

## Referral 45: Amess Road Precinct Structure Plan

### Priority Projects Standing Advisory Committee Report

*Planning and Environment Act 1987*

**11 April 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*

Priority Projects Standing Advisory Committee Report pursuant to section 25 of the PE Act

Referral 45: Amess Road Precinct Structure Plan

**11 April 2025**



Sarah Raso, Chair



Elizabeth McIntosh, Member



Peter Edwards, Member

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## Glossary and abbreviations

AH Regulations	<i>Aboriginal Heritage Regulations</i> 2018
ANCOLD	Australian National Committee on Large Dams
BAL	Bushfire Attack Level
BMO	Bushfire Management Overlay
BPA	Bushfire Prone Area
CFA	Country Fire Authority
CHMP	Cultural Heritage Management Plan
CIL	Community Infrastructure Levy
Council	Macedon Ranges Shire Council
D	Document
DCP	Amess Road Development Contributions Plan
DCP Guidelines	Development Contributions Guidelines, March 2007
DEECA	Department of Energy, Environment and Climate Action
DELWP	Department of Environment, Land, Water and Planning (former)
DFP	Development Facilitation Program
DIL	Development Infrastructure Levy
draft Amendment	draft Macedon Ranges Planning Scheme Amendment C161

draft Permit	draft Planning Permit PLN2024/219
DSS	Development Services Scheme
DTP	Department of Transport and Planning
EPA Publication 1739.1	<i>EPA Publication 1739.1 Urban stormwater management guidelines</i> (June 2021)
G	Guideline
GRZ	General Residential Zone
LSRL	land south of the railway line
NDA	net developable area
NVPP	Amess Road Native Vegetation Precinct Plan
PE Act	<i>Planning and Environment Act 1987</i>
Proponent	Banner Asset Management Pty Ltd
PSP	Amess Road Precinct Structure Plan
PSP Guidelines	PSP Guidelines, Victoria Planning Authority, 2021
PSP land	the land to which the Amendment applies
R	Requirement
RCRR	Riddells Creek Recreation Reserve
RGZ	Residential Growth Zone
SA Hope	SA Hope Housing Pty Ltd and the Spacious Group
SA Hope land	1550 Riddell Road and 10 Daffodil Lane, Riddells Creek
SPP	Macedon Ranges Statement of Planning Policy, State of Victoria Department of Environment, Land, Water and Planning 2019
SWMP	Stormwater Management Plan
UGZ	Urban Growth Zone
UGZ1	Urban Growth Zone Schedule 1
WIK	works in kind

## Overview

### (i) Referral summary

Referral summary	
Referral date	24 October 2024
Common name:	Referral 45: Amess Road Precinct Structure Plan
Members	Sarah Raso (Chair), Elizabeth McIntosh, Peter Edwards
Committee assisted by	Gabrielle Trowse, Project Officer, Office of Planning Panels Victoria
Referral description	Combined Planning Scheme Amendment (draft Macedon Ranges Planning Scheme Amendment C161macr) and Planning Permit Application (draft Planning Permit PLN2024/219)
Subject land	<p><b>Amendment land:</b> 131.18 hectares of land in Riddells Creek, bounded by Frost Lane to the north, Farming Zone land to the east, Amess Road to the south and Gisborne-Kilmore Road to the west</p> <p><b>Permit land:</b> 115 Amess Road, 12, 58 and 61 Wohl Court, Riddells Creek</p>
Planning Authority	Minister for Planning
Proponent	Banner Asset Management Pty Ltd
Exhibition	<p>Stage 1: 10 June to 10 July 2024</p> <p>Stage 2: 30 July to 27 August 2024</p>
Submissions	1340

### (ii) Committee process

Committee process	
The Committee	<p>Sarah Raso (Chair)</p> <p>Elizabeth McIntosh</p> <p>Peter Edwards</p>
Supported by	Gabrielle Trowse
Directions Hearing	By video, 16 December 2024
Committee Hearing	10, 11, 12, 13, 17, 18, 19, 24, 25 and 26 February 2025
Site inspections	Unaccompanied, 5 February 2025
Parties to the Hearing	See Appendix F
Citation	Priority Projects Standing Advisory Committee Referral 45 [2025] PPV
Date of this report	11 April 2025



## Executive summary

This is a combined Planning Scheme Amendment and Planning Permit application process under section 96A of the *Planning and Environment Act 1987*.

Draft Macedon Ranges Planning Scheme Amendment C161 (draft Amendment) seeks to introduce:

- a new Schedule 1 to the Urban Growth Zone
- the Amess Road Precinct Structure Plan (the PSP)
- the *Amess Road Development Contributions Plan* (Echelon Planning, March 2024) (DCP)
- the Amess Road Native Vegetation Precinct Plan (Echelon Planning, March 2024)
- other changes to the Macedon Ranges Planning Scheme.

The draft Amendment affects 131.18 hectares of land located on the north-eastern edge of the Riddells Creek township, approximately 60 kilometres by road from the Melbourne Central Business District.

Planning permit application PLN2024/219 (draft Permit) seeks to subdivide part of the land as a stage 1 residential subdivision. The draft Permit has been prepared to respond to the requirements and guidelines set out in the PSP.

The Committee acknowledges the many submissions received in relation to the Proposal. It accepts this was a significant community response and there is significant community opposition to the Proposal. Many members of the community do not want the development to proceed, or want it to proceed in a substantially reduced form akin to the Low Density Residential and Neighbourhood Residential Zoned developments that have been undertaken in the past. However, the submissions are really about this community's opposition to the extent of change that developments of this nature will cause to their neighbourhood, and its perception that the change will be negative. That opposition exists in an environment where the Macedon Ranges Planning Scheme actively encourages housing diversity and prioritises development in the precinct. The Committee has ultimately found that the Proposal will positively contribute to Riddells Creek. The PSP will increase and improve community facilities, increase housing diversity and choice and support the viability and diversity of businesses operating in the town. These are all positive impacts that weigh against a finding of significant negative social effects.

In terms of the PSP itself, there was significant debate at the Hearing about township character and whether the Proposal, and in particular the PSP, will unacceptably impact the existing township character. The Committee has ultimately concluded that the Proposal will strike the right balance between policy guidance that requires the township character to be respected and providing increased housing and housing diversity. Importantly, the Proposal will maintain the protection of landscape character beyond the township boundaries. Just as the progressive development of Riddells Creek has produced the valued and somewhat mixed character present today, the PSP land will also represent and establish the next stage of development for the town.

Introducing the DCP is essential to realising the vision for the PSP. The PSP cannot be realised without a fit-for-purpose development contributions mechanism (and associated planning scheme changes) to provide developers, the community and Council with greater certainty on infrastructure delivery. There was general consensus reached throughout the hearing that the DCP is sound and fit-for purpose (subject to the Committee's recommendations).

Other issues considered by the Committee related to:

- flora and fauna
- stormwater management and drainage
- movement network and traffic
- bushfire risk.

The Committee has reviewed each of these in turn and considers all impacts are capable to being acceptably managed. In terms of post contact heritage and aboriginal cultural heritage, the Committee finds:

- no further post-contact heritage assessments are needed to inform the PSP
- preparation of a cultural heritage management plan is not needed to inform the PSP.

### **Recommendations – draft Macedon Ranges Planning Scheme Amendment C161macr**

Based on the reasons set out in this Report, the Committee recommends that Macedon Ranges Planning Scheme Amendment C161macr be prepared and adopted as exhibited subject to the following:

1. Amend Schedule 1 to Clause 37.07 (Urban Growth Zone) as shown in Appendix G.
2. Amend the *Amess Road Development Contributions Plan* (Echelon Planning, March 2024) in accordance with the Proponent's Final Day version<sup>1</sup> and:
  - a) include a concept design and associated costing for the community centre (CI-01B)
  - b) include a concept design and associated costing for the upgrades to the Riddells Creek Recreation Reserve (SR-01A) and update the DCP:
    - at Table 7 to apportion 45 per cent of the total costs to the DCP
    - at Table 7 to list the total costs
    - at Section 3.2.3 to update the third dot point to read:  
1 x multi-sport playing surface with sports ground lighting and multi-sport overlay
  - c) include a concept design and associated costing for the upgrades to the Riddells Creek Recreation Reserve pavilion (SR-01C) and update the DCP:
    - at Table 8 apportion 45 per cent of the total costs to the DCP
    - at Table 8 to list the total costs
  - d) revise the costings of the footpath on Ames Road (RD-03B) to reflect a 2.5 metre wide tinted concrete shared user path
  - e) revise the Amess Road culvert crossing concept design (part of RD-02B) to:
    - relocate the guardrail in front of the shared path
    - introduce an appropriate pedestrian/cycling barrier to protect the culvert edge
  - f) revise the costings for RD-02B based on the relocated guardrail
  - g) delete "Active Recreation projects can include land and construction" from Section 2.3.2

<sup>1</sup> D143

- h) **update Section 4.3.2 to read:**

**The Community Infrastructure Levy for residential buildings and all other forms of accommodation will be levied on the basis of the number of individual habitable unit within the proposed accommodation.**
- i) **make consequential changes as a result of the Committee’s recommendations.**
- 3. **Before finalising the *Amess Road Development Contributions Plan* (Echelon Planning, March 2024) in accordance with Recommendation 2 above, the Proponent should:**
  - a) **undertake a Road Safety Audit of IN-01B and IN-02B to determine appropriate pedestrian crossing designs and address other safety issues**
  - b) **revise the concept design and costings for IN-01B and IN-02 based on the findings of the Road Safety Audit**
  - c) **include the revised concept designs and costings for IN-01B and IN-02 in the DCP**
  - d) **make any consequential changes.**
- 4. **Amend Schedule 3 to Clause 45.06 (Development Contributions Plan Overlay) in accordance with the Proponent’s Final Day Version<sup>2</sup> and to reflect the levies that arise from the Committee’s recommended changes set out in Recommendation 2 and 3 above.**
- 5. **Amend the Amess Road Precinct Structure Plan in accordance with the Proponent’s Final Day version<sup>3</sup> and:**
  - a) **amend Plan 12 at SW-01 to show three Stormwater Quality Assets (bioretention basins) in the Sandy Creek catchment**
  - b) **amend Plan 10 to notate the Amess Road shared user path as ‘2.5m wide tinted concrete shared user path (variable width subject to site conditions)’**
  - c) **amend Plan 11 to notate a second temporary only access point along Frost Lane to the effect of ‘temporary emergency egress and evacuation (indicative)’.**
- 6. **Amend the Amess Road Native Vegetation Precinct Plan (Echelon Planning, March 2024) in accordance with the Proponent’s Final Day version.<sup>4</sup>**
- 7. **Amend the Schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) in accordance with the Proponent’s Final Day version.<sup>5</sup>**

**Recommendation – draft Planning Permit PLN2024/219**

- 8 **Based on the reasons set out in this Report, the Committee recommends draft Planning Permit PLN2024/219 should be granted subject to the permit conditions contained in Appendix H.**

<sup>2</sup> D147

<sup>3</sup> D142

<sup>4</sup> D144

<sup>5</sup> D148

# 1 Introduction

## 1.1 Terms of Reference

The Minister for Planning appointed the Priority Projects Standing Advisory Committee (the Committee) on 14 June 2020. The purpose of the Committee is set out in its Terms of Reference dated 9 September 2023 (Appendix A) to:

... provide timely advice to the Minister for Planning on projects referred by the Development Facilitation Program (DFP), or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

## 1.2 Referral letter and issues referred to the Committee

The Minister for Planning provided a referral letter dated 24 October 2024 to the Lead Chair of the Committee which requires the Committee's advice on specified issues. Table 1 outlines these issues and the relevant chapters with the Committee's response.

**Table 1 Requested advice and relevant report chapters**

Requested advice and recommendations	Report chapter
<b>Recommendations</b>	
Should the Minister for Planning approve the Amendment?	3.8
Should the Minister for Planning approve the permit?	3.8
<b>Advice on referred issues</b>	
Suitability of Riddells Creek to accommodate further population growth	3.4
Protection of landscape character	4
Impact on neighbourhood character	4
Suitability of residential lot sizes	4
Suitability of the developer contributions, including drainage infrastructure and community facilities	5 and 7
Traffic, road and path layout	8
Flora and fauna	6
Heritage impacts	9
Compliance with the Macedon Ranges Planning Scheme	3 to 12

The Committee has:

- reviewed a significant amount of information when preparing its report within the 20 business days specified in the Terms of Reference
- considered all referred issues in submissions and evidence but has had to be selective in what is included in this report.

## 1.3 Background

The Proposal is for a combined draft Planning Scheme Amendment and draft Planning Permit application to incorporate the Amess Road Precinct Structure Plan into the Planning Scheme and

gain approval for the first stage of subdivision in the precinct (refer to the detailed description at Chapter 2.2). The draft Amendment and permit application were submitted to the Development Facilitation Program (DFP) within the Department of Transport and Planning (DTP) in November 2023. Before this, Banner Asset Management Pty Ltd (Proponent) undertook extensive pre-application consultation. A project timeline setting out the pre-application consultation, and other steps taken in respect of the Proposal is at Appendix C.

## 1.4 Project documentation

The Committee directed the Proponent to circulate a Day 1 version of the project documentation before the Hearing, and Final Day versions with its closing submissions. The Proponent circulated:

- D38 – Day 1 Summary Table of recommendations
- D39 – Day 1 PSP
- D40 – Day 1 DCP
- D41 – Day 1 NVPP
- D42 – Day 1 Permit (tracked changes)
- D43 – Day 1 UGZ1 (tracked changes)
- D46 – Day 1 PSP (tracked changes)
- D47 – Day 1 DCP (tracked changes)
- D48 – Day 1 NVPP (tracked changes)
- D142 – Final Day PSP
- D143 – Final Day DCP
- D144 – Final Day NVPP
- D145 – Final Day UGZ1
- D146 – Final Day UGZ1 (tracked changes)
- D147 – Final Day DCPO3
- D148 – Final Day Clause 53.01 (Public Open Space)
- D149 – Final Day Permit
- D150 – Final Day Permit (tracked changes)
- D151 – Final Day Stage 1 Master Plan.

The Day 1 and Final Day versions incorporated significant changes in response to evidence and submissions.

Following the Hearing, parties were given the opportunity to provide written comments on the Final Day documents. Three parties elected to do so:

- Council (D159)
- Peter and Rae Patterson (D158)
- Cherry Cole (D157).

Council also produced written comments on the Day 1 Permit in D67.

A final recommended version of UGZ1 and draft Permit and are included in Appendices G and H. The Committee's recommended version is based on the Proponent's Final Day Permit and UGZ1, with the Proponent's changes accepted.

## 2 Site context and proposal

### 2.1 Subject land and surrounds

#### (i) PSP land

The Amendment applies to land shown in Figure 1 (PSP land).

**Figure 1** PSP land (dashed red outline)



Source: D19

The PSP land encompasses 131.18 hectares of land, comprising 14 properties located on the north-eastern edge of the Riddells Creek township, approximately 60 kilometres by road from Melbourne CBD.

Riddells Creek township has a population of approximately 4,000 residents. It has a number of existing facilities, including a primary school, kindergarten, leisure centre, neighbourhood house, local parks and playgrounds, off road trails, mental and child health centre and a recreation reserve. Amess Road and Kilmore Road provide road connections to the town centre.

The Riddells Creek Railway Station, situated about 1.3 kilometres southwest of the PSP land, is serviced by the Melbourne to Bendigo V-Line. There is also a bus route connecting Gisborne and Lancefield, with two stops in Riddells Creek.

The PSP land is located close to the base of the Macedon Ranges. The terrain of the PSP land and its surrounds is mostly flat, with gentle, undulating slopes, however there are some significantly steeper areas surrounding the hill adjacent to the PSP's western boundary. The elevation of the PSP land gradually increases from east to west, featuring a hill on the western side of the precinct and minor declines along drainage lines. The highest elevation is found on a hilltop at Property 2



(see Figure 1 for individual property numbers), sloping downward towards the northeast, south and southeast.

The PSP land is used for grazing and is occupied by several dwellings. A heritage place is located at Property 2, referred to as Dromkeen and Monterey Pine, covered under the Planning Scheme by Heritage Overlay Schedule 83 (HO83). The Dromkeen heritage place is an individually significant place in the broader Riddells Creek township. There is also a single storey timber cottage located at 163 Main Road which is not covered by the Heritage Overlay.

The PSP land includes areas of cultural heritage sensitivity under the *Aboriginal Heritage Regulations* 2018 (AH Regulations), which trigger a requirement for a Cultural Heritage Management Plan (CHMP) for planning permit applications in those areas. The areas of cultural heritage sensitivity are within 200 metres of the named waterways of Dry Creek/Sandy Creek and Wurundjeri Creek, as shown in Figure 2.

**Figure 2** Areas of cultural heritage sensitivity



Source: D19

The PSP land is in a designated Bushfire Prone Area.

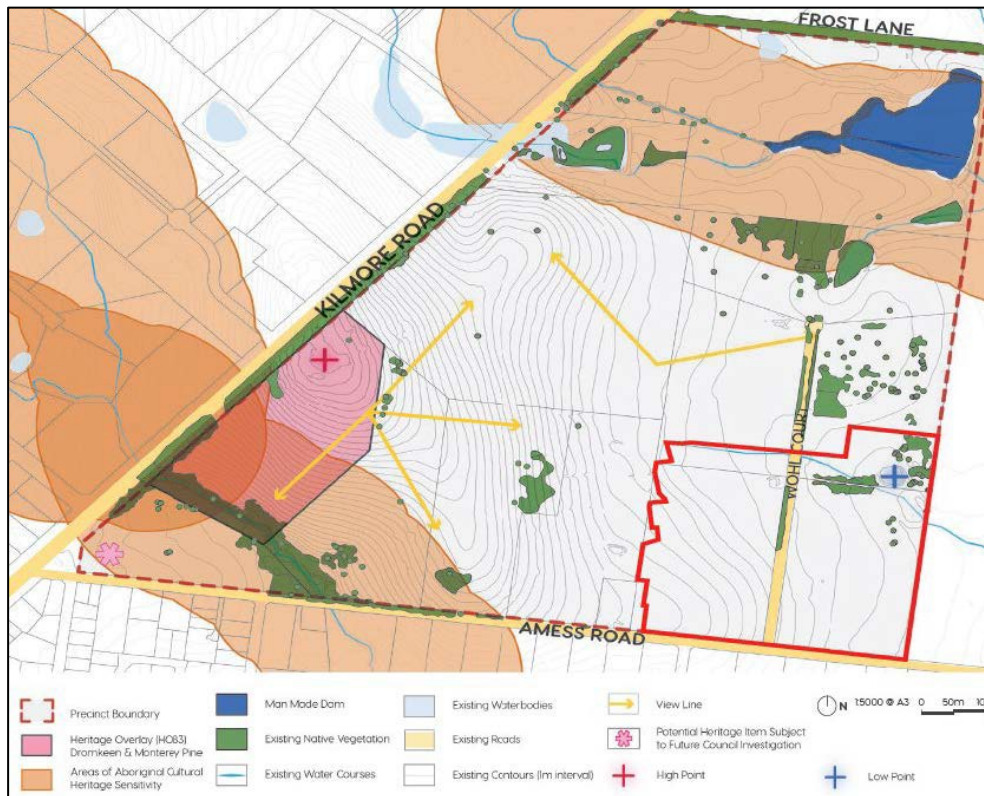
The PSP land has the following interfaces:

- to the northeast and east is rural land with dwellings used for a variety of farming purposes
- to the north, west and south is urban land within the Protected Settlement Boundary for Riddells Creek, zoned a combination of Low Density Residential Zone (LDRZ) and Neighbourhood Residential Zone land.

## (ii) Permit land

The planning permit application applies to land shown in Figure 3 (Permit land).

**Figure 3** Permit land (solid red outline)



Source: D3.42

The Permit land is owned by the Proponent and comprises land at 115 Amess Road, and 12, 58 and 61 Wohl Court, Riddells Creek. It is improved by two dwellings to the south of Property 9 and Property 10, and Wohl Court, an unsealed road running north-south through the Permit land.

It is sparsely vegetated, with existing trees in its northeast corner, and close to existing dwellings along property boundaries adjacent to Wohl Court. There are two farm dams on the Permit land, located at the southeast corner of Property 7, and the northeast corner of Property 9.

The Permit land is not located within an area of cultural heritage sensitivity under the AH Regulations. Accordingly, no mandatory CHMP is required in respect of the Permit application.

## 2.2 Proposal

This is a combined draft Planning Scheme Amendment and Planning Permit application process under section 96A of the *Planning and Environment Act 1987*.

### (i) Amendment

The purpose of the draft Amendment is to introduce the Amess Road Precinct Structure Plan (the PSP) and other changes to the Macedon Ranges Planning Scheme (Planning Scheme).

Specifically, the Amendment proposes to:

- insert Schedule 1 to Clause 37.07 (Urban Growth Zone) (UGZ1) and apply this to the entire PSP land



- insert Schedule 3 to Clause 45.06 (Development Contributions Plan Overlay) (DCPO3) to define development contributions for the entire PSP land
- insert the Road Closure Overlay (RXO) and apply it to Wohl Court (Reserve R1 on LP112773) to discontinue the road
- amend the Schedule to Clause 52.16 (Native Vegetation) to identify the Amess Road Native Vegetation Precinct Plan (Echelon Planning, March 2024) (NVPP)
- amend the Schedule to Clause 52.17 (Native Vegetation) to identify native vegetation exempt from requiring a planning permit for its removal
- amend the Schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) to identify the public open space requirements of the PSP land
- amend the Schedule to Clause 72.03 (What does this Planning Scheme Consist of?)
- amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to incorporate the PSP, *Amess Road Development Contributions Plan* (Echelon Planning, March 2024) (DCP) and the NVPP
- facilitate the approval of Planning Permit PLN2024/129.

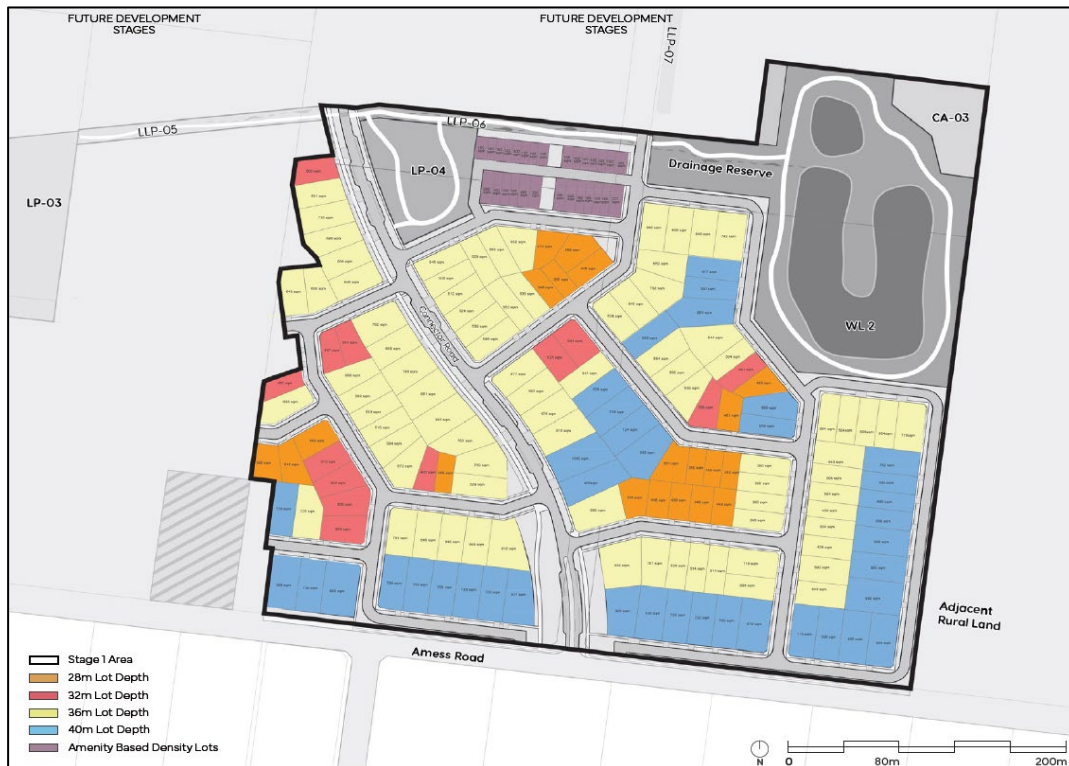
The existing HO83 will continue to apply to Property 2 at 1012 Kilmore Road, Riddells Creek.

## **(ii) Permit Application**

Planning Permit application PLN2024/219 (the Permit Application) seeks to subdivide the Permit land as a Stage 1 Subdivision in the PSP land. The Permit Application has been prepared to respond to the requirements and guidelines set out in the PSP.

The draft Planning Permit (the draft Permit) proposes to:

- subdivide the land into 182 lots ranging in size from 350 sqm to 1,015 sqm, including 28 amenity-based density lots (as shown in Figure 4)
- create a local park of 0.56 hectares
- create a linear park of 0.19 hectares as part of the precinct green link
- create a wetland area of 3.3 hectares
- create conservation area CA-03
- deliver a segment of the connector road
- create a permeable street network including key road elements that form the basis for inter-parcel road connections.

**Figure 4** Proposed lot layout

Source: D3.42

The subdivision is planned to proceed in four stages, moving generally northward from Amess Road. Drainage infrastructure outlined in the Stormwater Management Plan will be implemented in Stage 2, while Stages 3 and 4 will include the delivery of LP-04 and LLP-06. The proposed staging is shown Figure 5.

**Figure 5** Proposed staging of the Permit land

Source: D19

## 3 Strategic considerations

### 3.1 Evidence

The Committee had regard to the following evidence noted in Table 2, as well as relevant submissions.

**Table 2** Planning and economic evidence

Party	Expert	Expertise	Firm
Proponent	John Glossop	Planning	Glossop Town Planning
	Gavin Duane	Economic	Location IQ
	Paul Shipp	Development contributions	Urban Enterprise
Council	Kate Kerkin	Community infrastructure	K2 Planning
SA Hope Pty Ltd and Spacious Group	Chris McNiell	Economic	Ethos Urban

As directed by the Committee, an expert meeting on population and economic forecasts was held on 7 February 2025 and a report was tabled identifying the agreed opinions and facts.<sup>6</sup>

### 3.2 Planning context

Table 3 identifies the planning context relevant to the Proposal.

**Table 3** Planning context

Relevant references	
<b>Victorian planning objectives</b>	- section 4 of the PE Act
<b>Municipal Planning Strategy</b>	- Clause 2
<b>Planning Policy Framework</b>	<ul style="list-style-type: none"> <li>- Clauses 11.01-1L (Settlement – Riddells Creek), 11.02 (Managing growth), 11.03 (Planning for places)</li> <li>- Clause 12.01-2S (Native vegetation management)</li> <li>- Clauses 13.02 (Bushfire), 13.04-1S (Contaminated and potentially contaminated land), 13.05-1S (Noise Management)</li> <li>- Clauses 15.01 (Built environment), 15.03 (Heritage)</li> <li>- Clause 16 (Housing)</li> <li>- Clause 17 (Economic development)</li> <li>- Clause 18 (Transport)</li> <li>- Clause 19 (Community infrastructure)</li> <li>- Clause 19.03 (development infrastructure).</li> </ul>
<b>Other planning strategies and policies</b>	<ul style="list-style-type: none"> <li>- Plan Melbourne Direction 4, Policies 4.1, 4.2</li> <li>- Macedon Ranges Shire Settlement Strategy 2011</li> <li>- Riddells Creek Structure Plan 2013</li> <li>- Loddon Mallee South Regional Growth Plan 2014</li> </ul>

<sup>6</sup> D51

Relevant references	
	<ul style="list-style-type: none"> <li>- Macedon Ranges Statement of Planning Policy 2019</li> <li>- Macedon Ranges Residential Land Demand and Supply Assessment 2020</li> </ul>
<b>Planning scheme provisions</b>	<ul style="list-style-type: none"> <li>- Urban Growth Zone</li> <li>- Heritage Overlay</li> <li>- Vegetation Protection Overlay</li> </ul>
<b>Ministerial directions</b>	<ul style="list-style-type: none"> <li>- 1: Potentially Contaminated Land</li> <li>- 12: Urban Growth Areas</li> <li>- 11: Strategic Assessment of Amendments</li> <li>- 19: The Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health</li> </ul>
<b>Planning practice notes</b>	<ul style="list-style-type: none"> <li>- 17: Localised Planning Statements</li> <li>- 46: Strategic Assessment Guidelines, September 2022</li> </ul>

## (i) Zones and Overlays

The land is in the Urban Growth Zone (UGZ). The purposes of the UGZ are to implement the Municipal Planning Strategy and the Planning Policy Framework and:

To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.

To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.

To contain urban use and development to areas identified for urban development in a precinct structure plan.

To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.

To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.

The UGZ enables the application of a Precinct Structure Plan that is incorporated into the Planning Scheme.

Property 2 of the PSP land (see Figure 1) is subject to the Heritage Overlay (HO83 - Dromkeen and Monterey Pine). The purposes of the Overlay are:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

### 3.3 Strategic context

#### (i) Plan Melbourne

Plan Melbourne emphasises:

- the importance of regional Victoria for delivering future economic success and prosperity to the State
- opportunities for housing and economic growth that support healthy communities.

Plan Melbourne seeks to promote development that aligns with the character of regional cities and towns, ensuring the protection of productive land, economic resources, and biodiversity assets essential for sustainability.

Policy 7.1.2 in Plan Melbourne identifies that peri-urban areas have the potential for housing and employment generating development, and provides strategies for infrastructure delivery, protection of amenity, and preservation of local character.

Macedon Ranges Shire, located approximately 60 kilometres from Melbourne, is recognised as a regional centre in Plan Melbourne. In accordance with Plan Melbourne, the development of the PSP land is to balance growth with the preservation of the rural environment, agricultural land, heritage, and biodiversity assets vital to Victoria's economic and environmental sustainability.

Plan Melbourne supports growth in regional Victoria. It states that by 2051, the population of Victoria's regions is expected to grow from 1.5 million to 2.2 million, with growth in peri-urban areas expected to attract 32 per cent of this growth.

#### (ii) Loddon Mallee South Regional Growth Plan

Riddells Creek is identified in the Loddon Mallee South Regional Growth Plan at Clause 11.01-1R (Settlement – Loddon Mallee South) as a 'town and rural centre'. It identifies Riddells Creek as a 'District Town' and states:

Riddells Creek is likely to continue to grow at a moderate rate. Current population projections indicate the town could reach a population of just over 6000 people by 2041. Supply estimates indicate potential capacity for approximately 4900 additional people on existing residentially zoned land. Further investigation is required to identify future areas for greenfield growth as well as opportunities for infill and medium density development within the township boundaries.

Riddells Creek provides a rural township lifestyle option that Gisborne has traditionally delivered. It is well connected to existing railway infrastructure, services industries and businesses. Planning for settlement growth will need to consider potential bushfire and flood hazards.

#### (iii) Macedon Ranges Shire Settlement Strategy, July 2011

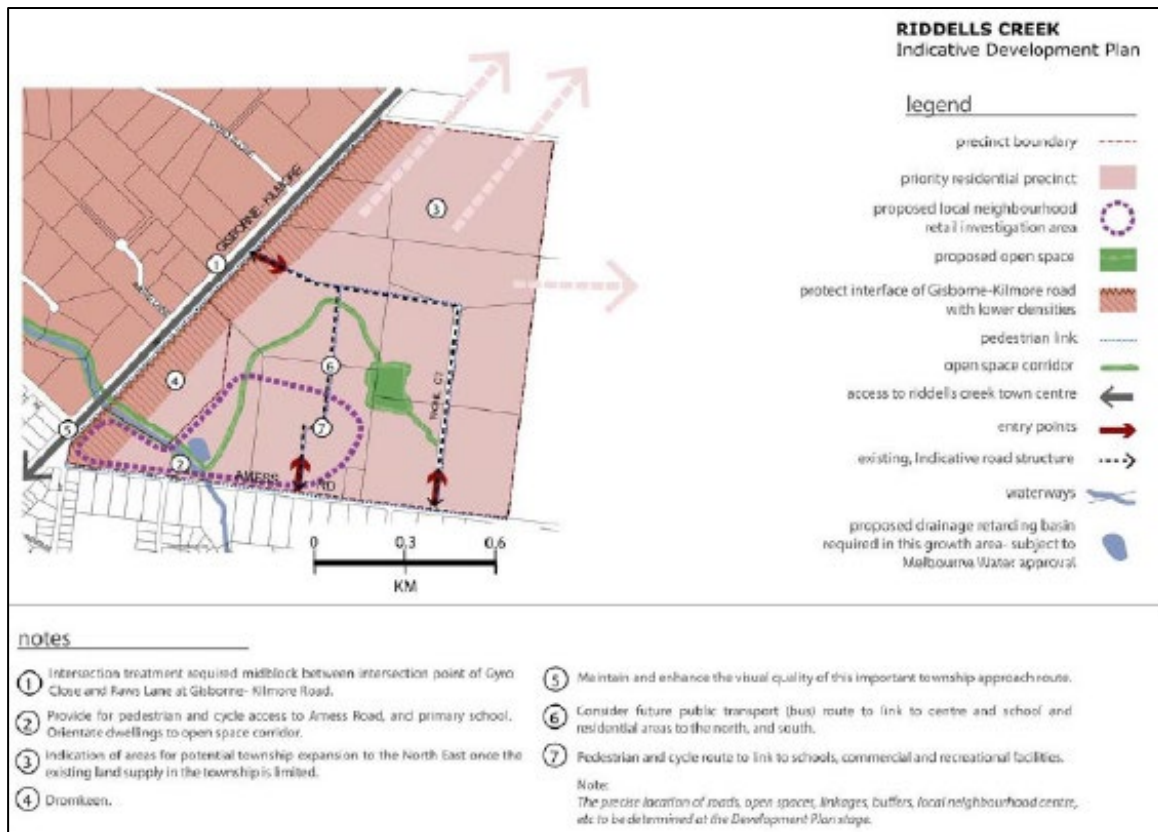
Council's Settlement Strategy identifies Riddells Creek as an existing 'District Town' but recommends it become a 'Large District Town' in the future. It finds that within the municipality, Gisborne, Kyneton and Riddells Creek are the primary settlements with capacity to absorb growth, although it also identifies that growth in Riddells Creek may be constrained by bushfire risk to the north and other environmental constraints. The Settlement Strategy estimates the likely population of Riddells Creek in 2036 as 6,108. The indicative population for a Large District Town in the Settlement Strategy is 6,000- 10,000 people.

#### (iv) Riddells Creek Structure Plan 2013

The Riddells Creek Structure Plan 2013 (Structure Plan) provides a framework for development to 2036. It identifies that the town's population was 3,753 at the 2011 ABS Census Date and identifies growth to approximately 6,000 people by 2036.

The Structure Plan identifies the PSP land as a priority residential development area (the only area in Riddells Creek so designated) and the focus for future growth. The Structure Plan includes an Indicative Development Plan for the PSP land, which is produced Figure 6.

**Figure 6 Indicative Development Plan**



Source: Structure Plan

#### (v) Loddon Mallee South Regional Growth Plan 2014

The Loddon Mallee South Regional Growth Plan, 2014, identifies that Riddells Creek is expected to grow to a population of about 6,000 people, to be housed in both greenfield and infill development. It also recognises Riddells Creek's ongoing role as an attractive alternative to Gisborne, with its train connection, service industries and businesses.

#### (vi) Amendment C100macr

Amendment C100macr was introduced into the Planning Scheme on 15 June 2017. Amendment C100macr rezoned the PSP land from Rural Living Zone to UGZ, implementing the key strategic directions of the Structure Plan in respect of the PSP land.



**(vii) Macedon Ranges Statement of Planning Policy 2019**

Approved in December 2019, the Macedon Ranges Statement of Planning Policy (Distinctive Area and Landscape) provides a framework to protect and enhance the region's landscapes, settlement history, landforms, natural environment, catchments, and biodiversity, ensuring their continued significance to Victorians.

A key component of the policy is establishing protected settlement boundaries for towns designated for growth. Riddells Creek is identified as a town expected to grow into a 'District town', with the PSP land within its designated protected settlement boundary.

**(viii) Macedon Ranges Residential Land Demand and Supply Assessment 2020**

The Macedon Ranges Residential Land Demand and Supply Assessment, prepared in January 2020, analysed residential demand and supply for key towns in the municipality, including Riddells Creek.

The study projected a population increase of 17,900 residents in the region over the period 2016 to 2036, with Riddells Creek accommodating 16 per cent of this growth. The report recommended a dwelling demand rate of between 32 to 52 new dwellings annually, noting that the current supply would not meet future demand without new greenfield developments.

**3.4 Population and economic forecasts****(i) The issue**

The issue is whether Riddells Creek is suitable to accommodate further population growth.

**(ii) Background**

Clause 11.02-1S of the Planning Scheme seeks to "*ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses*".

Two relevant strategies include:

- Ensure that sufficient land is available to meet forecast demand.
- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

**(iii) Evidence and submissions**

Both Mr Duane and Mr McNeill's evidence dealt with the economics of the demand and supply of residential land in Riddells Creek, and the flow-on benefits of residential development. Dr Kerkin's evidence related to the need for the provision of community infrastructure.

An expert meeting on population forecasts was held on 7 February 2025.

While the economics experts used different statistical geographic areas in their assessments, relevantly, they agreed:

- Riddells Creek has experienced ongoing population growth and remains a location that is attractive for further population growth
- there is projected to be ongoing solid demand for dwellings in Riddells Creek in the order of 40 to 45 dwellings per year
- the existing residential zoned land is unable to accommodate population growth and there is an urgent requirement for further zoned land

- the Proposal will provide much needed additional land for residential growth
- there is uncertainty around the level and likelihood of infill supply at Riddells Creek, in terms of realisation and timing
- local planning policy supports the implementation of the PSP.

The Proponent relied on the evidence of Mr Duane. Mr Duane said that from an economic perspective the following is relevant:

- there is substantial further dwelling and population growth projected and planned for the Macedon Ranges local government area over the period to 2046
- growth is encouraged to occur at large Towns and District Centres
- growth has been planned to occur at Riddells Creek.

More specifically he said:

- in a growth area, there is need for diversity and choice of household product in residential estates such as PSP land
- the PSP land is well located for residential purposes
- the Proposal would add to diversity and choice of vacant land, particularly with the recent increase in prices for houses across the Macedon Ranges local government area more generally
- the PSP land is well located to existing and proposed infrastructure including employment centres, activity centres, education facilities and public transport.

In terms of housing choice and affordability, Mr Duane said:

In the context and consideration of issues relating to housing choice and affordability and the related question of need, I note, reflecting the planning context, the subject development is close to public transport and a range of facilities. It is an attractive location where vacant or under-utilised land is encouraged to be developed, consistent with the intentions of the planning documents. For these reasons, there will continue to be economic pressure for development in the locality for residential uses, which development is supported by economic aspects of town planning, particularly, choosing locations close to centres and public transport opportunities to maximise the use of public and private infrastructure.

Mr Duane was of the opinion the development would represent a net community benefit to a lower socio-demographic segment of the market by meeting their housing needs and choices, particularly in terms of providing modern houses on vacant blocks as compared with existing older housing stock, as well as smaller affordable lots than is currently available.

SA Hope Housing Pty Ltd and the Spacious Group (SA Hope) own land at 1550 Riddell Road and 10 Daffodil Lane, Riddells Creek (SA Hope land). The SA Hope land represents approximately 100 hectares out of a total of approximately 135 hectares of the land included within the Riddells Creek town boundary on the south of the railway line (LSRL). It is identified as an investigation area. SA Hope attended the Hearing and said that while they do not oppose the proposal, their concern is to ensure that the Committee:

- understands the dynamic land supply and demand position for Riddells Creek
- either acknowledges the opportunity presented by the LSRL or at least does not inadvertently constrain the future rezoning and development of the SA hope land as part of its consideration of the Proposal.

SA Hope submitted that although the Planning Scheme designates the LSRL as a 'future investigation area' (Clause 11.01-1L) the Structure Plan designates the land 'high priority'.



The expert meeting report on economic and population forecasts acknowledged that the fact that LSRL is noted as an investigation area and is located within the protected settlement boundary is significant, as it indicates that it is likely to be used for the future supply of residential land in Riddells Creek.

Mr McNeill considered the limited supply of urban land in Riddells Creek warranted rezoning of further land. Mr McNeill:

- projected that the population in Riddells Creek will grow by 1,250 people and the population of Macedon Ranges will grow by 11,210 people by 2036
- said it was probable that dwelling demand will increase beyond 44 dwellings per annum once the PSP land is under development
- said recent underlying demand had not been met by the local market due to the low availability of new residential land in Riddells Creek.

Mr Glossop considered the LSRL was strategically supported for consideration for future rezoning, but that the release of this land should occur sequentially to, but not in parallel with, the PSP land.

#### **(iv) Discussion and findings**

It is clear there is substantial growth projected and planned for Riddells Creek. It is also clear that the current supply of residential land is limited and there is a need for additional residential land to meet the growth of the town. It was not disputed that the availability of developable residential land is well below the 15-year threshold. Rezoning the PSP land to the UGZ was the first step in meeting this demand, with approval of the PSP the next step to ensure the land can be developed.

The PSP is:

- well located for residential purposes
- is identified as a priority development precinct in policy
- in a locale where there is a clear need for diversity and choice of household product
- well located to existing and proposed infrastructure.

In terms of the SA Hope land, the Committee agrees that although the site has been designated for longer term development in some of the strategic documents, given potential growth in the Macedon Ranges, the land offers an excellent opportunity for residential development next to an existing station and other community services. However, the SA Hope land should be investigated for future rezoning, sequentially to, and not in parallel with, development of the PSP land.

The Committee finds:

- Riddells Creek is suitable to accommodate significant future residential growth.
- The current supply of developable residential land is limited and there is a need for additional land to accommodate the future growth of Riddells Creek.

### **3.5 Strategic justification**

#### **(i) The issues**

The issues are:

- whether the draft Amendment is supported by sufficient strategic justification
- whether the draft Amendment is consistent with *Planning and Environment Act 1987* (PE Act) requirements, and relevant Ministerial Directions and practice guidance, particularly:
  - Development Contributions Guidelines, March 2007 (DCP Guidelines)

- *Ministerial Direction on the preparation and content of development contributions plans* (DCP Ministerial Direction).

## (ii) Evidence and submissions

There was no significant dispute as to whether the PSP land is appropriate for residential subdivision. No party or expert challenged the broad strategic justification of the PSP.

The Proponent relied on the evidence of Mr Glossop who identified:

- growth in Riddells Creek has been foreshadowed for some time because the town is well located to accommodate further housing
- Riddells Creek is served by fixed rail, connecting it to Melbourne and it is at the junction of two arterial roads (Kilmore Road and Sunbury-Riddells Creek Road)
- the town is within the area defined as 'peri-urban' by Plan Melbourne, since it is within 100 kilometres of Melbourne's CBD.

Mr Glossop highlighted:

- the Loddon Mallee South Regional Growth Plan and Council's Settlement Strategy identify Riddells Creek as a District Town, with the Settlement Strategy recommending it become a 'Large District Town' in the future
- the Structure Plan provides a framework for development to 2036 and designates the PSP land as a priority residential precinct.

Both the Proponent and Mr Glossop highlighted the importance of Amendment C100macr which rezoned the PSP land to the UGZ in June 2017. Mr Glossop specifically highlighted the Macedon Ranges C100macr (PSA) [2016] PPV 73 (C100macr Panel Report) which found:

The Panel agrees with Council that existing policies anticipate the continuing growth of Riddells Creek and notes that there is policy support for growth to achieve district town status and, in the longer term, large district town status.

While this needs to be reconciled with other policies relating to character, landscape and the environment, it is clear that Riddells Creek has been identified for growth and that planning should seek to facilitate and support that growth. This is consistent with the Panel's reading of the Settlement Strategy, the Structure Plan and the MSS.

The Panel also believes that the 'district town' designation does not denote an absolute or maximum level of population that might be accommodated within the town. It represents the role and size of the town at some point in time and it is conceivable that it will grow beyond that level in the longer term.

And:

The Northern Precinct<sup>is</sup> in relatively close proximity to the town centre as well as other facilities such as schools, community facilities, medical services and the railway station. Council advised that as early as 2000 this area had identified (sic) as suitable for the future expansion of Riddells Creek.

The Structure Plan identified this area as a Priority Residential Development Precinct because of the general availability of services, the absence of any flooding and a lower bushfire risk. For these reasons, the Panel accepts that the Northern Precinct is an appropriate location to accommodate some of the future growth of the town.

Given the substantial amount of strategic justification for the continuing growth of Riddells Creek and the suitability of the Northern Precinct to accommodate some of this growth, the Panel supports this element of the Amendment.

While Council did not consider the draft Amendment (and the Permit Application) should be approved in their current form, at a broad level it did not dispute the strategic support for the draft

Amendment. Council noted the existing zoning clearly anticipates and makes provision for urban development of the PSP land.

Mr Shipp was satisfied that the format and methodology of the DCP is suitable and consistent with the DCP Guidelines and the DCP Ministerial Direction. He did not identify any technical, methodological or calculation errors. He did however identify several issues which he considered should be addressed so that:

- levies payable under the DCP represent a fair and reasonable contribution to infrastructure needed to support the development
- the content of the DCP fully accords with the requirements of the DCP Guidelines, the DCP Ministerial Direction and the principles of the DCP system.

### **(iii) Discussion and findings**

The Committee is satisfied that overall, the draft Amendment is strategically justified. The strategic planning for Riddells Creek is longstanding and the area has for nearly a decade been identified as an area of managed and planned growth. It has been consistently recognised that district towns play a key role in accommodating projected population growth, with the once rural farming land being consolidated and transformed for urban use and development.

Key to the strategic history is Amendment C100<sup>7</sup> which rezoned the PSP land to the UGZ. It also inserted the Riddells Creek Framework Plan into the Planning Scheme<sup>7</sup>, identifying the PSP area as a 'Priority Residential Precinct'. The findings of the C100 Panel Report set a clear strategic scene for the Proposal, noting:

- there is a "*substantial amount of strategic justification for the continuing growth of Riddells Creek*"
- the current supply of developable residential land is limited and there is a need for additional land to accommodate the future growth of Riddells Creek
- there is a need to maintain a rolling 15 year minimum of land supply in Riddells Creek, and there is little downside from oversupply of land in Riddells Creek
- the PSP land (referred to as the "northern precinct") is identified in the Riddells Creek Structure Plan as a Priority Residential Development Precinct because of the general availability of services, the absence of any flooding and a lower bushfire risk, which make the PSP land an appropriate location for the future growth of Riddells Creek.

These findings are even more appropriate now given the passage of time and increased demand for well-located housing in peri-urban areas around Melbourne.

Riddells Creek is identified as a district town with urban development and rural living areas clearly envisaged for the PSP land. The draft Amendment appropriately provides for predominantly residential uses to cater for the anticipated population growth in the municipality. The proposed planning controls, in particular the UGZ1 and the proposed PSP, achieve the right balance between establishing clear objectives to respond to the site-specific requirements for future development and broader policy. They are not too prescriptive and allow a degree of flexibility that should foster design innovation whilst also establishing a clear vision for the land and ensuring the community understands what broad development outcomes are to be achieved.

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<sup>7</sup> At Clause 21.13-5. That same plan, described as the Riddells Creek Strategic Framework Map, is found in today's Planning Scheme at Clause 11.01-1L.

Introducing the DCP is essential to realising the vision for the PSP. The PSP cannot be realised without a fit-for-purpose development contributions mechanism (and associated planning scheme changes) to provide developers with greater certainty on infrastructure delivery.

A DCP must comply with the PE Act and the DCP Ministerial Direction. In addition, the DCP Guidelines should be followed unless it can be demonstrated an alternative methodology can continue to meet the requirements of the PE Act. The Committee relies on the evidence of Mr Shipp and his evidence that the approach taken to establishing a land budget, estimating costs and calculating levies is sound with no technical, methodological or calculation errors identified. Mr Shipp identified several issues in relation to whether:

- the levies represent a fair and reasonable contribution to infrastructure needed to support the development
- the content of the DCP fully accords with the requirements of the DCP Guidelines and DCP Ministerial Direction.

These issues are dealt with through the following chapters of this report. The Committee is otherwise satisfied the DCP Guidelines, DCP Ministerial Direction and the relevant requirements to the PE Act have been met.

The Committee finds the Proposal is:

- supported by, and implements, the relevant sections of the Planning Policy Framework
- consistent with the relevant Ministerial Directions and Practice Notes
- well founded and strategically justified.

