

**Draft Bass Coast Planning Scheme Amendment C152basc
Referral 3 - Wonthaggi North East Precinct Structure Plan**

Victorian Planning Authority Projects Standing Advisory Committee Interim Report

Planning and Environment Act 1987

2 June 2021

Planning and Environment Act 1987

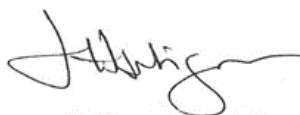
Victorian Planning Authority Projects Standing Advisory Committee Interim Report pursuant to section 151 of the PE Act

Draft Bass Coast Draft Bass Coast Planning Scheme Amendment C152bas

Members of the Victorian Planning Authority Projects Standing Advisory Committee who considered this referral:



Tim Hellsten, Chair



John Hartigan, Member

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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Amendment	Draft Bass Coast Planning Scheme Amendment C152bascc
BEW	BEW Family Investments Pty Ltd
Birdwood	Birdwood Pty Ltd
Carbora	Carbora Nominees Pty Ltd
CFA	Country Fire Authority
CHMP	Cultural Heritage Management Plan
Committee	VPA Projects Standing Advisory Committee
Council	Bass Coast Shire Council
C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
DAL	Bass Coast Distinctive Areas and Landscapes Project
DCP	<i>Draft Wonthaggi North East Development Contributions Plan, November 2020</i>
DCPO1	Development Contributions Plan Overlay Schedule 1
DELWP	Department of Environment, Land, Water and Planning
DET	Department of Education and Training
DoT	Department of Transport
DPO21	Development Plan Overlay Schedule 21
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
GRZ1	General Residential Zone 1
IN1Z	Industrial 1 Zone
IN3Z	Industrial 3 Zone
IPO1	Incorporated Plan Overlay 1
MUZ	Mixed Use Zone
NVPP	<i>Draft Wonthaggi North East Native Vegetation Precinct Plan, November 2020</i>
Parklea	Parklea Developments Pty Ltd
Paterno and Clifford	Giovani & Cheryl Paterno and Leigh & Gemma Clifford
PAO5	Public Acquisition Overlay 5
PPF	Planning Policy Framework

PSP	Draft Wonthaggi North East Precinct Structure Plan, November 2020
SGW	South Gippsland Water
SPP	Statement of Planning Policy
UGZ1	Urban Growth Zone 1
VPA	Victorian Planning Authority
Wallis Watson	Wallis Watson Industrial Pty Ltd
Wentworth	Wentworth Pty Ltd
Wonthaggi Lifestyle	Wonthaggi Lifestyle Precinct

1 Overview

(i) Referral summary

Referral summary	
The Amendment	Draft Bass Coast Planning Scheme Amendment C152basc
Common name	Wonthaggi North East Precinct Structure Plan
Brief description	Draft Bass Coast Planning Scheme Amendment C152basc proposes to implement the Wonthaggi North East Precinct Structure Plan, Development Contributions Plan and Native Vegetation Precinct Plan by incorporating those documents, rezoning land to the Urban Growth Zone, General Residential Zone and Industrial 3 Zone, amending the Schedule to the Commercial 1 Zone, applying the Development Contributions Overlay, Public Acquisition Overlay, Environmental Audit Overlay, Incorporated Plan Overlay, amending Schedule 21 to the Development Plan Overlay, amending Clause 21.07-4 and amending the schedules to clauses 52.16, 53.01 and 72.08
Subject land	Land within the Wonthaggi North East Precinct Structure Plan - Future Urban Structure Plan as shown in Figure 1
Planning Authority	Victorian Planning Authority
Council	Bass Coast Shire
Targeted consultation on draft Amendment	2 - 30 November 2020
Date of referral	31 January 2021
Standing Advisory Committee members	Tim Hellsten (Chair), John Hartigan
Site inspection	31 March 2021
Consultation	Video conference Directions Hearing, 11 March 2021 Video conference Hearing, 12-16 April 2021
Submissions	Refer Appendix C
Parties to the Hearing	Refer Appendix D
Citation	Not applicable
Date of this Report	2 June 2021

(ii) Interim Report and findings

In the lead up to the Hearing and during the course of the Hearing, the VPA advised the Committee that it wished the Hearing to be split into two parts to enable issues associated with water and gas transmission pipelines, drainage, the draft Wonthaggi North East Development Contributions Plan (DCP) and draft Wonthaggi North East Native Vegetation Management Plan (NVPP) and bushfire to be considered at a Hearing in December 2021 (Tranche 2 Hearing) to enable further work to be undertaken. It requested that the Committee deal with the remaining

unresolved submission issues at its Hearing which commenced on the 12 April 2021 (Tranche 1 Hearing) and issue an Interim Report.

The Committee has limited this Interim Report to a series of findings that are confined to issues addressed by the parties at the Tranche 1 Hearing or raised in written submissions that did not relate to the Tranche 2 Hearing issues. The Committee considered that in advance of considering Tranche 2 issues it would not be useful, or fair, to make recommendations about individual elements of the Amendment. That said, the Committee considers that making this Interim Report available to the parties will be of assistance ahead of the Tranche 2 Hearing.

The Committee finds:

- Strategic basis of the Amendment:
 - At the broad strategic level, the Wonthaggi North East Precinct Structure Plan (PSP) is the appropriate strategic planning tool to guide the future development of the Wonthaggi North East growth area and its application is strategically justified subject to a number of suggested changes.
 - The application of the Urban Growth Zone (UGZ1), General Residential Zone (GRZ1), Industrial 3 Zone (IN3Z), Environmental Audit Overlay (EAO), Incorporated Plan Overlay (IPO2) and Development Plan Overlay (DPO21) are broadly appropriate and strategically justified subject to suggested changes.
 - The Amendment process should proceed without waiting on the completion of the Bass Coast Distinctive Areas and Landscapes project.
- Application of the PSP:
 - The PSP should apply to all property parcels as proposed including parcels with existing development plans and planning permits.
 - The PSP should align with approved development plans where they are generally consistent with the vision and objectives of the PSP.
- Business/Mixed Use and Industrial precincts:
 - The VPA Tranche 1 Final changes to the Business/Mixed Use precinct appear reasonable and justified.
 - Sufficient land has been identified for industrial use and the application of the IN3Z to the Industrial precinct is appropriate.
- Housing diversity:
 - The PSP should include amended requirements and guidelines for housing diversity including affordable housing to provide greater locational guiding criteria.
 - It is not necessary for the PSP to nominate particular sites for residential village or higher density housing outcomes.
- Cultural Heritage – the PSP directions regarding the preparation of Cultural Heritage Management Plans are appropriate.
- Preliminary site assessments – the DPO21 requirement for a preliminary site assessment in DPO21 is appropriate but should include similar waiver arrangements as proposed in the Schedule to the UGZ1.
- Transport and movement:
 - The following draft PSP requirements and cross sections are appropriate and do not require further change: Bass Highway/Johns Street intersection (IN-08); intersection arrangements for the St Clair Boulevard/Carneys Road intersection; Cross Section 6

- (with respect to parking bays); Cross Section 11 (Bass Highway interface); Heslop Road access.
- The following proposed VPA 'Day 1 Amendment changes' and 'VPA Final Tranche 1 changes' to the PSP are appropriate:
 - Plans 3 and 7 amended to change the alignment of St Clair Boulevard through property parcels 68, 69 and 127 to accord with the road's alignment shown on the approved development plan for property parcel 127 (35 Carneys Road)
 - Plans 3 and 7 amended to change the alignment of the east west local access street through property parcel 6 to match the alignment of the road as it is shown on the approved Summerfields Development Plan and approved plan of subdivision.
 - Plan 8 amended to show a cycling and walking connection at the Carneys Road/Industrial Connector Road
 - The inclusion of a note regarding PSP Cross Section 9 to provide flexibility in the detailed design of Fuller Road to include a suitable interface with abutting farmland
 - A new cross section showing services roads on both sides should be added to the PSP to apply to the Korumburra-Wonthaggi Road interface with abutting residential areas.
 - The proposed shared path network provides connectivity with the existing rail trail and makes good provision for active transport through the PSP.
 - By-pass Road - Sections of the proposed road network could form part of a future by-pass road but given that the Department of Transport is yet to confirm the route of any by-pass, it would be premature to identify a by-pass route or parts of it in the PSP.
 - Other infrastructure:
 - South Gippsland Water assets are appropriately identified in the PSP.
 - There is no basis or need for the PSP to be amended to extend water and sewerage infrastructure into the existing industrial area.
 - The changes proposed by the VPA in its Day 1 Amendment changes in response to the Department of Education and Training are appropriate.
 - Plan 6 (Open Space) should be amended to move open space LP-05 south along Oates Road from its current position to a location immediately south of property parcel 41.

Chapter 11 of this Interim Report includes a consolidated list of suggested changes to the PSP, EAO and IPO2 mapping and DPO21.

(iii) Recommendations

The Committee recommends:

- 1. That the Minister note the Victorian Planning Authority Projects Standing Advisory Committee's Referral 3 Interim Report (Interim Report).**
- 2. That the Victorian Planning Authority consider the initial findings and observations of the Interim Report in preparing its further changes to the draft Amendment for the Tranche 2 Hearing.**
- 3. That the Minister and Victorian Planning Authority release the Interim Report.**

2 Introduction

2.1 Terms of Reference and referral

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

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

The Terms of Reference set out that the Committee is to consider unresolved issues. In doing so it must consider:

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

Draft Bass Coast Planning Scheme Amendment C152basc which seeks to implement the draft Wonthaggi North East Precinct Structure Plan, November 2020 (PSP), Wonthaggi North East Development Contributions Plan, November 2020 (DCP) and Wonthaggi North East Native Vegetation Precinct Plan, November 2020 (NVPP) was prepared by the VPA in consultation with the Bass Coast Shire Council (Council). The draft Amendment and unresolved submissions (Appendix B) were referred to the Committee on 31 January 2021 by the Minister for Planning with a Public Consultation Report and Submissions Summary Table prepared by the VPA.¹ The VPA provided the Committee with the draft Amendment documents including the PSP, DCP and NVPP, supporting technical reports and a copy of all submissions (Appendix C).²

This is Referral 3 to the Committee.

