the next consideration is whether the Stage 1 boundary is appropriate as it relates to [REDACTED]. In the exhibited PSP, around half of [REDACTED] is located in Stage 1 and the remaining half in Stage 2.

The Stage 1 boundary does not appear to have regard to drainage catchments, specifically WL-10 which is located in the northern extent of Stage 1 but the majority of its catchment is to the north within Stage 2, see Figure 2. The Stage 1 boundary more appropriately includes the WL-10 catchment within its confines, ensuring the development generating the need for WL-10 is included in the same development stage.

The remaining area of [REDACTED] is the WL-09 catchment which is also appropriate to include within Stage 1 as it benefits from the same access to services, planned community infrastructure and arterial road network. At a recent meeting with the VPA/DTP it was indicated that the exhibited staging boundary was not based on drainage catchments and that the precise boundary between stages 1 and 2 is under review. The need for review as it affects the [REDACTED] land is supported.

Figure 2. WL10 Drainage Catchment



7. DRAINAGE STRATEGY

The drainage and stormwater background reports made available as part of exhibition lack the detail and rigour typically expected of a PSP exhibition process. Melbourne Water has confirmed at the recent landowner workshop that further information in relation to the draft PSP drainage strategy is pending, it is difficult to provide a submission relating to the suitability of the background drainage material and its representation in the PSP.

At the date of this submission, the broader stormwater strategy for the draft PSP area remains unresolved, the proposed stormwater strategy for the [REDACTED] (Appendix 3) remains largely accurate even noting that the stormwater infrastructure within the strategy needs to be updated to reflect the latest climate change standards.

On-going review of the PSP drainage strategy will consider the possibility of increasing the size of WL-07 and decreasing the size of WL-09 noting catchment issues and the presence of conservation values to the north of WL-09. This is a matter of significant interest to ResCom as it materially affects the [REDACTED] and the developable area. The issue of the identification of land areas for stormwater assets is a key issue in the preparation of a draft PSP and the associated DCP having regard to the need to maximise the net developable area to keep levies as low as reasonably possible.

While the necessary detailed information is not available, the following observations of the drainage outcomes in the PSP are offered:

1. The drainage assets in the PSP do not match the exhibited Alluvium report and updates are required (Colliers and Alluvium) to latest ARR guidelines for Climate Change 2100.
2. The Alluvium reports do not address full development of the LFE.

3. It is assumed WL-09 services a local catchment only and WL-07 services a larger external catchment to the north.
4. WL09 is very large at 7.2ha. The Colliers drainage strategy demonstrates a 1.7ha asset can service the local catchment within [REDACTED]
5. There may be delivery issues associated with a conservation area separating WL-07 and WL-09 if the intention is to link their drainage function.
6. WL-07 may most appropriately service the drainage catchment to its north, and WL-09 can service its local catchment within [REDACTED] (see Figure 2).
7. The location of WL-10 does not align with the location in the Colliers Stormwater Management Strategy which locates it where Local Park 22 (LP-22) in the PSP is shown.
8. WL-11 at 1.07ha is too small for the catchment it serves and is more appropriately sized at 2.2ha.
9. The Outfall 7 (OUT7) alignment is off the escarpment, rather than via Flanagans Drive as recommended in the Colliers Stormwater Management Strategy.

Melbourne Water has committed to providing further information following this consultation period and committed to further consultation workshops, so a more detailed response is intended to be provided by [REDACTED]

It is submitted these issues should specifically be the subject of referral by the VPA.

8. TRANSPORT IMPACT ASSESSMENTS AND MODELLING

The primary transport concern relates to the robustness of the background traffic assessments informing the exhibited PSP and flowed into the DCP. The Traffix Addendum includes analysis that supports inclusion of additional dwellings on the [REDACTED] land and indicates the Flanagans Drive / Bacchus Marsh Road intersection (IN09) can operate acceptably under post development conditions (including traffic from the [REDACTED] land), subject to mitigation works, see Section 5.6 of Traffix Addendum. However, the same Traffix Addendum asserts in Section 6 on Page 26 that [REDACTED] (Stage 7) cannot proceed until such time that the Eastern Link Road (ELR) is in place.

That assertion in the Traffix Addendum does not appear to be supported by a robust technical basis. In particular, the commentary that accompanies the staging assertion points to broader network issues in the wider PSP without the ELR (including on Gisborne Road and Bacchus Marsh Road), rather than establishing transport constraints arise specifically because of traffic generated by development of the [REDACTED] land.

The exhibited PSP should not rely on a blanket staging statement that the [REDACTED] land must be deferred until the ELR is delivered. It should specify what mitigation is required to enable development to proceed in the absence of the ELR, particularly for land with strong existing arterial access such as [REDACTED]

Concerns arise with how the modelling program has been sequenced and in turn used to justify staging conclusions. For a PSP of this scale and complexity, the expected approach is for strategic modelling to inform intersection analysis, which then informs concept mitigation designs and costs for inclusion in the DCP. In this case, the sequence appears to be in reverse. The intersection analysis was undertaken first, strategic modelling undertaken later, and an addendum then prepared to reconcile the two.