### 3.6 Social effects and number of submissions

#### (i) The issue

The issue is whether the Proposal will generate significant social effects.

#### (ii) Submissions

##### Submitters

Council and Mr Goldsworthy who advocated on behalf of himself and many community submitters including the Riddells Creek Planning Group referred to subsections 60(1)(f) and 60(1B) of the PE Act as a consideration to which the Committee should have regard in assessing the Proposal. Those provisions together require a decision-maker to consider “*any significant social effects and economic effects*” of a development, including having regard to the number of objectors. Mr Goldsworthy said the “*sheer number of objections*” demonstrated the significant social effect of the Proposal, including:

- destruction of the rural nature of the Riddells Creek leading to a loss of place and social values
- erosion of the landscape which is sought to be protected through the Macedon Ranges Statement of Planning Policy, State of Victoria Department of Environment, Land, Water and Planning 2019 (SPP)
- a reduced quality of life from increased traffic and associated pollution, impacts on parking in the town centre and insufficient infrastructure to cater for the growing community.

Mr Goldsworthy went on to say:

The very significant and sustained community opposition is also strong evidence that:

- the community finds the proposal so disconcerting it would have a significant social effect upon the community and that
- the opposition is genuine and relates to objectives of planning in Victoria such as developing Riddells Creek in a fair, orderly, economic and sustainable manner, the extent to which Riddells Creek will be a pleasant and safe working and living environment; and whether as an area Riddells Creek will be enhanced, given its town character contributes to the town's cultural values of being a relaxed and spacious rural environment.

Other submitters noted the impacts on demands for use and access to community facilities including the local primary school and kindergarten and impacts on car parking availability in town as a significant social effect. Others implied residential subdivisions of the type proposed attract crime, domestic violence and the like.

### **Proponent**

The Proponent submitted that many of the submissions appear to be based on a misunderstanding of the Proposal or raise concerns which are not well-founded having regard to the expert evidence before the Committee. The Proponent said the assertion that the Proposal will have significant social effects is without proper basis and is not supported by any empirical analysis. It took the Committee to *Backman & Company Pty Ltd v Boroondara CC* [2015] VCAT 1836 where the Tribunal made the following observations in relation to assessments of significant social effect and the weight to be given objections having regard to subsection 60(1B):

Fourthly, a consideration of social effects pursuant to the Planning and Environment Act 1987 should be based on a proper evidentiary basis or empirical analysis, preferably through a formal social impact or socioeconomic assessment. There must be objective, specific, concrete, observable and likely consequences of the proposed use or development. A consideration of social effects should not be based on philosophical or moral or religious values. Nor is mere opposition by a section of the public, or a large number of objections, of itself, evidence of social effect.

Fifthly, the social or economic effect must be sufficiently probable to be significant. This will depend on the probability of the effect occurring, the consequences of the effect if it occurs, and the utility of the use and development giving rise to the effect. Both the positive and adverse effects must be considered.

### **(iii) Discussion and finding**

The Committee acknowledges the many submissions received in relation to the Proposal. It accepts this was a significant community response and there is significant community opposition to the Proposal. Many members of the community do not want the development to proceed, or to proceed in a substantially reduced form akin to the Low Density Residential and Neighbourhood Residential Zoned developments that have been undertaken in the past.

The extent of opposing submissions to the Proposal, and the submissions which allege the Proposal will generate significant negative social effects, are really about this community's opposition to the extent of change that developments of this nature will cause to this neighbourhood. That opposition exists in an environment where, the Planning Scheme actively encourages development of medium density housing in this locality. It is important to remember that the PSP land is already zoned Urban Growth and comes with significant strategic support for higher density residential development than what exists. This makes the substantiation of social effect a difficult task, particularly where some of the alleged effects relate to the nature of people

who will reside at the land, and whether they will match the socially cohesiveness of the existing community.

The Committee is required to consider the social impacts of the Proposal. It is clear from the content of the many submissions, that the real concern of the community is that the neighbourhood which predominantly includes single detached dwellings on large allotments may significantly change to include medium density housing. A social impact is something that changes the way a community functions. Simply not wanting something in your town, or fear of change or who a particular housing type might attract, is not a social impact. Trying to address these types of concerns by privileging prejudice over objective assessment would have a significant social impact; it would undermine the fair, orderly and proper planning of areas.

While the extent of change to the town character or types of development in a neighbourhood is a planning issue, it is one that relates to an assessment of the existing and preferred neighbourhood character. This is an assessment undertaken separately in Chapter 4 of this report. It does not follow that a proposal which constitutes a level of change to the character of a neighbourhood, then creates a social effect. Equally, the evidence shows that other matters raised by submitters which includes matters of landscape, traffic and car parking and infrastructure provision, will not have any significant social effects on the community. These matters are dealt with in more detail in the following chapters.

It is clear from the evidence before the Committee that the Proposal will contribute to the variety of community facilities available through upgrades to the Riddells Creek Recreation Reserve and the community centre to be built on the PSP land. The Proposal will increase housing diversity and choice. The new residents will support the viability and diversity of businesses operating in the town. These are all positive impacts that weigh against a finding of significant negative social effects in this case.

Just as Riddells Creek has progressively expanded over many decades to enable new residents to join the community, the PSP land will also enable new residents to join the community or enable existing residents to change housing stock for their benefit.

The Committee finds:

- The Proposal will contribute to a variety of community facilities, increase housing diversity and choice in a well serviced location, support the viability and diversity of businesses operating in the town. These are all positive impacts that weigh against a finding of significant negative social effects.

### **3.7 Net community benefit**

#### **(i) The issue**

The issue is whether the Proposal achieves a net community benefit, particularly given its potential social effects.

#### **(ii) Submissions**

The Proponent and community submitters differed on whether the draft Amendment would achieve a net community benefit and how the benefit should be assessed.

Mr Goldsworthy, , submitted the draft Amendment would not achieve a net community benefit. It was submitted that the Proposal's benefits, including the delivery of additional housing, do not

outweigh the disbenefits which includes impacts on the environment, town character, existing infrastructure (including increased traffic, demand on car parking and public transport) and bushfire risks.

The Proponent submitted that the concept of net community benefit does not require that a particular amendment result in an optimal planning outcome. Rather, it will be sufficient if, on balance, an amendment delivers more benefits than disbenefits.

The Proponent submitted:

the Draft Amendment will clearly deliver a net community benefit by delivering much needed housing supply to Riddells Creek, in the form of an attractive and well resolved plan for the future expansion of the town...

### **(iii) Discussion and finding**

The Committee has assessed the PSP and the draft Amendment against the principles of net community benefit and sustainable development. After weighing submissions and evidence, the policy context and potential benefits and disbenefits, the Committee considers the draft Amendment achieves a net community benefit.

In judging net community benefit, the correct approach is to weigh up social, economic and environmental benefits and disbenefits of the Proposal and determine where the balance lies. There is no 'magic formula' for this. What must be demonstrated is that the benefits outweigh the disbenefits. The Committee must assess this on the material before it, even where there are conflicting submissions.

The key benefit of the PSP and the application of the UGZ1 will be the delivery of much needed housing supply to Riddells Creek, in the form of a well resolved plan for the future expansion of the town. There are significant benefits that will result including:

- affordable housing
- diversity of housing suiting a range of households and ageing in place
- addressing an undersupply of residential land availability in Riddells Creek
- facilitating the development of the town's only priority residential precinct
- significant economic benefits, including the facilitation of investment in the town centre (and facilitating a critical mass of population to support a full-line supermarket)
- appropriate DCP items that will support the community and increase the quantity and quality of community infrastructure.

The Committee accepts there will be impacts on the community including some loss of amenity, the perceived loss of the existing rural character of the PSP land and loss of vegetation. However, these disbenefits do not outweigh the benefits that will be delivered. Importantly, matters such as bushfire risk, traffic impacts, vegetation removal and ecological impacts, have been assessed by the Committee throughout this report, with the Committee ultimately concluding that the impacts can be effectively managed and are acceptable.

Clause 71.02-3 of the Planning Scheme requires an integrated approach, and to balance competing objectives in favour of net community benefit and sustainable development. In this case, the Committee is satisfied that subject to its recommendations, the proposed development to be facilitated by the draft Amendment can co-exist with the established residential areas of Riddells Creek, and that the new housing opportunities will be a positive outcome.

The Committee finds:

- The Proposal will deliver a net community benefit and sustainable development as required by Clause 71.02-3.

### 3.8 Finding and recommendations

For the reasons set out in this report, the Committee finds that the draft Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Committee recommends:

**Prepare and approve draft Macedon Ranges Planning Scheme Amendment C161 as exhibited subject to the changes recommended in this Report.**

**Draft Planning Permit Planning Permit PLN2024/219 should be granted subject to the permit conditions contained in Appendix H.**



## 4 Township character

### 4.1 Background

Throughout the preparation of the draft Amendment and into this process, the Proponent has carefully responded to the matters raised by Council, the DTP, and its own independent expert witnesses.

In the case of Mr Murphy's evidence, this included incorporating a number of changes to the PSP (as reflected in the Day 1 PSP) and other documents comprising the Proposal which the Proponent accepted will lead to improved outcomes. These included changes which relate to:

- the treatment of the existing town's interfaces to the site, particularly in relation to vegetation character and built form character to optimise the visual integration of the site into its context
- the urban design and lot configuration to create a harmonious integration
- maximisation of existing vegetation retention in a number of areas on the PSP land
- clarification of the extent of appropriate housing and design guidelines to ensure compatibility in built form character internal and external to the PSP land
- endorsement and extension of alternative approaches to street design that will accommodate more vegetation to aid the visual integration of the PSP land into the town character.

Following Council's submission, further changes to the Day 1 PSP were made which included:

- specifying a density of 13.5 dwellings per hectare
- a guideline providing for two storey building heights along the settlement edges
- a requirement that Lower Urban Density Lots are developed along the Amess Road and Kilmore Road interfaces
- confirmation that the Amenity Lots will be developed in an integrated way
- a requirement that all waterways have a road abuttal
- a requirement for at least one tree to be planted in each front setback.

While the Proponent maintained these changes were not required for the Proposal to be consistent with the SPP and Part 3AAB of the PE Act, it acknowledged them as acceptable adjustments.

The Committee supports all the recommendations of Mr Murphy, and the changes made to the PSP throughout the hearing process, as reflected in the Final Day PSP.

### 4.2 Evidence

The Committee had regard to planning and landscape evidence noted in Table 4, as well as relevant submissions.

**Table 4** Planning and landscape evidence

Party	Expert	Expertise	Firm
Proponent	John Glossop	Planning	Glossop Town Planning
	Barry Murphy	Landscape	Murphy Landscape Consultancy

### 4.3 The issues

The issues are whether the Proposal:

- is consistent with the SPP
- will unacceptably impact the existing township character.

### 4.4 Evidence and submissions

#### Council

Council's fundamental position was that the Proposal is not consistent with the unique character of Riddells Creek. It submitted:

- the overriding consideration is the SPP
- unlike the policy in the Planning Scheme which must be *considered* the PE Act gives the SPP statutory force and sets up a bar to acting unless one is satisfied as to a threshold consideration, in this case, that Objective 8 is met.

Objective 8 of the SPP requires development that is consistent with the unique character of Riddells Creek. It provides:

To plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.

Council said the Proposal failed to have regard to a key strategy which seeks to encourage infill development "*that respects the township's character*", for a number of reasons including:

- unacceptable interfaces which consist largely of narrow lots which will result in little gap between dwellings
- small front and side setbacks which are more akin to a suburban setting than a township setting
- the very small Amenity Lots proposed in the Permit area which are uncharacteristic with the outer areas of Riddells Creek
- the application of the Small Lot Housing Code (SLHC) (particularly Type C housing which allows for three storey development) will result in development not requiring a planning permit and it being likely that dwellings may be three storeys which is uncharacteristic of Riddells Creek.

Council submitted:

- the Proposal fails to properly appreciate the peri-urban, not urban, location of the area
- the Proposal fails to give proper weight and consideration to the SPP
- the outcomes that will be encouraged and facilitated by the PSP (as evidenced by the draft Permit) are inconsistent with the unique character of the Riddells Creek settlement particularly in terms of
  - the manner in which certain interfaces are read from areas outside the settlement boundary, particularly the north and east interfaces
  - the type of development that would be permitted as of right by the planning controls
  - the lot sizes particularly the "Amenity Lots".

Council submitted the overall form of development proposed is more comfortable in the context of the urban areas of outer Melbourne than within the unique township character of Riddells Creek. Whilst Council generally supported the changes made to the PSP (and reflected in the Final

Day PSP) in the event the Committee supports the draft Amendment and draft Permit, its position with respect to neighbourhood character did not change.

The Council sought various other changes to both the PSP and draft Permit which the Proponent said were unnecessary to deliver appropriate neighbourhood character outcomes consistent with the SPP and Part 3AAB of the PE Act. These included:

- further changes to the PSP to explicitly recognise the unique character of the neighbourhood of Riddells Creek
- applying a front setback of six metres across the PSP land
- applying a side setback of 1.5 metres across the PSP land, or including a requirement for building envelopes to provide for spacing between buildings to provide for landscaping and permeability
- removing application of the SLHC
- a building height restriction of two-storeys throughout the PSP land.

### **Submitters**

Many submitters were concerned the proposed PSP and development of the PSP land would erode the valued character of Riddells Creek. Submission echoed many of the points raised by Council, including that the Proposal:

- is not consistent with the unique character of Riddells Creek, a clear requirement of planning policy within the Planning Scheme
- fails to meet the requirements of Objective 8 of the SPP
- does not allow *“for growth which is respectful and commensurate with the preferred character, features and values of the township”* as required by the Structure Plan
- is more akin metropolitan density and style.

In terms of identifying what the existing character is that must be responded to, submitters highlighted:

- generous and expansive vegetated road reserves
- generous sized allotments
- dwellings with substantial setbacks from the road with established gardens
- single level homes of brick or weatherboard.

Other submitters pointed to the need to locate semi-detached dwellings or townhouse type developments to areas within or immediately surround the town centre.

### **Proponent**

The Proponent submitted the Planning Scheme, Structure Plan, and the township character studies undertaken by the Proponent (D70 and D71) show that there are many different neighbourhood characters in Riddells Creek. It noted that Mr Murphy made a similar observation in oral evidence when he described the flow of different eras of development in Riddells Creek, with each new phase adopting a distinct neighbourhood character. The Proponent highlighted that to the extent there are common elements, including generous road reserves and streetscape landscaping, those elements have been incorporated and interpreted in the PSP in an acceptable way.

The Proponent submitted the Council’s approach *“fundamentally misconstrues the Statement of Planning Policy, and Objective 8 in particular”*. Objective 8 is directed at planning and managing

growth of settlements in the declared area. It said that pursuant to Objective 8, that growth is to be consistent with:

- protection of the area's significant landscapes
- protection of catchments, biodiversity, ecological and environmental values
- the unique character, role and function of each settlement.

In terms of the correct approach to adopt, the Proponent submitted:

Note that the object of "protection" under Objective 8 is significant landscapes, as well as catchments, biodiversity, ecological and environmental values. The mechanism to do this under the Statement of Planning Policy and Part 3AAB is the imposition of precinct structure boundaries around settlements to contain settlement growth spatially.

The "unique character" of each settlement is not called up for "protection" as are other valued attributes of the declared area. Rather, planning and management of growth is to be "consistent with" the "unique character, role and function" of each settlement. The Macquarie Dictionary defines "consistent" to mean, among other things "agreeing or accordant; compatible; not self-opposed or self-contradictory."

Having regard to the above definition, being "consistent with" the unique character of a place under Objective 8 does not mean "replicating", "emulating" or "copying". It is a question of compatibility – will the PSP deliver development that fits with the existing neighbourhood character of Riddells Creek. The evidence is that the Proposal will be an appropriate fit.

It submitted:

- even if Objective 8 were to be construed to require a closer degree of "replication", the unique character of Riddells Creek is its particular diversity of precincts, which have developed in their own way over time, each with their own distinct setbacks and other built form outcomes
- the Proposal responds to the common features of these precincts, adding its own place-based approach which will create a distinct new phase of development in the PSP land.

Mr Glossop considered protection of significant landscapes, as sought by Objective 8 of the SPP, is achieved by the township boundary defining the spatial extent of urban development.

In relation to character within the PSP land, Mr Glossop considered new broad hectare subdivision in greenfield locations can create their own character. He said:

This PSP goes further than many in that it has sought to address public realm considerations through adopting development controls along the site's edges. This is a positive aspect of the proposal. However, there is no need to replicate this approach to design within the site. To a large extent what occurs within the site is somewhat immaterial to the town's character because it will be visually isolated from the main roads that form the site's perimeter. I do not think it matters (in a character sense) if the experience in parts of the PSP land is different to the experience within other residential areas of Riddells Creek. For instance, if higher densities are provided centrally this will have no appreciable impact on 'township character' because it would be visually isolated.

In terms of interfaces Mr Glossop considered the various requirements and guidelines in the PSP will ensure that future development will present a softened interface to the roads, which protects the existing experience. He also supported the application of the General Residential Zone (GRZ) to the whole of the site pursuant to the proposed UGZ1 and the application of three storeys to the high amenity areas only. He said these are well located to provide additional facilities for those residing in smaller dwellings and their location also avoids the more sensitive edge locations of the site.

Mr Murphy agreed that the edges of the PSP land should be the focus for ensuring future development integrates into its context appropriately. He explained that the design and quality of

these interfaces will significantly influence whether the character of the precinct is consistent its context. This is because:

- the edges are the most visible parts of the PSP land
- Kilmore Road and Amess Road, and to a lesser extent the internal connector road, are the key streets that define the area's identity, as they are the primary points of arrival and where visitors form their first impression.

Mr Murphy was instrumental in facilitating many changes to the PSP all which were adopted by the Proponent and are reflected in the Final Day PSP. With all his suggested changes implemented, Mr Murphy considered the residential area of the PSP will:

- result in a visual and character 'fit' with the existing township
- provide a landscape setting for the development that will allow it to visually sit well within the landscape character of Riddells Creek.

## 4.5 Discussion

There was significant debate at the Hearing about township character, where it is defined in policy, the extent of assessment undertaken by the Proponent and from where in Riddells Creek the character is derived.

The Planning Scheme at Clause 71.02-3 (Integrated decision making) requires decision makers to integrate the range of policies and balance the conflicting objectives to produce a net community benefit outcome and sustainable development now and into the future.

In this case there are three clear and competing policy imperatives. The first is the need to provide additional housing for Victorians including those in the Macedon Ranges. In this respect, the concept of "*character*" in Objective 8 of the SPP should not be divorced from the role and function of the settlement. Riddells Creek's role and function under the SPP is as a district town, identified for future growth, where urban development is to be directed. Both Mr Duane and Mr McNiel acknowledged the urgent need for land supply in Riddells Creek. The medium density lots proposed as part of the Proposal will go some way to alleviating the pressure for medium density development in the existing town centre. They will be planned in an integrated way so that future residents have appropriate amenity, including being located adjacent to public open space.

The second policy imperative is to protect the significant landscape and environmental values of the non-urban areas of the Shire. The Committee agrees with Mr Glossop's interpretation that this is achieved in policy through the application of the township boundary (and PSP land boundary). Future development will be wholly contained within land already zoned for urban development.

The third policy imperative is responding to the unique character of the town. Riddells Creek is undergoing significant change with parts of the town now including multi-unit developments and new subdivisions with more contemporary urban densities near the town centre. These contrast the other larger allotments with single dwellings, or vacant allotments, that occur in many older parts of the settlement. The Committee's own site inspection of Riddells Creek revealed smaller lot and medium density development occurring within Riddells Creek. Clearly this form of development is contributing to the existing character of the town.

In considering township character, lot sizes, housing form and edge treatments are an important part of the PSP because the way that lots are set out and assembled in a plan of subdivision will be a key determinant of the character that is created.

The Proponent made changes to the PSP which include:

- specifying a density of 13.5 dwellings per hectare
- a requirement that Lower Urban Density Lots are developed along the Amess Road and Kilmore Road interfaces.

The acceptance of 13.5 dwellings per hectare is significant given the Precinct Structure Planning Guidelines: New Communities in Victoria (October 2021) (PSP Guidelines) identify that PSPs should facilitate increased densities with an average of 20 dwellings or more per net developable hectare across an entire PSP area. The Guidelines however are principally aimed at Metropolitan Melbourne PSP contexts and acknowledge that some adaptation of this (and other) targets may be required in regional areas. While the 13.5 hectare yield is low relative to what is being achieved in more recent PSP areas in Metropolitan Melbourne, it is appropriate in this regional context and mediates well between policy expectations and the site's context.

The Committee agrees with Mr Glossop that new broad hectare subdivision in a greenfield location will need to create its own character. It cannot replicate what exists but should strive to 'fit in' with the existing township character. In this sense, the edge and interface treatments are important. Specifically, the PSP requires development with an interface to either Amess Road or Kilmore Road to:

- not have direct access (Requirement 18) which will protect roadside vegetation and limit traffic conflict points
- provide either a 10 metre landscaped strip with backyards facing Amess Road or have an internal loop road (Requirement 5) with a nature strip on both sides to provide a buffer to the road
- dwellings with an interface to Kilmore Road must be setback at least 20 metres from the Kilmore Road reservation land (Requirement 5) to provide a buffer to the road
- dwellings with an interface to Amess Road must have a minimum width of 20 metres and (where proposed) have suitable front fencing (Requirement 5) resulting in a lower density streetscape
- be one to two storeys in height (Guideline 2) which is comparable to existing built form.

The PSP also provides a transition to the rural interface to the north and east. To the east:

- a proposed road forms the boundary
- a nature strip on both sides of the carriageway creates a reservation of 14.3 metres
- east facing dwellings are to be setback at least 4.7 metres, creating an overall 'separation' of 19 metres.

This will create a suitable transition which is also necessary to achieve a Bushfire Attack Level (BAL) 12.5 (Requirement 41) and responds to Clause 13.02-15.

To the north, new lots are proposed to back onto Frost Lane or a new internal road is to be provided. No access will be permitted except for emergency access. Again, this will provide an appropriate interface to the adjoining rural farming land and no change to the interface options, as requested by the Pattersons, are considered necessary.

Clearly, as both Mr Murphy and Mr Glossop noted, the PSP responds appropriately by focussing the integration of township character along the interface edges and the connector road.

These requirements and guidelines will together ensure that future development will achieve acceptable neighbourhood character outcomes and provide an appropriate transition between the Proposal and the existing township and surrounding interfaces. The proposed design response

will of course be different to existing parts of Riddells Creek, however planning policy calls for development to respond to its context, not replicate it.

In terms of the remainder of the PSP land, the Committee does not consider greater lot sizes or setbacks are necessary to deliver appropriate neighbourhood character outcomes. Indeed, neither Mr Glossop nor Mr Murphy thought so. Both Mr Glossop and Mr Murphy supported adopting the standard GRZ building heights, and ResCode and SLHC provisions, subject to appropriate cross-sections for the periphery of the PSP area, and along the Connector Street. The Committee agrees.

In relation to height in particular, it is proposed to 'apply' the GRZ to the whole of the PSP land pursuant to the proposed UGZ1. The GRZ has a mandatory building height of three storeys and 11 metres. The PSP is clear that three storey development would only be encouraged in specified locations (Guideline 2), being the 'high amenity areas'.

High amenity areas are:

- located centrally within the site around areas of proposed public open space
- are well located to provide access to facilities for those residing in smaller dwellings
- avoids the more sensitive edge locations
- to a large extent visually isolated from the site's perimeter.

Both Mr Glossop and Mr Murphy supported higher density housing in these areas, particularly given the evolving character that occurs within towns over time and in the context of planning policy which calls for housing diversity.

More generally, the Committee supports use of the SLHC to facilitate this higher density housing. Its benefits are well recognised including being a cost and time efficient method of delivering dwellings to market, facilitating dwelling diversity and delivering an opportunity for an affordable form of housing compared with traditional detached dwellings on larger allotments. Applying the SLHC to the PSP land will enable the delivery of diverse and affordable housing offerings in locations of high amenity.

## **4.6 Finding**

The Committee finds:

- The Proposal will strike the right balance between policy guidance that requires the protection of township character and providing increased housing and housing diversity.

## 5 Development contributions

### 5.1 Background

Several issues were raised about infrastructure projects to be funded by the DCP. These related to infrastructure provision and funding in both broad and project-specific terms. Many of the issues raised were resolved through an expert meeting. Key considerations are confined to:

- provision of a community centre
- provision of active open space
- imposition of the community infrastructure levy
- provision of public open space
- funding mechanisms for the drainage assets.

#### DCP Guidelines

The DCP Guidelines explain a DCP can fund infrastructure under two levy types:

- Development Infrastructure Levy (DIL) funds: transport, drainage, public open space and basic community buildings (including early childhood centres and multipurpose spaces)
- Community Infrastructure Levy (CIL) funds: higher-order social and community buildings (including sports pavilions) and is capped at a maximum levy per dwelling.

The DCP Guidelines acknowledge flexibility is needed in regional areas, as infrastructure demand and development patterns differ from metropolitan areas as growth can be unpredictable. Alternative mechanisms (such as voluntary agreements) should be considered.

### 5.2 Evidence

The Committee had regard to the community infrastructure and development contributions evidence noted in Table 5 as well as relevant submissions.

**Table 5** Planning, development and community infrastructure evidence

Party	Expert	Firm	Area of expertise
Proponent	Robert Panozzo	ASR Research	Community infrastructure
	Paul Shipp	Urban Enterprise	Development contributions
	John Glossop	Glossop Planning	Planning
Council	Kate Kerkin	K2 Planning	Community infrastructure

As directed by the Committee, an expert meeting on development contributions and community and recreation was held on 5 February 2025 and a report was tabled identifying the agreed opinions and facts.<sup>8</sup>

<sup>8</sup> D49



## 5.3 Community centre

### (i) Background

Early iterations of the PSP included a community centre within the precinct. The facility comprised:

- purchase of land to facilitate the construction of an on-site centre (CI-01A)
- construction of an on-site multi-purpose community centre (CI-01B).

However, Council had reservations about locating the community centre on-site. It advised the Proponent that it preferred a cash contribution be made to enhance existing facilities at other locations.

Following the receipt of Dr Kerkin's advice, Council then indicated that it supported her recommendation to locate a modest community centre on-site,<sup>9</sup> to which the Proponent agreed.

### (ii) DCP provisions

The DCP lists the land and construction for a community centre as DCP funded items (see Table 6).

**Table 6** Summary of DCP projects CI-01A and project CI-01B

Project	Description	Cost Estimate	Per cent apportioned to the DCP	Staging	Levy type
CI-01A	Purchase of land within the precinct for the development of Amess Road Community Hub	\$1,100,000.00	100%	At time of subdivision, as required according to demand levels	DIL
CI-01B	Construction of Amess Road Community Hub, including community rooms, childcare and maternal child health facilities, and a kindergarten room.	\$7,225,000.00	100%	As required according to demand levels	DIL

The community centre is to be centrally located, along the main connector road and adjacent to a local park and a linear trail (see Figure 7).

<sup>9</sup> D20

**Figure 7** Plan showing the location of the community centre

Source: D143, 27

**(iii) The issues**

The issues are whether:

- the Proposal requires a community centre
- the community centre's proposed services, floor area, space allocation and land take is appropriate
- the community centre should be fully funded by the DCP and listed as a DIL item.

**(iv) Evidence and submissions****Experts**

Ms Kerkin and Mr Panozzo discussed the provision of the community centre at the DCP expert meeting and agreed:

- the PSP land will require a community centre
- it should be located within the precinct rather than providing contributions for an off-site facility
- the proposed services and floorspace outlined by Ms Kerkin are suitable, provided it includes at least one kindergarten room (with space set aside for a second room if demand increases)
- the centre will likely need 0.4 hectares of land
- the centre should be fully funded by and designed for the PSP community
- if Clarkefield<sup>10</sup> is rezoned, new residents may temporarily use Riddells Creek facilities, which could justify a larger community centre in the PSP land.

<sup>10</sup> The neighbouring township

The experts agreed:

- on the need for an onsite community centre despite differences in the calculations underpinning their analysis
- floorspace area of around 700 square metres was required.

The experts initially disagreed on the need for a kindergarten. At first Ms Kerkin concluded that the PSP land would not generate additional demand for kindergarten places but later revised her assumptions. Mr Panozzo noted that providing two-room kindergarten facilities is best practice, but acknowledged the specific circumstances justified a different approach. The compromise reached was a one-kindergarten room centre, with siting and design allowing for future expansion to two rooms and an associated outdoor play area, subject to future funding.

One area of contention that remained was whether maternal and child health services were required to be delivered in the community centre:

- Ms Kerkin determined the service was needed to supplement existing supply, as a site inspection revealed existing facilities were no longer fit for purpose
- Mr Panozzo preferred to defer the provision and determine its need as part of an expanded centre.

Further, both experts commented on the need for community centre specifications:

- standard practice in Mr Panozzo's experience was to use either a master plan or concept plan to inform costings
- Ms Kerkin considered that the diagram illustrating the spatial relationship<sup>11</sup> of services within the community centre tabled in her evidence, should inform a concept design to be costed.

Mr Panozzo determined the community centre was eligible for DIL funding.

In his evidence, Mr Shipp:

- was less definitive than Mr Panozzo about the validity of DIL funding as he:
  - interpreted ambiguity in the DCP Guidelines about whether all community centres were allowable DIL items
  - considered only centres weighted towards early years services were allowed
- considered that whilst using the public land evaluation method was the fairest method for land valuation of the community centre land, the simpler site-specific valuation method would remove unnecessary complication in a DCP with only two land items
- said scope and costs were required.

### **Proponent**

The Proponent supported an onsite community centre and generally accepted the unified recommendations of the experts on the form, function and location of a centre. The Proponent and Council agreed on the floor area and space allocation metrics for each service. In closing submissions, the Proponent tabled costings for the centre<sup>12</sup> based on these agreed metrics.

### **Council**

Council's submissions indicated its preference for concept design and costings to be prepared, and its desire to peer review the estimate.

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<sup>11</sup> D62, slide 8

<sup>12</sup> D134

In reply about the peer review, the Proponent suggested the following to manage the resolution of costs after the Committee process:

If there is a divergence of opinion on costings after any peer review by Council is received, it can be dealt with in a co-operative way as between the Council and the Proponent and, if necessary, subsequent correspondence with DTP.<sup>13</sup>

### **Submitters**

Several submitters considered the PSP should provide a community centre to support the PSP population and remove capacity pressure on existing facilities.

Many submitters expressed concern the PSP population would place further burden on other existing local services that they considered to be at capacity. The services included the primary school and medical centre.

### **(v) Discussion**

The expert meeting supported the proposed community centre provision, including key metrics. Importantly for the Committee, it enabled the experts to explain their detailed calculations. The shared view on land take, floorspace, location and full apportionment of the centre to the DCP is supported by the Committee.

The service and functions agreed between the Proponent and Council include provision for maternal and child health services. Mr Panozzo's assessment focussed on quantitative measures, while Ms Kerkin included qualitative considerations. Given Ms Kerkin's view considered both the availability and quality of existing infrastructure and was supported by Council, including this service is appropriate.

Staging the delivery of a kindergarten is a practical approach and reflects a constructive outcome of the expert meeting. The concessions of both experts to compromise led to the proposal for a two-stage, flexibly designed facility. The Committee supports this approach and observes it is consistent with planning policy which seeks that community facilities are designed to adapt as the population changes.<sup>14</sup>

The costing of \$7.2 million was tabled by the Proponent without a concept design. The Committee deliberated on whether a concept design was needed to inform the community centre. It is persuaded by the three experts who considered that designs are needed. Standard community centre concept designs are commonly used and may be appropriate to inform a design for the centre, however it is unclear whether the need for a flexible floorspace design would add complexity and thereby cost. An appropriate concept design should be prepared to ensure the scope of works and costing for the facility are accurate and transparent and enable Council to undertake a peer review. The Committee makes similar findings regarding the scope of works for the active open space provision (discussed in Chapter 5.3). The method proposed by the Proponent to deal with resolution of the costings after the Committee process is suitable and practical and supported by the Committee.

The use of the site-specific land valuation method is supported for the reasons outlined by Mr Shipp. This method was used to inform the land value listed in the DCP to which Council raised no concern.

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<sup>13</sup> D160, 8

<sup>14</sup> Clause 19.02 (Community facilities)

While Mr Panozzo maintained that the community centre was eligible for DIL funding, Mr Schipp did not. In written evidence Mr Schipp supported listing a community centre (with kindergarten rooms) as a DIL item. His view was less certain under cross examination based on the agreed floor area and space allocations for which inclusion of maternal and child health services had not been confirmed. The DCP Guidelines list:

- construction of maternal and child health care centres, childcare centres and kindergartens as DIL items
- 'all other infrastructure of a community or social nature' as CIL items.

As the agreed service provision of the centre accommodates both kindergarten and maternal and child health functions and Mr Panozzo endorsed DIL funding, the Committee supports listing the centre as a DIL item.

The Committee relies on Ms Kerkin's and Mr Panozzo's expertise that other existing local community and health services can accommodate the PSP population, including the primary school provision. These matters were not questioned by Council. The Committee appreciates the concerns expressed by the residents based on their lived experience yet defers to the experts and Council for their expertise on this matter.

#### **(vi) Findings and recommendation**

The Committee finds:

- Provision for an onsite community centre is required.
- The proposed services, floor area, space allocation and land take of the community centre is appropriate.
- The community centre should be fully funded by the DCP as a DIL item.
- A concept design of the community centre should be prepared and used to inform costings and included in the DCP, after Council has undertaken a peer review.
- The proposed site-specific land valuation method for the community centre land is appropriate.
- The method of resolving the community centre cost estimates between the Proponent and Council, as suggested by the Proponent, should be followed.

The Committee recommends:

**Amend the DCP to include a concept design and associated costing for the community centre (CI-01B) and make consequential changes to the DCP.**

## **5.4 Active open space**

### **(i) Background**

Early iterations of the PSP included a sports reserve within the PSP land. However, like for the community centre, Council had reservations with locating the sports reserve on-site and advised the Proponent that it preferred a cash contribution to enhance existing facilities off-site (1.6 kilometres from the PSP land), to which the Proponent agreed.

The Planning Scheme's residential subdivision standards<sup>15</sup> include locating active open space (at least eight hectares in area) within one kilometre of 95 per cent of dwellings.

<sup>15</sup> Clause 56.05-2 Public open space provision objectives

The PSP Guidelines establish some target metrics around the provision of active open space. The target for total public open space provision in residential areas is 10 per cent of net developable land, comprising:

- three to five per cent for local parks and
- five to seven per cent for sports reserves.

The PSP Guidelines set a lower target than the Planning Scheme for the distribution of active open spaces, being to locate sports reserves within 800 metres safe walking distance of all dwellings.<sup>16</sup>

### PSP provisions

The PSP Objectives include to facilitate active living and provide opportunities for participation in sports and activities. The active open space provision is to be provided through an upgrade to the Riddells Creek Recreation Reserve (RCRR). The relevant details are shown in Table 7 and the DCP relevantly:

- does not specify any internal or external cost apportionments
- does not include a concept design or costings for the upgrades.

The DCP's estimated cost of \$3.3 million was carried over from earlier versions and was not subject to expert review.

**Table 7** Summary of DCP project SR-01A as exhibited

Project	Description	Cost Estimate	Per cent apportioned to the DCP	Staging	Levy type (DIL or CIL)
SR-01A	Upgrade of Riddells Creek Recreation Reserve, including a district-level play space, skate park renewal, soccer pitch, hard courts, oval reconstruction, and associated infrastructure	\$3,323,990.90	-	As required by Council	DIL

### (ii) The issues

The issues are whether the:

- Proposal provides sufficient active open space
- Proposed apportionment, timing and scope of works of the active open space are appropriate.

### (iii) Evidence and submissions

#### Experts

Mr Shipp and Mr Panozzo discussed providing active open space at the DCP expert meeting and the report from this meeting outlined the following:

Areas of agreement:

- The ten per cent public open space target (from the PSP Guidelines) includes both active and passive open space. Land for active open space does not necessarily need to be

<sup>16</sup> PSP Guidelines, Targets 11 and 12

within the precinct if suitable offsite options exist. If less than ten per cent public open space is provided, cash-in-lieu payments are not automatically required, as long as existing regional assets (the RCRR) can accommodate the demand.

- Offsite provision in the form of upgrades to the RCRR using DCP funding is a suitable solution, but the specific improvements must be clearly defined.
- If an onsite active sports reserve was proposed instead of upgrades, the land acquisition should be fully funded by the DCP.
- The cost apportionment method for sports and community facilities was based on a theoretical model (using 3,000 dwellings as a generic catchment), rather than a needs-based approach. The nominated \$3.3 million contribution appears low compared to similar precincts.

Area of disagreement:

- Mr Panozzo suggested that off-site provision at the RCRR is an acceptable solution, provided the upgrades are well-defined. Mr Shipp acknowledged this but indicated that an onsite reserve could also be a viable alternative if fully funded through the DCP.

Additional points of agreement, beyond those established in the expert meeting, were:

- The active open space should be funded by DIL.
- Timing for delivery would be dependent on development sequencing, and Mr Panozzo did not propose any needs-based reasons.

Mr Panozzo calculated that the PSP land required a five to seven hectare active open space reserve based on infrastructure provision ratios commonly used in metropolitan PSP contexts. This provision could be provided onsite or offsite, but he recommended upgrading the existing reserve instead as it aligned with Council's preference as the future asset owner. He supported the offsite option and argued that the regional context justified PSP residents travelling beyond the one kilometre access target set in planning policy.

In his evidence, Mr Panozzo:

- did not conduct a capacity analysis of the RCRR or identify specific sports or timing needs and instead deferred these matters to Council
- calculated the PSP land's share of upgrade costs in Appendix 2 of his evidence, concluding that a 45 per cent apportionment was fair. The figure was based on the expected PSP population within Riddells Creek and was confirmed by Council through a peer review<sup>17</sup>
- explained the \$3.3 million cost of the upgrade was based on a theoretical figure and only for the development of playing fields at the RCRR and not on a confirmed project or scope of works
- supported the offsite provision on the condition that detailed specifications and costings for the upgrades would be provided.

Mr Shipp considered that the absence of a clearly described scope of work is inconsistent with the PE Act. He supported a more clearly defined scope of work for the upgrade and recommended this to comprise a concept design and cost estimates similar to other DCPs.

When questioned by the Committee on the apportionment, Mr Shipp could not reconcile the 45 per cent calculation with the PSP land's active open space needs. He acknowledged there is no

<sup>17</sup> D37h

fixed method for calculating apportionment but stressed that it should be guided by need and equity principles.

The Committee questioned Mr Shipp on the potential risks of the apportionment being insufficient and the DCP underfunding the upgrade works. The primary risk was the PSP population experiencing unmet active open space needs. A secondary risk was that Council would have to cover any funding shortfall, though he did not consider this a significant concern.

### **Council**

Council identified the following scope of works for the RCRR upgrade:

- district level play space (with BBQ area and picnic shelter)
- Riddells Creek Skate Park renewal
- one soccer pitch with sports ground lighting and cricket oval overlay
- outdoor hardcourts with low court perimeter fencing, lighting and four player shelters
- reconstruction of the oval surface including associated infrastructure (including fencing, player benches, lighting and behind goal nets)
- ancillary carparking, footpaths, landscaping, open space furniture, service connections, drainage and related infrastructure.<sup>18</sup>

It submitted the scope of works should inform the preparation of concept designs and costings for inclusion in the DCP.

Council accepted both the 45 per cent apportionment and this fixed contribution amount.

Through submissions, it:

- tabled a capacity analysis<sup>19</sup> outlining the necessary upgrades to the RCRR, and highlighted the reserve already experiences capacity constraints on the sports ovals
- indicated it would likely delay delivering the upgrade until Council received contributions from the LSRL
- requested an update to the description of the scope of works in the DCP which the Proponent supported.

### **Proponent**

The Proponent and Council generally agreed on the provision of active open space being delivered through upgrades to the RCRR. The Proponent explained the \$3.3 million cost estimate was calculated using the construction costs associated with the formerly proposed onsite active open space reserve and apportioning 45 per cent of this to the DCP as a cash contribution to upgrade the RCRR.

### **Submitters**

Community submissions regarding the upgrades varied. Some supported the works, while others questioned how the remaining 55 per cent would be funded. The Riddells Creek Planning Group cited Council's capacity analysis, arguing that the existing reserve has quality constraints and that prevented full use of the RCRR.

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<sup>18</sup> D66, 25

<sup>19</sup> D75, The Amess Road and Ross Watt Road PSP Public Open Space Report



#### (iv) Discussion

The Committee accepts that the active open space needs of the PSP population can be met by upgrades to the RCRR as proposed. This was clearly the agreed position of the Proponent and Council. The experts agreed offsite provision accorded with the PSP Guidelines and Mr Panozzo considered the RCRR would meet the PSP community's active open space needs.

What is unclear to the Committee is whether the proposed apportionment, timing, and scope of works are adequate. Mr Shipp did not support the apportionment figure and said the timing of delivery could be many years away. Mr Shipp, Mr Panozzo and Ms Kerkin agreed that concept designs and detailed cost estimates are necessary.

If the timing nominated for the delivery of the RCRR upgrades is not appropriate, the risk is that unmet needs may extend for a long time. This is likely as:

- the capacity analysis of the RCRR assessed the facility cannot meet the existing population's needs and the PSP population will place further strain on the infrastructure
- the upgrade works are evidently a long-term prospect if delivery requires financial input from the LSRL
- it is unclear whether works-in-kind (WIK) delivery could be a feasible way to bring the upgrades forward, as this option may be made impractical if the costs are shared between the PSP and LSRL and these development areas have very different development timelines.

However, neither Mr Shipp or Mr Panozzo saw fit to make recommendations to nominate needs-based staging, which could limit the length of time of unmet needs extends. The accessibility of the Gisborne regional sports facility goes some way to ameliorate the extent of time, and the capacity analysis specifically notes this facility can supplement the sports infrastructure at the RCRR.<sup>20</sup> There is also potential for the RCRR upgrades to occur in a staged and prioritised manner to improve capacity incrementally (such as fixing the sports oval first). For these reasons, based on the material before it and support from Council, the Committee concludes that the timing is appropriate in this context. Unmet needs will be a matter for Council as the delivery agency and local government authority to monitor, as guided by the DCP.

The experts had differing opinions on the appropriate method for calculating the funding apportionment. Mr Panozzo applied a straightforward population-based calculation, while Mr Shipp advocated for a needs-based assessment. The simpler calculation is supported by the Proponent, Council and the peer review. There is some rationale in applying a population-based apportionment for simplicity and without other calculations to compare, the Committee accepts the 45 per cent apportionment. The decision on whether the LSRL will contribute to the remaining 55 per cent apportionment, either partially or in full, will be made at a later stage.

Both experts sought a better-defined scope of works for the active open space provision, and similar expert views were found for the community centre (dealt with in Chapter 5.2). Section 46K(1)(b) of the PE Act states that a DCP *"must set out the plan preparation costs, works, services and facilities to be funded through the plan."* Without a well-defined scope of works, there is potential for a raft of delivery and feasibility issues (incomplete, sub-standard or very late works), and the risk of unmet needs would persist. A clearly defined scope of works would provide the

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<sup>20</sup> D134, page 18

accountability and transparency needed to avoid complications in calculating any future apportionments from the LSRL.

The Committee considers then there is clear legislative and evidentiary support to require a more clearly defined scope of works in this context, even if the cost was accepted by Council. A clearly defined scope will help Council and developers plan and stage the upgrade in line with population growth and needs. The scope of works should:

- be based on the description proposed by Council
- align with examples in other DCPs to comprise a concept design and associated costings
- be provided to Council to undertake a peer review as needed.

The DCP should include a 45 per cent apportionment of the total estimated cost.

The Proponent's suggested a way to manage the resolution of costs with Council in relation to the community centre after the Committee process should similarly apply for the RCRR upgrades.

The Committee acknowledges that the preparation of designs and costs may take some time. However, there remains a need to ensure the Proposal undergoes an appropriate merits assessment and accords with planning regulations and practice. Potential time saving measures of preparing partial information should not come at the expense of appropriate community outcomes.

#### **(v) Findings and recommendation**

The Committee finds:

- Providing the active open space provision through the upgrades of the Riddells Creek Recreation Reserve is appropriate.
- A concept plan and an associated revised costing should be prepared by the Proponent to scope the works required for the Riddells Creek Recreation Reserve upgrade, and these should be based on the description provided by Council.
- The upgrades to the Riddells Creek Recreation Reserve should be listed as a DIL item in the DCP and the DCP should fund 45 per cent of the total estimated costs.
- The method of resolving the costings between the Proponent and Council, as suggested by the Proponent in relation to the community centre, should be followed for resolving the costings for the RCRR upgrade.

The Committee recommends:

**Amend the DCP to include a concept design and associated costing for the upgrades to the Riddells Creek Recreation Reserve (SR-01A), make consequential changes to the DCP including:**

- a) at Table 7 to apportion 45 per cent of the total costs to the DCP
- b) at Table 7 to list the total costs
- c) at Section 3.2.3 to update the third dot point to read '1 x multi-sport playing surface with sports ground lighting and multi-sport overlay'.

## 5.5 Community Infrastructure Levy

### (i) Background

The PSP and DCP list an upgrade to the RCRR pavilion as a CIL funded item as shown in Table 8 and the DCP relevantly:

- does not specify any internal or external apportionments of costs
- does not include a concept design or costings for the upgrades.

**Table 8** Summary of DCP project SR-01C as exhibited

Project	Description	Cost Estimate	Per cent apportioned to the DCP	Staging	Levy type (DIL or CIL)
SR-01C	Upgrade of the Riddells Creek Recreation Reserve pavilion, including building works, landscaping, and related infrastructure.	\$1,972,000.00	-	As required according to demand levels	CIL

### (ii) The issue

The issue is whether the RCRR pavilion upgrade should be included as a CIL project.

### (iii) Evidence and submissions

#### Experts

The expert meeting attended by Mr Shipp and Mr Panozzo agreed:

- the CIL should fund the RCRR pavilion upgrades at the RCRR
- further clarification on the specific upgrades is required to ensure alignment with community needs
- it is not appropriate to use the DCP to contribute towards the Gisborne regional sports facility because there is no municipal-wide DCP.

Mr Panozzo considered:

- the PSP land generates a need to upgrade the existing pavilion as part of broader upgrades for the RCRR
- the 45 per cent apportionment was appropriate, as it was for the broader RCRR upgrade (noting the capped levy would limit the extent of funding available for the project)
- detailed specifications and costings of the pavilion upgrade were needed
- many of the projects that Council requested for CIL funding were 'non-allowable' items largely for reasons of being already funded, and Mr Panozzo preferred the CIL funded local projects in Riddells Creek, as opposed to other towns
- the CIL could be used as 'top up' funding for the community centre.

Mr Shipp emphasised that the upgraded RCRR pavilion should be clearly scoped in terms of works and facilities and costed appropriately.

#### Council

Council supported using the CIL to fund the RCRR pavilion upgrade. It submitted the scope of works would encompass:

...additional change rooms and amenity provisions including social space, kitchen/canteen, first aid, umpires (sic) facilities, public toilets and undercover area (as per Australian Football League guidelines).<sup>21</sup>

Council submitted the scope of works should inform the preparation of concept designs and costings for inclusion in the DCP. It suggested any remaining CIL contributions could be used as a top up for the community facility.

### **Proponent**

The Proponent supported imposing the CIL to fund the RCRR pavilion upgrade.

### **Submitters**

Some submitters commented on the RCRR pavilion upgrade, and these questioned whether the allocated funding was sufficient.

In drafting submissions, Council requested that the DCP correctly lists the estimated costs of the RCRR pavilion upgrade, to ensure the total CIL contribution does not read as equivalent to the total costs of upgrades. In response, the Proponent suggested the project description include reference to 'partial funding' of upgrades.

### **(iv) Discussion**

The Committee supports using the CIL to fund the pavilion upgrade as:

- the Proponent and Council agreed to and Mr Shipp and Mr Panozzo supported imposing the levy
- the RCRR pavilion upgrade is justified, consistent with the Committee findings regarding the RCRR
- inclusion of the pavilion under the CIL is consistent with the DCP Guidelines which specifically list 'pavilions' as a CIL project example.

Further, the Committee:

- supports the 45 per cent apportionment for reasons discussed in relation to the active open space provision in Chapter 5.3 of this report
- accepts the staging is appropriate, given Council did not oppose the staging and it is listed as the delivery agency. Staging for the pavilion was not discussed by the experts or addressed in the capacity assessments.