The members of the Committee dealing with Referral 3 were:

- Tim Hellsten, Chair
- John Hartigan, Member.

Kimberly Martin, Senior Project Officer at Planning Panels Victoria, assisted the Committee.

¹ Documents 1, 2 and 3

² Documents 4 - 24

2.2 Background to the draft Amendment

(i) Wonthaggi and subject land

Wonthaggi is located in the Bass Coast Shire approximately 135 kilometres from the Melbourne CBD and currently has a population of 6,978 (Wonthaggi-Cape Paterson, 2020 .id consulting). It is expected to continue to grow consistent with the Shire's annual growth rate of 1.67 per cent. Wonthaggi is the Shire's largest town and its regional centre providing employment, education, health, sports and recreation services for the surrounding towns including Dalyston, Kilcunda, Cape Paterson and Inverloch as well as the rural hinterland. Wonthaggi is identified as an area for growth particularly within the north east growth area.

The PSP area is located on the north eastern edge of the town and extends to Heslop Road to the north and Fuller Road to the west as identified in Plan 3 – Future Urban Structure (Figure 1). The 632 hectare precinct comprises existing rural areas within the Farming Zone, areas in the General Residential 1 Zone (some under active development), an established large lot residential subdivision (Regency Drive) within the Low Density Zone, Commercial 2 Zone (C2Z) and Industrial 1 Zone (IN1Z) areas and associated commercial and industrial land uses along Bass Highway. The Korumburra-Wonthaggi Road runs through the north western extent of the precinct. The area is generally flat to gently undulating, cleared with native vegetation generally limited to isolated pockets along waterways or within road reserves.

(ii) The Precinct Structure Plan, Development Contribution Plan and Native Vegetation Precinct Plan

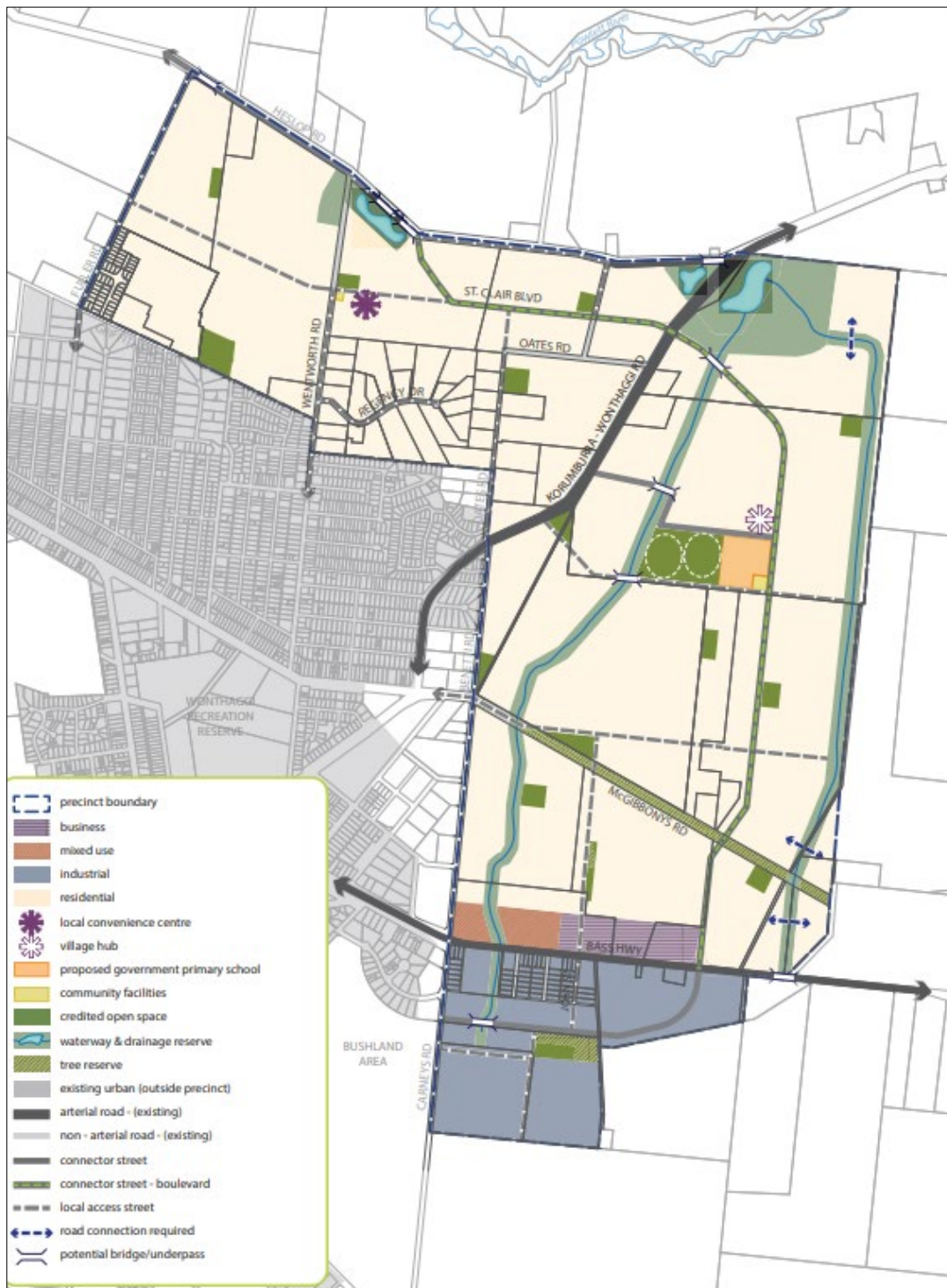
Informing documents

The draft PSP, DCP and NVPP were informed by several reports including (Appendix E):³

- Wonthaggi North East Background Report, VPA, November 2020
- Bushfire Management Report, Terramatrix, October 2018
- Commercial and Industrial Land Assessment, Urban Enterprise, June 2017 and Addendum, 2019
- Community Infrastructure Needs Assessment, VPA, November 2020
- Contaminated Land Investigations Report, GHD, April 2016 including Figures and Appendices (A-J) and Phase 1 Preliminary Site Investigation, May 2019
- Drainage Strategy Storm Water Management Plan, Engeny, October 2019
- Wetland 3 and 4 Design Work, Engeny – February 2020
- Flora and Fauna Assessment, Nature Advisory, May 2020
- Targeted Growling Grass Frog, Swamp Skin and Latham's Snipe Surveys, Nature Advisory, November 2020
- Aboriginal Cultural Heritage Survey, Triskel Heritage Consultants, May 2017
- Public Land Equalisation, Estimated Land Valuations, Westernport Property Consultants, September 2020
- Statutory Strategy, October 2020
- Transport Assessment, GTA Consultants, October 2020.

³ Documents 8 - 21

Figure 1 Draft Wonthaggi North East Precinct Structure Plan, Plan 3 - Future Urban Structure



Precinct Structure Plan

The PSP seeks to guide the development of Wonthaggi over the next 30 to 50 years and its growth from 8,000 residents to 20,000 residents. It provides for approximately 5,030 new homes (at a yield of 11-12 dwellings per hectare comprising 500 – 600 square metre lots) and 12,000 residents, 61 hectares of employment land through an expanded business and industry precinct, 84 hectares of open space and other supporting infrastructure.

The PSP directions and land use outcomes are shown in Plan 3 - Future Urban Structure (Figure 1).

The PSP sets out the following vision:

Wonthaggi's natural character is defined by its location between rural South Gippsland and the coastal landscapes of the Bass Coast. The landscape surrounding the Wonthaggi North East Precinct features coastal scrub vegetation, the Powlett River, bushland reserves and views to the northern rural hills.

The Wonthaggi North East PSP will create an attractive extension to the existing Wonthaggi township, providing long term residential and employment growth for Bass Coast Shire. The PSP will enable a significant expansion to Wonthaggi delivering community facilities, local parks, linear trails and a new sports reserve for its residents. The PSP will also provide for employment opportunities by allowing for commercial and industrial businesses to establish in close proximity to the Bass Highway.

The PSP will ensure that new communities are integrated within the existing town through road connections with tree lined streets connecting to St Clair Boulevard. The extensive pathway network will connect residents to local parks, sporting and community facilities, bushland, the existing township and the Bass Coast broader regional rail trail.

Protection and enhancement of Wonthaggi's natural elements will be a crucial component of the PSP, through the retention and rehabilitation of native vegetation, protection of view lines and improvement of existing waterways.

The introduction of an extensive waterway and wetland system will anchor the new community, providing a natural thoroughfare through the precinct and allowing for recreation opportunities. The significant wetland and waterways areas for stormwater management, encompassing 66ha, and will include landscaping and pathways.

The urban structure concept supports an engaged community with development opportunities that encourage access to local employment, participation in community and recreation activities, and contribute positively to the physical and social health and wellbeing of all members of the community

The PSP contains 19 objectives, 64 requirements and 60 guidelines relating to:

- township image and character, heritage, land contamination and housing
- village hub, local convenience centres and employment
- open space, community facilities and education
- bushfire resilience, threatened species and native vegetation retention
- transport and movement
- integrated water management and utilities
- sequencing, staging and infrastructure delivery.

Development Contributions Plan

The DCP:

- includes a summary of charges:
 - \$166,648 per net developable hectare for residential zoned land (including mixed use zoned land)
 - \$138,678 per net developable hectare for business (including industrial and commercial) zoned land
- identifies transport, community facility, active recreation and drainage Development Infrastructure Levy projects and Community Infrastructure Levy projects
- sets out the basis of contribution charges and cost apportionment (including exemptions and social and affordable housing potential discounts)

- identifies arrangements for payment (including timing, works in kind, over provision credits, indexation and section 173 Agreements)
- includes land budgets and Net Developable Area proportions
- identifies projects funded or partially funded by section 173 Agreements
- includes project cost estimates and concept designs.