The strategic modelling has been limited to two ultimate scenarios (with the ELR and without it). It has not tested interim scenarios that would assist in determining whether any staging constraint (as it relates to transport) is truly attributable to the [REDACTED] land or instead reflects broader precinct buildout effects. Where definitive staging statements are being made, such as the Traffix Addendum, these statements should be supported by robust strategic modelling that directly tests the staging scenarios being asserted.

9. BUSHFIRE PLANNING

The general finding of the Bushfire Assessment and Development Report, Southern Cross Town Planning (April 2021) background report in relation to bushfire risk is that the level of risk to the [REDACTED] land could be managed through measures such as delivery of a continuous edge road setback. The draft PSP appears to

adopt a more restrictive approach to the [REDACTED] than comparable land in the north which has equal or greater risk.

It is difficult to conclude whether the type and location of hazards identified in the background report assessment are correct, as the vegetation types identified in the ecological assessment typically do not pose a level of fuel hazard commensurate with Forest for example.

The basis for the 100m-132m setbacks in PSP Plan 8 (Bushfire) in the PSP is not apparent. They are significantly greater than setbacks required by Table 1, 2 or 3 in CI 53.02-5 which the Southern Cross assessment states it applied.

In a recent meeting with VPA/DTP it was indicated further advice is being sought in relation to bushfire risk and management. The need for this further advice is supported as it affects the [REDACTED]. Additional independent advice is also being sought by [REDACTED] and will be provided to the VPA/DTP in due course. A further submission will be lodged in relation to bushfire risk and management. [REDACTED] reserves its right to make additional submissions on this issue as more information is provided by VPA and DTP.

10. DCP

The exhibited DCP raises material issues in relation to transport project scope and cost. Transport project costs appear higher than a typical DCP, contributing \$308,604/ha of the total \$549,779/ha Development Infrastructure Levy. The reasons for the high transport costs are not clearly articulated in the exhibited material. The cost may be influenced by inclusion of transport items that are not typically included in a DCP such as connector road projects.

The exhibited DCP also includes placeholder projects for other "state infrastructure works" that are not defined:

- > **MM-RD-10 (placeholder):** State arterial road capacity upgrades - Gisborne Rd and Bacchus Marsh Road; and
- > **MM-IN-11 (placeholder):** State intersection upgrades

As with connector road projects, it is uncommon for State infrastructure projects to be funded by a DCP. Where State transport projects are included, they would typically be tested on whether they are strategically justified and whether they meet the established tests of need, nexus and equity for inclusion in the DCP.

It is submitted these issues should specifically be the subject of referral by the VPA.

11. ECOLOGY

AECOM, acting for [REDACTED] prepared a detailed ecological assessment of the [REDACTED] to inform the appropriate extent and configuration of land to be set aside as a conservation area through the PSP process (refer to Ecological Assessment by AECOM dated 3 August 2023, provided as **Appendix 6**). The assessment involved contemporary field investigations and updated analysis of vegetation quality, flora and fauna values, and habitat significance, replacing the reliance on older, inaccurate ecological information previously used in PSP background work. The assessment by AECOM was subjected to review by DEECA and the VPA and represents the accepted ecological baseline for the land. The Agreed Conservation Area Extent plan at **Appendix 9** demonstrates the total 25.2ha conservation area agreed with the VPA and DEECA, and the balance 81.9ha developable area.

The AECOM assessment confirmed ecological values on the [REDACTED] are geographically limited and can be addressed through a consolidated conservation outcome that avoids unnecessary fragmentation of developable land. The recommended conservation area exceeds the extent of native vegetation currently mapped on site and improves long-term ecological manageability by consolidating protection in a single, uniform connected area rather than dispersing ad hoc conservation parcels across the estate.

Importantly, the AECOM assessment confirmed that, outside of the defined conservation areas, the [REDACTED] is suitable for urban development at standard residential densities. This assessment and its subsequent review by DEECA and the VPA underpins our submission that ecological constraints do not preclude

development of the [REDACTED] and that appropriate conservation and development outcomes can be achieved concurrently within a precinct planning framework.

The exhibited NVPP document prepared by WSP is difficult to interpret. The icons shown on plans and their corresponding labels overlap and obscure each other. The scale of plans and the lack of inset plans for particular areas at a different scale make the NVPP difficult to read and respectfully difficult to implement. The VPA/DTP have helpfully provided the relevant mapping in digital format. A preliminary review of the files has been undertaken that appears to show the data aligns with the AECOM data for the [REDACTED]. It is observed that native vegetation patches are shown as 'to be retained' within the credited linear open spaces that bisect the [REDACTED]. It is submitted it is not appropriate to retain these patches in a local park land use setting.