However the Committee considers the way in which the pavilion is included in the DCP requires refinement. This is because:

- the basis of the cost estimate listed in the DCP is unclear
- no costings were tabled by the Proponent, nor an explanation of how the listed cost relates to the 45 per cent apportionment, nor how the total cost relates to the capped CIL levy amount.
- the way in which the cost is listed in the DCP is misleading
- the same issues with an ill-defined scope for a DCP project discussed in Chapter 5.3 apply here too.

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<sup>21</sup> D66, 25

The Committee finds it is appropriate and consistent with its finding on other infrastructure (see Chapters 5.2 and 5.3 of this report) that a concept plan and costings should be prepared. To this end, the Committee considers:

- the scope of work should be consistent with Council's descriptions
- resolution of the costings should occur in the manner described by the Proponent as discussed in Chapter 5.2 in relation to the community centre
- the DCP should fund a maximum of 45 per cent of the total cost, noting the capped CIL amount may be insufficient to fund the apportionment amount
- the costs should be listed correctly, rather than altering the project description.

Any remaining funds from the CIL contribution should be considered for top up funds for the community centre.

#### (v) Findings and recommendation

The Committee finds:

- The RCRR pavilion upgrade should be listed as a community infrastructure levy item.
- A concept design and associated costings should be prepared for the pavilion, peer reviewed by Council and included in the DCP.
- The DCP should fund a 45 per cent apportionment of total costs, should correctly list the costs of the pavilion upgrade works, including apportionments.
- The Proponent's method for resolving the costings between the Proponent and Council should be followed.
- Any remaining CIL funds should be used to top up costs for the community centre.

The Committee recommends:

**Amend the DCP to include a concept design and associated costing for the upgrades to the Riddells Creek Recreation Reserve pavilion (SR-01C), and make consequential changes to the DCP including:**

- a) at Table 8 to apportion 45 per cent of the total costs to the DCP**
- b) at Table 8 to list the total cost.**

## 5.6 Passive open space

### (i) Background

The proposed passive open space provision is 7.05 hectares of unencumbered land, designed in a network of local parks and linear parks. This equates to 7.02 per cent of the net developable area.

Similarly to the active open space, the Planning Scheme and PSP Guidelines establish some target metrics around the provision of passive open space.

The Planning Scheme standards<sup>22</sup> include locating:

- local parks within a 400 metre safe walking distance of at least 95 per cent of dwellings (and parks should be generally one hectare in area)
- linear parks and trails along waterways and road reserves within one kilometre of 95 per cent of dwellings

<sup>22</sup> Clause 56.05-2 Public open space provision objectives

- Clause 53.01 requires five per cent public open space contribution across the municipality.

The PSP Guidelines:

- list targets for three to five per cent of net developable area to be set aside for local parks
- contemplate adaptations on the quantum and distribution of open space in regional areas to include consideration of the structure and capacity of existing open space.

## PSP

Aims of the PSP pertaining to passive open space are listed at Objectives 8 and 9:<sup>23</sup>

Facilitate active and healthy living by creating an urban environment that encourages cycling and walking. This will include the creation off-street pedestrian and cycling links using existing road reserves, waterways and the linear local park throughout the precinct.

Provide opportunities for participation in informal sport and activities through the provision of a large local park with areas zoned for active play.

Proposed Clause 53.01 of the Planning Scheme sets the PSP land's public open space contribution at 7.02 per cent. The PSP explains that Clause 53.01 requires a public open space contributions of 7.02 per cent of the net developable area, which can be made through land, cash, or a combination of both. The Clause equalises passive open space, so that landowners who provide more than 7.02 per cent will be reimbursed by Council, while those who provide less must make a cash payment to equalise their contribution.

The PSP sets out a series of requirements and guidelines to inform the delivery of the open space network within the precinct, including:

- R8: All local parks must be located, designed and developed generally in accordance with Plan 6 and the relevant description in Table 4 unless otherwise agreed to by the responsible authority. The area of the park may vary; where a park is smaller than outlined in the table, the land must be added to another park or used to create a new park in addition to those outlined in Plan 6. Any reduction in area or change in shape must not unreasonably affect the utility of the park. Where a proposed park is larger than outlined in the table, it may be accepted so long as it does not result in the removal of another park location, unless otherwise agreed to by the responsible authority.<sup>24</sup>
- G9: Alternative locations and configurations for local parks, including the linear local park, may be considered, subject to:
  - Addressing the required locational attributes as outlined in Table 4.
  - Not diminishing the quality or usability of the space.
  - Not adversely impacting on the overall diversity of the precinct open space network.
  - Being equal to or more than the local park provision shown in Table 4.
  - Still being supported by the preferred path network outlined in Plan 6.
  - Maintaining the connectivity of the linear park.<sup>25</sup>

The open space network is centred around the proposed linear park and existing creek lines. Unencumbered open space (passive open space) is provided through five pocket parks generally located on the linear park circuit located central to the precinct. Two natural waterways provide encumbered open space corridors. Land set aside for conservation and drainage assets provide further open spaces. The spatial arrangement of the unencumbered and encumbered open space network is illustrated in Figures 8 and 9.

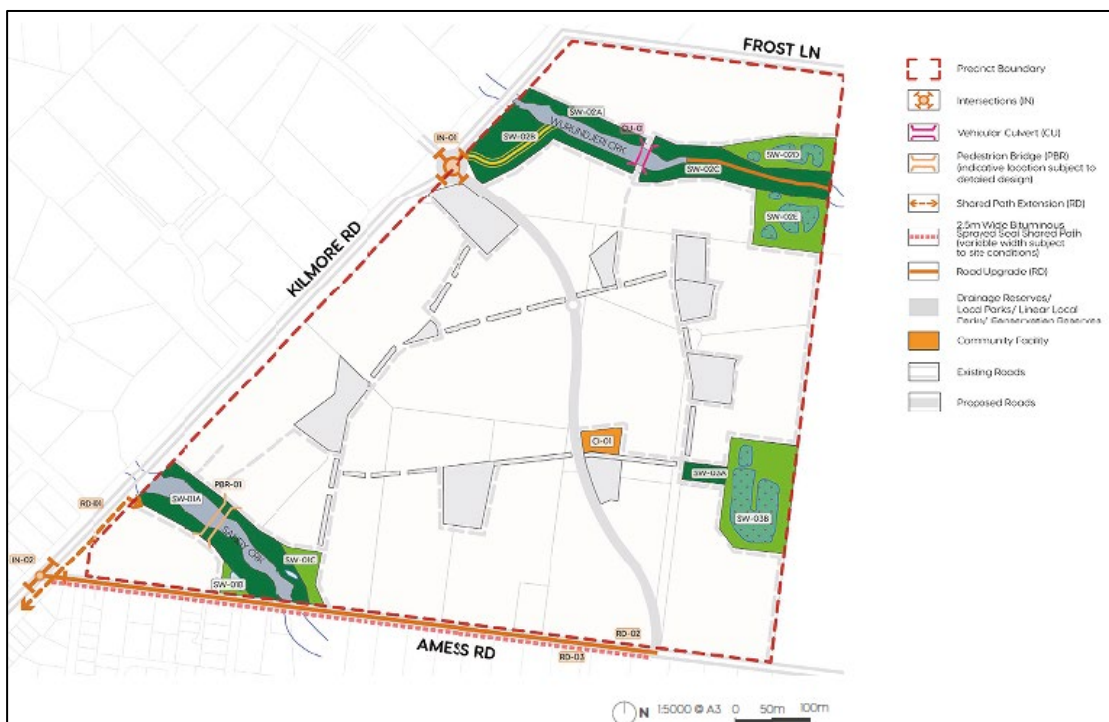
<sup>23</sup> D142, 18.

<sup>24</sup> Requirement 8.

<sup>25</sup> Guideline 9

**Figure 8** PSP unencumbered passive open space network

Source: D143, page 27

**Figure 9** PSP encumbered drainage land open spaces

Source: D143, page 57

**(ii) The issue**

The issue is whether the Proposal provides sufficient and equitable provision of passive open space.

### **(iii) Evidence and submissions**

#### **Experts**

Mr Shipp and Mr Panozzo agreed:

- the amount of passive open space proposed in the PSP is suitable
- the ten per cent public open space target of the PSP Guidelines includes both active and passive open space.

Mr Glossop considered the passive open space quantum was adequate and observed it exceeded the three to five per cent required by the PSP Guidelines and the five per cent otherwise set by Clause 53.01.

The open spaces were summarised by Mr Glossop as well connected and well distributed. He considered use of Clause 53.01 to implement the open space requirements was appropriate and supported Clause 53.01 being mandatory.

In his assessment against the Clause 56 provisions, Mr Panozzo found the passive open spaces satisfy both the quantum requirements and distribution criteria. The passive open space network would provide for a diverse range of open space functions, including social recreational and off-road trail functions. The extensive range of drainage corridors provided further opportunities for recreational activities, in Mr Panozzo's view.

Mr Shipp's evidence was that an equalisation mechanism is needed in the UGZ1 to more fairly distribute costs across landowners.

#### **Council**

Council ultimately supported the passive open space contribution, assuming that active open space provision would be provided via the RCRR upgrades. It submitted:

- an equalisation mechanism should be included in the PSP (the exhibited version did not include one) and worded to restrict the ability to vary the passive open space quantum. This in part responded the potential for refinement to parks layouts to accommodate further tree retention, as encouraged Mr Murphy and discussed in Chapter 6
- Clause 53.01 should be drafted to avoid technical arguments around what is lawful and unlawful, on reflection of recent disputes in other precincts.

#### **Proponent**

The Proponent considered the passive open space network was sufficient to meet the future community needs.

#### **Submitters**

The community's key concerns were that minimal allocation of parks were proposed. Many sought more 'greener' spaces.

### **(iv) Discussion and findings**

There was unequivocal support from the experts for the proposed passive open space quantum and distribution, and the implementation mechanism. The Committee supports this position as the open space network:

- offers a diverse range of well-connected spaces that exceed passive open space targets for both metropolitan greenfield sites and other locations in the municipality



- provides opportunities for a range of recreational activities as sought by the PSP objectives
- aligns with policy guidance by incorporating natural features, promoting healthy living, and being supported by extensive drainage and conservation reserves
- includes a linear park circuit that provides active transport connections to the local parks (and onwards to drainage reserves) and is located centrally in the precinct to encourage walking and cycling
- generally meets the 400 metre distance guided by policy.

Small pockets of land in the north, southeast and south west edges of the PSP land fall beyond 400 metres walking distance of a park, being the distance guided by policy. These areas are alternatively located within walking proximity to the drainage open space network, which Mr Panozzo said would provide useable informal recreation opportunities for walking and cycling.

The use of Clause 53.01 to implement the open space network is supported, as is the equalisation mechanism and the associated clause that was added to Section 4.2 of the PSP (as reflected in the Final Day PSP). Importantly, the equalisation mechanism will provide a fair and consistent distribution of costs between landowners.

The Committee finds:

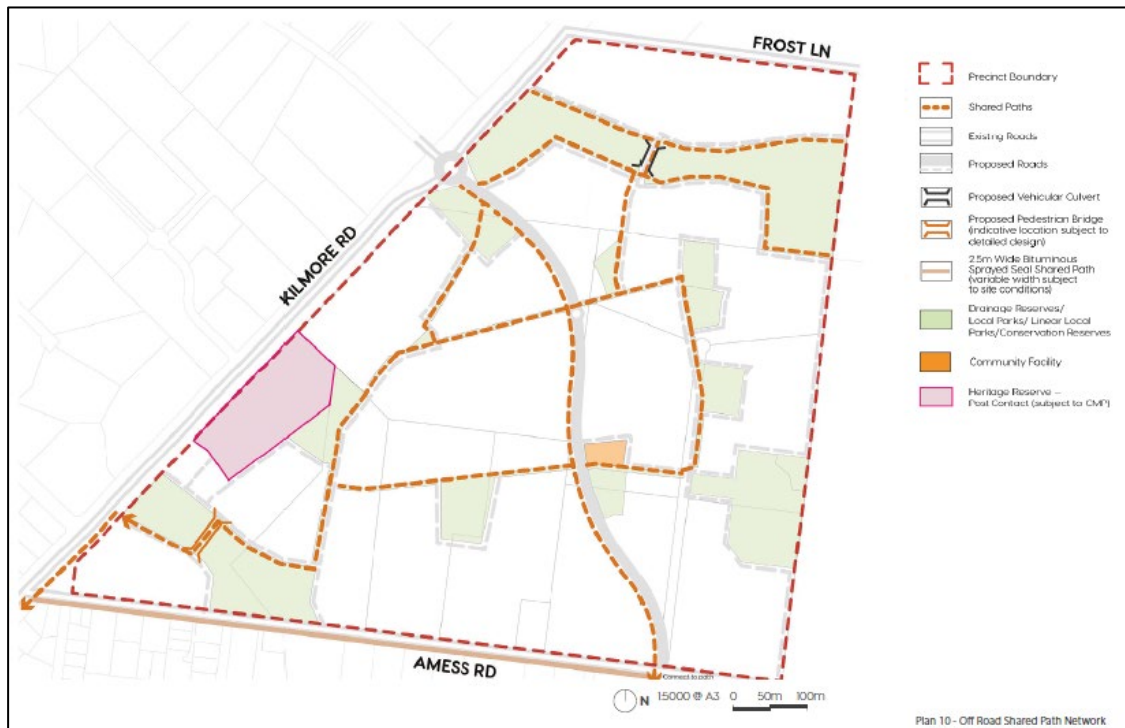
- A sufficient and equitable provision of public open space is proposed.
- The PSP should include a public land equalisation mechanism and restrict the ability to vary public open space quantum.

## 5.7 Shared user paths

### (i) Background

Peter and Rae Patterson, owners of Property 5 submitted that all shared user paths located within the PSP land should be included in the DCP. Only the shared user paths external to the PSP land (Amess Road and Kilmore Road road reserves) were included.

The PSP identifies a network of shared user paths. These are located along the drainage and open space network, as well as along Kilmore Road and Amess Road.

**Figure 10** Plan showing shared user paths in and around the precinct

Source: D142, 45

**(ii) The issue**

The issue is whether the Proposal should include the shared user paths located within the PSP land in the DCP.

**(iii) Evidence and submissions****Experts**

In response to questions from the Pattersons, Mr Shipp said in his experience most DCPs fund shared user paths where they are not included in the road reserve, but not always. He considered the proposed network of shared user paths was not burdensome on any particular landowner to warrant an alternative approach than what is proposed. His expertise was that properties fronting shared user paths may benefit from better land sales.

**Proponent**

The Proponent submitted the shared user paths within the precinct served local needs only and did not generate sufficient need or nexus to justify including them in the DCP.

**Submitters**

The Pattersons highlighted that the DCP states that items included in the document are items used by a broad cross-section of the community.<sup>26</sup> They submitted the shared user paths within the drainage corridors met this description and requested the paths be listed in the DCP to enable fair and equitable distribution of construction costs, particularly for Property 5.

<sup>26</sup> D143, Section 2.1

**(iv) Discussion and finding**

Based on the material before it, the Committee does not support listing shared user paths in the DCP, other than those along Amess Road and Kilmore Road. Insufficient information was tabled to enable a proper assessment; the Committee was not provided with any metrics demonstrating inequity of the distribution of paths.

Equally, it is not known what the precise location, design and costings are, and how paths within the drainage corridors relate to Development Services Scheme (DSS) funded works.

The Committee accepts Mr Shipp's expertise that shared user paths located within the PSP land do not warrant DCP funding.

The Committee sees there is potential for cost inequity to deliver the shared user paths, however it accepts the Proponent's argument that not all development costs can be equalised in the same way. This aligns with the Mr Shipp's views on different land features attracting different land values. These matters form part of the financial scenarios of developing greenfield sites.

The Committee finds:

- The shared user paths located within the PSP land do not warrant DCP funding.

**5.8 Drainage assets****5.8.1 Background**

Previous versions of the PSP were prepared with the expectation that Melbourne Water would prepare a DSS for the precinct. The agency later revised its position which prompted the inclusion of all drainage assets in the DCP. In response to Council's objection, Melbourne Water subsequently agreed to prepare a DSS for the Wurundjeri Creek catchment area.

The funding allocations of the Proposal are:

- Sandy Creek assets are developer funded
- Wurundjeri Creek assets are DSS funded (by Melbourne Water)
- Jacksons Creek assets are developer funded, and as part of the draft Permit.

Further to the Jacksons Creek catchment, Melbourne Water identified the potential need for downstream erosion management works, beyond the eastern boundary of the PSP land. This is discussed in Chapter 7.4.

**5.8.2 Evidence**

The Committee had regard to the drainage and development contributions evidence noted in Table 9, as well as relevant submissions.

**Table 9 Drainage, costings and development contributions evidence**

Party	Expert	Firm	Area of expertise
Proponent	Michael Mag	Stormy Water Solutions	Drainage
	Rob Swan	HARC	Drainage
	Paul Shipp	Urban Enterprise	Development contributions
Council	Stephen Watters	SMEC	Infrastructure costings and drainage

An expert meeting on drainage, which also discussed funding mechanisms, was held on 6 February 2025 at the direction of the Committee. It was attended by Mr Mag, Mr Swan, Mr Shipp and Mr Watters and a report was tabled identifying the agreed opinions and facts.<sup>27</sup>

### 5.8.3 Sandy Creek

#### (i) Background

The preferred funding mechanism for the Sandy Creek assets is informed by the Committee's recommendation in Chapter 7.4 that the catchment should contain three bioretention assets.

#### (ii) PSP

The Sandy Creek catchment assets as identified in the PSP are reproduced in Table 10.

**Table 10** Sandy Creek assets

Water Infrastructure ID	Type	Property	Required land area (ha)	Funding mechanism	Responsibility	Included in the DCP
SW-01A	Waterway – existing	1, 2, 14	3.64	Developer funded	Melbourne Water	No
SW-01B	Stormwater quality asset	1, 2, 14	4.66	Developer funded	Council	No
SW-01C	Stormwater quality asset	14	0.76	Developer funded	Council	No

#### (iii) The issue

The issue is whether the Proposal should include Sandy Creek drainage assets (land and works) in the DCP.

#### (iv) Evidence and submissions

##### Experts

At the expert meeting on drainage, Mr Shipp, Mr Swan and Mr Watters agreed if the Stormwater Management Plan (SWMP):

- remains unchanged (from the August 2024 version) and two bioretention assets are proposed, the DCP is the most equitable funding mechanism
- is modified as per Mr Swan's evidence and three bioretention are proposed, individual landowners should fund their own assets outside of the DCP.

Mr Shipp supported the three bioretention asset design on the assumption that it would result in a more equitable distribution of encumbered land and costs across the affected properties. However, under cross-examination he reaffirmed the position in his written evidence that if land take inequalities remained under the three-asset design, the land should be included in the DCP. His recommendation was based on the proportion of land take per net developable area that unfairly burdened Property 1. A separate charge area for the Sandy Creek catchment would be necessary to implement this change which Mr Shipp acknowledged would be quite small but other

<sup>27</sup> D50.

comparable examples existed. Council opposed including the land in the DCP, arguing that it would unnecessarily complicate an otherwise simple DCP.

### Proponent

Both the Proponent and Council agreed that excluding the Sandy Creek assets from the DCP and relying on developer funding was appropriate.

### (v) Discussion and finding

As the Committee prefers the three-asset design of the Sandy Creek catchment, the consensus of the expert meeting is that developer funding is appropriate.

However Mr Shipp's oral evidence reopened the potential for inequity if the three assets design were developer funded. While the Committee has considered the inequity, it has insufficient information on which to assess it. Mr Shipp calculated how the net developable areas of the three properties would be affected by the two-asset design, but no similar calculations were tabled for the three-asset design.

The Committee accepts then that excluding the three assets from the DCP and relying on developer funding is appropriate. It observes planning practice does seek that DCPs are simple tools to impose development contributions and sees that listing the assets as DCP items may add administrative complexity, as Council submitted.

The Committee cautions that the funding responsibilities for Property 1 will be in addition to any development opportunity constraints that arise from the site's potential heritage status, as discussed in Chapter 8.5(iv).

The Committee finds:

- The DCP should not include the Sandy Creek drainage assets.

## 5.8.4 Jacksons Creek

### (i) What is proposed

The Jacksons Creek catchment assets as identified in the PSP are shown in Table 11.

**Table 11** Jacksons Creek catchment assets

Water Infrastructure ID	Type	Property	Required land area (ha)	Funding mechanism	Responsibility	Included in the DCP
SW-03A	Waterway – constructed	7, 9	0.36	Developer funded	Melbourne Water	No
SW-03B	Retardation and Stormwater Quality Asset	7, 9	2.97	Developer funded	Council	No

### (ii) The issue

The issue is whether the Proposal should include the Jacksons Creek drainage assets in the DCP.

**(iii) Evidence and submissions****Experts**

The expert meeting on drainage attended by Mr Shipp, Mr Swan and Mr Watters agreed:

- A DCP is the most equitable funding method for the Jacksons Creek assets.
- If the Proponent agrees to fund these assets without a DCP, this would ensure delivery.

Mr Shipp and Mr Watters supported excluding the assets from the DCP for different reasons. Mr Shipp said excluding assets in a DCP was appropriate where landowners offer to deliver the assets. Mr Watters considered that consolidated landownership justified the exclusion.

**Proponent**

The Proponent submitted it was appropriate to exclude the Jacksons Creek assets from the DCP, and indicated it intended to fund the works, which were mostly located within the Permit land. Council did not oppose this position.

**(iv) Discussion and finding**

The unanimous view of the Proponent, Council and their collective experts was to exclude the Jacksons Creek catchment assets from the DCP. The Committee supports this.

Usually, equity would justify listing drainage assets as DCP items, so the costs are shared amongst landowners. Practical reasons have prevailed as the Proponent is ready to fund the assets, even those on land outside its landholdings. The DCP levy amount has almost halved as a result and this provides a substantial financial savings to other future developers within the precinct.

The Committee finds:

- It is appropriate to exclude the Jacksons Creek drainage assets from the DCP.

**5.8.5 Wurundjeri Creek****(i) What is proposed**

The Wurundjeri catchment assets as identified in the PSP are shown in Table 12.

**Table 12** Sandy Creek assets

Water Infrastructure ID	Type	Property	Required land area (ha)	Funding mechanism	Responsibility	Included in the DCP
SW-02A	Waterway – existing	14	2.18	DSS	Melbourne Water	No
SW-02B	Waterway – constructed	4, 5	1.43	DSS	Melbourne Water	No
SW-02C	Waterway – constructed	5	2.18	DSS	Melbourne Water	No
SW-02D	Stormwater quality asset	5	1.5	DSS	Council	No
SW-02E	Stormwater quality asset	5	1.83	DSS	Council	No

**(ii) The issue**

The issue is whether the Proposal should include the Wurundjeri Creek drainage assets in the DCP.

**(iii) Evidence and submissions****Melbourne Water**

Melbourne Water confirmed it would fund a DSS for the Wurundjeri Creek catchment area,<sup>28</sup> following requests from Council.

**Experts**

The expert meeting on drainage attended by Mr Shipp, Mr Swan and Mr Watters agreed the DSS is a suitable funding mechanism for the Wurundjeri Creek assets.

The Pattersons were concerned the drainage asset sizes were incorrect and questioned Mr Shipp about the process of resizing the assets and adjusting the land use budget allocations in the PSP. Mr Shipp took the view that the detailed design phase would determine whether resizing of assets and land use budget changes were appropriate.

All four experts that attended the drainage expert meeting agreed that the PSP should explicitly state which drainage assets are funded by the DCP, DSS or private landowners.

**Proponent**

The Proponent supported using the DSS to fund the assets as reflected in the PSP and DCP.

**Submitters**

The Patterson's sought clarification on whether the assets would be included in the DSS, prior to confirmation from Melbourne Water. Further to concerns about oversized assets, the Patterson's submitted a portion of land within the Wurundjeri Creek catchment:

- was incorrectly allocated as encumbered land
- did not form part of an asset
- should be converted to unencumbered land and credited for passive open space.

**(iv) Discussion and findings**

The Committee accepts the DSS is the appropriate funding mechanisms for the Wurundjeri Creek assets and considers an explicit explanation in the PSP on the different funding mechanisms would be helpful.

The Committee is limited in its ability to make findings to support the Patterson's request for reallocation of encumbered land to unencumbered. No evidence was tabled in support to demonstrate the need for the change. Land takes for drainage assets in the Wurundjeri Creek catchment will be a matter for Melbourne Water to consider in its management of the DSS, as advised by Mr Shipp.

The Committee finds:

- The Proposal should not include the Wurundjeri Creek drainage assets in the DCP.
- The PSP should explicitly state which drainage assets are funded by the DCP, DSS or private landowners.

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<sup>28</sup> D3.54

## 6 Flora and fauna

### (i) Background

Substantially modified vegetation covers large extents of the PSP land. Past and present agricultural land practices have cleared the land, and many lots comprise paddocks used for grazing and cropping. Small patches of high-quality vegetation remain along the creek lines and road reserves.

Although the Department of Energy, Environment and Climate Action (DEECA) and Council raised various concerns about earlier iterations of the Proposal, most of the concerns raised by the agencies were addressed and resolved prior to the Hearing. Both agencies ultimately considered the biodiversity outcomes in the PSP and NVPP were satisfactory.

#### PSP

Objectives of the PSP include to respond to and integrate the site's existing characteristics and retain and enhance the three drainage catchments as natural systems for water management. The PSP sets out a series of requirements and guidelines to inform biodiversity and vegetation, including undertaking native vegetation removal in accordance with the NVPP.

The PSP explains the future urban structure protects the highest value vegetation in conservation reserves and local parks, and that the existing vegetation in Frost Lane, Kilmore Road and Amess Road are proposed for retention to the greatest extent possible (see Figures 11 and 12).

Requirements include:

- R10: Design and layout of waterway corridors, retarding basins, wetlands and any other encumbered open space should consider all opportunities for retention of native vegetation and integration of recreation uses and linear linkages where this does not conflict with the primary function of the land, to the satisfaction of the responsible authority.
- R53: Any development or public infrastructure to be located abutting or adjacent to retained biodiversity must be designed and located in a manner that avoids or minimises the potential for future biodiversity degradation.
- R54: Where practical, the design and delivery of drainage systems must maximise habitat and vegetation retention, to support biodiversity, including scattered trees both alive and dead/stags.
- R52: Where trees are retained, applications for subdivision and/ or development must apply Tree Protection Zones.
- G53: Planting in the open space networks should maximise the use of indigenous species to the satisfaction of the responsible authority and the relevant land manager.
- G10: Existing high-quality vegetation should be retained within public space, including road reserves and open spaces, where safe and practicable.
- G19: Significant vegetation including exotic, native and indigenous species should be retained within the public domain, including parks and road reserves, where practical and subject to arboricultural assessment.

#### NVPP

The NVPP:

- identifies the vegetation required to be retained and the vegetation permitted to be removed



- sets out vegetation protection objectives to be achieved, a description of the native vegetation to be retained and conditions for removal
- permits the removal of 9.445 hectares of native vegetation.

Objectives of the NVPP include to ensure there is no net loss of biodiversity as a result of the approved removal of native vegetation, by applying the three-step approach required by Clause 12.01-1 (Native vegetation management) and Clause 52.16 (Native Vegetation Precinct Plan) to avoid, minimise and offset native vegetation.

Section 5.2.2 of the NVPP requires<sup>29</sup>:

**Opportunities for retention of additional vegetation**

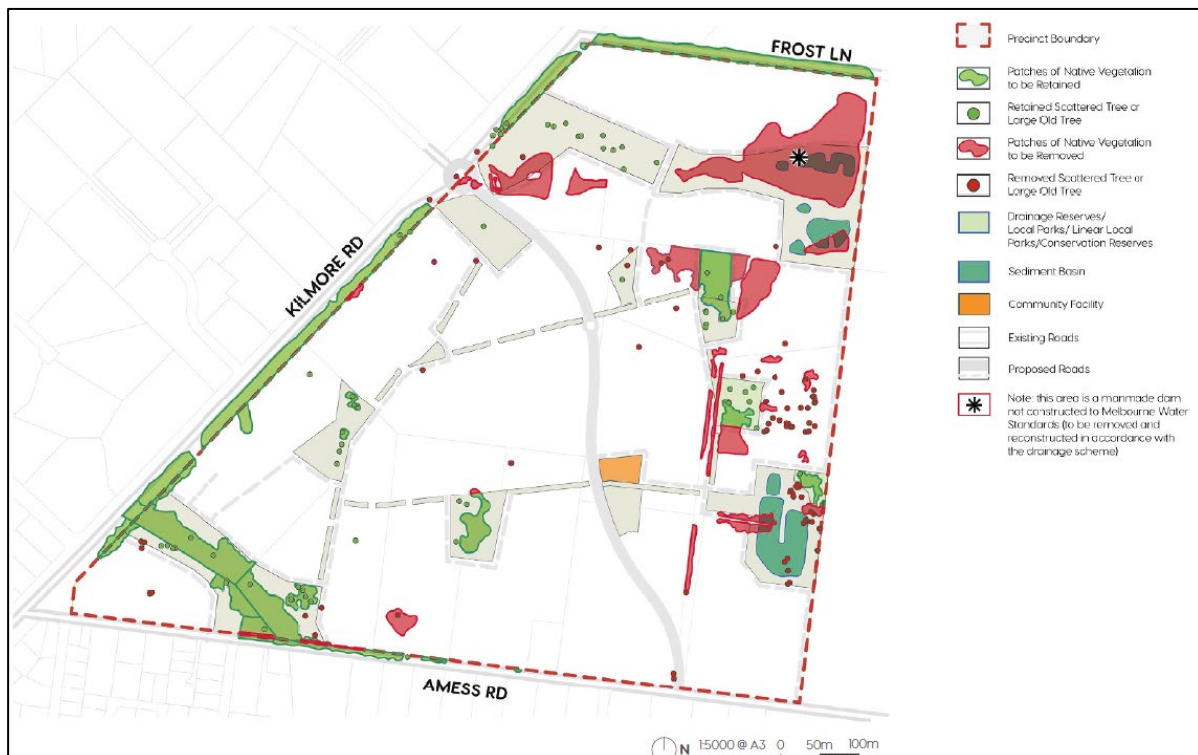
Although currently identified in this NVPP for removal, opportunities should be positively explored to make minor design amendments through the detailed design process (and subject to an arboricultural assessment) to potentially retain the following:

- Tree 53
- Trees 59-60
- Trees 238-289
- Patch 3A
- Patch 13B.

## UGZ1

The UGZ1 sets out various permit condition requirements relating to flora and fauna management. These include preparation of conservation management plans for conservation areas and kangaroo management plans.

**Figure 10** PSP native vegetation to be retained and to be removed



Source: D143, page 55

<sup>29</sup> D144, NVPP page 27

**Figure 11** PSP conservation areas

Source: D143, page 27

**(ii) The issue**

The issue is whether the Proposal's impacts on flora and fauna are acceptable.

**(iii) Evidence and submissions**

The Committee had regard to the ecology evidence noted in Table 13, as well as relevant submissions.

**Table 13** Ecology evidence

Party	Expert	Firm
Proponent	Shannon LeBel	EHP
	Barry Murphy	Murphy Consulting

**DEECA**

DEECA submitted:

DEECA considers that the revised proposed Native Vegetation Precinct Plan and Precinct Plan have made efforts to further avoid and minimise impacts to native vegetation and better align with native vegetation policy and relevant environmental legislation. The NVPP is consistent with the guidance of Preparing a Native Vegetation Precinct Plan (DELWP 2017). If implemented correctly, the PSP and NVPP is considered able to produce a satisfactory outcome for the protection and enhancement of biodiversity within the subject land.<sup>30</sup>

DEECA noted additional native vegetation removal might be needed during detailed design of drainage infrastructure, and it encouraged micro-siting to help avoid this. DEECA stressed that any

<sup>30</sup> D3.61

additional removal would not comply with the NVPP and should be carefully considered to avoid undermining its purpose and objectives. The agency requested changes to R10 to guide the detailed design of infrastructure, and a similar requirement was sought by Melbourne Water (R54). These were supported by Mr LeBel and incorporated into the Final Day PSP.

### Experts

Mr LeBel determined:

- the precinct was dominated with exotic vegetation with some native understorey due to extensive cropping
- no significant flora or fauna would be impacted by the Proposal.

He concluded that the Proposal had appropriately:

- considered the relevant ecological matters
- applied the three-step approach of avoid, minimise and offset native vegetation.

Mr LeBel conducted a 'ground-truthing' exercise to confirm the quality and extent of native vegetation determined by the Biodiversity Assessment<sup>31</sup> (which was prepared to inform the PSP). Most properties were assessed, either by direct access or visual assessment from adjacent properties. His findings generally aligned with the Biodiversity Assessment except for some minor variations which he attributed to seasonal differences.

He did however recommend the reduction of Patches 8, 9, 10 and 42 to exclude open water bodies (Properties 4, 5 and 6). He said the water bodies were constructed and did not contain native vegetation. This meant the water bodies fell outside the definition of patches as set by the Guidelines for the removal, destruction or lopping of native vegetation, DELWP, 2017.

The Committee questioned Mr LeBel about the unsurveyed vegetation on the southern side of the Amess Road culvert upgrade area (where it intersects with Sandy Creek). The Biodiversity Assessment determined the Sandy Creek corridor was a high biodiversity area, but neither it nor the evidence assessed whether native vegetation removal was needed for the culvert upgrade works. Mr LeBel confirmed he had not surveyed the land and explained any native vegetation removal would require a planning permit as the associated land fell outside the NVPP boundary. He subsequently submitted a supplementary statement<sup>32</sup> in which he hypothesised three scenarios for the upgrade design and estimated the extent of native vegetation removal for each.

Mr Murphy undertook a comprehensive review of native vegetation. He identified several native and exotic trees that could be retained by adjusting the road reserve and local park layouts. Mr Murphy:

- considered opportunities to retain the trees should be explored at the detailed design stage
- preferred that the PSP did not read as a 'settled' outcome for precinct's trees
- recommended the PSP and NVPP guide consideration of additional vegetation retention at the detailed design stage (subject to arboricultural assessment).

Mr Murphy's recommendations were translated to:

- G19 of the Final Day PSP which guides the additional retention of native and exotic vegetation

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<sup>31</sup> D3.01

<sup>32</sup> D156

- Section 5.2.2 of the NVPP which guides additional retention of specific native trees.

### **Council**

Council confirmed it was satisfied with the Biodiversity Assessment that informed the PSP and supported the report's recommendations being implemented in the PSP and draft Permit.

Council had reservations about Mr Murphy's recommendations and labelled the proposed drafting as 'not effective'. It explained that the NVPP functions to be definitive about which native vegetation must remain and which can be removed; rather than encouraging an outcome, the NVPP is supposed to require it. The Proponent considered Mr Murphy's proposed provisions do preserve and protect trees, subject to an arboricultural assessment.

### **Proponent**

The Proponent submitted that the Proposal will not result in unacceptable ecological impacts.

It supported the recommendations of its experts and included the recommendations of Mr Murphy in the Final Day PSP and NVPP. It opportunistically requested that the Committee refer the evidence of Mr LeBel to DEECA to consider reducing the open water body from the four patches.

### **Submitters**

Community submissions raised a range of ecological concerns. Some were concerned by the extent of native vegetation removal, while others addressed the potential impacts of development and increased traffic on local flora and fauna. Several submissions sought the inclusion of wildlife corridors within the precinct.

### **(iv) Discussion**

DEECA and Council's support of the proposed biodiversity outcomes provides the Committee with considerable comfort that flora and fauna impacts have been adequately assessed, and the proposed biodiversity outcomes are acceptable. Their views indicate the relevant state and local planning policy and guidelines have been addressed, including the three-step approach guided by Clause 12.01 of the Planning Scheme. The Committee commends the Proponent for the level of engagement with DEECA to resolve its submission.

The Committee's key considerations are confined to:

- the potential need for additional native vegetation removal during the detailed design of the infrastructure (Amess Road culvert and drainage assets)
- the potential for additional vegetation retention during detailed design as recommended by My Murphy
- whether several patch extents warrant review.

Mr Lebel's supplementary statement was helpful to understand the potential extent of native vegetation removal to accommodate the Amess Road culvert upgrade. However it made no assessment on whether the impacts are acceptable or achievable, nor did the Proponent make related submissions. In the absence of expert views on the impacts, and given the land falls outside the NVPP, the Committee cannot reach a finding on its appropriateness. It will be the responsibility of the developer in delivering the upgrade, or Council as the delivery agency, to design the asset and arrange suitable planning permits and other permissions necessary to remove vegetation from the public land.

On the matter of additional native vegetation removal for drainage infrastructure, Mr LeBel found the application requirements of Clause 52.16 (Native Vegetation Precinct Plan) provided the appropriate assessment framework. His interpretation is that the provisions guide assessment enable permit refusal where objectives of the NVPP are compromised. The Committee accepts this and observes R10 and R54 will guide the use of micro-siting and other appropriate techniques to avoid native vegetation removal.

The concept for exploring opportunities for additional native and exotic vegetation retention is commendable. It is consistent with the PSP aims for urban development to respond to existing features and the Biodiversity Assessment recommendations to use creative design mechanisms (such as nature strips and roundabouts) to retain trees in the urban layout. Importantly, Mr Murphy's recommendation extends to exotic vegetation.

The mechanism to implement Mr Murphy's recommendation was not subject to expert evidence. In the absence of a better mechanism, the Committee accepts the Proponent's argument that the NVPP provision provides an acceptable solution. The draft Permit and Mr Murphy's evidence usefully demonstrate how the recommended provisions can be implemented. The mechanism will not impact on the NVPP offset calculations and present as a guide to consider additional tree retention at detailed design stages.

In relation to the patch extents, the Committee does not consider it reasonable or necessary to reconsult with DEECA. A recommendation for further review from DEECA would be unfair to other submitters and contrary with the principle of prioritising the project for assessment. The Proposal underwent a lengthy consultation period which afforded ample time to verify matters with DEECA. The Committee trusts DEECA undertook a full and comprehensive review to inform its support of the patch extents identified in the NVPP.

The Committee appreciates the concerns expressed by the community in regards to vegetation impacts. Riddells Creek is a town surrounded by a range of flora and fauna. It accepts the expert position that there will be no unacceptable impact on significant flora and fauna and the proposed biodiversity outcome is appropriate. These findings were accepted by DEECA and Council, as were the outcomes proposed in the PSP and NVPP. Consideration of impacts on flora and fauna will continue at the permit stage, as guided by the requirements and guidelines in the PSP and UGZ1. This includes:

- avoiding additional native vegetation removal during detailed design of infrastructure
- considering additional native and exotic tree retention during detailed design
- a kangaroo and wildlife protection.

#### **(v) Findings**

The Committee finds:

- The flora and fauna impacts are acceptable.
- Additional native vegetation removal may be needed during the detailed design of infrastructure, and associated impacts will be assessed at that time.
- The PSP and NVPP should guide the exploration of opportunities for additional native and exotic vegetation retention at the detailed design stages.
- Further consultation with DEECA about the reducing patch extents is not necessary.

## 7 Stormwater and drainage

### 7.1 Introduction

#### (i) Background

The PSP land comprises three distinct drainage areas:

- to the south-west, land drains to Sandy Creek (the Sandy Creek catchment)
- to the north, land drains to the Wurundjeri Creek and its tributaries (the Wurundjeri Creek catchment)
- to the south-east, land drains to a Jacksons Creek tributary (the Jacksons Creek catchment).

The Permit land is wholly contained within the area that drains into the Jacksons Creek tributary.

#### Stormwater Management Plan

The Stormwater Management Plan<sup>33</sup>(SWMP) that informed the PSP recommended:

- 2,000 litre rainwater tanks for stormwater reuse on housing lots (for all catchments)
- the construction of a new waterway for Wurundjeri Creek
- a series of sediment and bioretention basins, wetlands and retarding basins to improve water quality and control stormwater flows across the three drainage catchments.

The SWMP includes preliminary designs for each major drainage asset.

#### PSP

The PSP includes the following aim:

... to ensure that stormwater is adequately managed on site to ensure that there are no unreasonable downstream impacts as a result of future development.<sup>34</sup>

The PSP includes the following key integrated water management Requirements and Guidelines:

- R45: Development must give effect to relevant policies and strategies being implemented by the responsible authority, Melbourne Water and Greater Western Water.
- R46: Stormwater conveyance and treatment (including interim solutions) must be designed generally in accordance with the Amess Road Stormwater Management Plan, Plan 12 and Table 5 of the PSP.
- R47: The final layout and design of stormwater assets must include appropriate considerations, actions must be undertaken to mitigate the risk of erosion from sodic and dispersive soils and the risk of erosion downstream from urban runoff from the precinct to the satisfaction of Melbourne Water and the responsible authority.
- R48: Stormwater runoff from the development must meet the performance objectives of the CSIRO Best Practice Environmental Management Guidelines for Urban Stormwater prior to discharge.
- R50: Applications must demonstrate, through the preparation of a combined Stormwater and Integrated Water Management Plan:

<sup>33</sup> D3.13

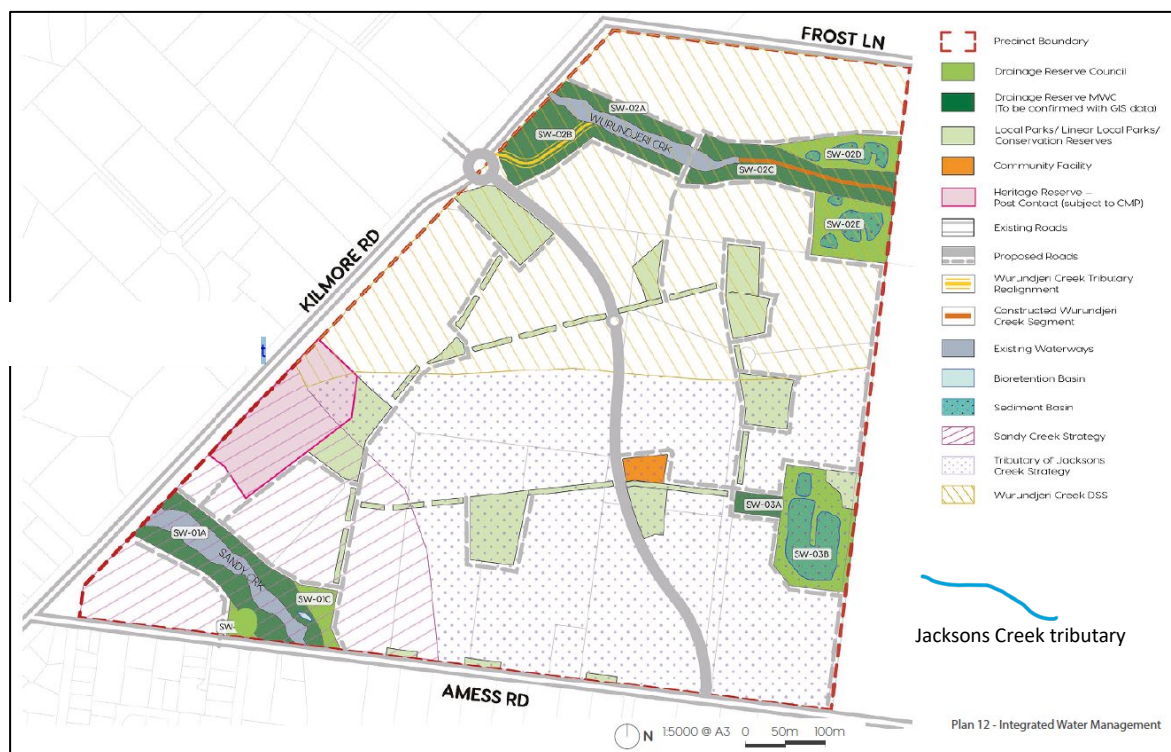
<sup>34</sup> PSP, Section 4.6, page 50



- waterways and integrated water management design to enable land to be used for multiple recreation and environmental purposes
- relevant Integrated Water Management Plan requirements of the PSP will be achieved to the satisfaction of the retail water authority, including the supply of recycled water where required by the relevant water authority.
- G48: Where practical, development should include Integrated Water Management initiatives to reduce the reliance on potable water and increase utilisation of stormwater and wastewater contributing to sustainable urban environment.

The three catchment areas and the stormwater assets in each are illustrated in Figure 13.

**Figure 12 PSP Drainage Projects**



Source: PSP Plan 12 (Proponent Final Day Version showing catchment boundaries), including Committee annotations showing Jacksons Creek tributary

Condition 15(a) of draft Permit includes:

A requirement that each new dwelling is to install a minimum 2000 litre rainwater tank. The tank must be connected to supply water to all toilets and the laundry within the dwellings to the satisfaction of the responsible authority. Once endorsed, the requirement for a minimum 2000 litre rainwater tank under the IWMP (Integrated Water Management Plan) must be applied as a restriction on the plan of subdivision for lots 300 sqm or greater.<sup>35</sup>

## (ii) Evidence

The Committee had regard to the stormwater and drainage and development contribution experts listed in Table 14 and relevant submissions.

<sup>35</sup> PSP, Section 4.6, page 50

**Table 14** Stormwater and drainage evidence

Party	Expert	Firm	Area of expertise
Council	Stephen Watters	SMEC	Drainage and infrastructure costings, DCPs
Proponent	Michael Mag	Stormy Water Solutions Consulting	Drainage and flooding
Proponent	Robert Swan	HARC Services	Drainage and flooding, DCPs
Proponent	Paul Shipp	Urban Enterprises	Development Contributions

As directed by the Committee, an expert meeting for stormwater management was held on 6 February 2025. All stormwater and drainage experts attended as did Mr Shipp who gave evidence on development contributions.

The expert meeting considered the performance of the PSP's proposed stormwater measures including appropriate funding mechanisms. The expert meeting report<sup>36</sup> noted agreement between the drainage experts that:

- the stormwater drainage strategy was reasonable and appropriate
- residual impacts of the PSP's development on the water cycle were generally well known, and suitably quantified.

## 7.2 Stormwater volumetric reduction

### (i) The issues

The issues are whether:

- the SWMP and PSP satisfy the intent of *EPA Publication 1739.1 Urban stormwater management guidelines* (June 2021) (EPA Publication 1739.1)
- the Proposal achieves adequate volumetric stormwater reduction, particularly in the Jacksons Creek tributary.

### (ii) EPA Publication 1739.1: Urban stormwater management guidelines (June 2021)

EPA Publication 1739.1 is intended to help improve the management of urban stormwater by recognising the current science and risk of harm from urban stormwater flows to waterways and bays. It provides advice and best practice but is not a compliance document. The focus is minimising risks from urban stormwater so far as reasonably practicable.

The publication provides general objectives and information to support risk assessment and impact minimisation, and addresses key environmental risks associated with:

- new impervious surfaces generating additional stormwater flow and volume
- pollutant loads.

The publication guides putting in proportional controls to minimise risk while considering available solutions and costs and includes:

- a series of indicative stormwater management scenarios with example measures to reduce harm relating to run-off volume, run-off flow and pollution loading

<sup>36</sup> D50



- quantitative performance objectives to assist with evaluating risk of harm.

### (iii) Evidence and submissions

#### Melbourne Water

Prior to providing its support, Melbourne Water requested further information to demonstrate measures to quantify the PSP's stormwater runoff impacts immediately downstream in the tributary of Jacksons Creek to determine whether the impacts are reasonable. The resulting Frequent Flow Assessment found that once the PSP is developed:

- more runoff is expected
- when low level flow events occur, they will last for longer
- there will be no unreasonable effects on the use of the farmland immediately downstream from the PSP
- the impacts are not unique to this PSP.

Melbourne Water commissioned a peer review of the Frequent Flow Assessment which concluded the Frequent Flow Assessment was:

a fair and reasonable approach (considering site constraints and measure within control of the development) to manage the volumetric impacts and the potential for erosion.<sup>37</sup>

Melbourne Water requested that the UGZ1 require subdivision applications to be supported by a Drainage and Integrated Water Management Strategy which address flow rate and flow volume management measures to consider downstream impacts. The UGZ1 includes this requirement as requested but replaces 'additional' with 'unreasonable' in response to the Proponent's experts' views:

- A Drainage and Integrated Water Management Strategy must be prepared and address the following, as relevant: ...
  - flow rate and flow volume management measures to ensure no **additional unreasonable** downstream inundation impacts, duration impacts and flood impacts are caused by the development of land....

Melbourne Water did not specifically refer to the EPA Publication 1739.1 in its submission.

#### Experts

The experts agreed that the PSP will result in an increase in the volume of stormwater runoff, but the proposed PSP stormwater volume management treatments are reasonable, appropriate and meet the relevant Planning Scheme requirements and EPA Publication 1739.1.