Native Vegetation Precinct Plan

The NVPP identifies native vegetation in the precinct and whether the vegetation is to be retained or removed. The primary objective of the NVPP is to retain native vegetation where practical and manage high biodiversity value areas within open space, drainage and/or road reserves. The NVPP identifies that vegetation removal is only to occur in areas of future development, including future roads and other infrastructure. The NVPP proposes that there is ‘no net loss’ of vegetation across the precinct and identifies offset requirements for any permitted removal. It reflects policy changes such as those introduced by Amendment VC138 (which introduced changes to the Native Vegetation Framework) and responds to the recommendations of the Flora and Fauna Assessment.

(iii) Proposed Amendment

The draft Amendment proposes to implement the PSP, DCP and NVPP, apply zones and overlays, partly remove and amend one overlay and amend other clauses of the Bass Coast Planning Scheme as summarised in Table 1 and identified in Figure 2.⁴

Table 1 Proposed changes to the Bass Coast Planning Scheme

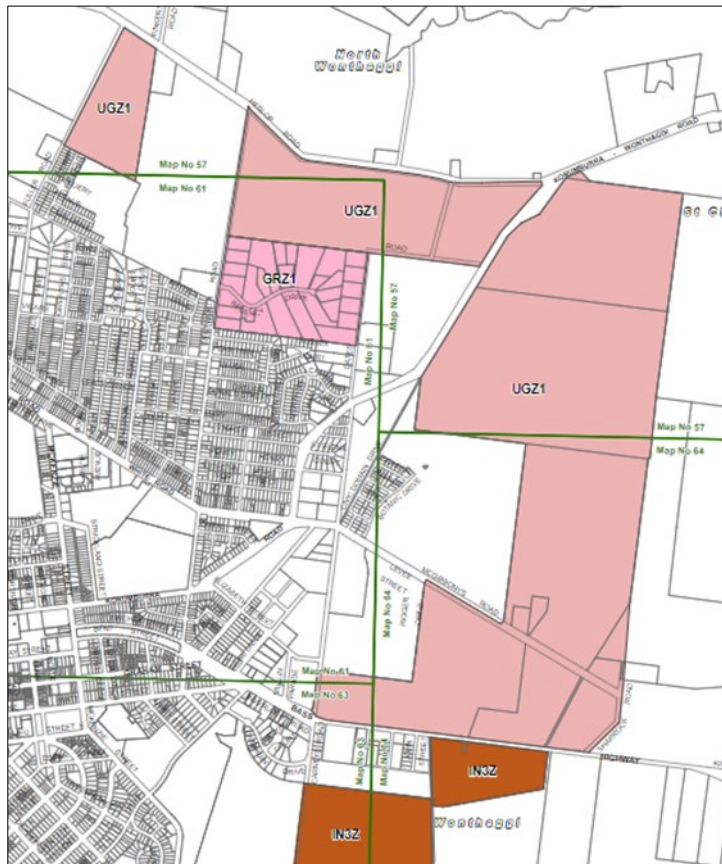
Clause	Proposed change
Clause 21.07-2 Wonthaggi	Amend ‘Wonthaggi North Growth Area’ to ‘Wonthaggi North <u>East</u> Growth Area’ and amend the reference to applying Development Plans to growth areas to refer to the PSP and approved development plans
Clause 32.08	Apply the General Residential Zone (GRZ1) to land adjoining Regency Drive and Westworth Road consistent with zoning applied to other parts of the growth area not in the Farming Zone
Clause 37.01	Apply the Urban Growth Zone and Schedule 1 (UGZ1) to residential areas in the north east growth area generally north of Inverloch Road (Bass Highway) and south of Hislop Road currently in the Farming Zone
Clause 33.03	Apply the Industrial 3 Zone (IN3Z) south of Inverloch Road (Bass Highway)
Clause 34.01	Amend the Schedule to Clause 34.01 Commercial 1 Zone (C1Z) to identify Maximum Leasable Floor Area for shop

⁴ Document 7

Clause	Proposed change
Clause 43.03	Apply the Incorporated Plan Overlay (IPO2) ⁵ to land south of Inverloch Road (Bass Highway) to land in the Industrial 1 Zone and proposed IN3Z land
Clause 43.04	Delete the Development Plan Overlay (DPO21) from identified sites adjoining Inverloch Road (Bass Highway) and amend Schedule 21 to reflect elements of the PSP and apply it to the area of Regency Drive to be GRZ1
Clause 45.01	Apply the Public Acquisition Overlay (PAO5) to eight properties adjoining Inverloch Road (Bass Highway) and Korumburra Wonthaggi Road
Clause 45.03	Apply the Environmental Audit Overlay (EAO) to four sites adjoining the Korumburra Wonthaggi Road
Clause 45.06	Apply the Development Contributions Overlay (DCPO1) to all land except declared roads
Clause 52.16	Amend the Schedule to refer to the NVPP
Clause 53.01	Amend the Schedule to introduce contributions for residential and employment land at subdivision
Clause 72.04	Amend the Schedule to include the PSP, DCP and NVPP as Incorporated documents
Clause 72.08	Amend the Schedule to include as Background documents: <ul style="list-style-type: none"> - <i>Bushfire development report for the Wonthaggi North East Precinct Structure Plan</i>, Terramatrix, 12 October 2018 - <i>Draft Wonthaggi North East PSP public land equalisation, estimated land valuations: estimates of land compensation assessment</i>, Westernport Property Consultants, 1 September 2020 - <i>Drainage strategy for Wonthaggi North East PSP: Stormwater management plan</i>, Engeny Water Management, Rev 11, October 2020)

⁵ Incorrectly identified in exhibited Amendment mapping as IPO1 (which applies to sites in Ventnor)

Figure 2 Proposed zone changes



(iv) Community engagement

Between 2 November and 30 November 2020, the VPA undertook targeted public consultation on the draft Growth Plan and Amendment which involved:

- discussions with Council
- notifying landowners and occupiers (letter and project brochure) within 50 metres of the growth area (some 526 letters issued)
- meetings with government agencies
- a project webpage (hosted by VPA)
- a virtual drop-in session on 25 November 2020
- on request land owner meetings
- responding to phone calls and emails
- consideration of the initial 28 submissions received.

This consultation followed earlier community engagement by Council in 2008 during the preparation of the Wonthaggi Dalyston Structure Plan (later the Wonthaggi North East Growth Plan in 2014) and on the Wonthaggi Structure Plan. Community engagement in 2017 and 2019 included publications, media releases and drop-in sessions.

2.3 Issues

A total of 29 submissions, including a late submission from the Country Fire Authority (CFA), were made to the draft Amendment (Appendix C). All submissions were referred to the Committee by the Minister for Planning including the supportive submissions of VicTrack,

West Gippsland Catchment Management Authority, which were not considered by the Committee, and South Gippsland Water (SGW). The Committee has prepared a summary of issues in unresolved submissions against relevant themes or Amendment elements, and where this is addressed in this Report or in future reports

Table 2 Summary of unresolved issues

Theme	Issues	Report section
Strategic basis for Amendment	<ul style="list-style-type: none"> • need for Amendment based on land supply • impacts of Bass Coast Distinctive Areas and Landscapes Project 	4.1
Application of PSP and land use directions	<ul style="list-style-type: none"> • inclusion of land already in the GRZ1 with approved development plans and planning permits • alignment with existing development plans • commercial and mixed use precinct • the industrial precinct including the need for further industrial land, buffers, alternative land uses and integration and development of the existing industrial area • housing diversity 	4.2 4.3 5.1 5.2 6
Cultural heritage	<ul style="list-style-type: none"> • requirements for a Cultural Heritage Management Plan 	7.1
Bushfire	<ul style="list-style-type: none"> • PSP management of bushfire risk 	To be considered in Tranche 2 Report
Native vegetation and NVPP	<ul style="list-style-type: none"> • provision of road linkages in NVPP • vegetation removal and compensation • fauna impacts 	To be considered in Tranche 2 Report
Potential contamination	<ul style="list-style-type: none"> • application of EAO • requirements for preliminary site assessments 	7.2
Infrastructure	<ul style="list-style-type: none"> • roads and intersections • by-pass route • active transport • open space provision • sewerage and water infrastructure • guidelines for provision of schools and kindergartens 	8.1 - 8.3 8.4 8.5 9 9 9
Drainage	<ul style="list-style-type: none"> • impacts of stormwater, design and provision of drainage assets 	To be considered in Tranche 2 Report

Theme	Issues	Report section
DCP	<ul style="list-style-type: none"> scope and provisions of the DCP recognition of existing section 173 agreements coordination and delivery 	To be considered in Tranche 2 Report
Implementation	<ul style="list-style-type: none"> land acquisition approach for drainage and road connections and future arterial roads timing of land supply 	To be considered in Tranche 2 Report
Other	<ul style="list-style-type: none"> appropriateness of fast track amendment process town entrances and appearance 	10

2.4 Procedural issues

(i) Conduct of the Hearing

The Terms of Reference note:

Depending upon the nature of the referral, the Committee can conduct its proceedings through round table discussions, on the papers or, a public hearing, including by video conference if unable to conduct this ‘in person’.

The VPA advised the Committee at the Directions Hearing that it preferred a round table discussion format to provide for timely advice to the Minister consistent, with the Terms of Reference. The position of other parties was mixed. Given the complexity of issues, the number of parties involved, and time sought by the parties to present their submissions and evidence, the Committee considered that a Hearing format was more appropriate. It was agreed by all parties that the matter could proceed by videoconferencing given the current COVID 19 pandemic restrictions.

Given the number of drainage and DCP experts called by the parties, Drainage and DCP conclaves took place, with related evidence and statements circulated before the Tranche 1 Hearing.⁶

The Committee thanks the parties for the way in which they engaged with the Hearing process and the information they provided.

(ii) High-pressure pipelines

Shortly before the Directions Hearing, the VPA advised of the existence of a high pressure gas pipe and a water transmission main connected to the Victorian Desalination Plant.⁷ The VPA advised both assets were previously unknown to it. A transmission pressure gas pipeline owned by Multinet Gas is located outside of the PSP boundary approximately 50 metres to the north of the north east corner of the PSP, while the water transmission main owned by SGW is located along Heslop Road (the PSP’s northern boundary) which requires mitigation to be factored into several DCP projects and the potential impacts of any buffers on land use to be considered.