We have significant concerns with the post-approval administration of the NVPP which identifies the potential need for EPBC Act referrals at the permit stage.

The NVPP suggests in Section 6 (Conditions for the removal of native vegetation) that efforts "*are to be made at permit stage to further avoid and minimise impacts to native vegetation*". This calls into the question the purpose of the NVPP which we submit is to identify native vegetation to be retained and removed and undertake a strategic avoid and minimise approach to the entire precinct.

With respect to offsets, it is observed there is no clear pathway for each properties' offsets to be determined, noting the Native Vegetation Removal Report (NVRP) appended to the NVPP anticipates removals across the entire PSP and suggests offset obligations will be split proportionally across all properties. We have grave concerns if this approach is suggesting a permit for removal of a patch on a property cannot occur until the removals are known (and endorsed) across the entire precinct. It is appropriate for each title within the PSP to be developed as an individual action.

Our understanding of the offsets required for the [REDACTED] is they are manageable and could be secured on-site within the 25.2ha conservation area shown in Appendix 9.

We note [REDACTED] is excluded from the 'Assessment Area' of numerous Ecology and Heritage Partners (EHP) reports, including the *Existing Ecological Conditions: Merrimu Precinct Structure Plan, Merrimu, Victoria* from November 2025. While the digital data made available by the VPA does appear to reflect the data generated by AECOM for the [REDACTED] we identify another concern with how the [REDACTED] is being represented (or not) in background reports.

To use a specific example, Figure 6 (Victorian Grassland Earless Dragon habitat assessment) of the November 2025 EHP report excludes the [REDACTED] from the Assessment Area despite the AECOM Victorian Grassland Earless Dragon Habitat Assessment from July 2024 being made available to the VPA and forming part of the exhibited material. It is cause for concern to have a piecemeal approach to background reports.

Noting the limited time these matters could be reviewed, [REDACTED] reserves the right to provide a further submission in relation to the NVPP and ecology material as and when more information becomes available and better mapping is established.

It is submitted that these matters should specifically be the subject of referral by the VPA.

12. OTHER MATTERS

As set out in this submission there are significant procedural and technical input concerns in relation to the [REDACTED] and its representation in the draft PSP.

These concerns are the primary focus of this submission. Throughout the body of this submission, it has been indicated where further responses will be provided however we also reserve the right to make further submissions in relation to the following additional matters:

- > Specific PSP requirements and guidelines;
- > Planning Scheme Ordinance including the schedule to the Urban Growth Zone;
- > Open space distribution and contributions;

- > Cross sections; and
- > Density and affordable housing provision.

Changes to draft Amendment C109moor

This section provides an outline of the changes [REDACTED] is requesting to the draft PSP and associated documents. These changes are not a complete list given that several key issues associated with drainage and transport and funding via the draft DCP remain unresolved.

The following changes are requested to Draft Amendment C109moor:

Density

- > Amend the draft PSP – both maps and text as necessary to delete the 'density investigation area' from Plan 2 and 3.
- > Adopt a standard density assumption for the [REDACTED] in the draft PSP and the draft DCP.
- > All relevant background reports that are based on incorrect or wrongly assumed assumptions that misrepresent the potential or factual state of the [REDACTED] in relation to density should be excluded from consideration and having any influence on the preparation of the PSP.

Development Staging

- > Amend PSP Plan 13 (Infrastructure and Development Staging) to include the entire [REDACTED] land within Stage 1.

Transport

- > Redo the traffic analysis to have full regard to the standard density residential development potential of the [REDACTED] land.
- > Complete more robust transport assessments and modelling to inform PSP development staging.
- > Provide more information as to the cost of transport projects in the DCP and identify what transport projects are being considered in the placeholder projects.

Drainage Strategy

In the interim, it is requested Melbourne Water and the VPA/DTP consider the following changes:

- > Reduce the size of WL-09 to service the local catchment within [REDACTED]
- > Increase the size of WL-07 to service the larger catchment to the north of WL-09; and
- > Review the size of WL-10 and 11 if required.

NVPP

- > Amend the draft NVPP to provide legible, implementable mapping at an appropriate scale, including inset plans where required, so that NVPP values and constraints can be clearly reconciled with the corresponding plans in the draft PSP.

Next Steps

The landowners of [REDACTED] and their consultant team welcome all opportunity to liaise with VPA/DTP and Melbourne Water to review of any additional technical information and to discuss potential changes to the draft PSP. Open discussions between VPA, DTP and [REDACTED] should assist resolve many matters raised to the satisfaction of [REDACTED] and the agencies.

Thank you for the opportunity to review the draft Amendment.

We look forward to participating in further discussions and being consulted on any proposed changes to documents prior to the preparation of any Day 1 documents.

Should you wish to discuss any aspect of this submission or to arrange a meeting please do not hesitate to contact me.

Your faithfully

[REDACTED]