Mr Swan considered the SWMP approach was reasonably practical and in accordance with best practice and that managing stormwater flow volumes must be considered against a range of options. He said:

- rainwater tanks are the most optimal system for stormwater volumetric reduction
- tanks will be supplemented with landscape watering at the street level
- additional reduction may occur through infiltration, for which the SWMP did not account.

Mr Mags considered the downstream impacts would not be unreasonable and explained:

- the SWMP proposed controls to minimise risk (rainwater tanks, gross pollution traps, and stormwater treatment systems) as per those identified in EPA Publication 1739.1

<sup>37</sup> D23, Appendix D, page 14

- 2,000 litre rainwater tanks are sufficient as 3,000 litre rainwater tanks provide only three to four per cent additional stormwater volumetric reduction, to which Mr Swan agreed
- it was unclear whether rainwater tanks could be mandated, to which Mr Swan agreed.

Mr Watters explained the practicalities of potential treatments and that:

- volume reduction targets could be met by a combination of substantial block or precinct scale stormwater storage infrastructure and a third pipe (recycled water) system, however the land take and cost make these systems impractical to deliver
- lot scale rainwater tanks for capture and reuse (which is less prohibitive in land take and cost terms) do not typically meet the targets.

### **Council**

Council was initially concerned that the SWMP failed to address EPA Publication 1739 given the potential for adverse downstream property impacts from the volume of stormwater runoff.

However, Council confirmed it was comfortable given:

- the Frequent Flow Assessment found the hydrological impacts would not be unreasonable
- the PSP was updated to include Mr Mag's recommendation that Section 4.6 acknowledge that there may be downstream impacts.

Council requested that rainwater tanks be mandated for all lots as the tanks form part of the assumption for downstream water impacts.

### **Proponent**

The Proponent generally agreed with the experts' findings and considered the SWMP approach to volumetric reduction of stormwater was reasonably practical and in accordance with EPA Publication 1739.1.

The Proponent supported a mandatory requirement for a 2,000 litre rainwater tank system for every property with discretion to consider an alternative mitigation measure if required, as reflected in the Final Day Permit. It considered:

- providing 2,000 litre tanks to be consistent with the mandatory efficiency requirements that apply to new dwellings in Victoria
- providing a 3,000 litre system would add unnecessary cost and raise difficulties if mandated for smaller lots.

### **(iv) Discussion**

Achieving volumetric stormwater reduction is essential to improve environmental outcomes for waterways. It is accepted that, as with any development, the PSP will result in some residual downstream impacts and achieving no impacts is not considered practical or reasonable. For this reason, the Committee supports the expert recommendation for the UGZ1 requirement to ensure no 'unreasonable', rather than no 'additional', downstream impacts are caused by the development. This is consistent with the wording of R47 which requires the mitigation of, not elimination of, risks of downstream impacts from urban development.

The key question for the Committee is whether the Proposal includes adequate volumetric reduction and whether any additional volume reduction is reasonably practicable, particularly in the Jacksons Creek tributary.

The Committee finds the proposed extent of volumetric reduction is appropriate. The proposed PSP stormwater volume management treatments are reasonable and appropriate, and meet the Planning Scheme requirements and EPA Publication 1739.1. This is based on:

- Mr Mag's helpful explanation of what treatments were available, practical, proportional and feasible for volumetric stormwater reduction (and which were not) and that there is limited opportunity for large scale stormwater harvesting, such as for watering of local sports grounds. Mr Watters agreed large scale volumetric reduction was not possible.
- The proposed feasible alternative measure being 2,000 litre rainwater tanks required for every lot in the Permit land, which will be plumbed to toilets and laundries.

The Committee accepts Mr Mag's findings that 2,000 litre tanks are sufficient, and that there is diminishing return with larger tanks. This volume is consistent with the SWMP that informed the PSP. However, larger lots within the Permit land should continue to have an opportunity to install a larger tank if practical. The Committee supports the permit condition in the Final Day Permit to provide for this and which includes discretion for an agreed alternative mitigation measure, to the satisfaction of the Responsible Authority. Council did not oppose the condition wording.

In other areas of the PSP land, the PSP guides stormwater volume reduction through R50, which requires developers to prepare a combined Stormwater and Integrated Water Management Plan. The SWMP recommended rainwater tanks in all three catchments and installing these can be considered at the planning permit stage.

The Committee is satisfied that the stormwater discharge into the Jacksons Creek tributary can be effectively managed but acknowledges that low flow events will occur for longer duration and some management works may be necessary. This issue is discussed further in Chapter 7.4.

As the UGZ1 and PSP do not specify otherwise, the consideration of downstream impacts applies to all three catchments, to the satisfaction of Council and Melbourne Water. The Committee trusts that the discretion provided to the agencies by these provisions will ensure downstream impacts are considered and managed as appropriate.

## **(v) Findings**

The Committee finds:

- The SWMP satisfies the intent of EPA Publication 1739.1 and the Planning Scheme, as it minimises risk from urban stormwater so far as reasonably practicable.
- The Proposal achieves adequate volumetric stormwater reduction (and achieving no impact is not considered practical or reasonable).
- Requiring the installation of 2,000 litre rainwater tanks for each lot in the Permit land, via a condition of permit, is appropriate.

## **7.3 Sandy Creek catchment**

### **(i) The issue**

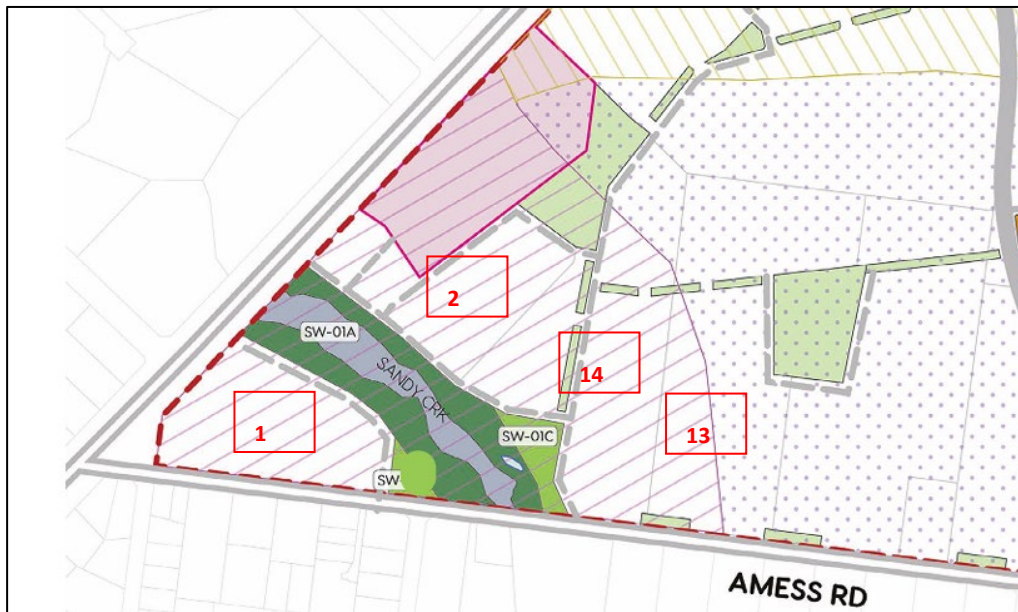
The issue is whether each of the three properties abutting Sandy Creek should treat their stormwater runoff with their own bioretention basin.

## (ii) Background

The PSP includes two bioretention basins in the Sandy Creek catchment, but Mr Swan recommended three basins, so each landowner can deliver their own basin.

Properties 1, 2 and 14 abut and discharge into Sandy Creek. Part of Property 13's runoff drains westward through Property 14 towards Sandy Creek, with the remainder draining east into the Jacksons Creek tributary. See Figure 14 for the spatial arrangement.

**Figure 13** Sandy Creek Stormwater sub drainage catchment (with property ID)

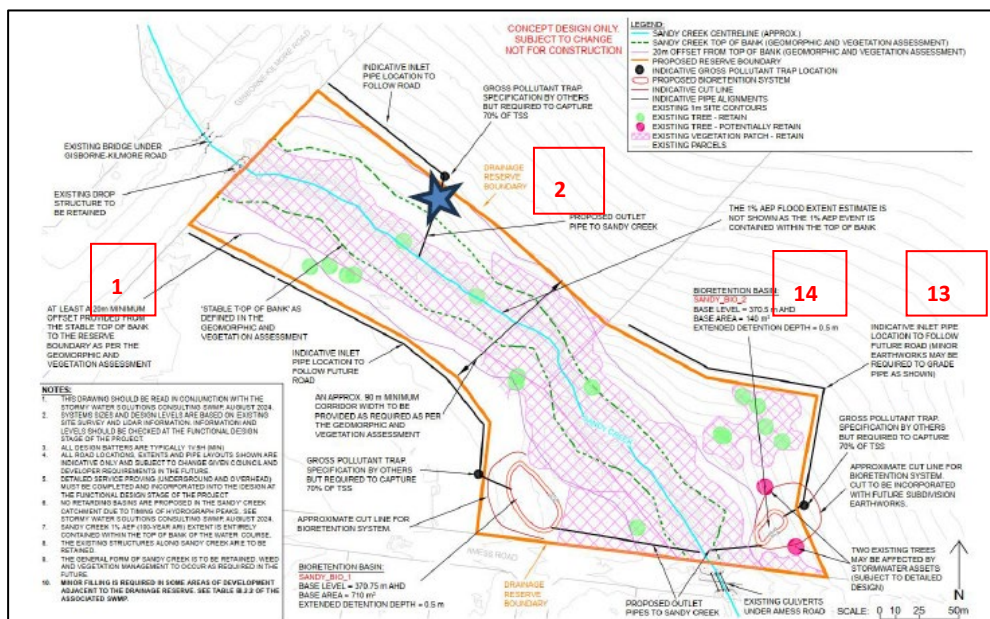


Source: D142 with Committee annotations

The SWMP takes a balanced approach to stormwater treatment, where the 'better' cleaned stormwater runoff on the south side of Sandy Creek offsets for the 'lesser' cleaned runoff on the north side. It proposes:

- two bioretention systems on Properties 1 and 14 to treat and filter stormwater runoff prior to discharge
- untreated stormwater discharge off Property 2 into Sandy Creek as the steeply sloping ground makes a bioretention basin unfeasible
- an oversized bioretention basin on Property 1 to provide additional treatment of stormwater runoff to compensate for:
  - no stormwater treatment on Property 2
  - the undersized bioretention basin on Property 14, limited in size by steep topography and native vegetation.

Figure 15 identifies the two basins proposed by the SWMP and marks the third basin recommended by Mr Swan.

**Figure 14** Sandy Creek Stormwater drainage projects (with property ID)

Source: D28, including Committee annotations showing property identification numbers. The blue star represents Mr Swan's suggestion for a bio-retention facility to be provided for Property 2

### (iii) Evidence and submissions

#### Melbourne Water

Melbourne Water advised that bioretention systems will most likely be required on every property to treat their development flows.

#### Experts

The experts agreed the proposed drainage strategy (with two bioretention systems) meets the Best Practice Environmental Management Guidelines. However, they supported Mr Swan's proposal for each property to deliver their own bioretention system.

Mr Swan said providing a third bioretention system located on Property 2:

- would allow each property in the Sandy Creek catchment to be developed independently and without reliance on temporary works for water quality treatments
- may allow for Property 14's bioretention system (SW-01C) to be reduced in size, reducing the potential impact on existing vegetation
- would ultimately form part of the drainage network that will be owned and maintained by Council
- may result in additional maintenance for Council but that this could be offset as the SW01C would now be smaller
- would not change peak flood flows post development, based on flood modelling.

Mr Swan said the earthworks to accommodate the proposed future road abutting the creek reserve should provide sufficiently levelled ground to accommodate a bioretention system along the roadway on Property 2.

Mr Watters said the two bioretention basin systems would require lot owners to coordinate delivery of drainage assets whereas the three-basin system would not. However, he said that:

- providing three bioretention basins would result in less developable land and more assets for Council to maintain
- maintenance costs for bioretention basins are associated with the need to clean, filter and replant every five years
- further investigations are required to confirm that no additional infrastructure is required to manage peak flows from the catchment.

Under cross examination, Mr Watters agreed there are potential inequities in the two bioretention system as Property 2 benefits from conveying the stormwater runoff straight into the creek, whereas the downstream properties 1 and 14 would be overcompensating for this lack of stormwater treatment.

### **Council**

Council maintained its preference for two bioretention basins to minimise its maintenance costs and submitted the three local landowners could work together to deliver the assets.

### **Proponent**

The Proponent supported Mr Swan's evidence for the three bioretention system.

### **(iv) Discussion**

The Committee supports Mr Swan's recommendation for three bioretention basins, one for each property abutting Sandy Creek. This will:

- allow each property to be developed independently of each other, minimising potential development delays
- ensure bioretention basins can be sized to match each property's sub-catchment
- provide a more equitable and fair allocation of drainage assets, which was the view of all three drainage experts
- ensure each property's stormwater runoff is appropriately treated, consistent with Melbourne Water advice.

The Committee acknowledges that the additional bioretention basin will result in a greater maintenance burden for Council. However, the additional resources are likely to be minimal when considered within the broader precinct context, as Council will be maintaining several larger wetlands, retarding ponds and other bioretention basins.

The Committee accepts Mr Swan's finding (confirming Melbourne Water advice) that no change to the Sandy Creek peak flood flows would occur post development for the three bioretention system, and that no further investigation is needed.

The Committee notes that if Property 13 (which is upstream) develops before Property 14, an interim drainage solution will be required which R46 of the PSP contemplates.

### **(v) Finding and recommendation**

The Committee finds:

- Each of the three properties abutting Sandy Creek should be treated with its own bioretention basin.

The Committee recommends:

**Amend Plan 12 of the PSP at SW-01 to show three Stormwater Quality Assets (bioretention basins) in the Sandy Creek catchment.**

## **7.4 Jacksons Creek catchment**

### **(i) The issue**

The issue is whether the Proposal needs to mitigate potential erosion impacts on the downstream Jacksons Creek tributary (between the PSP and Amess Road).

### **(ii) PSP**

The PSP explains one of the purposes of stormwater and integrated management requirements is to ensure there are no unreasonable downstream impacts from future development.

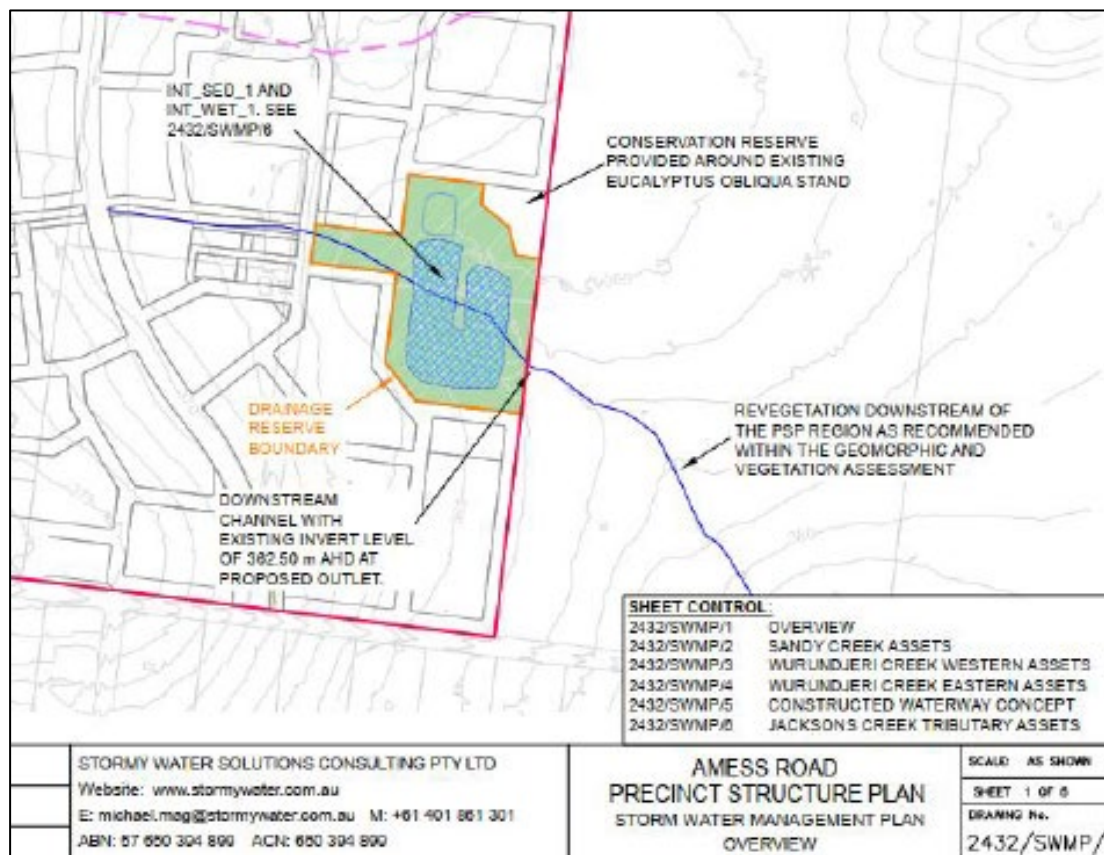
R47 states:

The final layout and design of constructed wetlands, retarding basins, stormwater quality treatment infrastructure, and associated paths, boardwalks, bridges, and planting, must be designed to the satisfaction of Melbourne Water and the responsible authority, and include appropriate considerations and (sic) actions must be undertaken to mitigate the risk of erosion from sodic and dispersive soils and (sic) the risk of erosion downstream from urban runoff from the precinct, to the satisfaction of Melbourne Water and the responsible authority.

The SWMP for the Jacksons Creek catchment consists of a combined wetland and retarding basin (see Figure 16) which limit flows back to the existing rural flow rates and provide water quality treatment. These works are well founded and uncontested.

Stormwater drains from the PSP land into the Jacksons Creek upper tributary which is essentially a cut drain through private farmland. While peak flow rates will not exceed pre-development conditions, there will be more frequent and greater stormwater volumes. These have the potential to cause erosion and other adverse effects that need to be appropriately managed.



**Figure 15** Jacksons Creek drainage strategy

Source: D28., excerpt from Figure 1

**(iii) Evidence and submissions****Melbourne Water**

Melbourne Water requested that the PSP require the delivery of downstream revegetation works to mitigate against erosion caused by the precinct. It considered increased impervious surfaces across the PSP area would lead to downstream erosion and more frequent dam filling. However it cautioned the lack of guaranteed access to affected properties was a key constraint to undertaking the works, to which the three drainage experts agreed.

Melbourne Water requested R47 be updated to require consideration of and actions to mitigate the risks of erosion downstream, including revegetation, which is reflected in the PSP. This was supported by Mr LeBel who gave ecological evidence for the Proponent.

**Experts**

The meeting of drainage experts agreed:

- there will be additional stormwater volume with smaller flow events occurring more frequently and of a longer duration
- there is the potential for more erosion downstream
- the downstream farm dams will fill up more regularly
- landowner consent is needed to deliver downstream works
- downstream works could include:
  - revegetation to mitigate against erosion
  - formalisation of the drain



- culvert crossing to allow farm machinery access
- due to uncertainty around the scope and the need for the adjoining landowner's consent to access their land, the downstream works should not be included in the PSP.

Funding options for the downstream works were discussed at the conclave, of which Mr Shipp endorsed developer funding.

Mr Swan said:

- many solutions to managing downstream erosion impacts existed and these were partly dependent on the needs of the affected landowner
- there does not appear to be a mechanism for how these works can occur, in the absence of them being completed by:
  - Melbourne Water (the Waterway Management Authority)<sup>38</sup>
  - Council through its powers under the *Local Government Act 2020*.

Mr Mags explained the Frequent Flow Assessment:

- was undertaken to quantify the PSP's residual downstream impacts
- demonstrated measures to mitigate and quantify changes and impact
- concluded works would only be required in the adjoining property (from the east boundary of the PSP land to Amess Road).

Council queried whether an Australian National Committee on Large Dams (ANCOLD) assessment is required. Mr Mags explained an ANCOLD assessment:

- is a risk-based assessment approach for dams and retarding basin spillways and walls to ensure extreme events can be appropriately managed
- can be provided as part of the detailed design for stormwater assets when required.

Mr Watters considered further investigations were necessary to understand the impacts on the effected landowner.

### **Council**

Council had previously questioned who would be responsible for funding the works when the benefits are shared among the upstream landowners. It submitted it would likely withhold approval of a stormwater management plan unless it included a requirement to at least offer revegetation works to the downstream landowner at no cost.

### **Submitter**

Mr McCarthy, the landowner immediately east of the PSP attended the Hearing and advised he was aware of the stormwater runoff impacts and potential need for revegetation works. He advised he was willing to explore and support works on his property. His interests related to any implications of impacts on existing farming operations.

### **Proponent**

The Proponent did not support a mandatory requirement for downstream works because:

- it would be impractical to deliver works on adjoining land outside the PSP land
- a mandatory requirement was not supported in the drainage conclave.

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<sup>38</sup> Noting that Council is responsible for managing local drainage infrastructure in catchments less than 60 hectares

Alternatively, the Proponent (and Council) supported the works being developer funded and implemented through the draft Permit, subject to the affected landowner's consent. The Proponent suggested the following condition:<sup>39</sup>

Prior to the certification of the last stage of the subdivision for this permit, provided that the landowner provides consent, revegetation works are to be undertaken within the Jacksons Creek drainage line within 'Property 1' as identified in the report titled 'Amess Road Precinct Structure Plan, Jacksons Creek Tributary, Frequent Flow assessment (Stormy Water Solutions Consulting Pty Ltd, Version 2, 6 August 2024)' to the satisfaction of the Responsible Authority.

#### **(iv) Discussion**

Landowner consent to access and undertake works was a key obstacle to navigate in addressing the issue of downstream works. The efforts of the Proponent to consult directly with the landowner was helpful in resolving this issue and confirming 'in-principle' consent.

There was unanimous expert agreement of the potential for stormwater runoff from the PSP land to cause downstream impacts of erosion and fuller dams more often. This justifies the need for the Proposal to deliver downstream works.

Given the extent of mitigation works are unknown and difficult to quantify, mandated delivery through the PSP (and DCP) is not suitable. The Committee supports a permit condition as the appropriate delivery and funding mechanism. The Proponent's suggested permit condition, which requires works to the satisfaction of Council and landowner consent to access, is appropriate. The Committee however considers the condition should be amended to allow flexibility for ancillary drainage and erosion control works to occur if needed. Should negotiations between the Proponent and adjoining landowner fail, there remains the option for Melbourne Water or Council to facilitate the works.

#### **(v) Findings and recommendation**

The Committee finds:

- The Proposal should deliver revegetation works on the adjoining property to mitigate potential erosion impacts.
- The revegetation works should be imposed through a permit condition, and works should be subject to the landowner consent.

The Committee recommends:

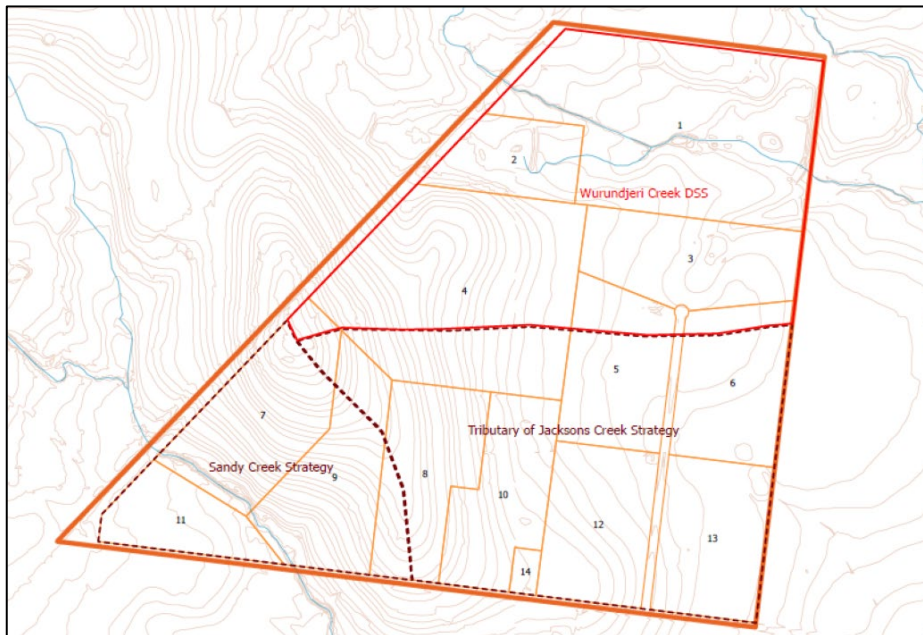
##### **Amend the draft Permit to include the following condition:**

**Prior to the certification of the last stage of the subdivision for this permit, provided that the landowner provides consent, revegetation and ancillary drainage and erosion control works are to be undertaken within the Jacksons Creek drainage line within 'Property 1' as identified in the report titled 'Amess Road Precinct Structure Plan, Jacksons Creek Tributary, Frequent Flow assessment (Stormy Water Solutions Consulting Pty Ltd, Version 2, 6 August 2024)' to the satisfaction of the Responsible Authority.**

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<sup>39</sup> D154



**Figure 17** Wurundjeri Creek Development Services Scheme

Source: D56., excerpt from Figure 1

### Experts

The experts were generally comfortable with the proposed Wurundjeri Creek drainage strategy. Mr Watters confirmed it would be appropriately administered by Melbourne Water. Mr Mags confirmed:

- no downstream works would be required
- a key assumption of the PSP is locating drainage assets and works on the PSP land so developers can control the works, design, construction and timing.

### Submitter

The Pattersons (Property 5) supported the DSS subject to:

- the provision of more efficient drainage assets (such as smaller land takes)
- relocating the wetlands to adjoining farmland (outside the PSP land) to reduce costs
- appropriate landowner compensation for loss of land for drainage assets
- appropriate staging for the delivery of temporary and permanent drainage assets
- flexibility in the PSP to enable any surplus drainage land (as a result of more efficient assets) to be converted into developable land or otherwise equitably compensated.

### Proponent

The Proponent submitted the PSP provides some flexibility around drainage asset design and that the DSS process will address compensation for drainage asset land.

### (iv) Discussion and finding

The Committee supports the drainage strategy, which locates stormwater drainage assets within the PSP land.

Melbourne Water has responsibility for the final design, layout and approval of the various drainage assets. The agency is well placed to oversee these works and has established processes for developing and administering drainage schemes. During detailed design, opportunities to

redesign and rationalise drainage assets can be considered as can land compensation needs. The Committee support this.

The Committee finds:

- The drainage strategy for the Wurundjeri Creek catchment is appropriate.

## 7.6 Other drainage matters

### (i) Public submissions

Submitters were concerned with several other issues regarding stormwater drainage and the environment. Key themes, and Mr Mags' responses are summarised in Table 15.

**Table 15** Submitters stormwater drainage themes

Theme	Mr Mags response
Waterway degradation	PSP proposes to retain and enhance waterways (SW-01A and SW-02A)
Lack of environmental controls	PSP and SWMP propose to achieve all relevant stormwater management objectives and does not seek any exemptions
Stormwater runoff will pollute the creeks	SWMP achieves Best Practice Environmental Management Guidelines. These drainage systems include gross pollutant traps (and bioretention basins and wetlands)
Development will contribute to flooding issues	SWMP achieves all relevant stormwater management requirements including restricting peak flood flows downstream to pre-development levels

The Committee accepts Mr Mag's findings and notes that Melbourne Water, as the waterway management authority, will continue to have an overarching responsibility for waterway health, ensuring appropriate compliance into the future.

## 8 Movement network and traffic

### 8.1 Background

Traffic infrastructure issues related to:

- the Amess Road shared user path construction material
- priority pedestrian crossings at the Kilmore Road and Gyro Close intersection and the Kilmore Road and Amess Road intersection upgrade
- the suitability of the width of the existing Amess Road culvert
- potential for widening of the Amess Road culvert to include the shared user path.

Other traffic issues raised by community submitters related broader Riddells Creek township matters including lack of footpaths and pedestrian connectivity, capacity constraints and parking.

#### Background reports

The *Riddells Creek Movement Network Plan, Macedon Ranges Shire Council (2024 – 2033)* identifies existing gaps and future needs for Riddells Creek transport infrastructure. Relevant findings include:

- Kilmore Road:
  - is the main road through Riddells Creek and provides primary access (for vehicle, pedestrians and cyclists) to the primary school and other services
  - is proposed for reduced speeds where the road extends along the PSP land's edge
- Amess Road:
  - is classified as a residential connector between Kilmore Road and the Connector Street
  - serves as a primary walking route and secondary cycling route.
- Kilmore Road and Amess Road proposed channelised intersection:
  - will operate well below capacity when the PSP land is developed
- Parking supply (in the township):
  - can accommodate increase demand from population growth.

The *Amess Road Precinct Structure Plan – Traffic and Transport Review*<sup>40</sup> informed the PSP and the relevant findings were:

- the PSP will generate around 10,800 vehicle movements per day along the external road network (based on 1,360 residential lots)
- intersection upgrades are required at:
  - Kilmore Road and Gyro Close
  - Kilmore Road and Amess Road
- the road network will continue to operate with spare capacity and excellent levels of service, in the post-development and 25-year growth scenarios.

The *Transport Impact Assessment – Amess Road, Riddells Creek (Permit – Stage 1)*<sup>41</sup> informed the draft Permit and the relevant findings were:

- there are no traffic reasons that would prohibit issuing a planning permit for Stage 1

<sup>40</sup> D3.08

<sup>41</sup> D3.46

- the proposed development will generate 1,456 vehicle movements per day to the external road network (based on 182 residential lots)
- internal roads and active transport infrastructure are consistent with the PSP
- daily traffic volumes on Amess Road are well below the target daily volumes for the road
- the existing Kilmore Road and Amess Road intersection can comfortably accommodate Stage 1 traffic flow without the need for intersection upgrade works.

## PSP

The PSP explains a key focus for the precinct is:

Delineating a network of streets where the highest level of pedestrian priority is provided.

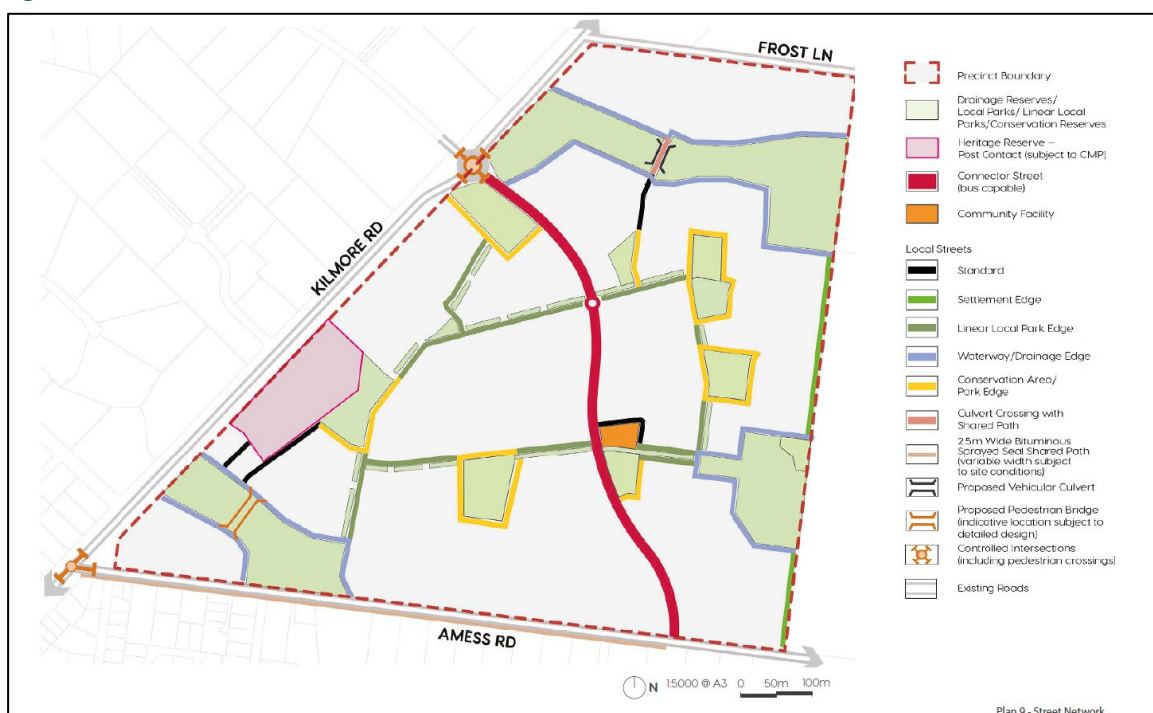
Providing dedicated off-road links for cyclists and pedestrians<sup>42</sup>

The PSP lists a suite of requirements and guidelines relating to the pedestrian and cycling network, public transport and the street network. The cross sections illustrated in the PSP prioritise walking and cycling and the active transport network will be supported by bus capable roads.

Figures 19, 20 and 21 show the street network, off-road shared path network and DCP funded transport projects (Final Day versions). The DCP items include:

- Kilmore Road and Amess Road intersection upgrade (IN-02)
- Kilmore Road and Gyro Close intersection (IN-01)
- Amess Road upgrade (which includes the Amess Road culvert widening) (RD-02)
- Amess Road shared user path (RD-03).

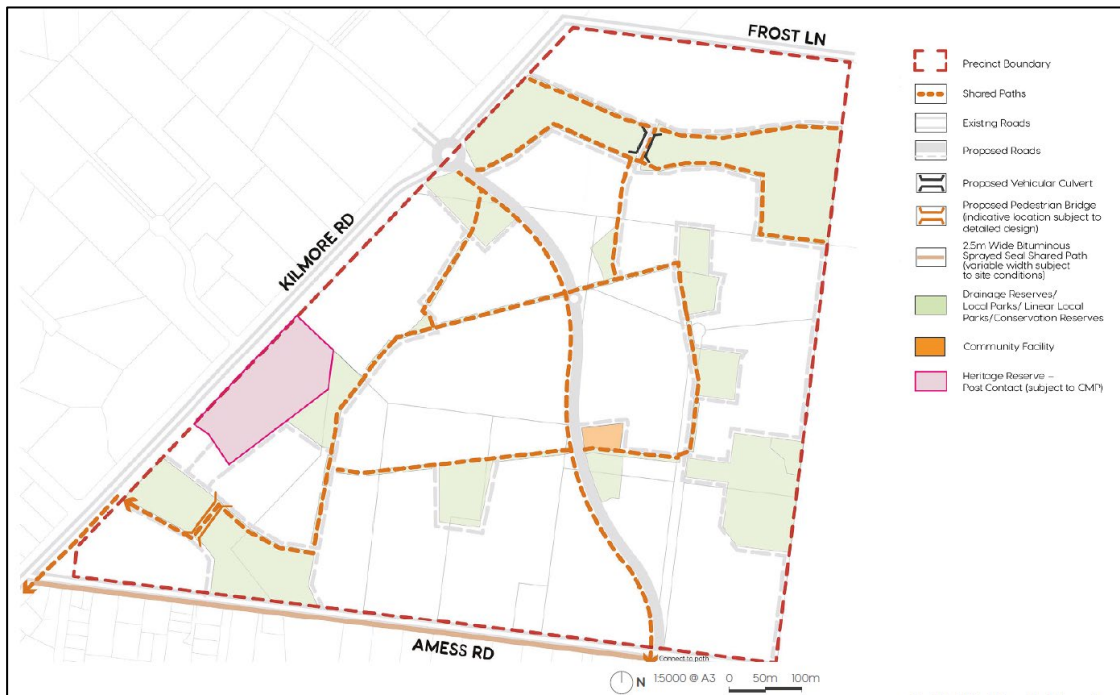
**Figure 18** PSP Street network



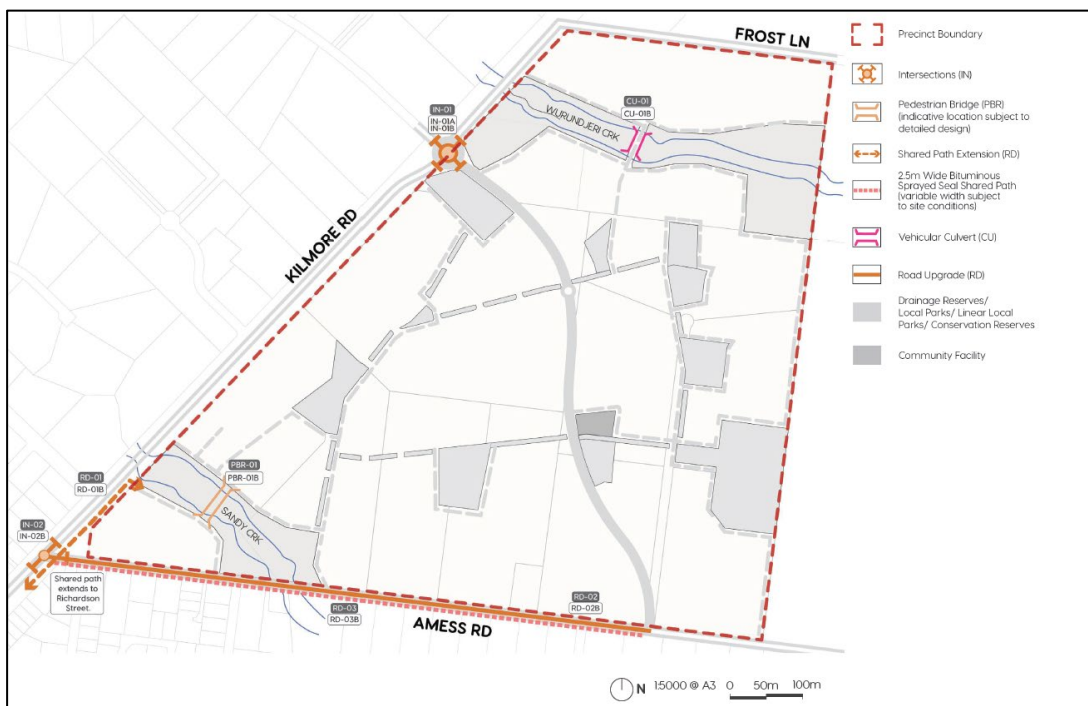
Source: D142

<sup>42</sup> Amess PSP, Section 4.4



**Figure 19** PSP Off road shared path network

Source: D142

**Figure 20** PSP Transport projects

Source: D143

**Evidence**

The Committee had regard to the traffic and civil engineering evidence listed in Table 16, as well as relevant submissions.



**Table 16** Traffic and civil engineering evidence

Party	Expert	Firm	Area of expertise
Proponent	Aaron Walley	Ratio Consultants	Traffic engineering
Proponent	Mark Flemming	Verve Projects	Civil engineering and costings

## 8.2 Amess Road shared path (RD-03B)

### (i) Background

The Proponent and Council reached agreement on the Amess Road shared user path width, shade and lighting requirements. However, disagreement remained as to the whether it should be gravel, bituminous spray seal or concrete.

#### PSP and DCP

The DCP lists transport project RD-03B 'footpath on Amess Road' and describes it as:

Construction of a 2.5m bituminous sprayed seal shared path (variable with subject to site conditions) on Amess Road from Wohl Court to Kilmore Road<sup>43</sup>

The concept plan in the DCP located the shared user path on the south side of Amess Road and 'lighting' is listed as a line item in the costings.

R33 of the PSP states:

Lighting must be installed along shared, pedestrian, and cycle paths linking to key destinations, unless otherwise agreed by the responsible authority<sup>44</sup>

### (ii) The issue

The issue is whether the Amess Road shared user path should be constructed from gravel, bituminous spray seal or concrete.

### (iii) Evidence and submissions

#### Head, Transport for Victoria

Head, Transport for Victoria submitted a three metre wide shared user path was required.

#### Experts

Mr Walley considered a 1.5 metre wide gravel footpath was sufficient, although he supported the 2.5 metre width.

Mr Fleming estimated costs and durability for the three path materials as reproduced in Table 17.

**Table 17** Amess Road – Shared user path (RD-03B) cost and maintenance

Path type (2.5 metre wide)	cost	durability
Gravel	\$435,500	not applicable – should be sealed as SUP
Bituminous spray seal	\$556,000	reseal every 10 years at \$25,000 plus ancillary works
Concrete	\$715,500	25 plus years

<sup>43</sup> D143, page 16

<sup>44</sup> D42, page 42

## Council

Council requested using tinted concrete for the shared user path because it is more durable and requires less maintenance than gravel or a bituminous spray seal path. It submitted the lifespan of the bituminous spray seal path would expire before the PSP land was developed.

## Proponent

The Proponent agreed to a 2.5 metre wide shared user path with localised narrowing subject to site constraints. It proposed a bituminous spray seal construction and submitted Council did not provide sufficient evidence or justification to warrant the additional cost of a concrete path.

## Submitters

Many submitters supported the inclusion of a shared user path along Amess Road and generally preferred a sealed path as opposed to a gravel path.

### (iv) Discussion

The Committee agrees the shared path should be constructed with tinted concrete because:

- the existing shared user path on the east side of Kilmore Road is concrete
- future shared user paths in the PSP land will likely be concrete
- Council's standard drawing for a 2.5-metre-wide shared path assumes concrete construction<sup>45</sup> and any path will need to be to Council's satisfaction
- tinted concrete is more durable and requires less ongoing maintenance than bituminous.

### (v) Finding and recommendations

The Committee finds:

- The Amess Road shared user path (RD-03B) should be constructed from tinted concrete.

The Committee recommends:

**Amend Plan 10 of the PSP to notate the Amess Road shared user path as '2.5m wide tinted concrete shared user path (variable width subject to site conditions)'.**

**Amend the footpath costings in the DCP for Amess Road (project RD-03B) to reflect a 2.5 metre wide tinted concrete tinted shared user path and make any further consequential changes.**

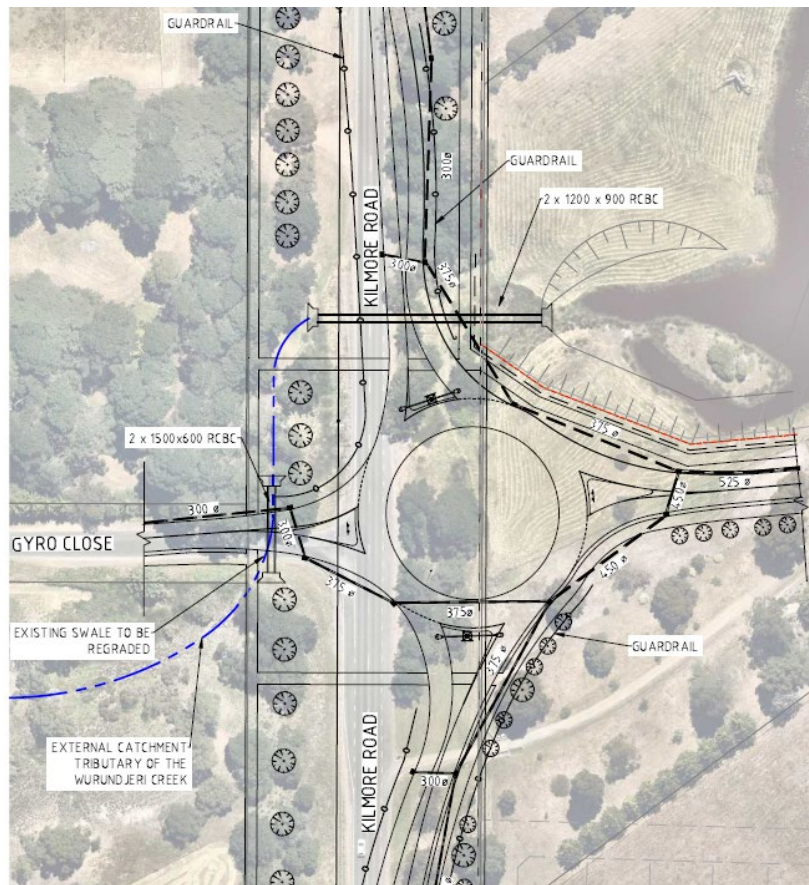
## 8.3 Intersections and roadworks

### 8.3.1 Kilmore Road and Gyro Close intersection (IN-01)

#### (i) Background

The PSP locates a new roundabout at the intersection of Kilmore Road and Gyro Close (see Figure 22). This will be the PSP land's only direct access to Kilmore Road.

<sup>45</sup> Macedon Ranges Shire Council Standard Drawing SD007 <https://www.mrsc.vic.gov.au/Build-Plan/Engineering-and-Development/Subdivision-and-engineering-guidelines>

**Figure 21 Kilmore Road, Gyro Close and Connector Street roundabout (IN-01)**

Source: D143

**DCP**

The DCP concept plan for IN-01 identifies pedestrian crossings on the northern, southern and western legs of the intersection. Motorists have a right of way and pedestrians need to wait for a gap in the traffic to cross.

**(ii) The issue**

The issue is whether the proposed Kilmore Road and Gyro Close roundabout (project IN-01B) should include priority pedestrian crossings.

**(iii) Evidence and submissions**

Despite earlier reservations, the Head, Transport for Victoria supported the roundabout treatment on the condition it included 'prioritised' pedestrian crossings. Council sought the same. DTP indicated details of the pedestrian crossings are usually confirmed during detailed design phase and informed by road safety audits.

Mr Walley supported a pedestrian crossing across the Connector Street, but did not agree a 'priority' pedestrian crossing on the Kilmore Road leg was necessary. He:

- said even though Kilmore Road would be operating with an agreed lower speed limit of 80 kilometres per hour, this was high for a pedestrian environment
- acknowledged Head, Transport for Victoria's position that a pedestrian crossing should be on the southside of the roundabout

- a pedestrian crossing would be contrary to motorists' expectations, particularly southbound motorists who would be approaching the intersection shortly after travelling along a country arterial road at 100 kilometres per hour.

The Proponent accepted a prioritised pedestrian crossing at the intersection and said:

- this is also consistent with Mr Walley's evidence
- the precinct Infrastructure Plan in the PSP specifies that both IN-01 and IN-02 are to include pedestrian crossings
- the exact specifications for the crossings can be provided at detailed design stage (which has always been the intention).

Several submitters were concerned with the operation of the roundabout, including the steep road grade on the southern approach and potential safety issues associated with heavy vehicles that use Kilmore Road.

#### **(iv) Discussion**

The Committee shares Mr Walley's concerns and has significant reservations regarding pedestrian safety and operations including:

- the appropriateness of providing a 'priority' pedestrian crossing and only on one Kilmore Road leg as this may create a false sense of pedestrian security when crossing the other leg without the same treatment
- the location of the footpath in front of guard railing.

While the configuration of IN-01, including pedestrian crossing details, would be resolved during detailed design, the Committee expects there will be cost changes to address the various safety issues. Since the extent of these changes is unknown and to avoid an underfunded the DCP project, the Committee recommends conducting a road safety audit now, to then inform a revised DCP concept plan and costings. The audit can resolve the pedestrian safety issues and will provide greater confidence in both intersection safety and DCP funding accuracy.

#### **(v) Findings and recommendation**

The Committee finds:

- A road safety audit should be conducted in consultation with Council and Head, Transport for Victoria to inform the pedestrian crossings design and other potential safety issues in IN-01B.
- A road safety audit should inform a revised concept plan and costings for IN-01B and included in the DCP.

The Committee recommends:

**Before finalising the *Amess Road Development Contributions Plan* (Echelon Planning, March 2024) the Proponent should:**

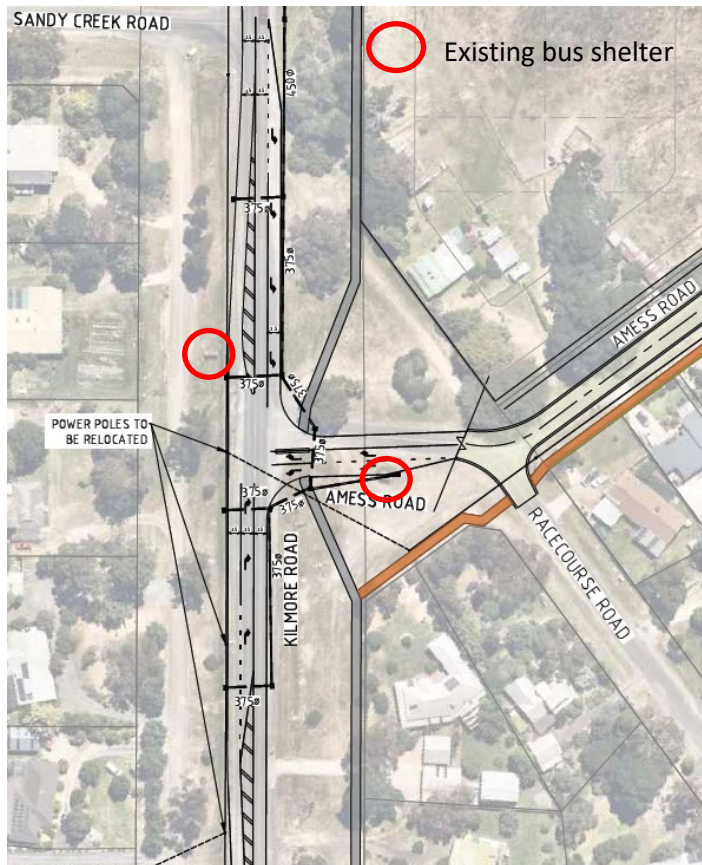
- undertake a Road Safety Audit of IN-01B to determine an appropriate pedestrian crossing design and address other potential safety issues**
- revise the concept design and costings for IN-01B based on the findings of the Road Safety Audit**
- include the revised concept design and costings for IN-01B in the DCP.**

### 8.3.2 Kilmore Road and Amess Road intersection (IN-02B)

#### (i) Background

The proposed intersection upgrade design is shown in Figure 23.