⁶ Documents 65-72 and 74 (drainage and DCP evidence), 45a (Drainage conclave statement) and 93 (DCP conclave statement)

⁷ Document 29

The VPA confirmed further investigations were required to prepare a Safety Management Strategy and to consider potential impacts on the PSP associated with sensitive uses and on several of the DCP road and drainage projects. The VPA provided an Action Plan⁸ which ultimately sought an extended adjournment of part of the Hearing to enable consideration of matters affected by the presence of the pipeline.

The Action Plan set out the steps for preparing the Safety Management Strategy, consultation with agencies and the update of Amendment documentation, allowing for the issue to be considered as part of a further hearing after July 2021 on just this matter. While some parties considered the whole matter should be deferred pending this information, it was broadly agreed that understanding the impacts of pipelines on the PSP and DCP was important. The Committee decided to progress with the Tranche 1 Hearing to hear submissions on all other issues in the interim and allow for pipeline matters to be considered in a separate Tranche 2 Hearing.

(iii) Drainage Strategy and Development Contributions Plan

On 9 April 2021 the VPA advised that based on the statements of the Drainage and DCP expert witness conclave meetings⁹, it required further time to review its Drainage Strategy and the DCP.¹⁰ On 13 April 2021, the VPA provided a revised Action Plan¹¹ which again sought an extended adjournment of the Tranche 2 Hearing to consider matters relating to drainage and the DCP. The revised Action Plan set out the timeframes required for VPA to undertake this work, amend the DCP and PSP, provide an opportunity for parties to review the amended documentation, consider the need for further notification and further written submissions, parties to confirm positions, prepare evidence, conduct a second Directions Hearing and for experts to participate in further drainage and DCP conclaves. The VPA's Plan sought a further adjournment and to expand the Tranche 2 Hearing to also consider drainage, DCP and related PSP change submissions.

(iv) Adjournment of key matters

After taking submissions from the parties, the Committee agreed to hear submissions regarding pipeline impacts, drainage and PSP matters in a 'Tranche 2 Hearing' to be conducted in December 2021. This will be preceded by a Directions Hearing on 25 October 2021 which will consider the position of parties on the amended documents and determine arrangements for circulation of evidence and expert witness conclave meetings.

The VPA's closing submission at the Tranche 1 Hearing identified further changes to the NVPP following submissions from other parties, in addition to those identified in its Part A submission following discussions with the Department of Environment, Land, Water and Planning (DELWP) (submission 6 and further submission on 5 March 2021).¹² The Committee will address native vegetation and NVPP issues as part of its final Report.

Parklea suggested the Committee advise the Minister that based on the DCP conclave statement, the draft Amendment was not appropriate. Other parties supported the deferral of the Hearing until all VPA identified changes to the Amendment document were made. The Committee

⁸ Document 42

⁹ Documents 45a and 93

¹⁰ Document 84

¹¹ Document 103

¹² Document 94a

considered that effectively restarting the Amendment process was not an efficient or good planning outcome, while deferring some matters would enable further discussions with parties to resolve drainage and PSP issues, or narrow the range of unresolved issues. Some parties advised they had briefed professional advocates and witnesses on the basis of the pre-set hearing dates, filed evidence and submissions expending cost and time. On this basis, it was their preferred approach to have their submissions heard as scheduled.

The Committee concluded there was an advantage and efficiency to be gained in the Tranche 1 Hearing progressing. This allowed submissions on the remaining issues to be provided, potentially reduce the number of matters to be considered at the Tranche 2 Hearing and provide the potential to further resolve some submission issues before the Tranche 2 Amendment document changes are made.

The Committee issued further directions about the arrangements for and conduct of the Tranche 2 Hearing on the 21 April 2021.¹³

(v) Submissions

While Council did not make a submission to the Amendment, it had adopted the PSP (although the VPA is the planning authority for preparing the PSP and the Amendment). The VPA advised its submissions were on behalf of it and the Council, given Council had worked closely alongside the VPA in the preparation of the PSP and Amendment.

Although making a supportive submission, SGW (submitter 4) attended the Tranche 1 Hearing to advise the Committee about its water and sewerage assets. It expressed an interest in understanding any potential implications of a future Drainage Strategy or PSP changes on its assets.

The Department of Education and Training (DET) (submitter 5) withdrew from the Hearing based on the changes made to the PSP included in the VPA's Day 1 changes.¹⁴ It identified however, that the potential impacts of the high pressure gas pipeline on the identified 'Wonthaggi Waterways Proposed PG' meant this aspect of its submission was unresolved and reserved its right to pursue this issue at the Tranche 2 Hearing.

The Department of Transport (DoT) (submitter 11) made a further written submission to the Committee rather than attend the Hearing to make verbal submissions.¹⁵

The CFA (submitter 29) made a late submission to the draft Amendment. The submission was considered by the VPA and referred to the Committee. The Committee accepted the submission and has considered it as part of this Report. The VPA's closing submission sought a period of up to four weeks from the conclusion of the Tranche 1 Hearing for it to continue discussions with the CFA to seek to reach agreement relating to suitable changes to the PSP. This was supported by the Committee given the importance of managing bushfire risk as a key strategic priority within the Planning Policy Framework (PPF). The VPA advised on 11 May 2021¹⁶ that it had had several discussions with the CFA following the close of the Tranche 1 Hearing and further discussions were planned to resolve drafting and:

¹³ Document 117
¹⁴ Document 74a
¹⁵ Document 81
¹⁶ Document 119

As a consequence, while further discussions are planned, we are of the view that the CFA issues are better included within the scope of Tranche 2 as the changes proposed by the CFA may adversely affect land owners who should be given an opportunity to respond to any changes.

Submissions to the Amendment were made by a number of landowners in the PSP area (refer Figure 3):

- Sam Brotheridge, submission 1
- Allan Miller, submission 8
- Birdwood Pty Ltd (Birdwood), submission 10
- J Milne, submission 13
- Wentworth Pty Ltd (Wentworth), submissions 15 and 22
- Wonthaggi Lifestyle Precinct (Wonthaggi Lifestyle), submission 16
- Parklea Developments Pty Ltd (Parklea), submission 18
- Giovani & Cheryl Paterno and Leigh & Gemma Clifford (Paterno and Clifford), submission 19
- BEW Family Investments Pty Ltd (BEW), submission 20
- Summerfields Wonthaggi Pty Ltd (Summerfields), submission 21
- Wallis Watson Industrial Pty Ltd (Wallis Watson), submission 23
- Carborra Nominees Pty Ltd (Carborra), submission 24
- Robert John Edden, submission 25
- Clive and Julie Kilgour, submission 26
- LandGipps Vic Pty Ltd (LandGipps), submission 27
- A1 Group, submission 28.

Parklea and LandsGipps elected to present their submissions entirely within the Tranche 2 Hearing which includes proposed planning and land supply evidence.¹⁷ Parklea reserved the right to seek costs from VPA as a result of the adjournment.

Wentworth elected to present a submission relating to Tranche 1 issues and provide a further submission in Tranche 2 relating to DCP issues. The same two part submission approach was proposed by Paterno and Clifford.

The A1 Group provided a further written submission prior to the Directions Hearing.¹⁸

BEW advised the Committee that it no longer wished to be heard at the Tranche 1 Hearing on the 6 April 2021.

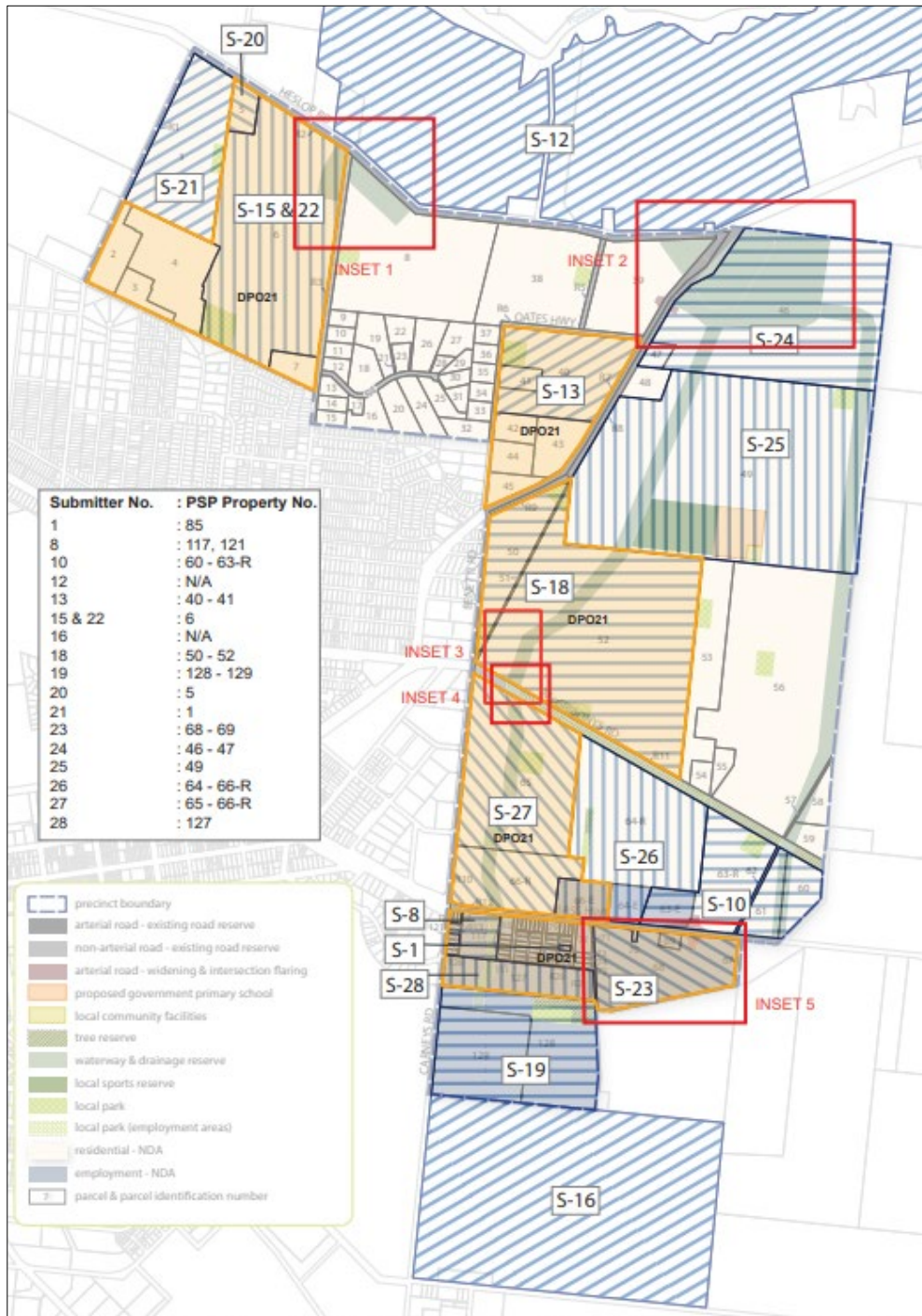
Mr Brotheridge advised the Committee on 9 April 2021 that he no longer wished to provide a submission to the Tranche 1 Hearing but wished the extensive material provided to the Committee be considered as his submission. The Committee has reviewed all the material provided by Mr Brotheridge (Appendix E) which included extensive emails and other correspondence with the Council, VPA and other agencies. This correspondence related to the PSP directions relating to the Bass Highway IN1Z area, issues of servicing, development contributions, preparing a development plan as required by the IPO and securing approval to develop and use of his 51 Johns Street property. The Committee acknowledged it would read all the material provided and treat his supporting material as his submission. Mr Brotheridge subsequently