**Figure 22** Kilmore Road and Amess Road intersection (IN-02B)



Source: D143

#### (ii) The issue

The issue is whether the Kilmore Road and Amess Road intersection upgrade (project IN-02B) should include priority pedestrian crossings.

#### (iii) Evidence and submissions

Head, Transport for Victoria supported the Kilmore Road and Amess Road intersection design, on condition it included prioritised pedestrian crossings (subject to completion of a road safety audit). It submitted that the intersection should:

- include a 'wombat' crossing on the Amess Road leg to provide priority for pedestrians and cyclists on the shared path
- prioritise pedestrian movements across Kilmore Road with either a signalised pedestrian crossing or wombat crossing.

Several submitters were concerned with the safety and operation of this intersection, including in relation to a proximate school bus stop (see Figures 24 and 25).



**Figure 23** Amess Road – school bus next to bus stop

Source: D80

**Figure 24** Kilmore Road opposite Amess Road<sup>46</sup>

Source: D80

Mr Walley supported the provision of a wombat crossing at Amess Road and a pedestrian crossing at Kilmore Road (southern leg). He considered these could be readily incorporated with no material change to the IN-02B design.

#### **(iv) Discussion**

The Committee supports incorporating pedestrian crossings at the intersection, however of its two suggested solutions, Head, Transport for Victoria did not indicate a preferred treatment.

The Committee considers the safety concerns expressed by the community based on lived experience of the intersection, including school bus operations, should be considered in determining the appropriate pedestrian crossing treatments. Given the unknown implications on DCP costings, the Committee again considers a road safety audit should be conducted to inform a revised concept plan and costings for the intersection. The audit can consider, amongst other issues, the potential need for indented bus bays and and/or relocated bus shelters and provide greater confidence in the accuracy of DCP costings.

<sup>46</sup> School bus parked near bus stop; second bus has turned right out of Amess Road

**(v) Findings and recommendation**

The Committee finds:

- A road safety audit should be conducted in consultation with Council and Head, Transport for Victoria to inform the pedestrian crossings design and other safety issues in IN-02B.
- A road safety audit should inform a revised concept plan and costings for IN-02B and included in the DCP.

The Committee recommends:

**Before finalising the *Amess Road Development Contributions Plan* (Echelon Planning, March 2024) the Proponent should:**

- undertake a Road Safety Audit of IN-02B to determine an appropriate pedestrian crossings design and address other safety issues**
- revise the concept design and costings for IN-02B based on the findings of the Road Safety Audit**
- include the revised concept design and costings for IN-02B in the DCP.**

**8.3.3 Amess Road culvert carriageway**

Council submitted the existing culvert carriageway along Amess Road required widening at Sandy Creek as part of Stage 1 to accommodate construction traffic.

Mr Walley assessed that the existing carriageway could accommodate two-way traffic but suggested minor modifications at this location, including:

- widening the existing pavement to 5.5 metres (desirable 6.2 metres to match the remainder of Amess Road)
- install a painted centre line on the approaches to the culvert
- undertake works prior to Stage 1 commencing.

The Committee agrees with Mr Walley's finding and supports the associated draft Permit conditions.

**8.3.4 Amess Road pedestrian bridge (part of RD-02B)**

Council and the Proponent agreed to widen the Amess Road culvert to accommodate the shared user path as opposed to the previous plans to provide a separate pedestrian bridge. However the experts disagreed on where the guardrail should be located:

- Mr Fleming supported locating the guardrail behind the shared user path (as per the DCP)
- Mr Walley considered the guard rail should be located in front of the shared user path to protect pedestrians from errant vehicles.

The Committee agrees with Mr Walley that the guardrail should be positioned between the carriageway and shared user path. It considers a barrier fence (minimum 1.2 metres high) is also required to stop errant cyclists and pedestrians accidentally falling over the culvert end wall.<sup>47</sup>

<sup>47</sup> Austroads Guide to Road Design Part 6A: Paths for Walking and Cycling

The Committee recommends:

**Amend the Amess Road culvert crossing concept design (part of project RD-02B) in the DCP to:**

- a) relocate the guardrail in front of the shared path**
- b) introduce an appropriate pedestrian/cycling barrier to protect the culvert edge.**

**Revise the costings for RD-02B in the DCP based on the relocated guardrail.**

## 8.4 Infrastructure costings

The Proponent and Council reached agreement on the scope and costings of various infrastructure items to be included in the DCP. These costings were included in the Final Day DCP.

Mr Fleming and Mr Watters reviewed their assumptions and costing for each item and prepared revised estimates. The Proponent and Council then agreed to adopt the higher (more conservative) estimate. These costings were included in the Final Day DCP. The Committee supports this approach.

## 8.5 Other traffic and transport issues

### (i) Frost Lane – future vehicle access

The Pattersons, who own of Property 5, requested that Frost Lane be used for vehicle access. R18 of the PSP precludes direct lot access to Frost Lane.

The Pattersons submitted:

- there is no logical planning reason or benefit in the PSP prohibiting access to Frost Lane
- the option should remain open for an assessment of the appropriateness this access as part of a future planning permit applications
- the appropriate time to determine whether lots should have direct access to Frost Lane is at planning permit stage.

The Pattersons considered that use of Frosts Lane would:

- enable efficient use of the PSP land as opposed to a service lane approach which unnecessarily doubles up the amount of road reserve at the northern interface
- provide an active frontage to the road and enable an attractive interface for residents that encapsulates the vegetated road reserve and farmland beyond
- provides for an appropriate interface in relation to the possible future expansion of the township in line with strategic intent.

The Head, Transport for Victoria did not support a second access point to the PSP land from Kilmore Road.

Council did not support direct Frost Lane access. Frost Lane is an unconstructed rural road and providing access would require removing roadside vegetation and sealing of the road, significantly altering its character at the edge of the township. Mr Murphy's views echoed these arguments.

Under cross examination, Mr Walley said an established principle for the development of the PSP land was to exclude access from Frost Lane. He considered:

- there was no traffic engineering need to have access to Frost Lane



- the access would require substantial change and works to Frost Lane, which would add significant costs to the DCP.

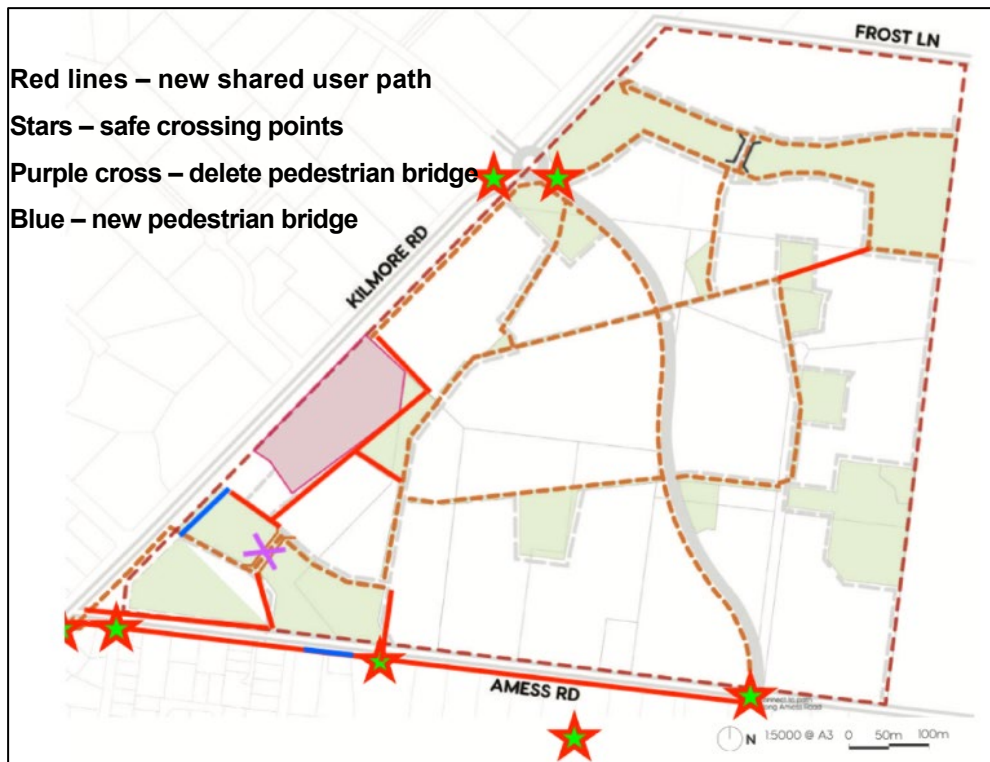
The Proponent supported access along Frost Lane for temporary emergency vehicle access only, as discussed in Chapter 10.

Based on the evidence before it and the position of Council and DTP, the Committee does not support providing permanent access to Frost Lane from the PSP land. It accepts the arguments of the agencies and experts that the access is not needed in traffic terms and is not appropriate in urban design terms.

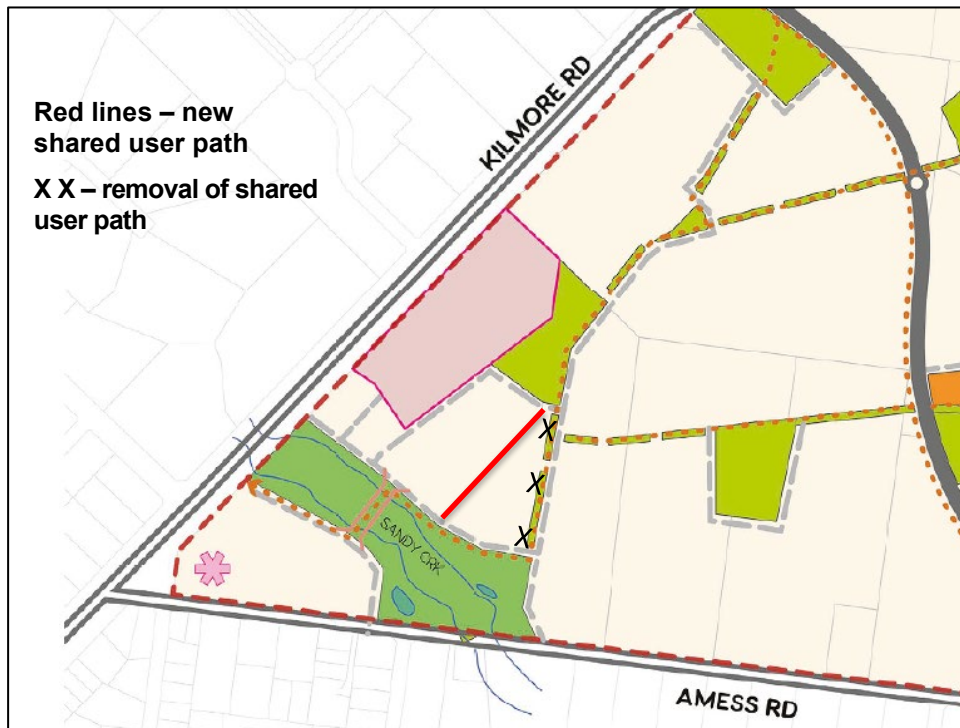
## (ii) Shared path changes

Mr Goldsworthy and Ms Cole, the owner of Property 14, made suggestions to realign the shared user paths to provide greater permeability and connectivity internal and external to the PSP land. The suggestions are illustrated at Figures 28 and 29 respectively.

**Figure 25** Proposed modifications to Amess Road PSP shared user path



Source D85 with Committee annotations

**Figure 26** Proposed modifications to Amess Road PSP shared user path at Property 14

Source: PSP with Committee annotations showing indicatively S1277 proposal

Mr Walley considered the PSP provides a comprehensive offroad path network that comprises shared user paths along the Connector Street, linear open space and creek corridors. He did not recommend any realignment of the network identified in the PSP.

The Committee appreciates the time submitters dedicated to identifying alternative shared user path locations. The ultimate alignment of shared user paths needs to consider a range of technical matters including topography, native vegetation, property boundaries and proposed land uses. Suitable alignments are informed by expert views and Mr Walley did not consider any changes to alignments are warranted. The Committee agrees with this advice..

### (iii) Outdated traffic data and capacity of the road network

Many submitters were concerned that:

- the traffic data used for the analysis was out of date (2018) and not representative of typical or actual traffic conditions
- the surrounding road network would be unable to cope with the additional PSP traffic.

Head, Transport for Victoria and Council accepted the traffic modelling results and considered the road network can accommodate the projected additional traffic. Mr Walley accepted these too.

The Committee accepts the assessment of Head, Transport for Victoria (which is the key transport agency) and expert views of Mr Walley.

### (iv) Lack of parking

Many submitters were concerned that the existing parking supply within the town centre would not accommodate the additional demand from the PSP population. Some submitters cited existing parking supply issues during busy periods.

Mr Walley advised that this issue is considered within *Riddells Creek Movement Network Plan*:

Based on the results of the [parking] surveys, there is ample parking to accommodate an increase in traffic volumes and parking demand within Riddells Creek.<sup>48</sup>

The Committee acknowledges that parking supply may be impacted by the projected PSP population growth but accepts that there is sufficient parking, nonetheless.

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<sup>48</sup> Riddells Creek Movement Network Plan (2024-2033) - Parking Assessment

## 9 Heritage

### 9.1 Post-contact heritage

#### (i) Background

The PSP area includes one existing and one potential heritage site, as identified by the Heritage Assessments that informed the PSP.<sup>49</sup> Council supported further heritage assessment of both sites, while the Proponent did not.

‘Dromkeen and Monterey Pine’ is protected by HO83. This ten hectare site is located along Kilmore Road and is currently used as a gallery café. No statement of significance has been prepared for the site. The Heritage Assessment determined the site holds local cultural, architectural, and historical value. The assessment highlighted risks from development around the heritage place, including changes to curtilage and visual setting. It recommended:

- retaining the site and the HO83 control
- preparing a Statement of Significance
- preparing a Heritage Conservation Management Plan (CMP).

In response, the Proposal:

- does not seek to alter the HO83 control
- does not require preparation of the Statement of Significance
- requires preparation of a Heritage CMP for Dromkeen (through the UGZ1 requirements).

The miners cottage at 163 Main Road was nominated as potential heritage by the Heritage Assessment. No heritage controls apply to the five-hectare parcel, which sits at the junction of Amess Road and Kilmore Road. The Assessment found the site holds historic and aesthetic significance as one of the town’s earliest structures and a well-preserved weatherboard cottage of its era (being late Victorian). It determined the site meets the threshold for applying a Heritage Overlay and highlighted that without any controls, the risk of demolition and unsympathetic development existed. The report recommended:

- identifying the property as an element of potential heritage value in planning documents
- undertaking further detailed investigations prior to development.

The PSP’s Future Urban Structure reflects these recommendations.

#### PSP

Heritage is a standalone objective of the PSP:

O4: Protect heritage places and landscapes and incorporate these areas into the new urban environment in a manner that celebrates and interprets their significance.<sup>50</sup>

The importance of Dromkeen in providing an historical link to the past is noted at Section 4.2, as are the potential heritage values of 163 Main Road. Guidelines G11, G26 and G49 largely require the subdivision, drainage and open space design to respond to and incorporate the values of post-contact heritage. Specific to Dromkeen, R15 and R16 generally require that an appropriate curtilage is set and interface is provided, and site access is maintained. G49 seeks that cultural heritage significance is considered in the design of drainage infrastructure, where practical.

<sup>49</sup> D3.18 and D3.14

<sup>50</sup> D142, 18

The PSP maps the two post-contact heritage places in Plan 3 and the key notations are:

- 'Heritage Reserve – Post-Contact (subject to CMP)' for Dromkeen
- 'Element of Potential Heritage Value Subject to Further Investigation' for 163 Main Road.

**Figure 27** Plan showing post-contact heritage places



Source: D143

## (ii) The issue

The issue is whether the Proposal should be informed by further post-contact heritage assessment.

## (iii) Evidence and submissions

### Experts

Mr Glossop considered that adequate measures were included in the PSP and UGZ1 to protect Dromkeen. He observed the PSP and UGZ1 acknowledge the potential value of 163 Main Road and concluded it would be inappropriate to stifle development on the site if a Heritage Overlay is not warranted.

The Committee asked Mr Glossop and Mr Shipp about the impact if the heritage status of 163 Main Road changed during PSP implementation.

Mr Glossop held the view that any post-contact heritage values could be later incorporated into future subdivisions, and values would not be lost in doing so. The opportunity remained open to Council to apply for an interim Heritage Overlay.

The Committee questioned Mr Shipp about post approval changes to the DCP, if the miners cottage is later protected by a Heritage Overlay and concurrently converted to non-developable land (the same as Dromkeen). This would remove DCP liabilities from the land. He estimated that

recalculation of the DCP levies would be straightforward and saw little risk if DCP rates were later adjusted. It was his preference to change the DCP now if the whole site was protected, but that later DCP changes were not a major risk.

### **Council**

Council submitted further assessment was needed to properly integrate the post-contact heritage values into the future urban structure and avoid irreversible impacts. It submitted that heritage recognition, conservation and enhancement is sought by the PE Act objectives, the SPP objectives and Planning Scheme provisions and these obliged both assessment and application of the correct heritage tools given the extent of changes anticipated by the PSP. Council highlighted that undertaking a separate Amendment process for these places would be an 18-month process.

The further assessment sought was:

- preparation of a Statement of Significance for Dromkeen
- full heritage assessment for 163 Main Road.

### **Proponent**

The Proponent did not consider further post-contact heritage assessment was necessary or appropriate. It submitted:

- the assessments which informed the PSP were sufficient and the PSP does all that is reasonable for these places
- full assessments could be prepared as part of the PSP implementation or led by Council
- the UGZ1 requirements go beyond those directed by the Heritage Overlay for Dromkeen.

### **Submitters**

Many community submissions supported the protection of post-contact heritage values, with a focus on Dromkeen. One submitter considered the miners cottage provided an historic marker and its integration into the future urban structure would be an excellent design outcome.

### **(iv) Discussion**

The Committee finds reason in both the Proponent and Council submissions about whether a full heritage assessment is needed. The onus of preparing full heritage assessment usually falls on the Council, as submitted by the Proponent. In this case, the Committee relies on the planning and development contributions evidence before it that favours the Proponent's position.

The Committee concludes a full heritage assessment is not necessarily a prerequisite for approving the PSP and DCP. The PSP translates the findings of the Heritage Assessments that were prepared. The Committee accepts the evidence that any PSP and DCP changes as a result of future heritage protections can be accommodated during PSP implementation, and with inconsequential risk to heritage values or DCP calculations (including underfunded levies). Heritage assessments will be required when land around the two places is developed, and any needed changes to the PSP and DCP can follow. Planning permits will be subject to the planning framework which guides matters such as protecting significant places, encouraging respectful development and ensuring appropriate settings and contexts for heritage places.

### **(v) Finding**

The Committee finds:

- No further post-contact heritage assessments are needed to inform the PSP.



## 9.2 Aboriginal cultural heritage

### (i) Background

Cultural heritage issues were raised by Council and Melbourne Water. Both authorities considered that appropriate assessments should have been prepared to inform the PSP.

The Planning Background Report<sup>51</sup> that accompanied the PSP identified two areas of 'aboriginal cultural heritage sensitivity', being 200 metres to either side of Wurundjeri Creek and Sandy Creek. It noted a Desktop Preliminary Cultural Heritage Study was prepared and it identified a mandatory CHMP will be required prior to the commencement of works within the two sensitivity areas. This Report did not form part of the tabled material.

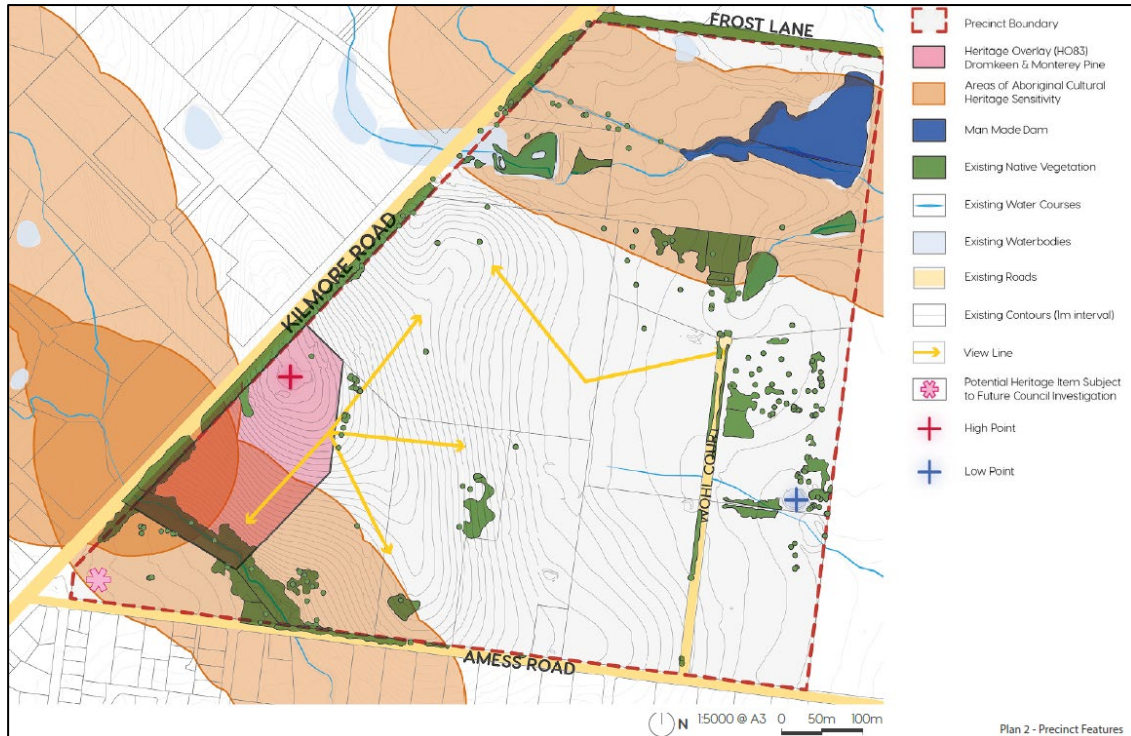
### PSP

Objective 4 of the PSP generally seeks that the urban environment incorporates heritage values in a manner that celebrates and interprets their significance. The PSP guides cultural heritage by:

- mapping the 'areas of Aboriginal Cultural Heritage Sensitivity' (see Figure 29)
- G11, G26 and G49 largely seek that the subdivision, drainage and open space design should respond to and incorporate the values of Aboriginal cultural heritage
- G49 seeks that cultural heritage significance is considered in the design of drainage infrastructure, where practical.

No UGZ1 requirements pertain to Aboriginal cultural heritage.

**Figure 28** Plan showing cultural heritage sensitivity areas



Source: D143, 14

<sup>51</sup> D303

**(ii) The issue**

The issue is whether the Proposal should be informed by a CHMP.

**(iii) Submissions****Traditional owners**

In its written submission<sup>52</sup>, the Wurundjeri Woi Wurrung traditional owners stated that:

The amendment area is not within a legislated area of cultural heritage sensitivity under the Aboriginal Heritage Act 2006, and as such a mandatory [Cultural Heritage Management Plan] will not be required for this activity. However, an ephemeral waterway passes through the area in the north-eastern corner, which although not legislated, is an area of cultural heritage sensitivity for Wurundjeri people. We note that a wetland is proposed for this location and would like to advise that Aboriginal cultural heritage is likely to be found in this area. As such consideration of ways to mitigate the risk of encountering unexpected cultural heritage may be necessary.

**Melbourne Water**

Melbourne Water encouraged conducting an Aboriginal Cultural Heritage Impact Assessment as best practice to evaluate heritage values and inform the PSP. Stormwater works within cultural heritage sensitivity areas are deemed a 'high impact activity' and the assessment would indicate assessment would indicate need for a required or voluntary CHMP.

**Proponent**

The Proponent submitted:

- preparation of a CHMP was not required to inform the PSP
- the Aboriginal Heritage Act 2006 was prescriptive about when CHMPs are required, and none were for the Proposal
- a CHMP is inappropriate at this stage in the process- it was not required legally and was impractical to achieve site access across the precinct for archaeological assessment.

**Council**

Council submitted the PSP should be informed by a CHMP now to prevent longer term issues. It saw risk that later assessment might uncover artefacts and require changes to the future urban structure (and potentially the DCP), and relayed examples experienced in other PSP areas.

**Submitters**

The need to prepare cultural heritage assessments was variously raised in submissions. Many identified that the precinct and broader area contained significant cultural heritage values and that values required assessment to ensure they were respected and preserved for future generations.

**(iv) Discussion and finding**

The Committee accepts that a CHMP is not needed to inform the PSP, based on the Proponent's arguments regarding the legal and practical reasons. It appreciates Council's position that it would be beneficial if cultural heritage values are assessed before PSP approval. However, it is not a mandatory requirement for PSP approval and the Wurundjeri Woi Wurrung traditional owners did not request one.

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<sup>52</sup> Submission 23



When assessments are required to inform planning permit applications, the integration of any identified values can be considered. These will be subject to the applicable legislation and policy, including SPP and Planning Scheme guidance to work in partnership with the traditional owners.

A future assessment may lead to changes in the urban layout, PSP and possibly DCP and this could affect drainage assets around Sandy Creek and Wurundjeri Creek. These will be matters for resolution during the planning permit application stage.

The Committee finds:

- Preparation of a CHMP is not needed to inform the PSP.

## 10 Bushfire

### (i) Background

The PSP land is within a Bushfire Prone Area (BPA), which is an area subject to or likely to be subject to bushfire. BPAs with the highest bushfire risk are designated using the Bushfire Management Overlay (BMO). No part of the PSP area, or any surrounding land within one kilometre, is subject to the BMO.

#### PSP and UGZ1

Objective 15 of PSP seeks to ensure that bushfire risk is considered in the layout, staging and design of development and the local street network. Bushfire management and safety provisions are set out in Section 4.5 of the PSP. This includes a series of requirements and guidelines relating to bushfire management. Relevant requirements include:

R42: Bushfire protection measures must be considered in the layout, staging and design of development and the local street network<sup>53</sup>.

R43: Habitable buildings adjoining bushfire hazards shown on Plan 11 must be setback in accordance with setbacks identified on the plan. However, 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.<sup>54</sup>

R44: An emergency egress must be provided in line with the indicative location in plan 11 to the satisfaction of the Responsible Authority.<sup>55</sup>

The related guidelines cover measures such as species selection and location of vegetation within public space, evacuation route access, composition of public and private land in setbacks and fences long bushfire threat interfaces.

All cross sections identify minimum carriageway widths of 5.5 metres.

The PSP illustrates the required bushfire measures (see Figure 30) and includes:

- 33 metre setbacks from Woodland areas
- 19 metre setbacks from the grassland areas located within and external to the PSP area
- 20 metre setbacks from the Kilmore Road vegetation
- road setbacks to conservation areas
- no setbacks to Dromkeen.

<sup>53</sup> R42

<sup>54</sup> R43

<sup>55</sup> R44

**Figure 29** Plan showing bushfire setbacks and access

Source: D143, 49

The UGZ1 includes requirements to:

- prepare a bushfire management plan to manage the development of land and consider matters such as staging, separation distances and respond to Clause 13.02
- plan for potential bushfire risks during construction stages
- prepare a Vegetation Management Plan to support subdivision applications using Interface Treatment Option 1 along Amess Road or the Settlement Edge (to be endorsed by Council and the fire management authority).

## (ii) The issues

The issues are whether the Proposal:

- adequately assessed and appropriately manages bushfire risk
- sufficiently plans for evacuation routes and emergency vehicle access.

## (iii) Evidence and submissions

The Committee had regard to the bushfire evidence of Hamish Allen of Terramatrix called by the Proponent and relevant submissions.

## Experts

Mr Allan concluded the site is generally suitable for development and complied with Clause 13.02-1S (Bushfire Planning). He supported the setbacks set by the PSP and draft Permit to provide defendable zones, and suitable access.

Mr Allan's assessment started with PSP area's BPA designation and including the absence of a BMO. He assessed the area had low bushfire risk compared to the other parts of Riddells Creek, and that the flat or gently sloping terrain (for the most part) of the PSP area reduces fire intensity

and spread potential. The bushfire hazard is largely restricted to grassland and small woodland patches internal and external to the precinct, to which he recommended setbacks to manage potential bushfire threat. The widest setbacks were along the Sandy Creek corridor (33 metres) and the narrowest setbacks around conservation areas (perimeter road). BAL12.5 rated dwellings were recommended beyond the setbacks.

Several clarifications on the setbacks were raised through cross examination and Mr Allan:

- explained no internal setback was required to Frost Lane because the existing external road reserve provided enough space, as long as the grass was kept short
- confirmed no setback to Dromkeen was required due to its low threat vegetation
- agreed to update the Preliminary Bushfire Development Plan to include setbacks to conservation areas confirmed since its preparation.

In relation to emergency vehicle management access in the event of a bushfire, Mr Allan's considered it could be achieved through a conventional urban-residential road network.

Council cross examined Mr Allan on the second emergency access point to the Permit land. Mr Allan confirmed the access should be permanent.

Further questions about emergency access to Frost Lane were put to Mr Allan by the Pattersons. His evidence was that bushfire-affected areas should have two access and exit routes for safety. Either Kilmore Road or Frost Lane could provide a second, temporary-only access point. The Proponent supported use of Frost Lane as a secondary, temporary-only access point.

Mr Murphy recommended the UGZ1 require preparation of a Vegetation Management Plan to manage species selection along the Amess Road and settlement edge interfaces. He deferred to Mr Allan to determine which interface options the requirement should apply to.

### **Council**

Council supported the bushfire fire provisions included in the planning controls.

### **Proponent**

The Proponent relied on the evidence of Mr Allan and submitted that the Committee ought readily conclude that the Proposal appropriately addresses bushfire risk. It submitted the Proposal suitably manages bushfire risk, that relevant considerations had been made, and appropriate measures were included in the planning controls.

### **Submitters**

The Pattersons requested a permanent emergency access be nominated along Frost Lane given the evidence supported a second access point in the north of the precinct.

There was resounding concern from the community submitters about the bushfire risk of the Proposal. Many accounted lived bushfire event experience in submissions to the Committee. Concerns for future conditions ranged from the safety of the PSP population to the potential for that population to increase traffic congestion in the event of evacuation.

Community submitters with emergency fire management experience raised concerns about the insufficient risk assessment of ember attack and inadequate emergency vehicle access.

#### **(iv) Discussion**

The bushfire risks of the Proposal have been appropriately considered, in the Committee's view. These risks were assessed at the landscape, precinct and permit scale, and will be continuously assessed as development progresses. The planning controls contain appropriate mitigation measures.

Deliberations on bushfire risk are guided by planning policies, which seek to prioritise human life over all other planning considerations. They seek to avoid development in locations that expose people to significant bushfire risk and to ensure emergency vehicle access and firefighting water supply is adequately provided. Strategies include to consult early with emergency services and fire authorities to get recommendations and apply bushfire protection measures.

Mr Allan's assessment of the precinct scale risk was consistent with the Structure Plan. The greater bushfire risks in the Riddells Creek are on the western side of town, and the more immediate threats to the precinct area presented by the vegetated edges at the precinct interfaces are managed through varied setbacks. The Committee accepts the setback measurements appropriately respond to the bushfire risk, including Frost Lane.

Successive planning permit applications must be supported by Bushfire Management Plans which must address bushfire risk before and during construction. Rolling buffers will be enabled for each stage of development and implemented through permit conditions and can address changes to bushfire risks.

The Committee accepts the risk of ember attack is adequately planned for. It notes:

- the likelihood of ember attack was assessed as very low in the Bushfire Development Report that supported the PSP. The distance of the PSP area from the potential bushfire source, being the forest on the western edge of town, informed this assessment
- the CFA observed large quantities of ember can occur in the PSP and should be managed through BAL rated buildings and the PSP proposed BAL 12.5 rating dwellings
- Mr Allan uses a two-step management approach being setbacks to reduce potential exposure to bushfire threat and then BAL 12.5 rated buildings beyond these
- Mr Allan's evidence was that urban development of the PSP land would reduce bushfire risk and justify removing the extent of land covered by the BPA in the future.

The emergency vehicle and evacuation accesses identified in the PSP were assessed by the CFA and evidence. Clause 56.06 includes strategies to provide safe and efficient access to all lots for service and emergency vehicles. The Clause sets a minimum carriageway width of 5.5 metres with which the road reservations in the PSP must comply with. The Committee accepts the proposed planning controls and policy will ensure appropriate access arrangements are made to the precinct. One necessary addition is a second, temporary access point along Frost Lane, as supported by Mr Allan. This access should be notated in the PSP and its optimal location determined at the permit stage. The Committee supports the Proponent's Final Day Stage 1 Master Plan which shows a secondary emergency vehicle access point (to be utilised for emergency vehicles and evacuation only).

For an abundance of caution and without fulsome evidence, the Committee considers a requirement for a Vegetation Management Plan necessary when either Option 1 or 2 to the settlement edge and Amess Road interface options are used. The UGZ1 only applies the requirement to Option 1 however:

- both options for the Amess Road interface have wider verges from existing conditions meaning more vegetation is anticipated
- of the two options for the Settlement Road interface, Option 2 is the wider verge where a denser extent of street trees is anticipated.

The Committee considers applying the requirement to both options and both interfaces is appropriate, particularly given the policy context that places great emphasis on managing bushfire risk.

The matters raised in submissions have been carefully considered. The Committee heard the personal experiences that were shared, particularly those who made verbal presentations. It appreciates that bushfire threat as a deep concern for Riddells Creek residents. The expert views, agency assessment and Council support provide assurance to the Committee that bushfire risk assessment and planning control measures are suitable.

#### **(v) Findings and recommendations**

The Committee finds:

- The bushfire risks have been adequately addressed and will be managed appropriately.
- A second permanent access point is needed to the Permit land.
- A second temporary-only emergency and evacuation access point should be provided along Frost Lane and should be notated in Plan 11 and its location determined during the permit stage.
- The Preliminary Bushfire Management Plan that informed the PSP should be updated to reflect the final future urban structure
- The UGZ1 should require Vegetation Management Plans for the application of Options 1 and 2 along Amess Road and the settlement edge.

The Committee recommends:

**Amend Plan 11 of the PSP to notate a second temporary only access point along Frost Lane to the effect of ‘temporary emergency egress and evacuation (indicative)’.**

**Amend the UGZ1 requirement for the preparation of Vegetation Management Plan to apply to subdivision applications for lots interfacing with Amess Road or the settlement edge when using Options 1 and 2, as shown in Appendix G.**

# 11 Other matters

## 11.1 Affordable housing

### (i) The issue

The issue is whether the affordable housing requirements in the exhibited UGZ1 (and replicated in the draft Permit) are appropriate.

### (ii) Evidence and submissions

Clause 4 of the exhibited UGZ1 included a requirement for an affordable housing contribution equivalent to 10 per cent of all new dwellings, imposed through a mandatory condition on any planning permit for subdivision.

Council accepted the requirement for 10 per cent of new dwellings to be affordable and considered the drafting to be appropriate. However, during the course of the Hearing the Proponent sought to modify the form of the contribution. Council did not support the revised drafting. It submitted that the revised condition, rather than providing 10 per cent of the housing as affordable housing by applying a discount to market value, was amended to only offer 10 per cent of the total number of serviced lots to be provided at a discount of 20 per cent. It submitted that the Primary obligation changed as follows:

- as exhibited - 10 per cent of total *dwellings* as affordable housing
- as per Part B submission - 10 per cent of total *dwellings* at a discount of 30 per cent as affordable housing
- as per closing submission - 10 per cent of total number of *serviced lots* at a discount of 20 per cent as affordable housing.

Council submitted that the end result of the final version would likely deliver only one or two per cent of affordable housing actually provided.

The Proponent's Final Day documentation adopted a 'primary obligation' principle. The Proponent submitted its proposed condition:

- maintained a core requirement to provide 10 per cent affordable housing or an equivalent contribution
- included increased optionality to enable affordable housing to be provided in a way that is satisfactory to both the Proponent and relevant agencies concerned with the delivery of affordable housing.

It submitted its condition accorded with standard wording for affordable housing conditions included on the DFP's website with amendments to ensure that the condition is appropriately clear and adapted to the circumstances of the Proposal and planning permits for subdivision (for Stage 1 and future stages). It said the condition was a very generous offer from the Proponent in circumstances where there is no legal obligation on the Proponent to provide affordable housing.

### (iii) Discussion

While the provision of affordable housing was supported by Council and the Proponent, it is important to remember there is no legal obligation on a developer to deliver affordable housing, or to deliver any particular quantum 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. However, State and local policy has raised the expectation that contributions to affordable housing are now inherent in development of land for residential purposes, particularly for land that will result in significant yield opportunities. In this context, there remains debate as to the drafting of the relevant provisions in the UGZ1 (and the draft Permit).

The Committee was presented with a number of versions of the affordable housing condition, with no expert evidence to support the proposed changes. The Proponent's Final Day version of the condition was filed after Mr Glossop gave evidence and did not have the benefit of any supporting documents to substantiate the changes made.

The Committee ultimately prefers the exhibited condition and sees no reason to adopt the changes proposed by the Proponent. The drafting of the condition as exhibited provides adequate scope for the parties to agree on how the contribution should be made including by the cash payment of the monetary value of the primary obligation so that the affordable housing can be provided in more appropriate locations closer to services and facilities. This provision will realise an appropriate amount of affordable housing for the community, consistent with government direction, while helping to address this significant societal issue and contribute a community benefit.

**(iv) Findings and recommendations:**

The Committee finds:

- The provision of affordable housing is a significant contribution to net community benefit.
- The affordable housing requirements in the exhibited UGZ1 (and draft Permit) are appropriate.

The Committee recommends:

**Amend the UGZ1, as shown in Appendix G, to include the exhibited version of the affordable housing condition.**

**Amend the draft Permit, as shown in Appendix H, to include the exhibited version of the affordable housing condition.**

## **11.2 Works in kind**

**(i) Background**

Council commissioned<sup>56</sup> Mesh Consultants (experts in development contributions) to peer review the DCP. The report recommended that Council negotiate a WIK arrangement with the Proponent as the majority landowner to enable timely delivery of DCP items.

The Proponent and Council had differing views on what WIK projects the draft Permit should deliver. The Proponent committed to delivering the Amess Road shared user path (project RD-03B) and the Amess Road culvert extension (for both the carriageway widening and overall culvert widening to accommodate the shared user path, which form part of project RD-02B). Council sought to include two additional Amess Road projects:

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<sup>56</sup> D37h



- the Amess Road upgrade (the broader RD-02B project)
- the Amess Road and Kilmore Road intersection upgrade (project IN-02B).

**(ii) The issue**

The issue is whether the Proposal should deliver the Amess Road upgrade and the Amess Road and Kilmore Road intersection upgrade, through a WIK condition of the draft Permit.

**(iii) Evidence and submissions**

**Experts**

When questioned by the Committee on whether a WIK package was needed, Mr Shipp indicated he had not turned his mind to one.

In a supplementary statement, Mr Walley assessed timing triggers for the road, culvert and intersection upgrades based on capacity and found:

- localised road widening at the culvert to accommodate construction traffic should occur prior to the commencement of Stage 1 (the Permit land). This would not necessitate any culvert works
- the upgrades would be required when traffic volumes reached the equivalent of:
  - 267 occupied lots for the road upgrade
  - 450 occupied lots for the intersection upgrade.

When questioned on whether staging should be set for DCP items, Mr Shipp noted common practice was increasingly omitting listing particular triggers in PSP and DCP. Council similarly preferred the WIK condition over listing specific triggers in the PSP.

**Council**

Council submitted:

- the DCP allows for WIK to deliver the projects and that the Proponent is one of the few landowners with enough DCP liability to make this feasible
- the Permit land covers nearly half of the Proponent's total landholding, generating significant DCP credits for a WIK package
- without a condition linking DCP liabilities to the upgrades, there was no guarantee the works would be completed, as only the Proponent would raise sufficient DCP liability to fund them
- expecting smaller landowners to cover the costs was not practical.

Council submitted the timing for delivery of the upgrades identified in the WIK package should not be set by the permit condition. Rather, credits would be rolled over to subsequent stages of the Proponent's land. This intent is reflected in Council's preferred version of the WIK permit condition.<sup>57</sup> Further, Council requested that only works that form part of the permanent culvert widening should be eligible for DCP credits.

**Proponent**

The Proponent supported using WIK to deliver the two additional projects but saw no justification for conditioning their delivery via the draft Permit. It expected to use WIK to meet its DCP levy obligations and that it would deliver most DCP projects over time. However, it disagreed that the

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<sup>57</sup> D67

draft Permit should be saddled to a WIK package via a Section 173 agreement and submitted that limiting works to the shared used path and culvert provided a fair and relevant scope aligned with the DCP obligations of the draft Permit.

**(iv) Discussion**

The Committee sees reason in the submissions of both the Proponent and Council. The next stage planning permit application will likely meet the 267 lot trigger to deliver the road upgrade, and potentially the 450 lot trigger for the intersection upgrade. Further, the Proponent will likely be the applicant and it indicated a willingness to deliver DCP projects as WIK.

The Committee relies on the evidence that the culvert widening should be delivered as part of the draft Permit, however the proposed number of lots do not warrant conditioning the upgrades to the road or intersection. The credits against WIK for the culvert widening should be limited to permanent works.

That said, the Committee strongly encourages the Proponent and Council to reach an agreement outside of the permit condition for WIK delivery of the two additional transport asset upgrades. It agrees with Council that practical realities should inform asset delivery and limited other landowners will have the financial capacity and DCP liabilities to fund DCP projects.

**(v) Findings and recommendation**

The Committee finds:

- The draft Permit should not require the works in kind delivery of the Amess Road upgrade or the Amess Road and Kilmore Road intersection upgrade.
- It is appropriate that only works for the localised widening of the Amess Road culvert that form part of the permanent culvert widening be creditable against DCP liabilities.

The Committee recommends:

**Amend the draft Permit, as shown in Appendix H, to revise the works in kind condition to ensure that only works for the widening of the Amess Road culvert that form part of the permanent culvert widening be creditable against DCP liabilities.**

## 12 Form and content of the draft Amendment

### 12.1 General drafting comments and consequential changes

Before finalising the draft Amendment all documents should be reviewed and edited for consistency and clarity. It is important to ensure that the draft Amendment functions as intended, avoids internal contradictions and does not require correction in the future.

A drafting session was held on 28 February 2025 and the Proponent endeavoured to implement the changes suggested at that drafting session into the Final Day documents.

The Committee is not recommending any further changes to the:

- DCP03 (other than any changes to levies that arise from changes to the DCP)
- Road Closure Overlay
- Schedule to Clause 52.16 (Native Vegetation)
- the Schedule to Clause 53.01 (Public Open Space Contribution and Subdivision)
- Schedule to Clause 72.03 (What does this Planning Scheme Consist of?)
- Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme)

This chapter addresses specific drafting issues not already resolved or discussed through the report.

### 12.2 Amess Road PSP

Ms Cole made a number of suggestions in relation to the Proponent's Final Day PSP. The Committee has reviewed each of these in turn and makes the following overarching comments in response:

- It would be inappropriate for a native vegetation precinct plan to address exotic vegetation.
- The Committee supports amending the word 'could' to 'will' on page 13 under the heading 'Vegetation'. This has been adopted by the Proponent in the Final Day PSP.
- The PSP and NVPP together appropriately address native and exotic vegetation outcomes for the PSP land.
- Changes sought in relation to character matters are not supported for reasons outlined in Chapter 4.
- Other changes sought are more appropriately addressed at the permit application stage.

### 12.3 Urban Growth Zone Schedule 1

Melbourne Water sought various minor and editing amendments to the UGZ1 including to:

- clarify who is responsible for drainage assets
- clarify that the Wurundjeri Creek culvert (CU-01) is a road project
- require a construction litter management plan to address the recurring problem of polystyrene offcuts blowing into waterways associated with waffle pod construction techniques.

These matters were generally supported by Council and the Proponent. The Committee supports these changes which have been incorporated into the Final Day UGZ1 (and the Final Day Permit).

The Pattersons submitted the wording in the UGZ1 should be amended so that requirements for subdivision are at the Council's discretion. For example, a 'kangaroo management plan' might not be required for a proposed two lot subdivision. The Proponent supported this change and the Committee agrees this is a sensible amendment.

The Committee recommends:

**Amend the UGZ1, as shown in Appendix G, by adding the following paragraph at the start of Section 4.0 Conditions and requirements:**

**If in the opinion of the responsible authority a condition or requirement is not relevant to an application, the responsible authority may waive or vary the condition or requirement.**

## **12.4 Amess Road DCP**

During its review of the Proponent's Final Day DCP, Council identified two changes that the Proponent had indicated had been made to the DCP but were inadvertently missed. These include:

- Section 2.3.2:

Council identified that the words "Active Recreation projects can include land and construction" should be deleted from Section 2.3.2.

- Section 4.3.2:

Council identified that the second paragraph of Section 4.3.2 should be updated to read:

The Community Infrastructure Levy for 'residential buildings' and all other forms of accommodation will be levied on the basis of the number of individual habitable unit within the proposed accommodation.

The Committee recommends:

**Amend the DCP to:**

- Delete "Active Recreation projects can include land and construction" from Section 2.3.2.**
- Update Section 4.3.2 to read:**

**The Community Infrastructure Levy for 'residential buildings and all other forms of accommodation will be levied on the basis of the number of individual habitable unit within the proposed accommodation.**

## 13 The draft Permit

### 13.1 Relevant considerations

Clause 71.02-3 of the Planning Scheme requires a responsible authority considering a permit application to take an integrated approach, and to balance competing objectives in favour of net community benefit and sustainable development.

Clause 65 of the Planning Scheme states:

Because a permit can be granted does not imply that a permit should or will be granted. The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

Clause 65.01 requires the Responsible Authority to consider, as appropriate:

- the Planning Policy Framework
- the purpose of the zone, overlay or other provision
- the orderly planning of the area
- the effect on the amenity of the area
- factors likely to cause or contribute to land degradation, salinity or reduce water quality
- the extent and character of native vegetation, the likelihood of its destruction, and whether it can be protected, planted or allowed to regenerate
- the degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Other matters to be considered include:

- submissions
- comments and decisions of referral authorities and agencies
- other matters a Responsible Authority must and may take into account under section 60 of the PE Act, including the Victorian planning objectives and the economic, social and environmental impacts of the proposed use and development
- adopted government policy.

### 13.2 Permit assessment

The issues and impacts required to be considered in the decision guidelines and section 60 of the PE Act have been discussed at length in the issue-specific chapters of this Report. In essence the Committee considers:

- Riddells Creek is suitable to accommodate significant future residential growth.
- The current supply of developable residential land is limited and there is a need for additional land to accommodate the future growth of Riddells Creek.
- The Proposal is:
  - supported by, and implements, the relevant sections of the Planning Policy Framework
  - consistent with the relevant Ministerial Directions and Practice Notes
  - well founded and strategically justified
- The Proposal will contribute to a variety of community facilities, increase housing diversity and choice in a well serviced location, and support the viability and diversity of

businesses operating in the town. These are all positive impacts that weigh against a finding of significant negative social effects.

- The Proposal will deliver a net community benefit and sustainable development as required by Clause 71.02-3.

On balance, the Committee considers the draft Permit should be granted.

### 13.3 Drafting

The Committee has used the Proponent's Final Day Permit<sup>58</sup> as a base for its recommendations. This version included changes discussed and resolved throughout the Hearing process. A drafting session was held on 24 February following the conclusion of Council's case and the Proponent endeavoured to implement the changes suggested at that drafting session into the Final Day Permit.