¹⁷ Documents 97 and 98

¹⁸ Document 26

requested an opportunity to present a submission to Tranche 1 which was accommodated, as well as presenting at the Tranche 2 Hearing regarding the DCP.

Figure 3 Submitter locations within the PSP area



(vi) Bass Coast Distinctive Areas and Landscapes Project

Parklea sought that DELWP attend the Directions Hearing to provide an update on the Bass Coast Distinctive Areas and Landscapes Project (DAL) and associated Statement of Planning Policy (SPP), confirm studies undertaken (particularly relating to cultural heritage) and an explanation of its

position (as suggested by the VPA) regarding the appropriateness of the Amendment progressing while the DAL project was not finalised.¹⁹

DELWP was requested by the Committee to attend the Hearing or provide a written response that included an update on the DAL project and respond to the matters raised by Parklea. DELWP provided a letter on 8 April 2021 which included an update on the status of the project, existing technical work undertaken and impacts on the Amendment identifying:²⁰

The SPP is being prepared by DELWP in collaboration with Bass Coast Shire Council and Traditional Owners, the Bunurong Land Council Aboriginal Corporation, and other government agencies. Drafting of the SPP is well progressed and DELWP expects that it will be released for public consultation soon.

The SPP is informed by a second phase of public engagement that occurred in March 2020, which sought feedback on a discussion paper that included a draft vision and proposed policy directions. Of relevance to Amendment C152basc, public feedback was sought on the role of Wonthaggi as a regional centre and growth area. The Wonthaggi North East Precinct Structure Plan was referenced as providing the strategic planning framework for guiding greenfield development in Wonthaggi.

...

The findings of the stage one landscape assessment undertaken by Claire Scott Planning (2019) are of relevance to Amendment C152basc. The assessment indicates that the area surrounding Wonthaggi, including the Wonthaggi North East area, is not a landscape of state or regional significance. The assessment states:

‘Wonthaggi is located within the Bunurong Coast and Powlett River Lowlands (Landscape Area 1.3), within the broader South Gippsland Coastal Plains Landscape Type. Around Wonthaggi are expansive rolling hills and plains used for agriculture, scattered with clusters of remnant vegetation and riparian reserves, and exotic shelterbelts. To the west of Wonthaggi, the coastal hinterland remains largely undeveloped (with the exception of the Victorian Desalination Plant), with large areas of indigenous woodland and heathland vegetation. High dunes and long sandy beaches characterise the coastal edge.

The landscape around Wonthaggi is not of regional or state significance. However, the coastal landscape of state significance between San Remo and Inverloch includes the large coastal reserves of indigenous vegetation that extend to the south-west of the built up area of the township’.

...Wonthaggi has long been identified as a growth centre. Regional and local policies within the Bass Coast Planning Scheme (in particular clauses 11.01-1S, 11.01-1R and 21.07) identify that the township will accommodate a significant portion of the municipality’s growth, with a majority of the residential expansion to be located in the north east of the settlement. I understand that the Wonthaggi North East Precinct Structure Plan and Amendment C152basc helps progress the growth envisaged in the area within the existing settlement boundary.

Given the strategic importance of Wonthaggi as a regional centre for growth and in light of the assessment of the relevant landscape as not of state significance, DELWP considers it appropriate that the Committee’s scheduled hearings for Amendment C152basc proceed in parallel to DELWP’s preparation of the SPP.

DELWP’s correspondence noted the DAL project would be further progressed before the consideration of Tranche 2 submissions.

¹⁹ Document 27

²⁰ Document 83

(vii) Amendment documentation changes:

In response to submissions, the VPA provided ‘Day 1 Amendment changes’ to the Amendment documents in its Part A submission²¹ as summarised by the Committee in Table 3.

The VPA’s closing submission included further Amendment changes, referred to as the ‘VPA Final Tranche 1 changes’. Within this Report, any reference to the Amendment refers to the exhibited version unless it refers specifically to the ‘Day 1 Amendment changes’ or the ‘VPA Final Tranche 1 changes’.

Table 3 Day 1 Amendment changes

Provision/document	Change proposed
UGZ1	<ul style="list-style-type: none"> • update Future Urban Structure plan to latest version in UGZ Schedule • include 'Conditions - Management of bushfire risk during subdivisional works' in Section 4.0 • include application requirements for a Bushfire Management Plan and subdivision permit conditions the management of bushfire risk
IPO	update IPO Map 63IPO and 64IPO to refer to IPO2 instead of IPO1
EAO	remove Overlay from Property 47 and apply overlay to property parcel 48
Schedule to Clause 52.16	update Schedule to 52.16 to include revised NVPP date because of future amended version
PSP	<ul style="list-style-type: none"> • amend ‘Plan 3 - Future Urban Structure’ to: <ul style="list-style-type: none"> - amend designation of Oates Road from north-south connection east through to Korumburra – Wonthaggi Road to maintain outline of road but be shown as residential land (and update land budgets accordingly) - add note "<i>Community Facility includes kindergarten; see incorporated Wonthaggi North East Development Contributions Plan</i>" • amend the legend of ‘Figure 2 – Village Hub Concept Plan’ and ‘3.3.2 Community facilities and education’ to: <ul style="list-style-type: none"> - add an additional note "<i>Note: At the time of approval Planning Schemes are not binding on the use and development of land carried out by, or on behalf of, the Minister for Education; see Government Gazette G5 10th February 1988.</i>" - delete requirement R31 - add a new guideline: "<i>The drop off/pick up facilities for the proposed government school and adjacent kindergarten should be located in close proximity where practicable.</i>" • amend ‘Plan 7 - Road Network’ to show road running perpendicular to McGibbonys Road as a Local Access Street Level 2 at request of Council • amend ‘Plan 8 – Public Transport and Path Network’ to include "<i>potential cycling connection</i>" at the Carneys Road / Industrial Connector intersection • amend ‘Plan 9 – Integrated Water Management’ to insert words "<i>local drainage</i>" between 'Underground' and 'pipes' in legend to clarify function of the pipes • in the third dot point of ‘3.7.1 Development sequencing and staging’

²¹ Document 73

Provision/document	Change proposed
	<p>requirement 59 (R59) clarify that the conditional exemption from sewerage for lots greater than 2,000sqm lots applies to residential lots only and add a further dot point to R59: <i>"In staged subdivisions, land containing proposed government school sites, adjoining community centres and abutting streets should be included in one stage."</i></p> <ul style="list-style-type: none"> • amend 'Section 6 – Industrial Access Street' to add note - <i>"Can be modified to incorporate 2.5m shared path with reduced nature strip width if identified as accommodating bicycle path in Plan 8 of the PSP"</i> • amend 'Section 9 – Local Access Street Level 1 (16.0m)' to include as a note: <i>"The western edge of Fuller Road behind the kerb and channel may be amended to provide an appropriate rural interface"</i>
DCP	Various changes not identified here pending revised DCP
NVPP	Various changes not identified here pending revised DCP

(viii) Interim Report

Based on the requests for adjournment and the two part hearing process, the VPA requested the Committee provide an interim report on the Tranche 1 issues.²² Its submission set out the issues it considered the Committee could report on.

This request has put the Committee in an unenviable position of needing to decide how and if an interim report could be provided, what it would contain and what value it would be. From a procedural fairness perspective, the Committee is cognisant to not form a view on issues that were not canvassed at the Tranche 1 Hearing. This is particularly the case for the submissions of LandsGipp and Parklea which had not yet been heard, and the planning and land supply evidence they intended to call being heard or tested through cross examination. This was discussed with the parties present prior to the closing of the final day of the Tranche 1 Hearing.

The Committee concluded there is some value in providing an Interim Report as it would assist in addressing a number of discrete issues, and could be useful in informing the VPA's view on further revisions to the draft Amendment documentation before reconvening for the Tranche 2 Hearing.

The Committee has limited this Interim Report to a series of findings that are confined to issues addressed by the parties at the Tranche 1 Hearing or raised in written submissions that did not relate to the DCP or drainage. The Committee considers that in advance of considering Tranche 2 issues, it would not be useful or fair, to make recommendations about individual elements of the Amendment. That said, the Committee considers that making this report available to all parties will be of assistance ahead of the Tranche 2 Hearing.