This chapter addresses specific drafting issues not already resolved or discussed through the report.

#### 13.3.1 Housing and Design Guidelines

Council submitted that if DTP agrees to allow the UGZ1 to be used in the way that the Proponent has now suggested to implement the housing and design guidelines, that will be acceptable. But if that is not permitted by the DTP, Council's preference for Housing Design Guidelines is via a Section 173 Agreement as per its submission rather than a restriction, which will be ineffective. The Committee agrees with Council's position.

#### 13.3.2 Road reserves

Mr Glossop identified that "Kilmore Road" should be deleted from the Road Reserve permit condition because the Permit land roads do not interact with Kilmore Road. The Committee agrees.

The Committee recommends:

**Amend the draft Permit, as shown in Appendix H, to delete the reference to Kilmore Road from the Road Reserve condition.**

#### 13.3.3 Permit expiry

The draft Permit includes a 10 year expiry provision. Council considered this should be amended to six years because an extension of time can be provided if the development is not finished by then. Council also identified that the that expiry sub-condition (c): "A statement of compliance is not issued within 5 years of the date of certification of a particular stage of subdivision" should be reintroduced because it has been accidentally deleted.

The 10 year expiry provision is appropriate and a standard condition for growth area subdivision planning permits.

The Committee recommends:

**Amend the draft Permit, as shown in Appendix H, to reinstate the expiry sub-condition (c).**

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<sup>58</sup> D149

## Appendix A Terms of Reference

Version 2: Amended June 2023

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to advise the Minister for Planning on referred priority planning proposals.

### Name

1. The Standing Advisory Committee is to be known as the 'Priority Projects Standing Advisory Committee' (the Committee).
  - a. The Committee is to have members with the following skills:
  - b. statutory and strategic land use planning
  - c. land development and property economics
  - d. urban design and architecture
  - e. heritage
  - f. civil engineering and transport planning
  - g. social impacts
  - h. environmental planning
  - i. planning law.
3. The Committee will include a lead Chair, Chairs, Deputy Chairs and not less than ten other appropriately qualified members.

### Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning on projects referred by the Development Facilitation Program (DFP), or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

### Background

5. The Victorian Government is committed to streamlining the assessment and determination of projects that inject investment into the Victorian economy, keep people in jobs and create homes for people. The planning system is an important part of supporting investment and economic growth in Victoria.
6. The DFP focusses on new development projects in priority sectors and/or projects that are in the planning system that face undue delays. These can include (but are not limited to) housing, mixed use, retail, employment, tourism, industrial and other opportunities.

### Method

7. The Minister for Planning or delegate will refer projects by letter to the Committee for advice on whether the project achieves acceptable planning outcomes.
8. The referral letter must specify:
  - a. the specific issues the Minister for Planning seeks advice about
  - b. the mechanism of intervention being considered (for example, but not limited to, draft planning scheme amendment, call-in from the Victorian Civil and Administrative Tribunal, planning permit application)



- c. whether submissions are to be considered by the Committee, and if so, how many are being referred, and
  - d. how the costs of the Committee will be met.
  - e. The letter of referral will be a public document.
10. In making a referral, the Minister for Planning or delegate must, either:
  - a. be satisfied that any proposed planning controls for the land make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes, or
  - b. seek advice from the Committee on the drafting of the planning controls or permit conditions.
11. The Committee may inform itself in anyway it sees fit, but must consider:
  - a. The referral letter from the Minister for Planning
  - b. referred submissions
  - c. the comments of any referral authority
  - d. the views of the project proponent
  - e. the views of the relevant Council and
  - f. the relevant planning scheme.
12. The Committee is not expected to carry out additional public notification or referral but may seek the views of any relevant referral authority, responsible authority, or government agency.
13. The Department of Transport and Planning (DTP) will be responsible for any further notification required. New submissions, if required, will be collected by DTP.
14. The Committee may seek advice from other experts, including legal counsel where it considers this is necessary.
15. The Committee is not expected to carry out a public hearing but may do so if it is deemed necessary and meets its quorum.
16. The Committee may:
  - a. assess any matter 'on the papers'
  - b. conduct discussions, forums, or video conferences when there is a quorum of:
    - i. a Chair or Deputy Chair, and
    - ii. at least one other member.
17. The Committee may apply to vary these Terms of Reference in any way it sees fit.

## Submissions are public documents

18. The Committee must retain a library of any written submissions or other supporting documentation provided to it in respect of a referred project until a decision has been made on its report or five years has passed from the time of the referral.
19. 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 confidential. A document may be made available for public inspection electronically.

## Outcomes

20. The Committee must produce a concise written report to the Minister for Planning providing the following:

- a. a short description of the project
- b. a short summary and assessment of issues raised in submissions
- c. a draft planning permit including relevant conditions from Section 55 referral authorities, or draft planning scheme control depending on the nature of the referral
- d. any other relevant matters raised during the Committee process
- e. its recommendations and reasons for its recommendations
- f. a list of persons or authorities/agencies who made submissions considered by the Committee and
- g. a list of persons consulted or heard, including via video conference.

## Timing

21. The Committee is required to submit its reports in writing as soon as practicable, depending upon the complexity of the referred project between 10 and 20 business days from either:
- a. the date of receipt of referral, if no further submissions or information are to be sought, or
  - b. receipt of the final submission of material or final day of any public process in respect of a referral.

## Fee

22. 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*.
23. The costs of the Committee will be met by each relevant proponent.

  
**Sonya Kilkeny MP**  
**Minister for Planning**

**Date:**

9/9/2023

## Appendix B Referral letter



The Hon Sonya Kilkenny MP

Minister for Planning  
Minister for the Suburbs

1 Spring Street  
Melbourne, Victoria 3000 Australia

Ref: BMIN-1-24-4571

Ms Sarah Raso  
Panel Chair  
Priority Projects Standing Advisory Committee  
Planning Panels Victoria  
[planning.panels@transport.vic.gov.au](mailto:planning.panels@transport.vic.gov.au)

Dear Ms Raso

### DEVELOPMENT FACILITATION PROGRAM – AMESS ROAD PRECINCT STRUCTURE PLAN, RIDDELLS CREEK

I refer to draft Planning Scheme Amendment C161 to the Macedon Ranges Planning Scheme and to draft planning permit PLN2024/219 affecting 131.8 hectares of land in Riddells Creek. The proposal has been considered by the Development Facilitation Program, which has deemed that it meets the relevant criteria and should be prioritised for accelerated assessment and determination.

I am considering whether to prepare, adopt and approve draft Amendment C161 to the Macedon Ranges Planning Scheme and to approve draft planning permit PLN2024/219, and exempt myself under section 20(4) of the *Planning and Environment Act 1987* (PE Act) from the requirements of section 17, 18 and 19 of the PE Act and the Regulations.

Draft Amendment C161 proposes to introduce and apply Schedule 1 to the existing Urban Growth Zone, apply a Development Contributions Plan Overlay and Road Closure Overlay (to Wohl Court) and introduce the following incorporated documents: Amess Road Precinct Structure Plan, Amess Road Development Contributions Plan and Amess Road Native Vegetation Precinct Plan.

The draft planning permit is for the staged subdivision of 182 lots for Stage 1 of the Amess Road Precinct Structure Plan at 115 Amess Road, 12 Wohl Court, 61 Wohl Court and 58 Wohl Court, Riddells Creek, and to introduce design guidelines.

The amendment and draft planning permit were subject to public consultation under section 20(5) of the PE Act. Public consultation occurred in two stages, from 10 June to 10 July 2024 and from 30 July to 27 August 2024. A total of 1,339 public submissions were received and eight agency submissions. The majority of public submissions were objections, and the main issues raised were:

- the suitability of Riddells Creek to accommodate further population growth
- protection of landscape character

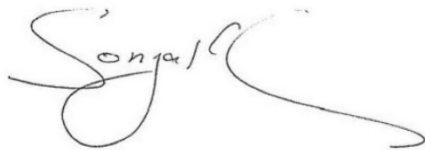
- impact on neighbourhood character
- suitability of residential lot sizes
- the suitability of the developer contributions, including drainage infrastructure and community facilities
- traffic, road and path layout
- flora and fauna
- compliance with the Macedon Ranges Planning Scheme
- heritage impacts.

I have determined to refer submissions to the Priority Projects Standing Advisory Committee for advice and recommendations on whether I should approve draft Amendment C161 to the Macedon Ranges Planning Scheme and Planning Permit PLN2024/219. I request that the committee's specific advice be confined to the matters summarised above, within the parameters of the Precinct Structure Plan.

The draft amendment documentation, including the application and supporting documents, and the submissions will be provided to the committee. The cost of the committee process will be met by the proponent, Banner Asset Management Pty Ltd.

If you have any questions about this matter, please email Dan Lawlor, Senior Planner, Development Approvals and Design, DTP, at [dan.lawlor@transport.vic.gov.au](mailto:dan.lawlor@transport.vic.gov.au).

Yours sincerely



**The Hon Sonya Kilkenny MP**  
Minister for Planning  
Minister for the Suburbs

Date: 24/10/2024

## Appendix C Background

**Table 18** Background to the Amendment and Permit

Date	Event
2017	Land rezoned to Urban Growth Zone (Amendment C100, gazetted on 15 June 2017).
2018	Previous proponent (Sector Advantage at that time) commences preparation of background reports for the PSP.
September 2019	Council led community consultation on draft concept plan prepared by the previous proponent.
Late 2019 – July 2021	PSP lodged with Council and feedback provided to the previous proponent.
August 2021	Current Proponent becomes involved with the proposed PSP. Echelon Planning engaged by Proponent to review and provide advice on the PSP documentation and process undertaken to date.
August 2021	Council resolved at its meeting on 25 August 2021 for the progression of the current developer-led PSP process for Amess Road.
October 2021	Echelon Planning engaged by Proponent to prepare the PSP amendment.
November 2021 – December 2021	Agreement between Council and Proponent on background reports to be prepared as part of the PSP. Place-based workshop with Proponent and Council held on 13 December 2021.
January 2022 – July 2022	Council and Proponent worked through the major components of the PSP. Meetings and workshops held with Council and key agencies on various topics.
July 2022	Proponent led community consultation. This included four sessions conducted in Riddells Creek on 14 and 15 of July 2022 and 1 session online on 19 July 2022.
August 2022	Meetings and briefings with Council and agencies undertaken. Community Consultation Response Report by Echelon Planning uploaded onto Amess Road website.
September 2022	Lodgement of planning scheme amendment (PSA) documentation with Council.
September 2022 – November 2022	Council review of PSA documentation (including the updated PSP, DCP, NVPP and UGZ provision). Further meetings held with Council/Agencies to discuss the proposed PSA documentation and process moving forward.
December 2022 – February 2023	PSA documents updated to respond to matters raised by Council. Further meetings also held with the Council.
February 2023	Updated PSA package of materials submitted to Council on 24 February 2023 (responding to Council's comments).
April 2023	Council Officer's Report tabled at the Council Meeting on 12 April 2023 recommending that: <ul style="list-style-type: none"> <li>- the Minister for Planning authorise the preparation of a Planning Scheme Amendment C148</li> </ul>

- authorise Council officers to prepare amendment documents for authorisation and exhibition of Amendment C148
- upon receipt of authorisation from the Minister for Planning, make any changes necessary to comply with conditions of authorisation
- upon satisfaction of any conditions of authorisation, exhibit Amendment C148.

Council resolved to not support requesting the Minister for Planning to authorise the preparation of the amendment.

November 2023	Meeting held with Council Officers to discuss the commentary in the Council Report relating to Active Open Space and Community infrastructure.
November 2023	Lodgement of combined PSA and planning permit application with the Development Facilitation Program (DFP).
January 2024 – March 2024	DFP Referral of PSA to agencies and Council for comment. Meeting held with DEECA and the DFP on 27 February 2024.
April 2024 – May 2024	The Proponent reviewed the submissions and updated documents to respond.
June 2024	Public notification of PSA C161 occurred between 10 June 2024 – 10 July 2024. Meeting held with Melbourne Water, DTP and Council on 27 June 2024 where Melbourne Water advised that a DSS would not be prepared for the PSP area.
July 2024	Proponent submits revised PSP and DCP to DFP to include drainage costs within the DCP.
July – August 2024	Second public notification of PSA to consult on revised PSP and DCP occurred between 30 July and 27 August.
August 2024	Meeting held between the Proponent, DTP and Melbourne Water on 22 August 2024 to discuss options for funding and delivery of drainage and possibility of part DSS.
September 2024	Correspondence received from DEECA dated 18 September 2024 and DTP (Transport) dated 11 September 2024 to confirm their support of the amendment subject to recommended changes.
October 2024	Correspondence received from Melbourne Water dated 24 September 2024 to confirm their support of the amendment subject to recommended changes.
October 2024	Matter referred to Priority Projects Standing Advisory Committee on 24 October 2024.

Source: Based on D19

## Appendix D Document list

No	Date	Description	Presented by
<b>2023</b>			
1	9 Sep	Terms of Reference	Minister for Planning
<b>2024</b>			
2	1 Nov	Letter of Referral	Minister for Planning
3	4 Nov	Referred materials:	Department of Transport and Planning
		<b>Background documents</b>	
		3.01 Biodiversity Assessment prepared by Ecolink August 2024	
		3.02 Native Vegetation Review prepared by Ecolink 10 April 2024	
		3.03 Planning Background Report prepared by Echelon March 2024	
		3.04 Strategic Assessment Report Part A prepared by Echelon March 2024	
		3.05 Community Infrastructure Assessment prepared by ASR 26 March 2024	
		3.06 Contamination Assessment prepared by Ground Science 22 March 2024	
		3.07 Estimates of Value prepared by O'Briens 15 March 2024	
		3.08 Traffic and Transport Review prepared by Ratio 28 February 2024	
		3.09 Engineering Servicing Report prepared by Verve 13 November 2023	
		3.10 Traffic Assessment review letter prepared by Ratio 10 November 2023	
		3.11 Planning Application support letter prepared by Terramatrix October 2023	
		3.12 Utility/Servicing letter prepared by Verve 30 October 2023	
		3.13 Stormwater Management Plan prepared by Stormy Water 5 August 2024	
		3.14 Heritage Assessment prepared by Extent November 2022	
		3.15 Bushfire Development Report prepared by Terramatrix August 2022	
		3.16 Arborist Report prepared by Treelogic 8 July 2022	



No	Date	Description	Presented by
3.17		Retail Needs and Economic Assessment prepared by Deep End 5 July 2022	
3.18		Heritage Background Report prepared by Extent May 2022	
3.19		Salinity Management Plan prepared by Ricardo 3 March 2020	
<b>Draft Amendment Documents</b>			
3.20		Explanatory Report March 2024	
3.21		Instruction Sheet June 2024	
3.22		Precinct Structure Plan prepared by Echelon August 2024	
3.23		Development Contributions Plan prepared by Echelon August 2024	
3.24		Native Vegetation Precinct Plan prepared by Echelon August 2024	
3.25		Schedule 1 to Clause 37.07 – Urban Growth Zone August 2024	
3.26		Clause 45.04 – Road Closure Overlay June 2024	
3.27		Schedule 3 to Clause 45.06 – Development Contributions Plan Overlay August 2024	
3.28		Schedule to Clause 52.16 – Native Vegetation Precinct Plan June 2024	
3.29		Schedule to Clause 52.16 – Native Vegetation Precinct Plan (compare) June 2024	
3.30		Schedule to Clause 52.17 – Native Vegetation June 2024	
3.31		Schedule to Clause 52.17 – Native Vegetation (compare) June 2024	
3.32		Schedule to Clause 53.01 – Public Open Space Contribution June 2024	
3.33		Schedule to Clause 53.01 – Public Open Space Contribution (compare) June 2024	
3.34		Schedule to Clause 72.03 – What does this planning scheme consist of? June 2024	

No	Date	Description	Presented by
3.35	June 2024	Schedule to Clause 72.03 – What does this planning scheme consist of? (compare)	
3.36	July 2024	Schedule to Clause 72.04 – Incorporated Documents	
3.37	July 2024	Schedule to Clause 72.04 – Incorporated Documents (compare)	
3.38	June 2024	Maps 38 and 39 – Urban Growth Zone 1	
3.39	June 2024	Maps 38 and 39 – Development Contributions Plan Overlay 3	
3.40	June 2024	Map 38 – Road Closure Overlay	
<b>Draft Amendment Documents</b>			
3.41	August 2024	Draft Planning Permit PLN2024/129 (track changes)	
3.42	March 2024	Planning Application Assessment Part B prepared by Echelon	
3.43	March 2024	Arboricultural Report prepared by Kylie May	
3.44	March 2024	Bushfire Management Plan prepared by Terramatrix	
3.45	March 2024	Urban Design Report prepared by UrbanFold	
3.46	21 March 2024	Traffic Impact Assessment prepared by Ratio	
3.47	15 March 2024	Hydrogeological Assessment prepared by Ricardo	
3.48	6 August 2024	Stormwater Management Strategy for Permit Area 1 prepared by Stormy Water	
3.49	19 April 2024	Engineering Servicing Report prepared by Verve	
3.50	10 November 2023	Geotechnical Investigation prepared by Ground Science	
3.51	August 2024	Proposed Powercor easement plan of subdivision	
<b>Agency responses to August 2024 documents</b>			
3.52	24 September 2024	Council response	
3.53	24 September 2024	Proposed conditions - Council review	

No	Date	Description	Presented by
		3.54 Melbourne Water response 24 September 2024	
		3.55 Melbourne Water submission table (updated 26 September 2024) - Freeboard condition 26 September 2024	
		3.56 Melbourne Water response 23 October 2024	
		3.57 Melbourne Water submission table 23 October 2024	
		3.58 Melbourne Water - Drainage Catchment Plan 23 October 2024	
		3.59 Melbourne Water - Stage 1 subdivision conditions 23 October 2024	
		3.60 Transport for Victoria response 10 September 2024	
		3.61 DEECA response 18 September 2024	
		3.62 Schedule 1 to Clause 37.07 Urban Growth Zone - DEECA tracked changes 18 September 2024	
4	13 Nov	Directions Hearing notification	Planning Panels Victoria (PPV)
5	18 Nov	Notice of Directions Hearing date and change to request to be heard due date	PPV
6	11 Dec	Matters to be raised at Directions Hearing	Macedon Ranges Shire Council (Council)
7	12 Dec	Request to be heard details and matters to be raised at Directions Hearing	Banner Asset Management Pty Ltd (Proponent)
8	13 Dec	Response to Committee questions	Development Facilitation Program (DFP)
9	15 Dec	Letter to Committee regarding August 2024 documents: a) Assessment of changes as between the Amess Road PSP (March) and the Amess Road PSP (August) b) Assessment of changes as between DCP (April) and the DCP (August) c) Assessment of changes as between UGZ1 (July) and the UGZ1 (August) d) Assessment of changes as between NVPP (April) and the NVPP (August)	Proponent
10	19 Dec	Version 1 Directions and Hearing Timetable	PPV
11	19 Dec	List of current documents	Proponent and Council

No	Date	Description	Presented by
12	20 Dec	Email enclosing expert witness details and additional matters	Council
13	20 Dec	Additional matters to be raised at the Hearing	Council
<b>2025</b>			
14	16 Jan	Version 2 Hearing Timetable and Distribution List	PPV
15	28 Jan	Site inspection location requests	Whiteman Property and Associates
16	28 Jan	Site inspection location requests	Council
17	28 Jan	Site inspection location requests	Riddells Creek Planning Group
18	28 Jan	Site inspection location requests	Michael Tottle
19	28 Jan	Part A submission, enclosing attachments: <ul style="list-style-type: none"> <li>a) Attachment 1 - Macedon Ranges Settlement Strategy July 2011</li> <li>b) Attachment 2 - Riddells Creek Structure Plan - September 2013</li> <li>c) Attachment 3 - Loddon Mallee South Regional Growth Plan - May 2014</li> <li>d) Attachment 4 - Amendment C100 Panel Report 2016</li> <li>e) Attachment 5 - Macedon Ranges - Statement of Planning Policy</li> <li>f) Attachment 6 - MRSC Residential Land Demand and Supply Assessment prepared by Urban Enterprise dated January 2020</li> <li>g) Attachment 7 - Plan Melbourne 2017-2050 Strategy</li> <li>h) Attachment 8 - Plan Melbourne Addendum 2019</li> <li>i) Attachment 9 - Ministerial Direction No. 1 Potentially contaminated land</li> <li>j) Attachment 10 - Ministerial Direction No. 12 Urban Growth Areas</li> <li>k) Attachment 11 - Ministerial Direction No. 19 Amendments that may result in impacts on the environment, amenity and human health</li> <li>l) Attachment 12 - Ministerial Direction on the Preparation and Content and Reporting Requirements for Development Contributions Plans</li> </ul>	Proponent
20	29 Jan	Letter indicating intention to raise community centre issue in submissions	Council
21	29 Jan	Expert witness statement of Barry Murphy (landscape)	Proponent
22	29 Jan	Expert witness statement of John Glossop (planning)	Proponent
23	29 Jan	Expert witness statement of Michael Mag (drainage)	Proponent

No	Date	Description	Presented by
24	29 Jan	Expert witness statement of Aaron Walley (traffic engineering)	Proponent
25	29 Jan	Expert witness statement of Gavin Duane (economics)	Proponent
26	29 Jan	Expert witness statement of Hamish Allan (bushfire)	Proponent
27	29 Jan	Expert witness statement of Mark Fleming (infrastructure costings)	Proponent
28	29 Jan	Expert witness statement of Robert Swan (drainage)	Proponent
29	29 Jan	Expert witness statement of Shannon LeBel (ecology)	Proponent
30	30 Jan	Expert witness statement of Paul Shipp (development contributions)	Proponent
31	31 Jan	Expert witness statement of Chris McNeill (economics)	SA Hope Housing Pty Ltd and Spacious Group (SA Hope)
32	31 Jan	Expert witness statement of Kate Kerkin (community infrastructure)	Council
33	31 Jan	Expert witness statement of Stephen Watters (drainage and infrastructure costings), enclosing attachments: a) SMEC estimates b) SMEC Verve cost comparison	Council
34	31 Jan	Site inspection plan	Proponent
35	31 Jan	Expert witness statement of Robert Panozzo (community infrastructure)	Proponent
36	5 Feb	Email chain regarding population projections and demographics conclave	PPV
37	6 Feb	Part B submission, enclosing attachments: a) VicRoads v McCann [2011] VSC 96 b) Macedon Ranges Shire Council, Planning Delegated Committee Meeting Agenda, 12 April 2023 c) Council Meeting Minutes (12 April 2023) d) Attachments to Planning Delegated Committee Agenda e) Stormwater Management Plan prepared by Stormy Water (August 2024) f) EPA Publication 1739.1 g) Riddells Creek Movement Network Plan (2024-2033) h) Amess Road Draft Development Contributions Plan, Peer Review, Mesh, October 2022 i) Development Contributions Guidelines, March 2007 j) Macedon Ranges Cultural Heritage and Landscape Study (1994)	Proponent

No	Date	Description	Presented by
k) Extent Heritage Assessment 163 Main Road dated November 2022			
38	6 Feb	Day 1 documents - Table of recommendations	Proponent
39	6 Feb	Day 1 version of Amess Road PSP	Proponent
40	6 Feb	Day 1 version of Amess Road DCP	Proponent
41	6 Feb	Day 1 version of Amess Road NVPP	Proponent
42	6 Feb	Day 1 of planning permit (tracked changes)	Proponent
43	6 Feb	Day 1 version of Schedule 1 to Clause 37.07 Urban Growth Zone (tracked changes)	Proponent
44	6 Feb	Version 3 Hearing Timetable and Distribution List	PPV
45	6 Feb	Written submission	Ronald Kent
46	7 Feb	Day 1 version of Amess Road PSP - Aug 2024 and Feb 2025 (tracked changes)	Proponent
47	7 Feb	Day 1 version of Amess Road DCP - Aug 2024 and Feb 2025 (tracked changes)	Proponent
48	7 Feb	Day 1 version of Amess Road NVPP - Aug 2024 and Feb 2025 (tracked changes)	Proponent
49	7 Feb	Statement of agreed opinions and facts – Development contributions (community and recreation)	Proponent, Council and SA Hope
50	7 Feb	Statement of agreed opinions and facts – Drainage	Proponent, Council and SA Hope
51	7 Feb	Statement of agreed opinions and facts – Population	Proponent, Council and SA Hope
52	7 Feb	Opening submission	Council
53	7 Feb	Statement of agreed opinions and facts – Development contributions (costings)	Proponent, Council and SA Hope
54	7 Feb	Evidence presentation of John Glossop (planning)	Proponent
55	10 Feb	Evidence presentation of Michael Mag (drainage)	Proponent
56	11 Feb	Letter from Melbourne Water to Council (12 November 2024) re Development Services Scheme	Proponent
57	11 Feb	Addendum to expert witness statement (Document 29) of Shannon LeBel (ecology)	Proponent
58	12 Feb	Evidence presentation of Barry Murphy (landscape)	Proponent
59	12 Feb	Email from DTP regarding Head, Transport for Victoria responses (11 September 2024)	Proponent
60	12 Feb	Supplementary statement of Mr Allan	Proponent
61	12 Feb	Revised Future Urban Structure Plan	Proponent

No	Date	Description	Presented by
62	14 Feb	Evidence presentation of Kate Kerkin	Council
63	14 Feb	Evidence presentation of Robert Panozzo	Proponent
64	18 Feb	Submission	SA Hope
65	18 Feb	Evidence presentation of Stephen Watters (engineering)	Council
66	18 Feb	Part B submission	Council
67	18 Feb	Council comments on Proponent Day 1 version of planning permit (tracked changes)	Council
68	18 Feb	Mr Fleming's measurements in response to culvert widening queries	Proponent
69	18 Feb	Submissions regarding tabling of the Site Analysis & Visioning Report	Proponent
70	18 Feb	Site Analysis and Key Ideas Summary Paper (June 2022)	Proponent
71	17 Feb	Site Analysis and Visioning Report	Proponent
72	19 Feb	Capire Community Engagement Report 9 Nov 2022	SA Hope
73	19 Feb	Tract Response to Community Feedback Report Oct 2023	SA Hope
74	19 Feb	Capire Community Engagement Phase 2 Report 29 Nov 2023	SA Hope
75	20 Feb	Amess Road and Ross Watt Road PSP Public Open Space Report	Council
76	20 Feb	Submission	Kerrie Clarey
77	21 Feb	Speaking notes	Frank Cassar
78	21 Feb	Slideshow presentation	Frank Cassar
79	21 Feb	Slideshow presentation	Karen Hasselo
80	23 Feb	Slideshow presentation	Sharon Fellowes
81	23 Feb	Slideshow presentation	Julie Macdonald
82	23 Feb	Submission	Simon Were
83	23 Feb	Slideshow presentation	Simon Were
84	23 Feb	Submission	Aaron Goldsworthy
85	23 Feb	Slideshow presentation	Aaron Goldsworthy
86	24 Feb	Submission	Jim Dawson
87	24 Feb	Submission	Bernie Dawson
88	24 Feb	Submission	David Jones
89	24 Feb	Submission	Greening of Riddell
90	24 Feb	Slideshow presentation	Greening of Riddell
91	24 Feb	Slideshow presentation	Angela Mlikota
92	24 Feb	Submission	Robert McConville



No	Date	Description	Presented by
93	24 Feb	Submission	Yvonne Von Hartel
94	24 Feb	Submission	Teresa Boyle
95	24 Feb	Slideshow presentation	Carmel and Bruce Ham
96	24 Feb	Submission	Karen Hasselo
97	24 Feb	Submission	Connie Pullella
98	24 Feb	Submission, enclosing attachment: a) Appendix to submission	Riddells Creek Planning Group
99	24 Feb	Questions for Stephen Watters	Peter and Rae Patterson
100	24 Feb	Slideshow presentation	Matthew Perry
101	24 Feb	Submission	Ross Stapleton
102	24 Feb	Submission	David Laurie
103	24 Feb	Submission	Vince Mulkerin
104	24 Feb	Submission	Graeme Pope
105	24 Feb	Slideshow presentation	Graeme Pope
106	24 Feb	Slideshow presentation	Michael Schade
107	24 Feb	Attachments to submission: a) Quick guide - Understanding the fire behaviour index b) Facebook screenshot regarding budget and traffic study c) Priorities for improving walkability in Riddells Creek (13 Nov 2023 v7.2) d) Riddells Creek Movement and Network Study - Community consultation report e) Slide extract from June 2024 community meeting - Sustained objection over multiple versions f) Traffic Study, Riddells Creek - Citizen assessment of issues in the heart of Riddell	Aaron Goldsworthy
108	24 Feb	Submission	Robyn Harris and Robin Miller
109	24 Feb	Submission	Tamara Homburg
110	25 Feb	Submission	Anne Marie Drummond
111	25 Feb	Submission, enclosing attachments: a) Scan 1 - Pedestrian Injuries b) Scan 2 - CSIRO Bushfire in Australia c) Scan 3 - CSIRO Bushfire and Climate Change d) Scan 4 - Character to Fit In	Leigh Booth

No	Date	Description	Presented by
112	25 Feb	Slideshow presentation	Leigh Booth
113	25 Feb	Submission	Rachael Thompson
114	25 Feb	Version 4 Hearing Timetable and Distribution List	PPV
115	25 Feb	Slideshow presentation	Cherry Cole
116	25 Feb	Supplementary written submission	Simon Were
117	25 Feb	Submission	Kerri Diss
118	25 Feb	Stephen Watters' response to written questions	Council
119	25 Feb	Submission	Raelene Thompson
120	25 Feb	PUCV Plan Victoria Submission (October 2024)	Judith Ellis
121	25 Feb	PUCV Report - Managing Urban Growth in the Peri Urban Area	Judith Ellis
122	25 Feb	Letter regarding Property 1 (shown in Figure 14)	Proponent
123	25 Feb	Submission	Dee McDonald
124	25 Feb	Submission	Timothy Beddoe
125	26 Feb	Slideshow presentation	Judith Ellis
126	26 Feb	Video	Judith Ellis
127	26 Feb	Submission	Head, Transport for Victoria
128	26 Feb	Submission	Stephanie Schade
129	26 Feb	Speaking notes	Judith Ellis
130	26 Feb	Submission	Peter Romeis
131	26 Feb	Submission	Peter and Rae Patterson
132	26 Feb	Submission	Val Sparshott
133	26 Feb	Submission	Chris McDonald
134	26 Feb	Amess Road Community Infrastructure Project - Preliminary Estimate (WT, 19 February 2025)	Proponent
135	26 Feb	Submission	George Wright
136	26 Feb	Submission	James Frost
137	27 Feb	Part C submissions, enclosing attachments: <ul style="list-style-type: none"> <li>a) Andmar v Macedon Ranges Shire Council [2023] VCAT 842</li> <li>b) Backman &amp; Company Pty Ltd v Boroondara CC [2015] VCAT 1836</li> <li>c) Planning Advisory Note 63 – (Recognising Objectors)</li> <li>d) Purcell v Macedon Ranges Shire Council [2022] VCAT 946</li> </ul>	Proponent

No	Date	Description	Presented by
		e) Richardson Pty Ltd v Macedon Ranges Shire Council [2022] VCAT 1277	
		f) Sabcell Pty Ltd v Macedon Ranges Shire Council [2024] VCAT 84	
		g) Small Lot Housing Code prepared by the VPA - November 2024	
138	27 Feb	Letter from CFA (23 March 2023)	Proponent
139	27 Feb	Memorandum of Aaron Walley (27 February 2025)	Proponent
140	27 Feb	Memorandum of Hamish Allan (26 February 2025)	Proponent
141	27 Feb	Submission	Michael Tottle
142	27 Feb	Proponent Final Day Version - Amess Road PSP	Proponent
143	27 Feb	Proponent Final Day Version - Amess Road DCP	Proponent
144	27 Feb	Proponent Final Day Version - Amess Road NVPP	Proponent
145	27 Feb	Proponent Final Day Version - Schedule 1 to Clause 37.07 Urban Growth Zone (clean)	Proponent
146	27 Feb	Proponent Final Day Version - Schedule 1 to Clause 37.07 Urban Growth Zone (tracked changes)	Proponent
147	27 Feb	Proponent Final Day Version – DCPO3	Proponent
148	27 Feb	Proponent Final Day Version – Clause 53.01 Public Open Space	Proponent
149	27 Feb	Proponent Final Day Version - Planning Permit (clean)	Proponent
150	27 Feb	Proponent Final Day Version - Planning Permit (tracked changes)	Proponent
151	27 Feb	Proponent Final Day Version - Stage 1 Master Plan (27 February 2025)	Proponent
152	27 Feb	Valuation Report - O'Briens - Public Land Equalisation - 25 February 2025	Proponent
153	27 Feb	Supplementary written submission	Natasha McLean
154	27 Feb	Revised tables of recommendations	Proponent
155	28 Feb	Closing submission	Council
156	4 Mar	Supplementary statement of Shannon LeBel (D57)	Proponent
157	7 Mar	Drafting comments	Cherry Cole
158	7 Mar	Drafting comments	Peter and Rae Patterson
159	7 Mar	Drafting comments	Council
160	17 Mar	Response to other parties' comments on final drafting	Proponent
161	21 Mar	Response to Ms Cole's comments on final drafting	Proponent

## Appendix E Submitters to the draft Amendment and draft Permit

No	Submitter	No	Submitter	No	Submitter
1	Val Sparshott	27	Fawad Mastoi	56	Tara Donnelly
2	Maree Scale	28	Suzy Sliwczynski	57	Caitlin McCauley
3	Sharon Fellows	29	Matthew Perry	58	Brenton Cook
4	Aaron Goldsworthy	30	Rosemary Margaret Race	59	Narelle Cullen
5	Molly Barrett	31	Robyn King	60	Nicholas Williams
6	Anne Tottle	32	Paul Mascoll	61	Irene Lusi Y Layus
7	Michael Tottle	33	Anthony Sortino	62	Nick Readman
8	Paul Giusti	34	Colin McKay	63	Elissa Doolan
9	Heather Coates	35	John Fleming	64	Yasemin Jusufovic
10	Lauren Cram	36	David Howard	65	Louise Fiddes
11	James-Robert Cram	37	Liam Moore	66	Melissa Augustus
12	Russell McNaught	38	James Frost	67	Kirsten Haack
13	Ben Coates	39	Julie Smith	68	Justine Morgan
14	Dorothy Nuess	40	Kirsten Burnside	69	Siobhan Grey
15	Michael Hoffmann	41	Ben Miqueu	70	Suzanne Carroll
16	Linda Liebich	42	Bethany Hodge	71	Jane Gatt
17	Kate Baker	43	Ben Siragusano	72	Robert Carroll
18	Macedon Ranges Shire Council	44	Michelle O'Connell	73	Bianca Tsun
19	Amber Keogh	45	Kav	74	Jodie Oakley
20	Department of Energy, Environment and Climate Action	46	Brad Slade	75	Luke Fuhrmeister
21	AusNet Gas Services	47	Ariana Harris	76	David Sultana
22	Greater Western Water	48	Carnita Sanz	77	Sophie Cousins
23	Wurundjeri Woi-wurring Cultural Heritage Aboriginal Corporation	49	Eden Were	78	Oliver McAliece
24	EPA Victoria	50	Cindy Bloomfield	79	Renee Caruso
25	Transport for Victoria	51	Grace McCaull	80	Brooke McDonald
26	Powercor	52	Kristy Gadsby	81	James Hanks
		53	Brooke Macartney	82	Terry Love
		54	Linda McConnell	83	Christine Clark
		55	Judy Harrison	84	Mary Olivia Duggan
				85	Jason Timothy Poulton

No	Submitter
86	Gemma
87	Felicity Topp
88	Thomas David O'Connell
89	Robert Green
90	Sarah Spinner
91	Austin Wellavize
92	Lucy Wellavize
93	Tanya Phillips
94	Grant Macallef
95	Alex Valentine
96	Emily
97	Brad Gruber
98	Lisa Flynn
99	Fiona Ellis
100	Liz Benfell
101	Amanda Ali
102	Annette Bodle
103	Robin Miller
104	Matthew Spinner
105	Ollie Messaoudi
106	Jenn Hornstrand
107	Rebecca Garth
108	Christian Garth
109	Gina Camilleri
110	Ann Ross
111	Amy Campbell
112	Samantha Jeffrey
113	Alexander Monaghan
114	Harrison Jeffrey
115	Vicki Turner
116	Raelene Garth
117	Rachael O'Connor
118	Dr Nicholas Bardell

No	Submitter
119	Yvonne Von Hartel AM
120	Sally Coulson
121	Nyree Redman
122	Gretta Chandler
123	Fergus Nightingale
124	Hugo Lobb
125	Leanne Karman
126	Chris Sliwczynski
127	Marc Pongrac
128	Amanda MacGregor
129	David Phillips
130	Andrew Shortell
131	Claudia Hornstrand
132	Merilyn Sellman
133	Jenny Grounds
134	Adrian Kasek
135	Courtney King
136	Grant Hunter
137	Claudia Maria Porta
138	Kristy Halliwell
139	Shelley Donald
140	Sam Preskar
141	Cassie Wilkonson
142	Ashleigh Edmonds-Smith
143	Agatha Buskes
144	Joanne Plummer
145	Joanne Plummer
146	Michael Welsh
147	Kim Lamont
148	Andrea Taylor
149	Benjamin Durance
150	Alan Leslie
151	Mark Grundy

No	Submitter
152	Carol Pearl Leslie
153	Sylvia Grundy
154	Patricia Marmara
155	Vincent Marmara
156	Kathy Millard
157	Annette Webber
158	Nicolette Caggiati-Shortell
159	Robert Porta
160	Tanya Johnson
161	Ross Osborne
162	Alyssa Tabacco
163	Siobhan
164	Mark Griffiths
165	Tom Morley
166	Nicole Nahari
167	Nicole
168	Ryan
169	Sarah Hall
170	Terence Carey
171	Nicole Farrelly
172	Shae Klemke
173	Peter French
174	Carina Doolan
175	Edward Walters
176	Annette Vincent
177	Alyssa Poyner
178	Leigh Poyner
179	Philip McLean
180	Karen Hasselo
181	Karen
182	Jarrold Gason
183	Tanya Brown
184	Dawn Davis

No	Submitter	No	Submitter	No	Submitter
185	Tamara Vasilciuc	218	David Laurie	251	Rosemary McLeod
186	Autumn O'Connor	219	Terry Duggan	252	Steve Kimmins
187	Ian McLean	220	Gyllean Eales	253	Glenn Wilson
188	Mark Davie	221	Caine Chappell	254	Matthew Conlon
189	Rebecca Gallaway	222	Kristy Anos	255	Joshua Picking
190	Lisa Linton	223	James Frost	256	Robbie Purcell
191	Robert Rickard	224	Seija Keeble	257	Anita Carol Battersby
192	Anna Huisintveld	225	Naveen Basavaraju	258	Philip Allen
193	Jane Allen	226	Jazmin Lyttle	259	Jarrold Roberts
194	Maree Scale	227	Jessica Siddle	260	Michael Abbott
195	Reuben Milne	228	Jessica Siddle	261	Hayley Abbott
196	Miranda Rochelle Collett	229	Antonia Laura Durrant	262	Megan Bovezza
197	Simon Jones	230	Anna Piripitsi	263	Travis Stephens
198	Kylie Carter	231	Jenny McKee	264	Emily McIntosh
199	Michelle Penhall	232	Lauren Macdougall	265	Nathan Peter Brien
200	Cathy Jones	233	Jennifer Sonneman Leggett	266	Simone Fisher
201	Christine Barraclough	234	Wayne Pye	267	Angela Dempsey
202	Craig Holmes	235	Barbara McBride	268	Lewis Corker
203	Greg Formosa	236	Guy James Hildreth	269	Christine Clark
204	Bernadette Pappas	237	Jodi Whelan	270	Grant Medbury
205	Angelique	238	Rhonda Davies	271	Jennifer Wallis
206	Natasha Feore	239	Garry Davies	272	Jayne Mallon
207	Mitchell Piazza	240	Brian Bowe	273	Barry Sheehan
208	Thomas Formosa	241	Emily Carver	274	Michael Sheehan
209	Rosemaree Formosa	242	Jennie Pfeiffer	275	Vivienne Grigg
210	Michael Smith	243	Jessica Harding	276	Brian Beeby
211	Andrew Pappas	244	Nicolas Bovezza	277	Douglas Henry Alexander Scale
212	Tobie Smith	245	Steven Amos	278	Dale Lynch
213	Sylvia McLean	246	Tina Hope	279	Fiona Perry
214	Carl Hornstrand	247	Lynette Nicholls	280	Rex Booth
215	Karen Baloh	248	Jacquie Ryan	281	Ashleigh Cairney
216	Rachel Stephens	249	Gail Elaine Laycock	282	Bernadette Dawson
217	Joan Gordon	250	Remy McTaggart	283	Jim Dawson (Snr)

No	Submitter	No	Submitter	No	Submitter
284	Terry Grigg	317	Andrew McDonell	350	Myles Vosper
285	Eoghan O'Connor	318	Glenn Robertson	351	Ross Stapleton
286	John Richard Harrison	319	Evan Jones	352	Stuart Elder
287	Joanne Holmes	320	Ellen Griffiths	353	Justine Giusti
288	Jade Bakri	321	Trevor Kinsey	354	Gary Eden
289	Cathryn King	322	Beverley Mulkerin	355	Danial Smith
290	Kathy Medbury	323	Melanie Kinsey	356	Christopher McDonald
291	Rachel Groves	324	Karen Paul	357	Kathleen Freeman
292	Loris Cassar	325	Sam Birrell	358	Bev Philips
293	Nash Coad	326	Leith Picking	359	Joan Coulstock
294	Toni Bloodworth-Barker	327	Jeannene Wallace	360	Emily Bruce
295	Ronald Kent	328	Kathryn Louise Boyle	361	David Edwards
296	Armando Cevolatti	329	Christopher John Jarvis	362	Emily Bruce
297	Libby Connors	330	Nicole Bovezza	363	Kristin Barton
298	Stacey Bennett	331	Darren John Jackson	364	Ashlee Spargo
299	Matt Bennett	332	Gillian Williams	365	Robert McDonald
300	John Ross	333	Carol Annabella Wright	366	Michael Pullella
301	Teagan Bunn	334	Merrilyn Simmons	367	Michael Webster
302	Merilyn Sellman	335	Lydia Alexandra Best	368	Janelle Bruce
303	Virginia Williamson	336	Greer Turner	369	Caroline Moyes
304	Karen Grace Armitage	337	Kerry Donnelly	370	Steven Quayle
305	Kelly De Bie	338	Pamela Brooks	371	Yvette Doumis
306	John Lyall	339	Judith Butterley	372	Sharon Picking
307	Marcus Bootle	340	Kate Ritchie	373	Robyn Anne Harris
308	Natalie Gruber	341	Jessica Reilly	374	Sharon Whorlow
309	Alison Pullella	342	Ian Alexander McLean	375	Jessica Eland
310	Dino Cevolatti	343	Ellie Best	376	Luci Jenkins
311	Paul Gruber	344	John Laurie	377	Gayelene Merrett
312	Tyler Dempsey	345	Connie Pullella	378	Russell White
313	Margaret Linnell	346	Heather Margaret Fiorentino	379	Anne Whittaker
314	Vincent Mulkerin	347	Peter Griffiths	380	Beryl Ann Wait
315	Wade Ryan	348	Mario Fiorentino	381	Douglass John Whittaker
316	Kasun Rubasinghe	349	Megan Lang	382	Yanis Teodors Zole



No	Submitter
383	Nicholas Hagan
384	L&L Ellul
385	Matthew Watts
386	Mary Hemphill
387	Sandra Stewart
388	Kerrie Clarey
389	Matthew Tett
390	Lisa Taylor
391	Julie And Robert Lamont
392	David Kellam
393	Yi Lian Lim
394	Mardi Durling
395	Harley Haber
396	Sophie Cassar
397	Mick McCarthy
398	Ann Grogan
399	Darren Broughton
400	Lisa Russell
401	Elizabeth Watts
402	Rachael Synot
403	Rebecca Pino
404	Virginia. Birrell
405	Peter Jeffrey
406	Meryn Ellis
407	Paul Jenkins
408	Maya Russell
409	Ryan Amery
410	Michael Greenwood
411	Hailey Amery
412	Kristin Vavallo
413	Dale Amery
414	Julie Diane Smith
415	Letty Bastian

No	Submitter
416	Kylie Anderson
417	Maree Ball
418	Fiona Perry
419	Abbey Picking
420	Julie Smith
421	Alicia Vowles
422	Jenny Hagan
423	Leanne Vandermeer
424	Heather McNaught
425	Gordon Sydney Sparshott
426	Terry McConnell
427	Andrew White
428	Daniel Huisintveld
429	Val Sparshott
430	Helen Simmonds
431	Rodney Birrell
432	Mandy Dimasi
433	Fiona Walker
434	Leanne Palmer
435	Lorenzo Musone
436	David Merrett
437	Jennifer BLACK
438	Megan Edwards
439	Michael Heffey
440	Nicolas Dzierbicki
441	Karl Harbeck
442	T Scott
443	Karen Harbeck
444	Natasha McLean
445	Alexander Brown
446	Claire Phillips
447	Ruth Warwick-Smith
448	Glenys Moyes

No	Submitter
449	Kate Harbeck
450	William Hollibone
451	Kaye Maree Cromie
452	Joel McKay
453	Lynne Grogan
454	Jodie Purcell
455	Amanda Johnson
456	Steven Woolgar
457	Valerie Hollibone
458	Michelle Jamieson
459	Cynthia Pace
460	Matthew Holdsworth
461	Kellie Logan
462	Michelle Zeky
463	Dempsey Smith
464	Richard Hollibone
465	Sharon Page
466	Leanne Simpson
467	Bernadette Power
468	Gregory John Page
469	Xavier Webb
470	Annette Benson
471	Beth Parker
472	Courtney Merrett
473	Jennifer Anne Kurban
474	David Ward
475	Jan Gibson
476	David John Walker
477	Paul Sammut
478	Amy Taylor
479	Leisha Young
480	Gina Camilleri
481	James Tinney



No	Submitter
482	Sandy Turner
483	David Edwards
484	Helen Bardell
485	Cassie McTaggart
486	Karen Challis
487	Carole Elliott
488	Christy Holt
489	Kerri May Diss
490	Sandra Hyne
491	Deanne Whelan
492	Julia Reeves
493	Lauren Puke
494	Joanne Holt
495	Janet Frist
496	David Sultana
497	Megan Heyhoe
498	Matthew Heyhoe
499	Sarah Burrill
500	Warren Hall
501	Caitlin Hanks
502	Graeme Pope
503	Philip Buchanan
504	Christopher M Sanford
505	Michael Camilleri
506	Melissa Jeal
507	Amanda Burt
508	Ethan Jeal
509	Rodney James Kinter
510	Jason Inglis
511	Pauline Lacy
512	Narelle Stephen
513	Jim Walker
514	Leigh Poyner

No	Submitter
515	Rodney McKee
516	David Hope
517	Rod Jeal
518	Dianne Belcastro
519	Jonathan Petering
520	Kylie Venardos
521	Narelle McGellin
522	Kenneth Alan Rising
523	Michael Langley
524	Sandra Pope
525	Lee Grogan
526	Simon Were
527	Anne Schroder-Pye
528	Graeme Pope
529	Linda Bottom
530	Melissa Page
531	Anthony Page
532	Michelle Fox
533	Peter McGellin
534	Danielle Randle
535	Hayley Morley
536	Violet Hulls
537	Jordan Gadsby
538	Sebastian Lo Giudice
539	Kym Cavigan
540	Lorraine Lee
541	Terence Patrick Campbell
542	Glenys Allender
543	Nathan Martin
544	Simone De Haas
545	Renae Warr
546	Martin Ralph
547	Aster De Bock

No	Submitter
548	James Lawford
549	Graham King
550	Marg Tarrant
551	Paul Rathbone
552	Wendy Halligan
553	Peter Romeis
554	Jamie Worrell-Conlon
555	Erica Jane Amess Halligan
556	Claire Graham
557	Leigh Dorian
558	Debbie Lynch
559	David Hughes
560	Dr Susan Mayes AM
561	Greg Moore
562	Sarah
563	Cheryl Stephens
564	Janine Hunt
565	Richard Waldegrave-Knight
566	Lisa Conley
567	Jim Hanson
568	Mary Woodman
569	Chris Lang
570	Claire Lane
571	Matt Lloyd
572	Aidan Hogg
573	Roslyn Leyden
574	Michael Everett
575	Deborah Golden
576	Luke Watson
577	Tahnee Petering
578	Kathryn Bell
579	Kelly Davie