The Committee has had the opportunity to read the planning evidence of Mr Woodland and land supply evidence of Mr Dawson (for Parklea), although it notes this has not been tested. Mr Woodland's written evidence statement was focused on DCPO issues, while Mr Dawson's evidence was largely contained to issues of land supply and timing. The planning evidence of Mr Glossop (for LandGipps) was not filed before the Hearing and LandGipps was unable to confirm (pending viewing the amended documentation ahead of the Tranche 2 Hearing) the likely focus of

²² VPA Closing submission Document 115

it. The Committee has therefore confined its discussions and findings relating to the C1Z/MUZ precinct along Bass Highway to those aspects it has heard.

At the request of the VPA, the Interim Report does not consider issues of bushfire raised by the CFA which will now be considered in the Committee’s Tranche 2 Report. The Committee notes however, that the discussions on drafting between the VPA and CFA appear close to resolution. The consideration of the further proposed PSP changes regarding bushfire at the Tranche 2 Hearing will provide the opportunity for the Committee to consider the responses from other parties regarding those changes.

To assist with reading of the Interim Report:

- the reference to property parcels refers to the property parcel ID numbers included in the PSP
- the reference to the submission of the VPA refers to the joint submission made on behalf of the VPA and Council
- the reference to the Amendment including the PSP refers to the draft Amendment as exhibited and referred to the Committee
- references to numbered requirements and guidelines refer to the numbering in the draft PSP.

2.5 Limitations

The Terms of Reference make it clear that the Committee is to only consider the unresolved submission issues referred to it for advice. This means the overall merits of the draft Amendment have not been examined.

2.6 Content of Interim Report

The Terms of Reference require the Committee to produce a written report. Table 4 sets out the requirements for the report and the relevant chapter of this Interim Report.

Table 4 How report addresses the Terms of Reference

Terms of Reference report requirements	Interim Report section
Whether the referred element(s) of the draft amendment is appropriate	Not considered in this Interim Report
A summary and assessment of the issues raised in submissions referred to the Committee	Tranche 1 issues only - Chapters 2 and 11
Any other relevant matters raised in the course of the Committee process	Chapter 2.4
A list of persons who made submissions considered by the Committee	Appendix C includes all submissions referred and identifies submissions not considered by the Committee
A list of tabled documents	Appendix E
A list of persons heard	Appendix D

3 Planning context

3.1 Planning policy framework

The draft Explanatory Report, Statutory Strategy (2020) and the VPA's Part A submission identify the key elements of the State and Local PPF relevant to the proposed Amendment and the development of the PSP, DCP and NVPP. These are summarised below.

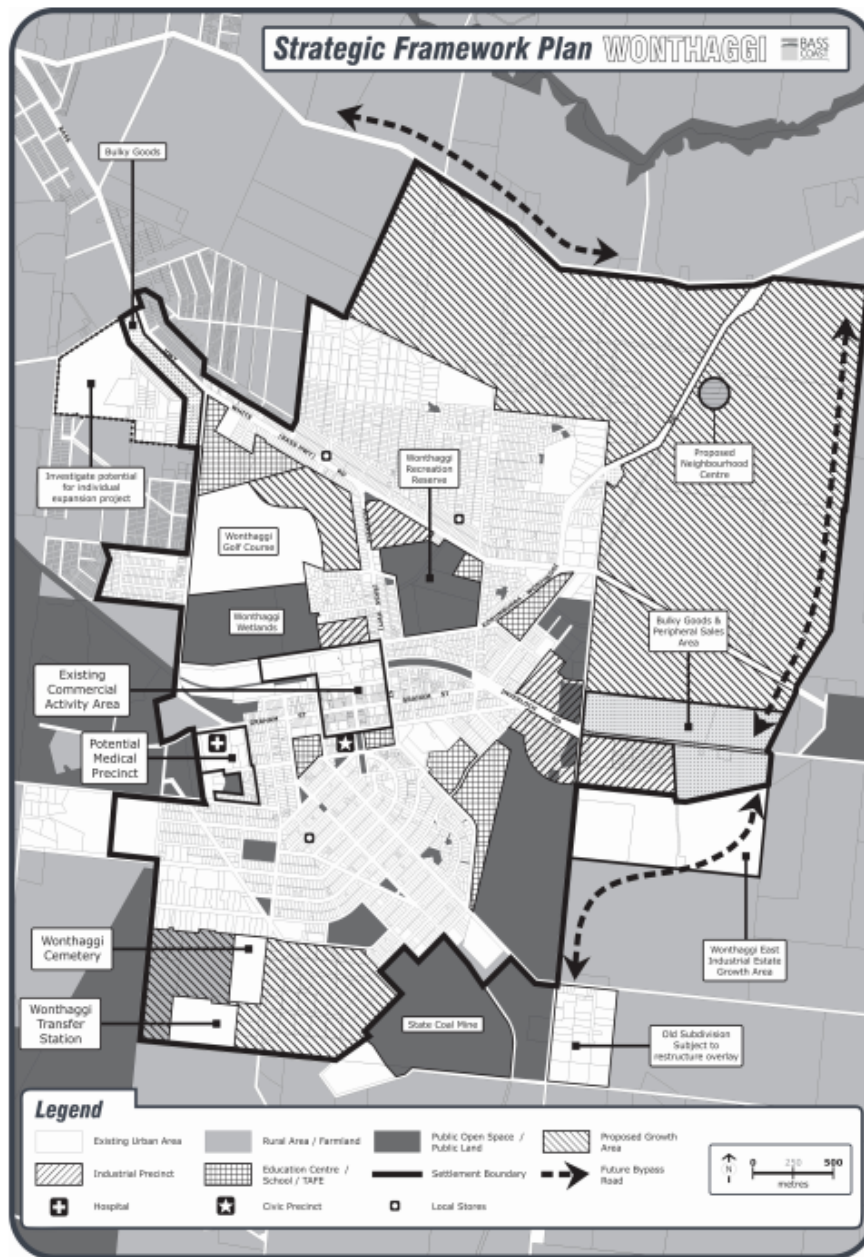
(i) Planning Policy Framework

- Clause 11 (Settlement) by providing for land supply for industrial and residential growth, facilitating orderly urban growth and provision of supporting infrastructure through a structure planning process in the identified regional centre of Wonthaggi (Clause 11.01)
- Clause 12 (Environmental and landscape values) by providing a mechanism (NVPP) to manage and protect native vegetation
- Clause 13 (Environmental Risks and Amenity) by managing soil degradation and bushfire risk consistent with Clause 13.05
- Clause 15 (Built Environment and Heritage) by providing a framework for a liveable and diverse community that is integrated with existing communities, provides for sustainable transport, a network of open space, safe public environments in a manner that responds to landscape, environment and heritage features (Clauses 15.01, 15.02 and 15.03)
- Clause 16 (Housing) by providing for housing diversity, affordable housing and housing in locations close to employment, services and transport and directing growth to areas identified for growth (Clauses 16.01-1S, Clause 16.01-2S and Clause 16.01-3S)
- Clause 17 (Economic Development) by providing two new local activity centres and employment areas to meet the community's needs (Clause 17.01)
- Clause 18 (Transport) by providing a road network that will integrate with the existing and planned arterial road network, accommodate traffic and transport movements which responds to environmental and topographical constraints (Clauses 18.01 and 18.02)
- Clause 19 (Infrastructure) by providing for the timely provision of community and development infrastructure through a DCP (Clauses 19.02 and 19.03).

(ii) Local Planning Policy

- Clause 21.03 (Settlement and Housing) by the growth of Wonthaggi as an identified regional centre and directing large scale growth to the north east growth area within the town boundary and providing for a diversity of housing types and densities, including increased housing density around activity centres
- Clause 21.04 (Economic Development) by providing local employment opportunities to meet the needs of the local population
- Clause 21.05 (Infrastructure) by providing for the co-ordinated provision of infrastructure and the collection of infrastructure contributions
- Clause 21.07 (High Growth Regional Centre) by supporting growth (including residential, commercial and employment land growth) in Wonthaggi as an identified high growth centre consistent with the Wonthaggi Strategic Framework Plan (refer Figure 4).

Figure 4 Clause 21.07-2 Map 1 Wonthaggi Strategic Framework Plan



3.2 Gippsland Regional Growth Plan

The Gippsland Regional Growth Plan, 2013 identifies Wonthaggi as a peri-urban town suitable for further growth, identifying farmland on the northern and western edges of the town as preferred areas for growth to accommodate housing and employment generating development.

3.3 Wonthaggi-Dalyston Structure Plan September 2008 and Wonthaggi Structure Plan 2018

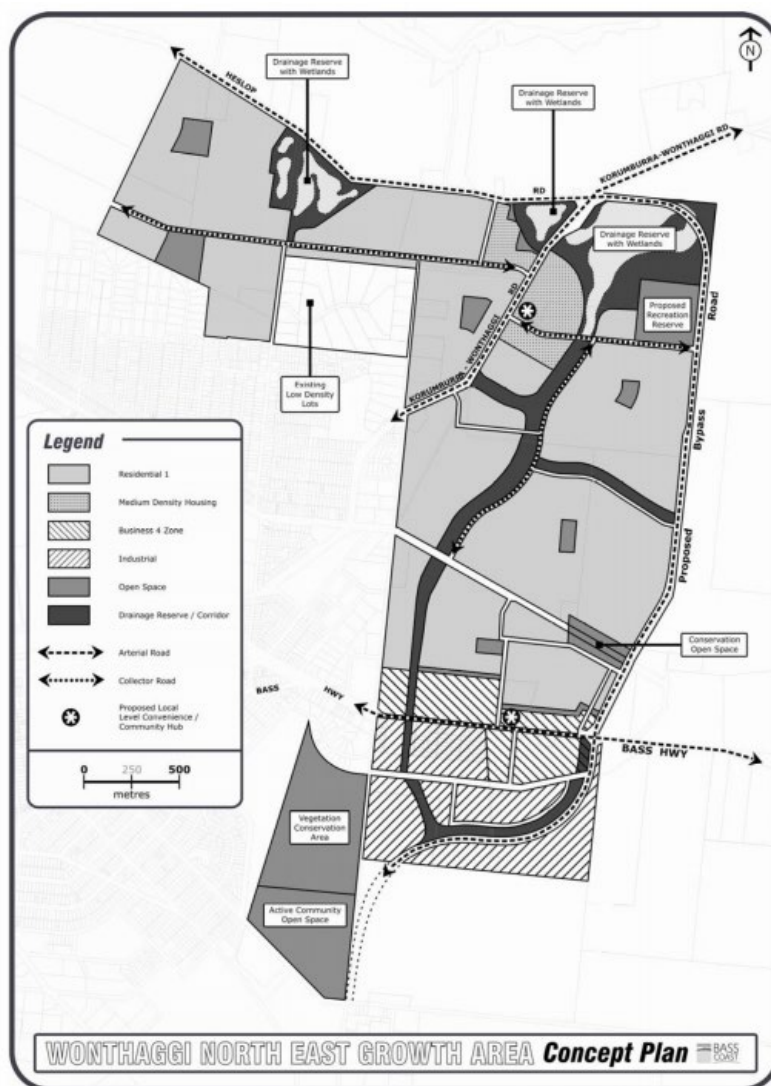
The *Wonthaggi Structure Plan 2018* superseded the *Wonthaggi-Dalyston Structure Plan September 2008* and sets out a 20 year strategic framework to manage future growth options for Wonthaggi. It is not referenced in the Bass Coast Planning Scheme although the

Wonthaggi-Dalyston Structure Plan is. The Wonthaggi Structure Plan identifies strong residential growth projections for the town and a lack of future residential land supply and a shortage of industrial and commercial land availability and recommended that future growth be directed to the Wonthaggi North East Growth Area.

3.4 Wonthaggi North East Growth Area Development Plan 2009

The *Wonthaggi North East Growth Area Development Plan 2009* was prepared to implement recommendations of the Wonthaggi-Dalyston Structure Plan and is included as a reference document to the Bass Coast Planning Scheme and is identified within DPO21 (as the Wonthaggi North East Growth Area Concept Plan – refer Figure 5).

Figure 5 Wonthaggi North East Growth Area Concept Plan



The VPA’s Part A submission identified that the PSP proposed urban structure is largely consistent with the Concept Plan but deviates in the following ways:

- The school has been located centrally within the PSP and co-located with the active open space and community centre
- The PSP includes a local convenience centre located in the northern edge of the precinct

- The extent of wetlands and retarding basins has been refined and the drainage corridor has been re-aligned along the eastern edge of the PSP from the wetland to Bass Highway
- The extent of commercial area on the northern edge of Bass Highway has been reduced
- The PSP extent is smaller as it does not include land to the west of Carneys Road, the small triangular parcel to the west of Wentworth Road (on the southern boundary), or the parcel in the south-eastern corner ...
- The PSP anticipates a higher yield compared with the 2009 Development Plan.

3.5 Amendments within the North East Growth area

Two amendments to the Bass Coast Planning Scheme have rezoned land within the identified growth area for residential development:

- Amendment C113 in 2010 which rezoned 190 hectares of land from Farming Zone to GRZ1 to accommodate up to 1700 new dwellings, applied the DPO21 and introduced the Wonthaggi-Dalyston Structure Plan and Wonthaggi North East Growth Area Development Plan 2009 into the planning scheme as reference documents
- Amendment C116 in 2011 which rezoned 29 hectares of land adjacent to the Bass Highway to Business 4 Zone (now C2Z) and 18 hectares to the south of the Bass Highway to IN1Z.

3.6 Planning Scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the PPF.

(i) Zones

Approximately one third of the PSP area is zoned for urban purposes including the GRZ1, LDRZ, C2Z, IN1Z and a small pocket of Public Park and Recreation Zone located in the south east corner. Two arterial roads traverse the precinct and are in the Road Zone Category 1. The remainder of the PSP area is within the Farming Zone.

The Amendment proposes to apply the UGZ, GRZ1 and IN3Z.

The purposes of the UGZ are:

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 UGZ1 includes the PSP Urban Structure Plan (Plan 3) provisions for use and development including applied zone provisions, application requirements including preliminary risk investigation, exemptions from notice and review and decision guidelines.

The purposes of the GRZ1 are:

To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The purposes of the IN3Z are:

To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.

To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.

To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

(ii) Overlays

The PSP area is partially covered by DPO21 which applies to the current GRZ1, C2Z and IN1Z areas within the PSP area. DPO21 is proposed to be removed from the existing IN1Z and C2Z sites, applied to the proposed GRZ area and not applied to the UGZ area. The DPO21 Schedule is proposed to be amended to:

- include five objectives (where none currently exist)
- under '2.0 Requirement before a permit is granted' remove section 173 Agreement provisions and specify that a permit can be granted before approval of a development plan for use, subdivision, construct a dwelling or buildings and works
- under 'Section 3.0 Conditions and requirements for permits' delete requirements relating to a town planning report, a flora and fauna study, heritage assessment, stormwater management plan and traffic management plan and insets requirements for preliminary site investigations
- under '4.0 Requirements for development plan' delete the majority of existing content and requires a development plan to identify how it generally accords with an amended Wonthaggi North East Area Concept Plan and has regard for the PSP.

The Bushfire Management Overlay currently extends approximately 180 metres eastwards into the PSP area from the bushfire hazard (Wonthaggi Bushland Reserve) to the west. The Amendment does not propose to change its current application to the PSP area. The land Subject to Inundation Overlay applies to a small portion of the PSP area south of Heslop Road. It is not proposed to be altered as part of this Amendment.

The Amendment proposes to apply the IPO, PAO, EAO and DCPO.

The purposes of the IPO are:

To identify areas which require:

- The form and conditions of future use and development to be shown on an incorporated plan before a permit can be granted to use or develop the land.
- A planning scheme amendment before the incorporated plan can be changed.

To exempt an application from notice and review if it is generally in accordance with an incorporated plan.

The draft IPO2 sets out requirements for a preliminary site investigation for sensitive uses on IN1Z and proposed IN3Z land south of Bass Highway.

The purposes of the PAO are:

To identify land which is proposed to be acquired by a Minister, public authority or municipal council.

To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.

To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.

PAO5 is to be applied to eight sites for land acquisition for road intersection works.

The purposes of the EAO are:

To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

The EAO requires:

Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

The purposes of the DCPO are:

To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

DCPO1 sets out a summary of costs and contributions within the DCP area aligned with the PSP.

(iii) Other provisions

The Amendment includes maximum leasable floor areas for shop within the PSP of 1,500 square metres for a convenience centre within the village hub and 500 square metres for other local convenience sites.

The Amendment amends the Schedule to Clause 53.01 Public Open Space Contribution and Subdivision to require the provision of land or a cash contribution equivalent to 2.14 per cent for residential land and 0.17 per cent for employment land identified in the PSP.

(iv) Relevant Ministerial Directions and Planning Practice Notes

The following Ministerial Directions are relevant to the preparation of the Amendment:

- Ministerial Direction - The Form and Content of Planning Schemes. The VPA advised that the Amendment complies with the appropriate templates used to draft the amendment ordinances, and the documents written in plain English
- Direction No. 1 Potentially Contaminated Land. This Direction is discussed in Chapter 7.2
- Direction No. 9 Metropolitan Planning Strategy. The VPA advised that the Amendment gives effect to Plan Melbourne's Policy 7.1.2 by planning for growing towns in peri-urban areas
- Direction No. 11 Strategic Assessment of Amendments. The VPA advised that draft Explanatory Statement sets out the strategic evaluation of the Amendment
- Direction No. 12 Urban Growth Areas. The VPA advised that the draft Explanatory Statement (to be read with the Statutory Strategy) sets out how the PSP and implementing Amendment has been prepared in accordance with the Precinct Structure Plan Guidelines
- Direction No. 19 Ministerial direction on the preparation and content of amendments that may significantly impact the environment, amenity and human health, and Ministerial requirement for information for authorisation or preparation of amendments that may significantly impact the environment, amenity and human health
- Ministerial Direction on the Preparation and Content and Ministerial Reporting Requirements for Development Contributions Plans. This Direction will be discussed in the Final Report.

The following Planning Practice Notes are relevant to the Amendment:

- Planning Practice Note 13: Incorporated and background documents
- Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlay
- Planning Practice Note 30: Potentially Contaminated Land
- Planning Practice Note 64: Local planning for bushfire protection.

3.7 Bass Coast Distinctive Areas and Landscapes project

On 29 October 2019 the whole of the Bass Coast Shire was declared a 'distinctive area and landscape' in accordance with Part 3AAB of the Planning and Environment Act 1987 (the Act). The declaration was made following consideration of the results of a first phase of public engagement and a technical assessment against the requirements of section 46AP of the Act.

Declaration of the Bass Coast triggers the requirement to prepare a SPP to create a framework for the future use and development of land in the declared area. In accordance with section 46AV of the Act, the SPP must set out:

- a 50-year vision identifying the values and attributes to be protected and enhanced
- the long-term needs for the integration of decision-making and planning for the declared area
- Aboriginal tangible and intangible cultural values and other cultural heritage values in relation to the declared area
- a declared area framework plan that integrates social, environmental, economic and cultural heritage attributes and which may specify settlement boundaries or designate settlement boundaries as protected settlement boundaries.

DELWP have advised that the draft SPP will be released as part of the DAL for community engagement purposes soon.

3.8 Amendment VC148

The new PPF was introduced into the Victoria Planning Provisions (VPP) and all Victorian planning schemes through the gazettal of amendment VC148 on 31 July 2018. The Bass Coast Planning Scheme is currently being considered as part of the PPF Translation project led by DELWP's Smart Planning team which will translate the Local PPF content within the Bass Coast Planning Scheme into a new integrated PPF and Municipal Planning Strategy. The VPA and Council estimated the translation would occur in June 2021 and therefore before the consideration of Tranche 2 issues and the Committee's final report.

The Amendment proposes to change Clause 21.07 (High Growth Regional Centre) which will form part of the PPF translation. It is considered that any consequential changes to the provisions will be managed as an administrative matter by Council and DELWP as part of the approvals process.