No	Submitter	No	Submitter	No	Submitter
580	David Frappa	613	Paula Wood	646	Julie Ann Redman
581	Sharon Lee Fellowes	614	Marjan Flisar	647	Kevin Redman
582	Noelene Moore	615	Paul Fitzpatrick	648	Harriett Braithwaite
583	Jane Tarrant	616	Leigh Booth	649	Thomas Phillips
584	Sarah Mitrevics	617	Bethany Hodge	650	Helen Barrett
585	Sarah	618	Meredith Clark	651	Jennifer Perrett
586	Daniel Grogan	619	Geoff Cordell	652	Jayne Hanson
587	Lubica Grogan	620	Angela Cordell	653	Tania Mareen Pearce
588	David Jones	621	Juanita White	654	Peter Amott
589	Teresa Eva	622	Paul McIntosh	655	Claire Davis
590	Kostandina Pangidis	623	Paul Anthony Lawry	656	James D Walker
591	John Eva	624	Maria Booth	657	Danielle Gason
592	Glenn Conley	625	Ann Lawry	658	Noel Strawbridge
593	Sonja Gill Lobos	626	Geoffrey Pitts	659	Clinton Pope
594	Elyse Merrett	627	Marty Williams	660	Michael Emmerson
595	R	628	Amy Patterson	661	Maureen Barnard
596	Jennifer Anne Macdougall	629	Olga Bartasek	662	Carol Davidson
597	Alaina Stephen	630	Magaret Boyd	663	Irene Fitzpatrick
598	Lauren Sharp	631	Robert Neil McConville	664	Michael Davidson
599	Lee Carter	632	Carina Wrigley	665	Julie Fett
600	Mariusz Czubek	633	Scott McCosker	666	Amy Swan
601	Kerrie Fox	634	Nancy Inglis	667	Laurence Pearl
602	Joy Barclay	635	Darrin Bouchier	668	Wes Death
603	Debbie Bouchier	636	Bridget McGrath	669	Paul Antiviral
604	Fiona Ellery	637	Niki Clay	670	Edward Grant Nicholas
605	Heather Huke	638	Nick Hughes	671	Sophia Mantyvirta
606	Ian Huke	639	Wayne Allender	672	Bruce Fellowes
607	Peter Gossip	640	Natasha Mix	673	Rachael Thompson
608	Carla Goldsworthy	641	Doreen Spry	674	Joanne Read
609	Laura Lynch	642	Louise Mix	675	John Patrick Grogan
610	Mitchell Lynch	643	Richard Benson	676	Denise Elder
611	Pamela Collinson	644	Richard Harold King	677	Troy Burnside
612	Anai Wilkins	645	Kelly	678	Colleen O'leary

No	Submitter
679	Jan Bennett
680	Leeann Arlow
681	Judith Charlton
682	Heather Hunter
683	Mark Charlton
684	Ben Donnelly
685	Eddie Hunter
686	Debbie Bouchier
687	Graham Charles Stewart
688	Nancy Parker
689	Michael Tame
690	Tracey Tame
691	Grace Welsh
692	Thomas Mix
693	Kate Campbell
694	Susan Robertson
695	Mary White
696	Stephanie Schade
697	Diane Pope
698	Anne Marie Drummond
699	Carli Norman
700	Sian McLean
701	Andrew Watts
702	Lyn Hovey
703	Carissa Cater
704	Ashley McBryde
705	Brooke Parfrey
706	Beau McBryde
707	Dan Taylor
708	Debbie Frappa
709	Angela Mlikota
710	Daniel Taylor
711	Luke Alex Sanderson

No	Submitter
712	Craig Cafaro
713	Kylie Musone
714	Peter McNulty
715	Gillian Metz
716	Dawn Ciechomski
717	Mustafa Ayhan
718	Paul Donnelly
719	Carl Jones
720	Aga Jones
721	Claire Worthington
722	Emilia Worthington
723	Stephanie McClintock
724	Caroline Mews
725	Vincent Mulkerin
726	Steven Johnson
727	Maree Paynting
728	Blake Molcik
729	Michael Schade
730	Stephen Moor
731	Graeme Keily
732	Dean Groves
733	Jennifer McIntosh
734	Liz Crane
735	Joanne Martin
736	David Ellis
737	Wayne Spackman
738	Judith Ellis
739	David Andrew McIntosh
740	Frank Cassar
741	Darren Farrugia
742	Anthony Bathols
743	Des James
744	Grant Redman

No	Submitter
745	Wendy Azzopardi
746	Deborah McDonell
747	Tony Smith
748	Josie Watts
749	Geoffrey Edward Allen
750	Jennifer Tarr
751	David Puxley
752	Lori Nichols
753	Jasmin Stapleton
754	Ken Robertson
755	Melita Lind
756	Margaret Boyle
757	Robert J Wyatt
758	Dean Scholes
759	Kaggi Valentine
760	Ramzy E Kurban
761	Timothy Bryant
762	Maria Eddy
763	Ross Howard
764	Darcy Wyhoon
765	Wendy Joy Nicholas
766	Tanya Bremner
767	Ashley Nugent
768	Danielle Bellini
769	Annabel T
770	Donna Sparks
771	Nick Craven
772	Sarah McQuillen
773	Ashlee Richards-Collins
774	Eleanor Bryant
775	Rob McConnell
776	Linda McConnell
777	Kristen Johnson

No	Submitter	No	Submitter	No	Submitter
778	Eleanor Worthington	811	Shelley Farrugia	844	Jennifer Piazza
779	Charlie Bryant	812	Gavin Harris	845	Keran Barrett
780	Robert Rickard	813	Claudette McCormick	846	Leeanne Barrett
781	Kristen Johnson	814	Michael McCormick	847	Gayle Fitzpatrick
782	Tully Bryant	815	Ian De Silva	848	Amanda Wallace
783	Ray Buttigieg	816	Bridget Miqueu	849	Kellie-Michelle Walters
784	Natalie Turpin	817	David John Sheridan	850	Nicole Macartney
785	Richard Schneider	818	Claire Graham	851	Warren Macartney
786	Rosie Hutchison	819	Bronwyn Smith	852	Ashlie Macartney
787	Michelle Johns	820	Stephen Cole	853	Aaron Goldsworthy
788	Luke Mitrevics	821	George Toth	854	Connor Affleck
789	Elise Perrett	822	Dennis Smith	855	Beverly Elliott
790	Margot Lee Sheridan	823	Lisa Cole	856	Elle McKenzie
791	Belinda Dridan	824	John Holdich	857	Dion Alderton
792	Mitchell Cassar	825	Greening Of Riddell	858	Pearl Fitzpatrick
793	Lily Hughes	826	Christopher Palmer	859	Kaylene Jans
794	Peter O'Donovan	827	Christopher AG Wild	860	Wendy Arthur
795	Athalie Redway	828	Stephen Trodd	861	Dan Taylor
796	Kathryn Carey	829	Jayne Guilmartin	862	Keran Barrett
797	Brett Redway	830	Lillian Crellin	863	Margaret Poulton
798	Flynn Redway	831	Meagan McAliece	864	Annalise Scott
799	Amelia Redway	832	Chris McAliece	865	Erin Hansford
800	Ross Colliver	833	Andrew Nicoll	866	Michael Tottle
801	Kylie Jane Smith	834	Jarryn Ashley Pitts	867	Anne Tottle
802	Dimity Bunn	835	Jenny Bueskens	868	Esther Cummings
803	Sharon Blume	836	Wendy Evans	869	Blair Cummings
804	Peter Morley	837	Monique Gillett	870	Natalie Adamo
805	Charles Turnbull	838	Colette Atkins	871	Alinta Harriet Bradley
806	Ashley	839	Alexander Tacey	872	Kane Mosedale
807	Dacey Cole	840	Jonathan Pels	873	Ashleigh Bermingham
808	Stephanie Willison	841	Derinda Hall	874	Davin Bermingham
809	Billie Cole	842	Anthony Simmons	875	Fiona Scholes
810	Renee Griffiths	843	Johannes Van Niekerk	876	Frank Challen

No	Submitter
877	Cheryl Dods
878	Harley Lambert
879	Kate Neilson
880	Laura Vanderkraan
881	Jacki Lindsay
882	Daniel Hartley-Allen
883	Gabrielle Garner
884	Tristan Smith
885	Joseph Garner
886	Joseph Garner
887	Denise Joiner
888	Grahame Brown
889	Ryan Stormland
890	Michael Goldsworthy
891	Brady Stewart
892	Brian Davis
893	Ann Davis
894	Shandar Stormland
895	Angela Cassar
896	Ruth Everett
897	Danielle Bottams
898	Andrew Powell
899	Cherry Cole
900	Teresa Boyle
901	John Everett
902	Danny Buckle
903	Karen Tacey
904	Ken Tacey
905	Tamara Homburg
906	Damian Turner
907	William Flisar
908	Christian De Haas
909	Aimee Turner

No	Submitter
910	Annette Smith
911	T Justus Homburg
912	Kelly Steel
913	Heidi Chapman
914	Nakeshia Mason
915	Michael Lee
916	Anne Tottle
917	Ann O'Neill
918	Natalie Miegel
919	Greening of Riddell
920	Alison Kitching
921	Zoe Hennesy
922	Madeline Djurasovic
923	Elizabeth Campbell
924	Christina Bauer
925	Denise Joiner
926	Craig Booth
927	Richard Lobb
928	Sandra Inglis
929	Cameron Inglis
930	Mark
931	Raelene Thompson
932	Blair Kenney
933	Lindyanne Rose
934	Ame Gaschk
935	Ian Witmitz
936	Laura Zanze
937	Caitlin Tacey
938	Bernadette Ann Joiner
939	Lisa Moor
940	Peter & Rae Patterson
941	Wendy Jackson
942	Robert Nancarrow

No	Submitter
943	Will Wyhoon
944	Suzanne Broe
945	Janell Archer
946	Margaret Holburt
947	Carmel Ham
948	Hayley Moore
949	Luke Moore
950	Brett Holburt
951	Kate Molcik
952	Katherine Laurie
953	Robert Owen Murray
954	Michael Crombie
955	Nyssa Cole
956	Peter Vincent
957	Anne Goldsworthy
958	Ronald Marschall
959	Lachlan Ellis
960	Deva Weitman
961	Keith Malcolm Donald Clark
962	Tania Smith
963	Darcy Smith
964	Clarkefield And District Farm Landcare
965	Irene Marschall
966	Brenda Ruth
967	Sharon Marschall
968	Nelle Pierce
969	Finlay De Lacy
970	David Liebich
971	Jack Emmerson
972	Mark Power
973	Justine Giusti
974	Joanne Martin

No	Submitter
975	John Nicholson
976	Jenny Grounds
977	Lyn Hovey
978	Susan Laurie
979	Ronald Kent
980	Gretta Chandler
981	Anthony Sortino
982	Hal Pritchard
983	Sarah Barnard
984	Val Sparshott
985	Macedon Ranges Shire Council
986	SA Hope Housing Pty Ltd
987	Cassy Borthwick
988	Kristy Gadsby
989	Emily
990	Xavier Webb
991	Kristin Valallo
992	Joanne Martin
993	Anna Huisintveld
994	David Phillips
995	Andrew Green
996	Anai Wilkins
997	Thomas Formosa
998	Kylie Carter
999	Teagan
1000	Melissa Augustus
1001	Greg Formosa
1002	Olivia Miller
1003	Paul Giusti
1004	Aster De Bock
1005	Barbara McBride
1006	Ashlee Spargo

No	Submitter
1007	Jess Braszell
1008	Linda Bottom
1009	Danial Smith
1010	Justine Giusti
1011	Letty Bastian
1012	Ben Kelly
1013	Karen McCaull
1014	Monica Griffiths
1015	Lee
1016	Karen McCaull
1017	Thomas Morley
1018	Armando Cevolatti
1019	Donna Sparks
1020	Gina Camilleri
1021	Shaeley Klemke
1022	Suzy Sliwczynski
1023	Jason Rankin
1024	Bryony Quirk
1025	Fiona Walker
1026	Linda McConnell
1027	Michael Camilleri
1028	Natalie Gruber
1029	David Walker
1030	Hayley Grant
1031	Caroline Moyes
1032	Sam Daniel Mlikota
1033	Mandy Dimasi
1034	Lincoln Grant
1035	Erin Hansford
1036	Sam Birrell
1037	Bethany Hodge
1038	Grant Medbury
1039	Katherine Medbury

No	Submitter
1040	Blair Cummings
1041	Matthew Simon Tett
1042	Dale Lynch
1043	Tin Gray
1044	Adam Mitrevics
1045	Sharon Whorlow
1046	Jenny McKee
1047	Francesca Bardell
1048	Kerry Donnelly
1049	Paul Donnelly
1050	Harper Martin
1051	Jennifer Macdougall
1052	Michael Everett
1053	Melanie Fraser
1054	Lauren Macdougall
1055	Carol McCoag
1056	Janet Frost
1057	Richard Benson
1058	Maureen Barnard
1059	William Alfred Hollibone
1060	Bev Philips
1061	Sharon Lee Fellowes
1062	Brad Quirk
1063	Leisha Young
1064	Matt Lloyd
1065	Valerie Lorraine Hollibone
1066	Mary Duggan
1067	David Ellis
1068	Kostandina Pangidis
1069	Gillian Williams
1070	Lydia Alexandra Best
1071	Ross Colliver
1072	Phil McLean



No	Submitter	No	Submitter	No	Submitter
1073	Loris Cassar	1106	Caroline Mews	1139	Michael Tottle
1074	Angela Cordell	1107	Kathryn Baker	1140	Siobhan Gallus
1075	Courtney King	1108	Luke Mitrevics	1141	Renee Griffiths
1076	Lauren Jans	1109	Jordan Gadsby	1142	James Griffiths
1077	Steven Quayle	1110	Gemma Steeper	1143	Judith Ellis
1078	Jane Robertson MacMillan Allen	1111	Geoffrey Edward Allen	1144	Sarah Hall
1079	Heather McNaught	1112	Jarrold Roberts	1145	Daniel Taylor
1080	Michelle Penhall	1113	Merilyn Sellman	1146	Chris McDonald
1081	Bernie Dawson	1114	Wayne Pye	1147	Belinda Dridan
1082	Carole Elliott	1115	Kate Vincent	1148	Jason Inglis
1083	Carol Annabella Wright	1116	Val Sparshott	1149	David Howard
1084	Greg Moore	1117	Marg Tarrant	1150	Ian Steward
1085	Clinton James Pope	1118	Joan Gordon	1151	Rachel Simpson
1086	Anthony Marshall	1119	David Thompson	1152	Rachel Taylor
1087	Simon Jones	1120	Bradley Collins	1153	Sue Steward
1088	Claudia Maria Porta	1121	Margaret Pittaway	1154	David Frappa
1089	Stephanie Schade	1122	Brooke Collins	1155	Debbie Frappa
1090	Florence Wallace	1123	Mark Griffiths	1156	Ann Ross
1091	Lisa Davies	1124	Anne Whittaker	1157	Emily Bruce
1092	Robert Porta	1125	Kathy Millard	1158	Robert McDonald
1093	Kerrie Clarey	1126	Doug Whittaker	1159	Michael Webster
1094	Ariana Harris	1127	Julie Smith	1160	Sharon Blume
1095	Danielle Bellini	1128	Mick Smith	1161	Sally Coulson
1096	Diana Devine	1129	Tobie Smith	1162	Richard Szczygielski
1097	Simone Fisher	1130	Melita Lind	1163	Alaina Stephen
1098	Cathy Long	1131	Alyssa Poyner	1164	Robert Sanderson
1099	Maree Scale	1132	Leigh Andrew Poyner	1165	Jennifer Piazza
1100	Douglas Scale	1133	Alaina Stephen	1166	Dan Taylor
1101	Jenny Grounds	1134	Narelle Stephen	1167	Guinevere Gilbert
1102	Athalie Redway	1135	Felicity Topp	1168	Ben Kelly
1103	Ashleigh Bermingham	1136	Gillian Metz	1169	Reuben Milne
1104	Davin Bermingham	1137	Anne Tottle	1170	Ashleigh Cairney
1105	Michelle OConnell	1138	Dawn Ciechomski	1171	Russell AKA Bob McNaught

No	Submitter
1172	Ruth Everett
1173	John Everett
1174	David Laurie
1175	Kelly Davie
1176	Claire Lane
1177	Glenn Conley
1178	Frank Cassar
1179	Angela Cassar
1180	Louise Freijah
1181	Allan Lloyd Leslie
1182	Carol Pearl Leslie
1183	Lachlan Barnes Ellis
1184	James Frost
1185	Craig Booth
1186	Robyn King
1187	Terrence Duggan
1188	Sophie Cassar
1189	Louise Fiddes
1190	Joanne Plummer
1191	David Edwards
1192	Karen Edwards
1193	Hayley Morley
1194	Mardi Durling
1195	Geoff Cordell
1196	Toni Bloodworth-Barker
1197	Edward Walters
1198	Margaret Linnell
1199	Michael Lee
1200	Megan Heyhoe
1201	Matthew Heyhoe
1202	Randall Bick
1203	Karenina Turnbull
1204	Claire Graham

No	Submitter
1205	Dan Huisintveld
1206	Erica Jane Amess Halligan
1207	James Dawson
1208	Violet Hulls
1209	Matthew Everett
1210	William Everett
1211	Nicholas Hagan
1212	Jenny Hagan
1213	Brylee Hagan
1214	Stephen Woolley
1215	Dimitrios Doumis
1216	Jim Dawson (Snr)
1217	Leanne Simpson
1218	Nicole Bovezza
1219	Andrew McDonell
1220	Andrew McDonell
1221	Anthony Sortino
1222	Wayne Allender
1223	Brooke McDonald
1224	Phil Edwards
1225	Jennifer Perrett
1226	Grant Redman
1227	Caine Chappell
1228	Simone De Haas
1229	Amanda Johnson
1230	Juanita Louise White
1231	Heather Fiorentino
1232	Jane Gatt
1233	Tim Gray
1234	Gillian Beacom
1235	Jenn Hornstrand
1236	Carl Hornstrand
1237	Jayne Mallon

No	Submitter
1238	Suzanne Broe
1239	Vincent Mulkerin
1240	Jana Kolarik
1241	Connie Pullella
1242	Gwendoline Bootle
1243	Kaggi Valentine
1244	Liam Moore
1245	Suzanne Carroll
1246	Margot Lee Sheridan
1247	Claire Davis
1248	Brady Stewart
1249	Ann Davis
1250	Brian Davis
1251	Brooke Parfrey
1252	Jacquie Ryan
1253	Dee McDonell
1254	Noelene Moore
1255	Lorraine Lee
1256	Michelle Walters
1257	Nathan Martin
1258	Monique Gillett
1259	Jon Pels
1260	Ben Donnelly
1261	Darran Deakin
1262	Danielle Morgan
1263	Michelle Johns
1264	Carissa Cater
1265	Linda Phillips
1266	Yvette Doumis
1267	Vikki Rose
1268	Warren Hall
1269	Laureen Wilson
1270	Robert Lithgow



No	Submitter
1271	Justus Homburg
1272	Tamara Homburg
1273	Rachel Brown
1274	Tanya Phillips
1275	Nathan Medbury
1276	Derinda Hall
1277	Cherry Cole
1278	Nicholas Bardell
1279	Deb Golden
1280	James Tinney
1281	Caelan Ashton Pitts
1282	Elise Perrett
1283	Rebecca Belleville
1284	Hal Pritchard
1285	Laila Pritchard
1286	Natasha Luke
1287	Sarah Spinner
1288	Peter Bruce Taylor
1289	Eleanor Bryant
1290	Charlie Bryant
1291	Tully Bryant
1292	Ruth Malaspina
1293	Shelley Farrugia
1294	Eoghan O'Connor

No	Submitter
1295	Brian Bowe
1296	Christine Clark
1297	Julie Whiteman
1298	Petra Egry
1299	Jonathan Petering
1300	Lisa Ru
1301	Robbie Purcell
1302	Sarah Barnard
1303	Peter Pattison
1304	Karen Tacey
1305	Ken Tacey
1306	David Gordon Milne
1307	Jodie Purcell
1308	Gina Camilleri
1309	Jennifer McIntosh
1310	Alexander Tacey
1311	Gordon Sydney Sparshott
1312	Joe Lanteri
1313	Angela Mlikota
1314	Lachlan King
1315	Vincent Mulkerin
1316	Simon Were
1317	Eden Were

No	Submitter
1318	Chris Clark
1319	Bronwyn McLeod
1320	Lluna Kylin
1321	Carina Wrigley
1322	Beverley Mulkerin
1323	Mitchell Cassar
1324	Ronald Kent
1325	Jessica Collins
1326	Dimity Bunn
1327	Timoty Ryan Beddoe
1328	Bronwyn Smith
1329	Dennis Smith
1330	Bevan Howell
1331	Gretta Chandler
1332	Sue Zhang
1333	Caitlin Tacey
1334	Graham King
1335	Michael Tottle
1336	Anne Tottle
1337	Gavan Segrave
1338	Peter & Rae Patterson
1339	Clarkefield and District Farm Landcare
1340	Julie Macdonald

## Appendix F Parties to the Committee Hearing

Submitter	Represented by
Macedon Ranges Shire Council	<p>Terry Montebello of Maddocks, who called the following expert evidence:</p> <ul style="list-style-type: none"> <li>- Drainage and infrastructure costings from Stephen Watters of SMEC</li> <li>- Community infrastructure from Dr Kate Kerkin of K2 Planning</li> </ul>
Banner Asset Management Pty Ltd (Proponent)	<p>Paul Connor KC and Tom Ellicott of Counsel, instructed by Norton Rose Fulbright, who called the following expert evidence:</p> <ul style="list-style-type: none"> <li>- Planning from John Glossop of Glossop Town Planning</li> <li>- Economics from Gavin Duane of LocationIQ</li> <li>- Drainage from Michael Mag of Stormy Water Solutions Consulting</li> <li>- Stormwater from Robert Swan of HARC</li> <li>- Ecology from Shannon LeBel of Ecology and Heritage Partners</li> <li>- Traffic engineering from Aaron Walley of Ratio</li> <li>- Bushfire from Hamish Allan of Terramatrix</li> <li>- Landscape from Barry Murphy of Murphy Landscape Consultancy</li> <li>- Development contributions from Paul Shipp of Urban Enterprise</li> <li>- Community infrastructure from Robert Panozzo of ASR Research</li> <li>- Infrastructure costings from Mark Fleming of Verve Projects</li> </ul>
Department of Transport and Planning (Head, Transport for Victoria)	Elke Cummins, Manager Statutory Planning, Loddon Mallee Hume
SA Hope Housing Pty Ltd and Spacious Group	<p>Mark Bartley of Russell Kennedy Lawyers, who called the following expert evidence:</p> <ul style="list-style-type: none"> <li>- Supply and demand from Chris McNeill of Ethos Urban</li> </ul>
Riddells Creek Planning Group	Ross Colliver, Aaron Goldsworthy, Robert McConville and Simon Were
Greening of Riddell	Lyn Hovey
Kathryn Boyle	
Angela Mlikota	
Connie Pullella	Aaron Goldsworthy
Karen Hasselo	
Frank Cassar	
Rachael Thompson	

Submitter	Represented by
Carmel Ham	Bruce Ham
Yvonne von Hartel	
Aaron Goldsworthy	
Dr Vincent Mulkerin	
Maree Scale	
George Wright	
Sharon Fellowes	
Tamara Homburg	
Anne Marie Drummond	
Teresa Boyle	
Simon Were	Aaron Goldsworthy
Bernie Dawson	Jim Dawson (Snr)
Jim Dawson (Snr)	
Raelene Thompson	
Kerri May Diss	
Dene Groves	
Ross Stapleton	
Leigh Booth	
David Jones	
Jennifer Anne Macdougall	
Cherry Cole	
Matthew Perry	
Mick McCarthy	
Judith Ellis	
Michael Schade	
Graeme Pope	
Chris McDonald	
Timothy Beddoe	
Robert McConville	
James Frost	
Robert Sanderson	
Natasha McLean	
Julie Macdonald	

Submitter	Represented by
Peter Romeis	
Val Sparshott	
Department of Transport and Planning (Head, Transport for Victoria)	Elke Cummins
Michael Tottle	
Anne Tottle	
Stephanie Schade	
David Laurie	
Peter and Rae Patterson	Simon Merrigan of Millar Merrigan
Kerrie Clarey	
Linda Bottom	
Robyn Harris	
Robin Miller	Robyn Harris
Dee McDonell	

# Appendix G Committee preferred version of the UGZ1

Note: This version is based on the Proponent’s Final Day version of the UGZ1 with all tracked changes accepted (D145).

## SCHEDULE 1 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ1**

### AMESS ROAD PRECINCT STUCTURE PLAN

#### 1.0 The Plan

Plan 1 below shows the future urban structure proposed in the *Amess Road Precinct Structure Plan (Echelon Planning, July 2024)*. It is a reproduction of Plan 3 in the *Amess Road Precinct Structure Plan (Echelon Planning, February 2025)*.

Plan 1 to Schedule 1 of Clause 37.07



#### 2.0 Use and development

##### 2.1 The Land

The provisions of this schedule apply to the land within the ‘precinct boundary’ shown on Plan 1 of this schedule and shown as UGZ1 on the planning scheme maps.

*Note:*

*If land shown on Plan 1 is not zoned UGZ1, the provisions of this zone do not apply.*

##### 2.2 Applied zone provisions

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 incorporated Amess Road Precinct Structure Plan, the use, 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.

For example: The Commercial 2 Zone specifies 'Shop' 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	Applied zone provisions
Residential	Clause 32.08 – General Residential Zone

## 2.3

--/--/----  
Proposed  
C161macr

### Specific provisions – Use of land

Where a table of uses is specified detail as follows:

#### Section 1 - Permit not required

Use	Condition
Any other use in Section 1 in the Table of uses of the applied zone	
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.

#### Section 2 - Permit required

Use	Condition
Any other use not in Section 1 or 3 in the Table of uses of the applied zone	

#### Section 3 – Prohibited

Use
Any other use in Section 3 in the Table of uses of the applied zone

## 2.4

--/--/----  
Proposed  
C161macr

### Specific provisions – Subdivision

None specified.

## 2.5

--/--/----  
Proposed  
C161macr

### Specific provisions - Buildings and works

#### Dwellings on a lot less than 300 square metres

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres if

- 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.

#### Construction of dwellings

Dwellings must be constructed in accordance with the relevant Housing and Design Guidelines submitted and endorsed pursuant to paragraph 4.0 of this Schedule.

**Buildings and works for future local parks**

A permit is not required to construct a building or construct or carry out works for a local park, local sports reserve or local community facility provided the use or development is carried out generally in accordance with the incorporated *Amess Road Precinct Structure Plan* and with the prior written consent of Macedon Ranges Shire Council.

**Bulk Earthworks**

A permit is required for bulk earthworks, unless a report has been prepared to the satisfaction of the responsible authority demonstrating that sodic and/or dispersive soils are not present in the works area.

**Removal of dams, reservoirs and other water bodies**

A permit is required for the removal of dams, reservoirs and other water bodies.

**3.0**

---/---  
Proposed  
C161macr

**Application requirements**

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, the responsible authority may waive or reduce the requirement.

**Public Infrastructure Plan**

For an application to use or subdivide land or construct a building or construct or carry out works, 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 development 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
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

**Subdivision – Residential Development**

For a residential subdivision, a site and context description and design response as required by Clause 56.

For an application to subdivide ten or more lots, in addition to the above, or for the construction of ten or more dwellings:

- A written statement that sets out how the application implements the incorporated *Amess Road 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 Drainage and Integrated Water Management Strategy must be prepared and address the following, as relevant:
  - an assessment of the existing surface and subsurface drainage conditions on the site;
  - details of the provision, decommissioning, staging and timing of any temporary and ultimate stormwater drainage works (including but not limited to conveyance, outfall, detention, treatment and/or volume control infrastructure);
  - flow rate and flow volume management measures to ensure no unreasonable downstream inundation impacts, duration impacts and flood impacts are caused by the development of land.
  - works (by/at the cost of the developer)

- Any Strategy is to be generally in accordance with the Amess Road PSP Stormwater, to the satisfaction of Macedon Ranges Shire Council and Melbourne Water.
- An arboricultural report identifying all trees on the site and a tree retention plan identifying how the application responds to the incorporated *Amess Road Native Vegetation Precinct Plan*.
- A Traffic Impact Assessment Report to the satisfaction of the relevant road management authority.
- Potential bus route and bus stop locations prepared in consultation with the Head, Transport for Victoria.
- Where relevant, demonstration of how the subdivision will respond sensitively to the heritage significance of Dromkeen and Monterey Pine (Heritage Overlay – HO83).
- A Stormwater Management Strategy that assesses the existing surface and subsurface drainage conditions on the site, addresses the provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Macedon Ranges Shire Council and Melbourne Water which addresses the following:
  - an assessment of the existing surface and subsurface drainage conditions on the site;
  - details of the provision, decommissioning, staging and timing of any temporary and ultimate stormwater drainage works (including but not limited to conveyance, outfall, detention, treatment and/or volume control infrastructure);
  - flow rate and flow volume management measures to ensure no unreasonable downstream inundation impacts, duration impacts and flood impacts are caused by the development of land;
  - proposed waterway remediation works including weed control and revegetation works (by/at the cost of the developer).
- Any Strategy is to be generally in accordance with the Amess Road PSP Stormwater Management Plan and relevant Melbourne Water Development Services Scheme, to the satisfaction of Macedon Ranges Shire Council and Melbourne Water.
- A Bushfire Management Plan that addresses bushfire risk during, and where necessary, after construction which is approved by the responsible authority. The plan must specify, amongst other things:
  - 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, 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 grassfire and bushfire;
  - Provision of adequate access and egress for early subdivisions to minimise grass and bushfire risks to new residents prior to the full completion of the PSP;
  - Respond to Clause 13.02 of the Planning Scheme;
  - Proposed waterway remediation works including weed control and revegetation.
- Potential bus route and bus stop locations prepared in consultation with the Head, Transport for Victoria;
- Where relevant, demonstration of how the subdivision will respond sensitively to the heritage significance of Dromkeen and Monterey Pine (Heritage Overlay – HO83);
- A Stormwater Management Strategy that assesses the existing surface and subsurface drainage conditions on the site, addresses the provision, staging and timing of stormwater drainage;
  - works, including temporary outfall provisions, to the satisfaction of Macedon Ranges Shire Council and Melbourne Water which addresses the following;
    - an assessment of the existing surface and subsurface drainage conditions on the site;



- details of the provision, decommissioning, staging and timing of any temporary and ultimate stormwater drainage works (including but not limited to conveyance, outfall, detention, treatment and/or volume control infrastructure);
  - flow rate and flow volume management measures to ensure no unreasonable downstream inundation impacts, duration impacts and flood impacts are caused by the development of land;
  - proposed waterway remediation works including weed control and revegetation works (by/at the cost of the developer).
- A Landscape Plan which illustrates and quantifies canopy tree coverage within the public realm and open space to an average of 30 per cent (excluding areas dedicated to biodiversity or native vegetation conservation).  
The plan must specify:
  - Suitable tree species for the relevant area
  - Irrigation arrangement of trees during the establishment and subsequent phases to achieve this target at maturity and during the summer months.
- A Bushfire Management Plan that addresses bushfire risk during, and where necessary, after construction which is approved by the responsible authority. The plan must specify, amongst other things:
  - 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, 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 grassfire and bushfire;
  - Provision of adequate access and egress for early subdivisions to minimise grass and bushfire risks to new residents prior to the full completion of the PSP;
  - Respond to Clause 13.02 of the Planning Scheme.

### **Traffic Impact Assessment**

An application that proposes to create or change access to an arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of Head, Transport for Victoria and Macedon Ranges Shire Council.

### **Subdivision applications for land on slope greater than 10%**

An application for Subdivision of land on slope greater than 10% must be accompanied by design guidelines to minimise the landscape and visual impact of development on sloping land. The guidelines must be to the satisfaction of the responsible authority and include:

- A plan showing lot boundaries, contours and slope;
- Cross sections based on the PSP cross sections or any variation consistent with the associated principles;
- The location and approximate depth of any proposed earthworks;
- The location and approximate height for proposed retaining structures;
- A geotechnical report and designs by a suitably qualified engineer where proposed retaining structures exceed 0.5m in height;
- The location and approximate grade of any proposed roads and paths; Building envelopes and grade of driveways and cross overs; and Measures to manage surface run-off.

An application for Subdivision of land on slope greater than 10% must be accompanied by a detailed visual assessment to determine the appropriate extent of any taller built form.

### **Subdivision applications for lots interfacing with Amess Road or the Settlement Edge utilising Interface Treatment Option 1 [and 2](#) as identified in the Amess Road PSP**

An application for Subdivision of land for lots fronting the Amess Road Interface or Settlement Edge Interface utilising Interface Treatment Option 1 as identified in the Amess Road PSP must be accompanied by a Vegetation Management Plan addressing the appropriate management of the ground plane and canopy height for endorsement by Council and the relevant fire management authority.

### **Use or develop land for a sensitive purpose – 1072 Kilmore Road, Riddells Creek – Preliminary Site Investigation**

An application to use land for a sensitive use or to subdivide land must be accompanied by a preliminary site investigation of the potential for contaminated land as a result of the previous land uses, carried out by a suitably qualified person, as identified in the Preliminary Site Investigation (prepared by Ground Science, March 2024).

### **Use or develop land for a sensitive purpose – 89 & 75 Amess Road, Riddells Creek – Environmental Audit or Preliminary Risk Screen Assessments**

An application for subdivision on land at 89 & 75 Amess Road, Riddells Creek must be accompanied by:

- An Environmental Audit or Preliminary risk screen assessment, to assess the underground storage tank and remnant structures associated with the previous site uses of the land at 89 & 75 Amess Road, Riddells Creek, as identified in the Preliminary Site Investigation (prepared by Ground Science, March 2024).
- All the recommendations of the environmental audit or Preliminary risk screen assessment must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the responsible authority.

### **Use or develop land – 1072 Kilmore Road, Riddells Creek – Protected Flora Species Survey**

For an application to subdivide land or construct or carry out works on land at 1072 Kilmore Road must be accompanied by a Protected Flora Species Survey which assesses the native vegetation in proximity to future IN01.

### **Geotechnical and Groundwater Assessment**

For an application to subdivide land or construct or carry out earthworks, a geotechnical and groundwater assessment prepared by a suitably qualified professional to the satisfaction of the responsible authority.

### **Heritage Places**

An application to subdivide land or to construct a building or construct or carry out works on land at 1012 Kilmore Road, Riddells Creek must include consideration of the following to the satisfaction of the responsible authority:

- a Heritage Conservation Management Plan (HCMP) for the heritage place; and
- A statement that takes into account the approved HCMP and explains how the significance of the identified heritage features has been considered in the design of the development, including:
  - design of perimeter fencing; surrounding residential interfaces;
  - interpretive signage, information boards relating to buildings that have been retained, restored, rebuilt or removed.

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### **Conditions and requirements for permits**

[If in the opinion of the responsible authority a condition or requirement is not relevant to an application, the responsible authority may waive or vary the condition or requirement.](#)

**Condition - Building Envelopes**

Prior the certification of the Plan of Subdivision for each stage of subdivision, a building envelope plan for each lot which is 300 square metres or greater must be submitted to and endorsed by the Responsible Authority. The approved building envelopes must be applied as a restriction on the plan of subdivision or be applied through an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987* that is recorded on the title to the land.

The restriction or the agreement must provide for:

- The building envelope to apply to each relevant lot
- All buildings to conform to the building envelope on the relevant lot
- The construction of a building outside of a building envelope only with the consent of the responsible authority
- A building envelope to cease to apply to any building on the lot affected by the envelope after the issue of a certificate of occupancy for the whole of a dwelling on the land.

Where the building envelope is to be applied to the land through an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*, the building envelope plan may be approved after the plan of subdivision is certified.

**Conditions - subdivision permits that allow the creation of a lot under 300 square metres**

Prior to certification of the Plan of Subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provision of the Small Lot Housing Code incorporated as attachment 4 in the Amess Road Precinct Structure Plan; and

The Plan of Subdivision submitted for certification must identify whether type A or type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

**Condition - Housing and Design Guidelines**

Prior to certification of the Plan of Subdivision for the first stage of subdivision, housing design guidelines must be submitted to and endorsed by the Responsible Authority. The Design Guidelines should take into account the requirement and guidelines of the incorporated *Amess Road Precinct Structure Plan*. In addition to the standard design guidelines, the guidelines must also specifically address the following:

- Materials palette for homes including roofs
- Landscaping in private realm including within front and rear setbacks (particularly relevant for lots on key interfaces identified in the PSP)
- Fencing treatments which should consider both rural character and privacy
- Sustainable development initiatives for private homes.

The housing and design guidelines for housing along the perimeter interface should address the following as relevant:

- Built form – façade articulation, roof pitch
- Materials – wall and roof materials including colour palettes
- Garage door materials, colours and finishes
- Sheds and outbuildings -particularly in relation to rear of lot interfaces
- Treatments on corner allotments
- Landscaping in the publicly visible realm and in any rear setbacks, particularly in relation to rear of lot interfaces
- Driveway materials and colours
- Fencing character and materials, including for:
  - front fencing visible from Kilmore and Amess Roads
  - rear fencing where it abuts a perimeter road or tree reserve
  - fencing forward of house setback
  - non-combustible fencing

- Sustainable development requirements for dwellings.

Once endorsed, the Housing Design Guidelines must be applied as a restriction on the plan of subdivision for lots 300 sqm or greater, or be applied through an agreement with the responsible authority under Section 173 of the Act that is registered on the title to the land.

**Condition – 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 - Precinct Infrastructure Plan**

Any permit for subdivision must contain the following condition:

Prior to the certification of a plan of subdivision or at such other time which is agreed between 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 provides 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 Development Contributions Plan.

**Conditions and requirements - Kangaroo Management Plan**

Before the certification of the plan of subdivision, a Kangaroo Management Plan must be approved by the Responsible Authority. The approved plan will form part of the permit.

The submitted Kangaroo Management Plan must include:

- Strategies to avoid land locking kangaroos, including staging of subdivision;
- Strategies to minimise animal and human welfare risks;
- Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location; and
- Actions to address the containment of kangaroos to ensure adequate animal welfare.

The approved Kangaroo Management Plan must be implemented to the satisfaction of the Responsible Authority.

**Condition - Environmental Management Plans for Conservation Areas**

A planning permit to subdivide land, construct a building, or construct or carry out works within 50 metres of land shown as a conservation area in the incorporated *Amess Road Precinct Structure Plan* must include the following condition:

Prior to the commencement of development, a land management plan for the conservation area land must be prepared by a suitably qualified consultant, submitted to, and approved by the Responsible Authority in consultation with the Department of Energy, Environment and Climate Action. The land management plan must outline how the biodiversity values for the land identified will be maintained, managed, and improved, including:

- Methods for the control and eradication of weeds and pest animals
- Techniques to reinstate, protect and enhance biodiversity values, including the retention of native vegetation and faunal habitat.
- Plans drawn to scale with dimensions and showing:
  - The boundaries of the conservation area
  - The locations of all native vegetation to be retained, revegetation, open access, shared pathing, management measures to protect biodiversity

- A planting schedule of all proposed trees, shrubs and ground covers, including botanical names & common names
- How any revegetation will be undertaken in coordination with weed management activities to prevent re-colonisation of weed species.
- How rubbish and hazards will be removed, and any contaminated material managed up until the securing of the conservation area.
  - A maintenance, monitoring and reporting schedule

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the responsible authority.

#### **Condition - Protection of conservation areas and native vegetation during construction**

A permit to subdivide land, construct a building or carry out works, where the incorporated *Amess Road Precinct Structure Plan* shows the land, or abutting land, including a conservation area or a patch of native vegetation or a scattered tree must contain the following conditions:

Before the commencement of buildings or works on or within 50m of a conservation area or patch of native vegetation or scattered tree identified for retention in the Native Vegetation Precinct Plan as shown in the Precinct Structure Plan, the permit holder must erect a vegetation protection fence around any conservation area, patch of native vegetation or scattered tree identified for retention in the Native Vegetation Precinct Plan, or vegetation identified for salvage in the Precinct Structure Plan or the Native Vegetation Precinct Plan.

- highly visible
- at least 2 metres in height
- sturdy and strong enough to withstand knocks from construction vehicles
- in place for the whole period of construction occurring within 30m of the conservation area, patch of native vegetation or scattered tree
- located at a minimum distance from:

Element	Minimum distance from element
Conservation area	0.5 metres
Scattered	12 x Diameter at Breast Height
Patch of native vegetation	2 metres

During the undertaking of buildings or works, all activities must be excluded from occurring within the protection fencing, unless otherwise agreed to by the Responsible Authority.

Construction stockpiles, fill, machinery, vehicle parking, excavation and works or other activities associated with the buildings or works must be designed and constructed to ensure that the conservation area, scattered trees or patches of native vegetation identified for retention in the Precinct Structure Plan are protected from adverse impacts during construction.

#### **Condition - Environmental Management Plans outside of Conservation Areas**

Prior to commencement of works, a Construction Site Environmental Management Plan (CSEMP), must be submitted to and approved by the Responsible Authority to address the potential impacts of construction works. The CSEMP must be generally in accordance with 'doing it right on subdivision EPA 2004' and address methods for noise, dust, erosion and sediment control, waste and chemical management, flora/fauna protection, weed control, and archaeological/heritage impacts.

#### **Condition - Construction Litter Management Plan**

Prior to certification of the Plan of Subdivision for the first stage of subdivision, a construction litter management plan for the site must be submitted to and endorsed by the Responsible Authority and Melbourne Water. The plan must address how construction litter (such as polystyrene offcuts) will be managed and disposed of, to protect waterways and the environment.

**Condition - Public transport**

Unless otherwise agreed by Head, Transport for Victoria, prior to the issue of Statement of Compliance 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 Head, Transport for Victoria, at no cost to Head, Transport for Victoria, and to the satisfaction of Head, Transport for Victoria.

**Condition – Waterway Management Plan**

Prior to certification of the Plan of Subdivision for the first stage of subdivision, a Waterway Management Plan for each of the drainage reserves must be submitted to and endorsed by Melbourne Water, which details all the proposed waterway remediation works including weed control and revegetation works (by/at the cost of the developer).

**Condition - Road network**

Any permit for subdivision or building and works 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 *Amess Road Development Contributions Plan*.

**Condition – Affordable Housing**

Prior to certification of the Plan of Subdivision for the first stage of subdivision, the landowner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987* to deliver an affordable housing (as defined by the *Planning and Environment Act 1987*) contribution equivalent to 10% of all new dwellings provided on the land. The provision may be provided via the following means:

- a Unencumbered ownership of 10% of the total number of Dwellings approved for the Land to be transferred to the Registered Housing Agency or any other housing provider or trust that is approved by the Responsible Authority for nil consideration; or
- b A sum of money equal to the cumulative Market Value of the affordable housing Dwellings to be paid to a Registered Housing Agency or any other housing provider or trust that is approved by the Responsible Authority; or
- c Management of 10% of the total number of Dwellings approved for the Land to be assumed by a Registered Housing Agency or any other housing provider or trust that is approved by the Responsible Authority; or
- d provide an alternative means of delivering an equivalent quantum (to 10% of the approved dwellings) of Affordable Housing.

to the satisfaction of the responsible authority.

The agreement must specify the timing of the delivery of the contribution and a mechanism for the reporting of the outcome to the responsible authority.

**Note: Condition – Affordable Housing**

The Proponent's Final Day version of the Planning Permit (D149 and D150) proposed a different affordable housing condition to that provided here. Based on the Proponent's views outlined in its submissions and at the hearing, it appears the Proponent mistakenly did not update its Final Day preferred version of the UGZ1 (the document this Committee version is based on) with its preferred affordable housing clause.

The text here reflects the Committee's preferred version of the UGZ1.

The landowner must meet all the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the responsible authority.

#### **Requirement - Management of bushfire risk during subdivisional works**

A permit for subdivision that contains a condition requiring a construction management or site management plan must ensure that the relevant plan addresses any potential bushfire risks arising from the land during construction and must include a statement from a suitably qualified professional that the proposed bushfire risk management measures are appropriate.

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### **Exemption from notice and review**

None specified.

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### **Decision guidelines**

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 as defined by the Planning and Environment Act 1987;
- The Ministerial Notice under 3AA(2) of the Act, as amended from time to time.

## **7.0**

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### **Signs**

Sign requirements are at Clause 52.05. All land within the Amess Road Precinct Structure Plan area is included in the category specified in its applied zone at Clause 2.2 of this schedule.

#### **Land and home sales signs**

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The advertisement area for each sign does not exceed 10 square metres;
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- The sign is not animated, scrolling, electronic or internally illuminated sign;  
The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot;
- The sign is setback a minimum of 750mm from property boundary.

## Appendix H Committee preferred version of the draft Permit

Note: This version is based on the Proponent's Final Day version of the draft Permit with all tracked changes accepted (D149).

### 1 Endorsed subdivision plans – amended plans required

Before a plan of subdivision is certified under the Subdivision Act 1988, plans of the proposed development of the land must be approved and endorsed by the responsible authority. The plans must be drawn to scale and include dimensions. The plans must be submitted in electronic form and be generally in accordance with the Riddells Creek Stage 1 Masterplan prepared by UrbanFold (Revision 9, dated 27/02/2025). The plans must be to the satisfaction of the responsible authority and must be amended to show:

- (a) the avoidance of lot boundaries terminating the point of any vista along a road so as to avoid the appearance of garages that may be developed in the future also terminating these views, in accordance with the recommendation contained at paragraph 126 of the report of Mr Barry Murphy titled 'Statement of Urban Design and Landscape Architectural Evidence dated 29 January 2025;
- (b) if an arboricultural report prepared to the satisfaction of the responsible authority (prepared in accordance with condition 28 below) identifies them as worthy of retention, the retention of trees 233, 234, 235, 236, 238 and 239 as identified at paragraphs 123-125 of the report of Mr Barry Murphy titled 'Statement of Urban Design and Landscape Architectural Evidence dated 29 January 2025;
- (c) a fully dimensioned subdivision layout which includes the following details:
  - (i) Lot numbers.
  - (ii) Lot sizes and widths, ensuring compliance with minimum lot widths (as per Requirement 5 of the Amess Road Precinct Structure Plan.
  - (iii) 1m x 1m property splays at the laneway/local street intersection.
  - (iv) Width of street reservations.
  - (v) The location of easements.
  - (vi) The location of any areas of open space.
  - (vii) A four metre paper road to the north of the amenity based density lots that front LLP-06.
- (d) a staging plan which shows the stage boundaries, order of staging and the lot numbers within each stage.

### 2 Wohl Court

Before any plan of subdivision is certified under the Subdivision Act 1988, the Owner must establish that it has ownership rights over the land comprising the former Wohl Court.

### 3 Layout not altered



The layout of the subdivision must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.

#### **4 Easements**

All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

#### **5 Powercor Easement**

Before the first Plan of Subdivision is certified under the Subdivision Act 1988, a plan of subdivision must be submitted to apply an easement within Wohl Court in favour of Powercor under the Subdivision Act 1988.

#### **6 Staging**

The subdivision must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed in writing by the responsible authority.

#### **7 Public Infrastructure Plan**

Before the first Plan of Subdivision is certified under the Subdivision Act 1988, or at such other time as agreed in writing by Council, a Public Infrastructure Plan must be provided for endorsement which addresses the following:

- (a) What land may be affected or required for the provision of infrastructure works;
- (b) The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- (c) What, if any, infrastructure set out in the development contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency;
- (d) The provision of public open space; and
- (e) Any other matter relevant to the provision of public infrastructure required by the responsible authority.

#### **8 Section 173 Agreement**

Before the first Plan of Subdivision is certified under the Subdivision Act 1988, or at such other time or as agreed in writing by Council, the owner must enter into an agreement under Section 173 of the Planning and Environment Act 1987 (Act). The agreement must be made between the owner and the responsible authority. The agreement must provide for:

- (a) The implementation of the endorsed Public Infrastructure Plan approved under this permit and specifically for the orderly provision of those infrastructure and land projects which are part of the relevant DCP to the satisfaction of the Collecting Agency and Development Agency. The projects to be provided as works in kind must include the following:
  - (i) RD-03B – Construction of the footpath on the south side of Amess Road – Wohl Court to Kilmore Road and associated lighting;
  - (ii) Localised widening of Amess Road at the culvert bridge crossing to provide safe width for two vehicles at the same time (including construction vehicles).

- (b) The provision including the timing and transfer to or vesting in Council of any land required for road widening or public open space or for any other infrastructure project, funded under the relevant Development Contributions Plan in a manner which is agreed with Council and the Development Agency under the relevant Development Contributions Plan.
- (c) Only works for the localised widening that are consistent with works listed and costed for DCP project RD-02B can be offset against liability to pay development contributions.
- (d) The arrangements, including the timing for the provision of the works in kind infrastructure projects forming part of the relevant Development Contributions Plan.
- (e) The timing and the quantum of any credit or payments to be given or made to the owner in respect of any infrastructure project or land project having regard to the availability of funds in the relevant Development Contributions Plan.
- (f) The equalisation of public open space contributions having regard to the amount specified in the schedule to Clause 53.01 of the Macedon Ranges Planning Scheme and the Property Specific Land Budget contained within the Amess Road Precinct Structure Plan.
- (g) The expiry of the agreement when the obligations contained in it are discharged.

The owner/applicant must pay the Responsible Authority's reasonable costs for the preparation, execution and registration of the Section 173 Agreement.

## **9 Building envelope plan**

Before the plan of subdivision for Stage 1 is certified under the Subdivision Act 1988, a building envelope plan for lots where the Small Lot Housing Code is not applied must be approved and endorsed by the Responsible Authority. The building envelope plan must be designed to consider the provision of solar access and relevant bushfire protection measures (if applicable) and must show:

- (a) A setback at least sufficient to ensure that all the dwellings along the eastern boundary of the site achieve an overall 19m setback from the adjoining rural land.
- (b) Side setbacks for building envelopes to ensure sufficient room for landscaping including trees between lots and with a particular focus on lots facing the collector road, Amess Road and the eastern settlement boundary interface.
- (c) At least a 5m setback from the required landscape strip for the lots with backyards adjoining Amess Road.
- (d) At least a 4m setback for lots directly fronting open space and drainage reserves.

## **10 Earthworks Plan**

Before the plan of subdivision for Stage 1 is certified under the Subdivision Act 1988, an earthworks plan which shows all proposed cut and fill levels must be submitted to and endorsed by the Responsible Authority.

## **11 Retaining Wall Plan**

Before the plan of subdivision for Stage 1 is certified under the Subdivision Act 1988, if any retaining walls are proposed, a Retaining wall plan, that demonstrates that any required retaining walls are of a location, height and design that are consistent with Guidelines 4 and 26 of the Amess Road Precinct Structure Plan) must be submitted to and endorsed by the Responsible Authority.

## **12 Small Lot Housing Code Plan**

Before the plan of subdivision for Stage 1 is certified under the Subdivision Act 1988, a Small Lot Housing Code plan must be submitted to and endorsed by the responsible authority. The plan must identify the lots that will include a restriction on title requiring the application of the Small Lot Housing Code. Any Plan of Subdivision submitted for certification containing lots to which the Small Lot Housing Code applies must identify whether type A or type B of the Small Lot Housing Code applies to the satisfaction of the responsible authority.

## **13 Housing and Design Guidelines**

- (a) Prior to certification of the Plan of Subdivision for the first stage of subdivision, housing design guidelines must be submitted to and endorsed by the Responsible Authority (Housing Design Guidelines) . The Housing Design Guidelines must be consistent with the requirements and guidelines of the incorporated *Amess Road Precinct Structure Plan*. In addition to the standard design guidelines, the guidelines must also specifically address the following:
  - (i) Materials palette for homes including roofs
  - (ii) Landscaping in private realm including within front and rear setbacks (particularly relevant for lots on key interfaces identified in the PSP)
  - (iii) Fencing treatments which should consider both rural character and privacy
  - (iv) Sustainable development initiatives for private homes
- (b) The Housing Design Guidelines for housing along the East perimeter interface, Amess Road, and either side of the internal Collector Road should address the following as relevant:
  - (i) Built form – façade articulation, roof pitch
  - (ii) Materials – wall and roof materials including colour palettes
  - (iii) Garage door materials, colours and finishes
  - (iv) Sheds and outbuildings -particularly in relation to rear of lot interfaces
  - (v) Treatments on corner allotments
  - (vi) Landscaping in the publicly visible realm and in any rear setbacks, particularly in relation to rear of lot interfaces
  - (vii) Driveway materials and colours
  - (viii) Fencing character and materials, including for:
    - (A) front fencing visible from Kilmore and Amess Roads
    - (B) rear fencing where it abuts a perimeter road or tree reserve

- (C) fencing forward of house setback
- (D) non-combustible fencing
- (ix) Sustainable development requirements for dwellings.
- (c) Once endorsed, the Housing Design Guidelines must be applied as a restriction of the plan of subdivision for lots 300 sqm or greater or be applied through an agreement with the responsible authority under Section 173 of the Act that is registered on the title to the land.

#### **14 Kangaroo Management Plan**

- (a) Before the certification of the plan of subdivision, a Kangaroo Management Plan must be approved by the Responsible Authority. The approved plan will form part of the permit.
- (b) The submitted Kangaroo Management Plan must include:
  - (i) Strategies to avoid land locking kangaroos, including staging of subdivision;
  - (ii) Strategies to minimise animal and human welfare risks;
  - (iii) Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location; and
  - (iv) Actions to address the containment of kangaroos to ensure adequate animal welfare.
- (c) The approved Kangaroo Management Plan must be implemented to the satisfaction of the Responsible Authority.

#### **15 Integrated Water Management Plan**

Before certification of the first plan of subdivision, unless otherwise agreed to by Council, an Integrated Water Management Plan prepared by a suitably qualified or experienced consultant must be submitted to and approved by the responsible authority. When approved, the IWMP will be endorsed and will then form part of the permit. The IWMP must be in accordance with Requirements 45, 49 and 50 and have regard to Guidelines 48, 49, 50 and 51 of the PSP and Clause 56.01-2 and Clause 56.07 and include the following:

- (a) A requirement that each new dwelling is to install a minimum 2000 litre rainwater tank. The tank must be connected to supply water to all toilets and the laundry within the dwellings to the satisfaction of the responsible authority. Once endorsed, the requirement for a minimum 2000 litre rainwater tank under the IWMP must be applied as a restriction on the plan of subdivision for lots 300 sqm or greater.
- (b) Identification of any other initiative proposed for the overall permit area including clearly documenting the works required to achieve any proposed integrated water management initiatives to Council's satisfaction.

#### **16 Affordable Housing**

~~Prior to the commencement of development (excluding demolition, bulk excavation and site preparation works), or other date agreed to by the responsible authority, the landowner must enter into an agreement with the responsible authority under Section 173 Agreement of the Planning and Environment Act 1987 to deliver an affordable housing contribution equivalent to~~

~~10% of the total number of serviced lots to be provided as nominated by the landowner within the project, at a discount of 20% of market value as determined by an appropriately qualified expert (Primary Obligation). The Primary Obligation can be delivered in stages broadly in line with the delivery of infrastructure and local amenity and to respond to the location principles as set out in the Amess Road Precinct Structure Plan. The Affordable Housing Contribution may be delivered via the following means (or a combination of multiple means):~~

- ~~(a) 10% of the total number of serviced lots to be provided as nominated by the landowner sold at a 20% discount to market value to a Registered Housing Agency (RHA) or Homes Victoria for operation as social and/or affordable housing; or~~
- ~~(b) Gifting completed dwellings as nominated by the landowner for nil consideration within the development to a RHA which in total have the same monetary value as the Primary Obligation; or~~
- ~~(c) Provide a cash contribution to the Social Housing Growth Fund or another RHA nominated by the responsible authority that is of equal value to the Primary Obligation; or~~
- ~~(d) An alternative means of delivering the Primary Obligation as agreed and approved by the responsible authority.~~

~~The agreement must specify the timing of the delivery of the contribution and a mechanism for the reporting of the outcome to the responsible authority.~~

~~The landowner must meet all the expenses of the preparation of the agreement, including the reasonable costs borne by the responsible authority~~

Prior to certification of the Plan of Subdivision for the first stage of subdivision, the landowner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987* to deliver an affordable housing (as defined by the *Planning and Environment Act 1987*) contribution equivalent to 10% of all new dwellings provided on the land. The provision may be provided via the following means:

- (a) Unencumbered ownership of 10% of the total number of Dwellings approved for the Land to be transferred to the Registered Housing Agency or any other housing provider or trust that is approved by the Responsible Authority for nil consideration; or
- (b) A sum of money equal to the cumulative Market Value of the affordable housing Dwellings to be paid to a Registered Housing Agency or any other housing provider or trust that is approved by the Responsible Authority; or
- (c) Management of 10% of the total number of Dwellings approved for the Land to be assumed by a Registered Housing Agency or any other housing provider or trust that is approved by the Responsible Authority; or
- (d) provide an alternative means of delivering an equivalent quantum (to 10% of the approved dwellings) of Affordable Housing,

to the satisfaction of the responsible authority.

The agreement must specify the timing of the delivery of the contribution and a mechanism for the reporting of the outcome to the responsible authority.

The landowner must meet all the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the responsible authority.

## **17 Construction Litter Management Plan**

Prior to certification of the Plan of Subdivision for the first stage of subdivision, a construction litter management plan for the site must be submitted to and endorsed by the Responsible Authority and Melbourne Water. The plan must address how construction litter (such as polystyrene offcuts) will be managed and disposed of, to protect waterways and the environment.

## **18 Waterway Management Plan**

Prior to certification of the Plan of Subdivision for the first stage of subdivision, a Waterway Management Plan for each of the drainage reserves must be submitted to and endorsed by Melbourne Water, which details all the proposed waterway remediation works including weed control and revegetation works (by/at the cost of the developer).

## **19 Revegetation works to Jacksons Creek**

Prior to the certification of the last stage of the subdivision for this permit, provided that the landowner provides consent, revegetation and ancillary drainage works are to be undertaken within the Jacksons Creek drainage line within 'Property 1' as identified in the report titled 'Amess Road Precinct Structure Plan, Jacksons Creek Tributary, Frequent Flow assessment (Stormy Water Solutions Consulting Pty Ltd, Version 2, 6 August 2024)' to the satisfaction of the Responsible Authority.

## **20 Restrictions on Plan of Subdivision**

Prior to the certification of the Plan of Subdivision for each stage, the Plan of Subdivision must include the Building Envelope Restrictions set out in the approved Building Envelope Plan and the approved Housing and Design Guidelines and the Small Lot Housing Code:

Small Lot Housing Code

- (a) A lot identified to use the provision of the Small Lot Housing Code must include a restriction to allow the use of the Small Lot Housing Code.
- (b) The restriction must identify whether Type A or Type B of the Small Lot Housing Code applies to each lot.

## **21 Early earthworks**

At its discretion, the Responsible Authority may allow bulk earthworks to commence prior to approval of detailed engineering (road, drainage and ancillary) plans. The following requirements must be complied with to the satisfaction of the Responsible Authority for any stage of subdivision:

- (a) Functional Layout Plans and Bulk Earthwork Plans must be submitted and approved by the Responsible Authority before any earthworks commence.
- (b) Bulk Earthworks must be contained to site boundaries. No batter slope overruns shall be allowed without relevant approvals.
- (c) No structures, including but not limited to retaining walls, shall be permitted with early Bulk Earthworks

- (d) Bulk Earthworks must not commence prior to the approval of a Construction Management Plan for the works. Once approved the Construction Management Plan will form part of the endorsed set of planning documents.
- (e) A Geotechnical Report completed by a suitably qualified geotechnical engineer must be submitted to and be to the satisfaction of the Responsible Authority.

Civil (road, drainage and ancillary) works shall not commence until the Geotechnical Report is to the satisfaction of the Responsible Authority. All Bulk Earthworks shall be done under “Level 1 inspection and testing” conditions, as per Australian Standard AS3798.

## **22 Bulk Earthworks Sodic Soils Report**

Before the plan of subdivision is certified under the Subdivision Act 1988, a report must be prepared to the satisfaction of the responsible authority demonstrating that sodic and/or dispersive soils are not present in the works area. If sodic soils are found, the report should contain recommendations for any management or treatment of the sodic soils that are identified. Any recommendations in the report must be carried out to the satisfaction of the Responsible Authority.

## **23 Traffic Management Plan**

Fourteen (14) days before the development starts, including bulk earthworks (cutting / filling), a site-specific Traffic Management Plan (TMP) must be submitted to the responsible authority. The TMP must be to the satisfaction of the Responsible Authority and must include the following:

- (a) Sight lines must always be maintained for appropriate speed limits during construction.
- (b) Temporary signage must be installed in appropriate locations in accordance with Australian Standards.
- (c) A truck wheel wash station must be installed nearby the vehicular exit location and must be operating and utilised by vehicles whilst earthworks are being undertaken.
- (d) Arrangements for the second egress must be identified.

## **24 Payment of Development Contributions**

A Development Infrastructure Levy must be paid to the Collecting Agency in accordance with the provisions of the approved Amess Road Development Contributions Plan applying to the land. The Development Infrastructure Levy for a stage must be paid to the Collecting Agency not more than 21 days prior to the issue of a Statement of Compliance in respect of that stage unless some other time has been agreed with the Collecting Agency.

## **25 Schedule of Development Contributions**

Prior to the Certification of the Plan of Subdivision for each stage, a Schedule of Development Contributions payable for the Stage and any previous stages must be submitted and must show:

- (a) The Stages to which the schedule applies;
- (b) The Net Developable Area of the stages; and
- (c) Any Works In Kind that are proposed to be undertaken.



## **26 Public Open Space Contribution**

An open space contribution must be made in accordance with clause 53.01 of the Macedon Ranges Planning Scheme. The contribution is to be made in land, or cash, or a combination of both, in accordance with the Amess Road Precinct Structure Plan.

## **27 Transfer of public land**

- (a) 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.
- (b) 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.

## **28 Public Transport**

Unless otherwise agreed by Head, Transport for Victoria, prior to the issue of Statement of Compliance for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:

- (a) 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.
- (b) At locations approved by Head, Transport for Victoria, at no cost to Head, Transport for Victoria.

## **29 Arboricultural Report**

An arboricultural report must be submitted to the Responsible Authority prior to, or together with, the plans for endorsement under condition 1. It must be prepared by a suitably qualified arborist to the satisfaction of the Responsible Authority. It must report on the structure, form, safety and safe useful life expectancy of trees 233, 234, 235, 236, 238 and 239 as identified at paragraphs 123-125 of the report of Mr Barry Murphy titled 'Statement of Urban Design and Landscape Architectural Evidence dated 29 January 2025.' The report must be to the satisfaction of the Responsible Authority and provide recommendations concerning the retention value of these trees.

## **30 Native Vegetation Precinct Plan – conditions for removal of native vegetation**

- (a) The removal, destruction or lopping of native vegetation must be in accordance with the Amess Road NVPP. Only the native vegetation which is identified for removal in the Amess Road NVPP may be removed, destroyed or lopped. Native vegetation which is identified for removal in the Amess Road NVPP can only be removed if the purpose of its removal is in accordance with the purpose of the Amess Road NVPP.
- (b) Notwithstanding anything to the contrary in the Amess Road NVPP, trees numbered 233, 234, 235, 236, 238 and 239 as identified at paragraphs 123-125 of the report of Mr Barry Murphy titled 'Statement of Urban Design and Landscape Architectural Evidence dated 29 January 2025' must not be removed unless the arboricultural report prepared pursuant condition 29 determines that they are not worthy of retention and that report is to the satisfaction of the Responsible Authority.

- (c) Prior to the removal of any native vegetation, a statement of intention to remove native vegetation must be provided to the satisfaction of the responsible authority.
- (d) The statement must include:
  - (i) The purpose of the native vegetation removal.
  - (ii) Evidence that an offset has been secured. The offset must meet the offset requirements set out in the Amess Road NVPP and delivered in accordance with the requirements of Guidelines for the removal, destruction or lopping of native vegetation. Offset evidence can be:
    - (A) A security agreement (signed by both parties) to the required standard for the offset site or sites, including a 10 year offset management plan.
    - (B) An allocated credit extract from the Native Vegetation Credit Register.
    - (C) Other evidence that meets the requirements described in section 5 of the Amess Road NVPP.
- (e) Prior to the removal of any native vegetation, or prior to the commencement of works, all native vegetation identified in the Amess Road NVPP as to be retained must be protected by high visibility fencing, as follows:
  - (i) Fencing around scattered trees and trees within patches of native vegetation must meet the minimum standards for a tree protection zone described in AS 4970-2009 Protection of trees on development sites or succeeding Australian Standard.
  - (ii) Fencing around patches of native vegetation must be erected at a minimum distance of 2 metres from the retained native vegetation.
- (f) Except with the written consent of the Responsible Authority, within the native vegetation protection areas:
  - (i) No vehicular or pedestrian access, trenching or soil excavation is to occur;
  - (ii) No storage or dumping of tools, equipment or waste is to occur; and
  - (iii) No entry and exit pits for underground services are to be constructed.
- (g) Prior to felling of any tree which may be removed, the tree must be examined by a suitably qualified zoologist for the presence of fauna in hollows or external nests. Whenever possible tree removal should not occur during spring and early summer to avoid disturbing active nests. If native fauna species are located, they must be salvaged and relocated to the closest suitable vegetation, in consultation with DEECA and the Responsible Authority.
- (h) All indigenous trees permitted to be removed must be relocated into protected conservation areas within the Amess Road NVPP or a nearby conservation reserve for inclusion as large logs, in consultation with DEECA and the Responsible Authority. These logs must be cut into a minimum of 1.5 metre lengths and placed into the conservation areas under the direction of a suitably qualified ecologist or Council environment officer, with the written consent of the Responsible Authority.

- (i) Any construction stockpiles, fill and machinery must be placed at least 30 metres away from areas supporting native vegetation and drainage lines, or to the satisfaction of the responsible authority.

### **31 Functional layout plan**

Before the plan of subdivision is certified under the Subdivision Act 1988, at each stage, or any other time agreed by the responsible authority, a functional layout plan (FLP) for road and drainage infrastructure in accordance with the approved Amess Road Precinct Structure Plan (PSP) must be submitted to and approved by the responsible authority. The functional layout plan must be drawn at a scale of 1:500 to acceptable drafting standards.

The functional layout plan must be generally in accordance with the application plans but incorporate the following:

- (a) The following road infrastructure requirements:
  - (i) typical cross-sections for each street type, dimensioning individual elements, services offsets, pram crossing (bi-directional) and any other spatial requirements identified in the PSP.
  - (ii) the location of any traffic management devices required to service the subdivision (signals, roundabouts, splitter islands, etc), including traffic management devices to create a slow speed environment where street block length is more than 240m.
  - (iii) raised wombat crossing at all shared user path crossings.
  - (iv) swept path diagrams demonstrating that the road network (including laneways) has been designed and checked in accordance with Austroads Design Vehicle and Turning Path templates. Cul-de-sac designed for 10.9 m waste collection vehicle movement in a forward direction or 3-point turn.
  - (v) weatherproof temporary turning area, or other suitable arrangement must be provided at all dead-end roads.
  - (vi) any roundabout/intersection on Connector Streets designed to accommodate buses in accordance with the Austroads guidelines as well as Public Transport Guidelines for Land User and Development.
- (b) Works external to the subdivision, including both interim and ultimate access requirements.
- (c) The following drainage infrastructure requirements:
  - (i) the major drainage system, including any watercourse, wetland, sediment pond and/or piped element showing preliminary sizing.
  - (ii) overland flow paths (1% AEP) to indicate how excess runoff will safely be conveyed to ultimate outfall (within the site and externally).
  - (iii) drainage outfall system indicating a legal point of discharge and any access requirements for construction and maintenance.
  - (iv) the functional design of drainage assets wetland/retarding basing (WL2), , including outfall via neighbouring lot. Written consent from neighbouring

property owners must be provided to the Council for any works within their land prior to endorsement of FLP Plans.

- (d) The following additional requirements:
  - (i) a table of offsets for all utility services and street trees.
  - (ii) preliminary location of reserves for electrical kiosks.

### **32 Civil works plan**

Before the plan of subdivision is certified under the Subdivision Act 1988 or works commence for each stage, detailed civil engineering plans (including for all landscape elements) must be submitted to and approved by the responsible authority. The civil engineering plan will not be considered or approved until the functional layout plan(s) for the relevant stage has been approved by the responsible authority, the plan of subdivision has been certified, a landscape works plan for the relevant stage has been submitted for comparison against the civil engineering plan, and the locations of other authorities' services have been provided to the satisfaction of the responsible authority. When approved, the civil engineering plan will be endorsed and will then form part of the permit. A civil engineering plan includes:

- (a) specifications of the proposed works that are to become public assets within and outside of the subdivision as required by this permit.
- (b) all necessary computations and supporting documentation, including a Certificate of Compliance (design) for any structure, traffic data, road safety audit and geotechnical investigation and pavement design report by a registered professional engineer.
- (c) all details of works consistent with the approved functional layout plan, submitted draft landscape works to plan and lodged plan of subdivision.
- (d) design for full construction of streets, sealed pavements with kerb and channel, and underground drainage, including measures to control/capture pollutants and silt.
- (e) provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan.
- (f) provision of public lighting and underground electricity supply within all streets.
- (g) traffic control measures.
- (h) provision of street name plates to the Council standard design, including a schedule of individual signs and associated street numbers.
- (i) provision of footpaths in all streets and reserves and between the subject land and the nearest other existing subdivision in accordance with the approved functional layout plan.
- (j) shared paths in accordance with the PSP within streets and reserves.
- (k) provision of underground easement drains of sufficient capacity to serve all lots being created to a legal point of discharge and the provision of an inlet on each such lot.
- (l) the location and provision of vehicle exclusion mechanisms abutting reserves.
- (m) details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves.

- (n) appropriate mechanisms for protecting environmental and heritage assets during the construction phase of the subdivision.
- (o) provision for the utilisation of any surplus topsoil from this stage.
- (p) permanent survey marks.
- (q) survey details of the canopy trunk location and size of trees to be retained and associated tree protection zones.
- (r) details in relation to all filling on the site, which must be compacted to specifications approved by the Responsible Authority.
- (s) the relocation underground of all existing aerial services, including electricity and telecommunications assets, within streets abutting the subdivision.
- (t) the location of any earthworks (cut or fill) or service provision in a location outside the designated tree protection zone which does not adversely impact on the health and integrity of any trees to be retained.
- (u) separate signage and line marking plan identifying the road layout, proposed signs, line marking, RRPMS and a sign schedule.
- (v) drainage asset WL2 as per design guidelines.
- (w) the construction of Amess Road, including a shared user path as part of Stage 2 of the development.

### **33 Stormwater drainage/Water Sensitive Urban Design Assets**

Any stormwater drain, temporary drainage outfalls and ancillary works, that are designated to become the responsibility of the Council for maintenance, must be designed and constructed to the satisfaction of the responsible authority.

An ~~Anceid~~ [Australian National Committee on Large Dams](#) assessment completed by a properly qualified and certified professional must be provided for the stormwater assets where required.

Before the approval of construction plans for roadworks and drainage, the designs for such works and the details of maintenance requirements (asset management and maintenance schedule) must be submitted to and approved by the responsible authority.

### **34 Temporary drainage asset**

Where a temporary drainage asset is proposed it must be maintained to the satisfaction of the Responsible Authority. Unless any temporary drainage asset is removed and the land reinstated prior to the issue of the Statement of Compliance for the final stage of the development, or at any other time that Council agrees, the owner must enter into an agreement under section 173 of the Act with Council providing for the maintenance of the temporary drainage asset and the removal of the temporary drainage asset and the reinstatement of the area to the satisfaction of Council all at the cost of the Owner.

### **35 Filling of the land**

All filling on the site must be carried out, supervised, completed and recorded in accordance with AS 3798 (Guidelines on earthworks for commercial and residential developments) to specifications to the satisfaction of the Responsible Authority. The geotechnical authority responsible for supervision and testing under this condition must be independently engaged by the applicant and

not be engaged by the contractor carrying out the works. Before the issue of a Statement of Compliance, unless otherwise agreed in writing by the responsible authority, compaction test results and a report shall be provided to the satisfaction of the Responsible Authority.

### **36 Road widening**

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 Amess Road Development Contributions Plan.

### **37 Works on or to the land**

Before a Statement of Compliance is issued for any stage of the subdivision under the Subdivision Act 1988, the following works must be provided on or to the land to the satisfaction of the responsible authority:

- (a) all road and drainage works shown on approved detailed construction plans.
- (b) stormwater management system in accordance with approved stormwater management plan.
- (c) landscaping in accordance with the landscape plan approved under this permit
- (d) street trees.
- (e) street lighting.
- (f) fencing on the boundaries of any Council reserve.

The responsible authority may consent in writing to vary these requirements.

### **38 As constructed plans**

- (a) Before a Statement of Compliance is issued for each stage, or any other time at which the responsible authority agrees, 'as constructed plans' for road, drainage and landscape works must be submitted to the satisfaction of the responsible authority. The plans must meet the following requirements:
  - (i) As Constructed data for newly built public assets shall be provided as per A-Spec (specifications to maintain Asset Registers). Asset information must be projected to GDA2020 in digital format to include D-Spec (drainage data), R-Spec (road data) and OSspec (open space data) as per "A-Spec" specifications
- (b) Before Council's consent to Practical Completion, the following must be submitted to the satisfaction of the Responsible Authority:
  - (i) a complete set of 'as constructed plans' of site works (amended if necessary to show any changes that may have occurred during construction), which include Civil, electrical and telecommunication works, in digital file format AutoCAD (recent version) and PDF. The digital files must have a naming convention (Subdivision name\_Stage) to enable identification of Council assets listed and should be projected to GDA2020-MGA Zone 55;

- (ii) a list of asset quantities which include the following Council assets;
- (iii) total length of Roads, Footpath, Kerb and Channel;
- (iv) total number of Bridges, WSUD features, Traffic calming devices;
- (v) total length of pipe and number of pits for Drainage and Telecommunications;
- (vi) total number of streetlights;
- (vii) total number of road reserve assets;
- (viii) asset information must include D-Spec (drainage data) and R-Spec (road data) as per “A-Spec” specifications (the Consultant/Developer Specifications for the delivery of digital data to Local Governments) in ESRI Shape Files (preferred format) or MapInfo with attributions. All GIS and CAD data submitted must be in Map Grid Australia Zone 55 projection and referenced to Geocentric Datum of Australia (GDA) 2020;
- (ix) Please refer to the website for detailed A-Spec Standards: <http://www.a-specstandards.com.au/>;
- (x) Bonds will not be released until the drawings are delivered in the correct format to the Council.

### **39 Construction Management Plan**

Prior to commencement of works the owner or applicant must submit a Construction Management Plan for approval by the responsible authority. This plan shall include, but not be limited to:

- (a) A site specific plan showing proposed erosion, salinity and sedimentation control works.
- (b) Techniques and intervention levels to prevent a dust nuisance.
- (c) Techniques to prevent mud and dirt being transported from the site to adjacent streets.
- (d) The protection measures taken to preserve any vegetation identified for retention.
- (e) All construction and maintenance equipment, earth moving equipment and associated machinery must be made free of soil, seed and plant material before being taken to the works site and again before being removed from the works site to the satisfaction of the Responsible Authority. This is to help prevent the spread of noxious weeds listed under the Catchment and Land Protection Act 1994.
- (f) Any construction stockpiles, fill and machinery must be placed at least 30 metres away from areas supporting native vegetation and drainage lines, waterway or to the satisfaction of the Responsible Authority.
- (g) All earthworks must be undertaken in a manner that will minimise soil erosion and adhere to Construction Techniques for Sediment Pollution Control, EPA, 1991.
- (h) Water run-off must be designed to ensure that native vegetation is to be retained is not compromised.

- (i) Any potential bushfire risks arising from the land during construction and a statement from a suitably qualified professional that the proposed bushfire risk management measures are appropriate.
- (j) must be generally in accordance with 'doing it right on subdivision EPA 2004' and address methods for noise, dust, erosion and sediment control, waste and chemical management, flora/fauna protection, weed control, and archaeological/heritage impacts.

During construction of works associated with the subdivision, the applicant must employ and provide the protection methods contained in the CMP to the satisfaction of the responsible authority.

## **LANDSCAPE/OPEN SPACE CONDITIONS**

### **40 Landscape Master Plan – Local Linear Park**

Prior to the Statement of Compliance for Stage 3, a landscape masterplan for linear local park (LLP-06) must be submitted to and endorsed by the Responsible Authority. The plan must show:

- (a) How the section of the linear local park within the development area is proposed to be developed.
- (b) How the section will provide for consistent continuity of the linear park with the adjoining sections (whether developed or undeveloped). Subsequent development of adjoining sections of the linear/local park must be generally in accordance with the approved master plan for that section to the satisfaction of the responsible authority.

### **41 Landscape Master Plan – Open Space and Conservation Reserve**

Before the plan of subdivision for Stage 1 is certified Subdivision Act 1988 or any works commence on land within 50 metres of land shown as a conservation area in the incorporated Amess Road Precinct Structure Plan, a Landscape Master Plan for the whole of the permit area must be approved and endorsed by the responsible authority. The Landscape Master Plan must:

- (a) Be prepared to the satisfaction of the responsible authority.
- (b) Be drawn to scale with dimensions and submitted in electronic form.
- (c) Be generally in accordance with the Precinct Structure Plan.
- (d) Be provided with the Functional Layout Plan as required by Condition .
- (e) Be generally in accordance with the Riddells Creek Stage 1 Masterplan (UrbanFold, Revision 9, 27/02/2025), but amended or supplemented to show the following:
  - (i) Principles and graphical concepts of the proposed treatments of the open space network and natural systems with clear representation of local parks, conservation reserves, linear reserves, landscape entrance, drainage reserves, landscape buffer zones, the walking and cycling path network, and an indication of all proposed landscape treatments and features including:
    - (A) Any proposed structures/facilities/play spaces/exercise stations.
    - (B) Plentiful large canopy tree planting in all open space areas.
    - (C) All other walking paths, fire access and maintenance access tracks.



- (D) Topography and existing features, including contours for the subject land and any affected adjacent land.
- (E) Approximate locations of retaining walls.
- (F) The location of all vegetation existing on the site to be retained with protection zones clearly designated.
- (G) The location of all trees and/or vegetation proposed to be removed.
- (ii) Street trees on both sides of each road/street (excluding laneways) with size and spacing appropriate for each road type as generally shown in the cross sections of the approved the PSP.
- (iii) Tree species are to be of a majority of native species with selection of locally indigenous species (of local provenance) as a first preference from the Macedon Ranges Shire Council Street Tree Planting Preferred Species List. The tree schedule/legend is to include a notation “final tree species specification to later detailed design subject to final Engineering plans and cross sections”.

#### **42 Landscape Master Plan – Drainage and wetland reserve**

Before the plan of subdivision for a stage creating a drainage corridor and/or wetland area is certified, or at another time with the written consent of the Responsible Authority, a Drainage and Wetland Reserve Landscape Master Plan to the satisfaction of the Responsible Authority and prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the Responsible Authority. When approved, the Drainage and Wetland Reserve Landscape Masterplan will be endorsed and form part of the permit. The plan must be drawn to scale, fully dimensioned and a digital copy must be provided. The Drainage and Wetland Reserve Landscape Masterplan must show:

- (a) Vegetation that is approved to be retained, removed and/or lopped.
- (b) Buildings and trees (including botanical names) on neighbouring properties impacted by the proposed subdivision.
- (c) Site contours, 1:10 and 1:100 flood levels, and any proposed changes to existing levels including any structural elements such as retaining walls. Park furniture, infrastructure, paths and the like must be above the 1:100 flood level and must be above the 1:10 flood level to satisfaction of the Responsible Authority. Any crossing of a waterway must be above the 1:100 flood level.
- (d) The area and dimensions of the drainage and wetland reserve.
- (e) The general layout of reserve plantings including the proposed location of evergreen and deciduous tree species, and an indicative species list of all proposed planting.
- (f) All species selected must be to the satisfaction of the Responsible Authority.
- (g) The proposed location of structures and furniture items.
- (h) The proposed location of paths, trails and any other pavement areas including built edge/urban edge treatments including indicative cross-sections.
- (i) The location of fencing including tree, walkway, vehicle exclusion and open space reserve fencing.

### 43 Environmental Management Plan for Conservation Areas

The subdivision or any buildings or works within 50 metres of land shown as a conservation area in the incorporated Amess Road Precinct Structure Plan must not commence until an Environmental Management Plan has been approved to the satisfaction of the responsible authority.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the responsible authority. Any buildings and works must be carried out in accordance with any requirements or recommendations set out in the approved Environmental Management Plan.

### 44 Protection of conservation areas and native vegetation during construction

Before the commencement of buildings or works on or within 50m of a conservation area or patch of native vegetation or scattered tree identified for retention in the Native Vegetation Precinct Plan as shown in the Precinct Structure Plan, the permit holder must erect a vegetation protection fence around any conservation area, patch of native vegetation or scattered tree identified for retention in the Native Vegetation Precinct Plan, or vegetation identified for salvage in the Precinct Structure Plan or the Native Vegetation Precinct Plan.

The fence must be:

- (a) highly visible
- (b) at least 2 metres in height
- (c) sturdy and strong enough to withstand knocks from construction vehicles
- (d) in place for the whole period of construction occurring within 30m of the conservation area, patch of native vegetation or scattered tree
- (e) located at a minimum distance from:

Element	Minimum distance from element
Conservation area	0.5 metres
Scattered tree	12 x Diameter at B
Patch of native vegetation	2 metres

During the undertaking of buildings or works, all activities must be excluded from occurring within the protection fencing, unless otherwise agreed to by the Responsible Authority.

Construction stockpiles, fill, machinery, vehicle parking, excavation and works or other activities associated with the buildings or works must be designed and constructed to ensure that the conservation area, scattered trees or patches of native vegetation identified for retention in the Precinct Structure Plan are protected from adverse impacts during construction.

### 45 Environmental Management Plans outside of Conservation Areas

Prior to commencement of works, a Construction Site Environmental Management Plan (CSEMP), must be submitted to and approved by the Responsible Authority to address the potential impacts of construction works. The CSEMP must be generally in accordance with the publication 'Doing it right on Subdivision EPA 2004' and address methods for noise, dust, erosion and sediment control, waste and chemical management, flora/fauna protection, weed control, and archaeological/heritage impacts.

## 46 Detailed Landscape Plans

Before the certification of a plan of subdivision for each stage, and as part of the approval of engineering plans for that stage, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must:

- (a) Be prepared to the satisfaction of the responsible authority;
- (b) Be drawn to scale with dimensions and submitted in electronic form;
- (c) Be generally in accordance with the Amess Road Precinct Structure Plan, 2024 (the approved PSP) and any approved Functional Layout Plan;
- (d) be overlaid on the approved engineering plans to ensure coordination with services and all other infrastructure in the sub-division (including the location of vehicle crossovers);
- (e) Be generally in accordance with the Approved Landscape Masterplan, but amended to show details of the streetscape planting and open space parks and green links in accordance with the following requirements:
  - (i) Streetscapes
    - (A) Street trees must be provided as shown in the precinct structure plan cross sections on all roads/streets (excluding laneways) and are to be of a size at maturity appropriate as described in the precinct structure plan for each road type and nature strip width. Species must be bushfire resistant.
    - (B) Trees are to be at the intervals described in the precinct structure plan and also achieve an average tree canopy coverage of 30%.
    - (C) Plans are to include cross-sections for each road/street type generally in accordance with the approved PSP but to be updated and overlaid the final approved Engineering plans and details, dimensioning tree locations and all spatial requirements as per (d).
    - (D) Street trees are to be located with offsets from infrastructure as per Council's Tree Management Policy and Plan, 2022 and also show distances from external authority services and infrastructure including, but not limited to, above and below ground power authority infrastructure, water hydrants, street signage.
    - (E) A Plant Schedule for proposed tree species showing minimum supply size of 45L/1.6mH.
    - (F) Final tree species are to be of a majority of native species with selection of locally indigenous species (of local provenance) from the Macedon Ranges Shire Council Street Tree Planting Preferred Species List as a first preference, to the approval of the Responsible Authority.
    - (G) The following notations:
      - Tree planting is to occur between April & September to maximise establishment and survival.

- Tree locations shown on this plan are a guide only and may require adjustment to coordinate with final service locations, Powercor requirements, and 'as constructed' infrastructure.
  - Street tree locations are to be set-out and approved on site by the Council Landscape Officer prior to installation.
  - It is the responsibility of the contractor to confirm the location of all underground services prior to commencement of any excavation.
- (H) An advanced Tree Planting Detail with a minimum 26L Greenwell water saver and 3 no. hardwood stakes OR Tree Coach® system

(ii) Local Parks and Feature Entry

- (A) New canopy trees, with larger trees wherever space allows, and landscape garden beds are to be provided to all open space and green link areas.
- (B) Trees proposed within lawn areas are to be a minimum of three metres apart to facilitate mowing machinery or consolidated within mulched garden beds and/or 3 metres offset from furniture or fencing (including mulch/waterwell).
- (C) All grassed areas are to be a minimum grade of 1:5, preferably 1:6, to allow for maintenance by mowing machinery.
- (D) Any gradients 1:4 and greater are to be treated with jute mat and planted with a mix of grasses and groundcovers at a sufficient density to discourage weed growth.
- (E) All new canopy trees and landscape bed plantings are to be of species appropriate to the site conditions and local climate and be made up of a minimum of 70% locally indigenous species with no more than 20% of exotic species or cultivars.
- (F) All new landscape beds are to comprise of reinstated site topsoil wherever possible (stockpiled during Civil construction works). Soils may be modified and improved where existing/ reinstated topsoil condition is deemed not suitable for healthy plant growth. Soil testing should be undertaken prior to final landscape construction plans to determine suitability for the plant species specified.
- (G) Individual plants must be set back from any paths and paving a minimum of half their expected size at maturity.
- (H) Seed for grassed reserve areas is to be a 'drought tolerant mix' including a summer species, such as Couch, with Fescue as a base.
- (I) All interfaces to public areas are to be separated by bollards, feature rocks, or post and rail fencing within either garden bed or gravel with access provided e.g. removable bollard or gate, where needed for maintenance vehicles.

- (J) Details of paths and paving other than shared path, including edging (no timber).
- (K) Locations of any retaining walls and with notation to refer to Engineer for details.
- (L) Details of furniture/equipment/walls or features as outlined below.

(iii) Furniture & Equipment

- (A) All reserve furniture and play/fitness equipment must be submitted in a Schedule for final approval along with the detailed Landscape plan set for each stage of the sub-division.
- (B) Construction and installation details of all proposed paving, bollards/fencing and furniture, drainage and water connections, are to be provided and approved as part of the endorsed Landscape package for each stage.
- (C) A structural Engineers design and approval must accompany submitted plans for any concrete paving areas over 2.5 metres wide, and any retaining walls greater than one metre high.
- (D) Any proposed irrigation plans must be submitted for final approval along with the Landscape plan. Irrigation must be compatible with the current Council system (a sacrificial system will not be approved).
- (E) Plans for any proposed playground or sports/fitness equipment, including all fall zones, are to be shown in colour in a separate detailed Playground/Equipment plan. The plan is to include the notation:
  - The Playground/Equipment must remain securely fenced throughout construction and will only be removed on approval of the Responsible Authority following Practical Completion.
  - Practical Completion for playground /equipment will include submission and approval of the following:
    - A copy of the playground/equipment manufacturer's installation instructions in accordance with AS 4685:2014.
    - Evidence that the equipment has been installed according to the manufacturer's installation instructions (e.g. certificate of compliance/photographs of footings).
    - An independent audit, by Councils preferred consultant, to demonstrate the playground/equipment meets Australian Standards

(iv) Nature strips/Verges/Buffer Planting

- (A) Landscaping to nature strips adjacent to all shared paths and general street verge areas as shown in the approved PSP cross sections with a minimum of 70% indigenous species and set out in accordance with Council's Nature strip Landscaping Policy, 2022. Individual plants must

also be set back from paths a minimum of half their expected size at maturity.

- (B) Where nature strips/verges are located at interfaces between the development edge and adjacent rural land they are to include a buffer for bushfire management and /or landscape character as per the requirements of the approved PSP.
- (C) All other nature strip areas are to be grassed and plans must include a specification for preparation and hydro seeding including, but not limited to:
  - topsoil amelioration if existing/ reinstated topsoil condition is not suitable for healthy grass growth
  - removal of any weeds and stone
  - the provision of barricading during grass establishment
  - seed to be a 'drought tolerant mix' including a summer species, such as Couch, with Fescue as a base.

#### **47 Completion of landscaping**

Before a statement of compliance is issued for each stage of the subdivision, the landscaping works shown on the approved landscape plans must be completed to the satisfaction of the responsible authority, or bonded if agreed in writing by Macedon Ranges Shire Council . If Council agrees to bonding of outstanding works, a time by which the works must be completed will be specified by Council.

#### **48 Landscaping maintenance**

- (a) In addition to the Landscape Plans, the permit holder must submit for approval a proposed landscape maintenance schedule with projected costs of the required maintenance. The maintenance schedule must be consistent with Council maintenance standards and will be used to calculate a 30% Landscape Maintenance Liability Bond.
- (b) The landscaping works in all public areas shown on the endorsed plans must be maintained to the satisfaction of the responsible authority for 24 months after the works are completed, including that any dead, diseased or damaged plants are to be replaced.

### **ENVIRONMENT CONDITIONS:**

#### **49 Notification of permit conditions**

- (a) Before works start or any vegetation is removed, the permit holder must provide a copy of the planning permit and all relevant management plans to all persons undertaking any permitted vegetation removal or works on-site.
- (b) Only approved vegetation is to be removed/disturbed, as per the plans endorsed as part of this permit. No other vegetation (including trees, shrubs, grasses and herbs) shall be removed, damaged, destroyed, felled, lopped or uprooted unless with the prior written consent of the Responsible Authority.

## 50 Road Reserves

Driveways must not be built within the road reserves of ~~Kilmore Rd and~~ Amess Road. Native vegetation along these road reserves must not be impacted by any development or associated underground works.

## 51 Maintenance of tree protection fencing and exclusion of activities within fencing

Except with the consent of the Responsible Authority, at all times during the carrying out of the development:

- (a) tree protection fencing must be put in place and be maintained around any trees identified for retention on the approved and endorsed plans, in accordance with the approved Vegetation Management Plan and Australian Standard AS4970- 2009 - Protection of Trees on Development Sites to the satisfaction of the responsible authority.
- (b) development, excavation, construction works or activities, grade changes, surface treatments, storage and movement of construction materials and vehicles of any kind must not occur on or over and must be excluded from any areas inside the tree protection fencing.

## 52 Bushfire Management

Prior to the commencement of works, a bushfire vegetation management plan must be submitted to the Responsible Authority. This plan must be in accordance with the requirements outlined in the Bushfire Management Plan by Terramatrix dated March 2024 and forming part of the application but be modified to show:

An illustrated site plan and report must include the following:

- (a) All native vegetation to be retained and removed.
- (b) All areas within the development where vegetation management to a low threat state should be undertaken.
- (c) Detailed description of vegetation management works to be completed. This must include a detailed description of vegetation works to be completed and a seasonal timetable.
- (d) Completion dates for all proposed works to be undertaken in accordance with the declared bushfire season and recommendations in the Bushfire Management Plan.
- (e) A visual depiction of the bushfire measures outlined in the report, including the location and dimensions of the rolling buffers for each stage.
- (f) The identification of a second temporary egress that has regard to traffic engineering advice in relation to the provision of safe egress and sightlines.
- (g) The appointed contractor to undertake the works.

The development of the site must comply with the BMP requirements set out in the approved Bushfire Management Plan including the provision of the rolling buffers during the development of the site.

### 53 Melbourne Water

- (a) Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
- (b) Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- (c) Prior to the issue of a Statement of Compliance, a certified survey plan (CSP) prepared by or under the supervision of a licensed land surveyor, showing finished lot levels reduced to the Australian Height Datum, must be submitted to Melbourne Water for our records. The CSP must clearly show finished lot levels and applicable flood levels to verify that minimum freeboard levels have been achieved for all lots. This should be demonstrated in a table showing the applicable 1% AEP flood level and freeboard for each lot.
- (d) Prior to Certification of any Plan of Subdivision associated with the application, a stormwater management strategy must be approved by Melbourne Water and Council. The strategy must be in accordance with 'Amess Road PSP Permit Area 1 Stormwater Management Strategy Version 5, 6 August 2024', and provide the following:
  - (i) Pre and post development flood mapping due to the following storm Annual Exceedance Probabilities (AEP): 20% AEP, 10% AEP, 5% AEP, 2%AEP and 1% AEP.
  - (ii) Categorise the impacts to the downstream landowner based on the Department of Energy, Environment & Climate Action (DEECA) Guidelines for development in flood affected areas for each storm event.
  - (iii) The proposed alignment for any 20%/10% AEP drainage infrastructure and any associated overland flow paths directions for the 1% AEP flood event.
  - (iv) Demonstrate that the lot layout adequately accommodates the overland flows. The current layout and/or number of lots may need to change.
  - (v) A Flood Extent Plan and Overland Flow-path Plan for the ultimate floodplain, including 1% AEP flood levels.
  - (vi) Details of the outlet connections and ultimate outfall/s for the development including all relevant calculations.
  - (vii) The subdivisional layout must be in accordance with the approved drainage strategy.
  - (viii) Designs addressing the interface of the lots adjacent to the drainage reserve must be prepared to the satisfaction of Council and Melbourne Water.
  - (ix) Stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater.



- (x) Details of the ultimate and any interim drainage arrangements and how these works are proposed to align with the development of the subdivision.
- (xi) Details for the proposed staging of the development and how this aligns with the construction of temporary and/or ultimate drainage assets.
- (xii) That the ultimate and interim drainage strategy for the development adequately accommodates for the management of the Sodic and Dispersive Soils and is informed through a Sodic and Dispersive Soil Management Strategy.
- (xiii) The proposal needs to consider the impact to the properties and receiving waterways downstream of the subject site from a flood volume and frequency perspective due to the proposed development. The following objectives are to be demonstrated:
  - (A) That flow rates for the 1% Annual Exceedance Probability must be restricted to pre-development levels at the outlet of the land.
  - (B) The impact of increased imperviousness and increased flood risk (in the absence of an ultimate outfall and treatment measures) is to be quantified through relevant modelling and calculations. The methodology is to inform the proposed risk management measures for the site.
  - (C) Implementation of all reasonable Integrated Water Management measures to the satisfaction of Melbourne Water and Council to minimise impact from stormwater runoff. The proposed measures should include details of the ongoing maintenance regime, proposed maintenance methodology and associated costs.
- (e) Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
- (f) Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 1% AEP storm event.
- (g) All new lots must be filled to achieve appropriate freeboard in relation to local overland flow paths and 1% AEP flood level associated with any existing or proposed wetland retarding basin or waterway, to the satisfaction of the responsibility authority.
- (h) Alignment of roads and reserves with any adjoining subdivisions must ensure continuity and provide uninterrupted conveyance of overland flows.
- (i) Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined in Section 8 of the Guidelines for Development in Flood Affected Areas (DELWP 2019), or where appropriate to Council's requirements and standards.
- (j) Temporary Outfall works must to be arranged to the satisfaction of Melbourne Water and council and must be maintained by the developer until the ultimate works are complete. Melbourne Water Surveillance Officers may request additional measures during the operation of the temporary outfalls where issues have been identified.

- (k) Prior to the issue of a Statement of Compliance, a separate application direct to Melbourne Water's Asset Services team, must be made for any works around Melbourne Water mains, drains and waterways. Applications shall be made online via the Melbourne Water website. Prior to the issue of a Statement of Compliance, copies of all relevant Asset Services signed practical completion forms must be submitted.
- (l) Prior to the issue of a Statement of Compliance, the drainage outfall must be to the satisfaction of Council and Melbourne Water. Written confirmation of the acceptance of the drainage outfall by Council must be sent to Melbourne Water for our records.

**54 Powercor (\*PLACEHOLDER)**

**55 Telecommunications**

- (a) The owner of the land must enter into an agreement with:
  - (i) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time.
  - (ii) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband
- (b) Network will not be provided by optical fibre.
- (c) Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - (i) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time.
  - (ii) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**56 Country Fire Authority (\*PLACEHOLDER)**

**57 Expiry of the permit (staged subdivision)**

The permit as it relates to development (subdivision) will expire if one of the following circumstances applies:

- (a) The plan of subdivision for the first stage has not been certified under the Subdivision Act 1988 within 2 years of the issued date of this permit.
- (b) All stages of the plan of subdivision have not been certified within 10 years of the issued date of this permit.

(c) A statement of compliance is not issued within 5 years of the date of certification of a particular stage of subdivision.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.