4 Strategic justification and application of the Precinct Structure Plan

4.1 Strategic basis for Amendment

(i) The issues

The issues are whether the Amendment:

- is strategically justified
- should proceed before completion of the Bass Coast DAL.

(ii) Evidence and submissions

The initial Parklea submission considered there was no strategic justification for the Amendment, that there was a sufficient land supply for housing in the Bass Coast Shire, with the majority of it in Wonthaggi. The submission considered the Amendment premature in the context of the DAL project which would specify long term settlement boundaries.

The submission of Paterno and Clifford supported the Amendment and identified that there was likely to be continued growth in demand for urban land in Wonthaggi given its locational attributes and demand for rural and sea-change lifestyles. It questioned however whether the VPA had properly applied its draft Precinct Structure Planning Guidelines for Melbourne's Greenfields (September 2020) walkability principles and recognised the locational attributes of its site (37 Carneys Road) as being suitable for residential use rather than industrial.

Wonthaggi Lifestyle supported the Amendment and identified that its own analysis of land supply undertaken for its proposed housing project south of the industrial precinct reinforced the need for further residential land supply in Wonthaggi.

The VPA's Part B submission set out the strategic basis for the Amendment including the informing background reports, key planning strategies (Plan Melbourne, Gippsland Regional Growth Plan and the Wonthaggi North East Growth Area Plan 2009). It also set out the manner in which the PSP had been prepared and considered it met the relevant planning policies and guidelines.

The VPA submitted that there is no evidence to support the assertion that the Amendment was not strategically justified, as Wonthaggi North East has been identified as a growth area and there is policy that supports appropriately diversified and timely supply of land. It referred to the written planning evidence of Mr Woodland of Echelon Planning who provided planning evidence for Parklea which stated "*the amendment is required to facilitate the future orderly development over the growth area*". It noted that the written property economics evidence of Mr Dawson of Urbis for Parklea that "*Bass Coast Shire existing land supply provides adequate provision of land to accommodate in excess of 15 years of housing demand*" but suggested this conflicted with the Woodland evidence and that there is sufficient policy support for the Amendment.

In relation to the DAL project, the VPA referred to the evidence of Mr Woodland that "*it is relatively unlikely (but not inconceivable) that the draft SPP will propose substantial modifications to settlement boundaries or growth area provisions for Wonthaggi...*". It identified that DELWP supported the Amendment progressing ahead of the DAL process and that "*the Amendment does not prejudice the outcomes anticipated through the DAL process*".

(iii) Discussion and findings

Most submissions supported the Amendment but raised specific issues about the content of the PSP and DCP and how it was applied or sought changes to it. Only the submission of Parklea opposed the Amendment outright on the basis that it was not strategically justified and premature in the context of the DAL project.

While the Committee has had the opportunity to read the expert written statements of Mr Woodland and Mr Dawson it has not had the opportunity to hear that evidence tested. This will occur during the Tranche 2 Hearing along with Parklea's substantive submission on these matters.

While the Committee has not attributed any weight to the evidence of Mr Woodland or Mr Dawson at this point of proceedings, they are informative.

The Committee notes however that the bulk of Mr Woodland's evidence relates to issues associated with the application of the DCP. The evidence broadly acknowledges that the Amendment in general terms makes proper use of the Victorian Planning Provisions and is required to support future orderly development over the growth area. He considers that it supports or implements Clause 11.01, 11.02-2S (Structure Planning) and satisfies Clause 11.02-1S (Supply of urban land) providing clear direction on where growth should occur. His evidence includes an assessment of the PPF and notes particular concerns about the application of the DCP to areas with approved development plans and infrastructure funding agreements in place and the sequencing of development, supporting a staged approach to rezoning or prioritisation of development and key infrastructure timing. In relation to the timing of the DAL project, he identified that the Amendment may need to be revisited if the draft SPP makes changes to the Wonthaggi settlement boundary.

Mr Dawson's written evidence statement included a detailed analysis of population and housing projections and associated land supply and demand. He identified a current housing supply in Bass Coast and Wonthaggi of 16 years and up to 21.9 years (Bass Coast) and 34.9 years (Wonthaggi) with the inclusion of PSP land yields. Both Mr Dawson and Mr Woodland referred to the DAL Discussion Paper (DELWP, March 2020) which for Bass Coast identified 14-15 years of zoned supply and 10 years unzoned supply.

The Committee is of the view that the PSP has been prepared in a manner consistent with the VPA's draft Precinct Structure Planning Guidelines and is supported by extensive background analysis. The subject land has clearly, and for some time, been identified for future urban growth. In this context the application of a PSP and DCP, and the UGZ to areas not currently zoned for residential use is appropriate and strategically justified. At the broadest level the Amendment is supported by the PPF. The Committee acknowledges the broader issues parties have regarding the application of the DCP and DPO21 to existing development plan areas. These are matters the Committee will consider following the Tranche 2 Hearing.

The Committee notes that Clause 11.02-1S (Supply of urban land) seeks to ensure that sufficient land is available to meet forecast demand. It requires that Planning Authorities plan to accommodate projected population growth over at least a 15 year period across the relevant local government area, and to provide clear direction on locations where growth should occur. While it is evident that the Amendment will result in a residential land supply well in excess of 15 years for both the municipality and Wonthaggi, this is not inconsistent with Wonthaggi's identified growth

role, the existing designation of the subject land for growth and the potentially long yield times for development of some of the growth area. Given the existing development activity is generally radiating outwards from the core parts of the PSP area adjoining existing urban areas, the potential issues associated with excessive lot supply and risk of disjointed development and lack of infrastructure delivery is less of a concern to the Committee. That said, at this stage the Committee makes no observation on whether the PSP should include a timing or prioritisation mechanism beyond what already exists in requirement R59. This will be considered following the Tranche 2 Hearing given potential changes to Section 3.7 of the PSP relating to sequencing, timing and infrastructure delivery.

In relation to the impacts of the DAL project on the Amendment, the Committee acknowledges the comments from DELWP. Given Wonthaggi has long been identified as a growth centre and the areas for growth well established in planning policy the Committee sees no reason to suggest that the Amendment is premature or should wait until the DAL project is completed. It is a long held principle in panel reports that strategic planning is an iterative and continuous cycle. Strategic planning cannot wait for all the right conditions, or each piece of the puzzle to be completed. That said, the Committee notes that this Interim Report makes findings and observations on the Amendment rather than recommendations, the anticipated timing of the DAL project therefore does allow any the consideration of the draft SPP if necessary.

The Committee finds:

- At the broad strategic level the PSP is the appropriate tool to guide the future development of the Wonthaggi North East growth area and its application is strategically justified subject to a number of changes to respond to submissions. The application of the UGZ1, GRZ1, IN3Z, EAO, IPO2 and DPO21 are broadly appropriate and strategically justified subject to changes identified in this Report and the further consideration of Tranche 2 Hearing submissions.
- The Amendment process should proceed without waiting on the completion of the DAL.

4.2 Extent of land affected by the PSP

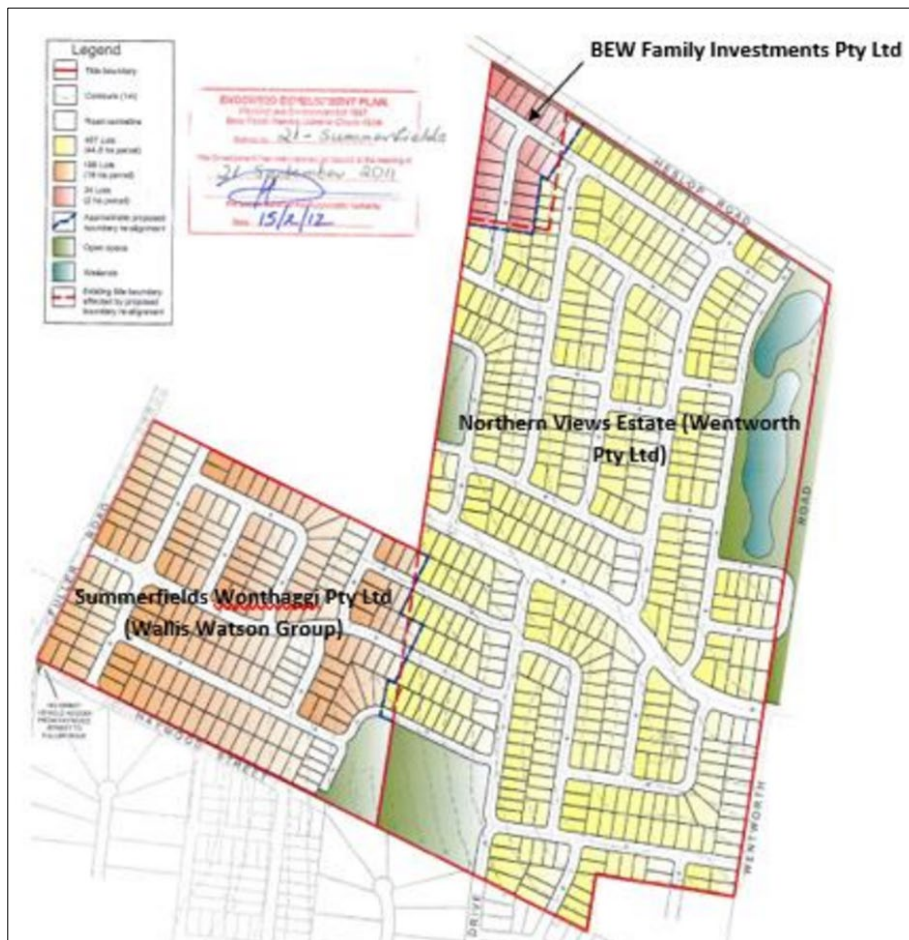
(i) The issue

The issue is whether the PSP should apply to sites with existing development plans and planning permits.

(ii) Submissions

The submissions of BEW and Wentworth objected to the inclusion of their sites within the PSP. The Wentworth submission identified that the Wentworth land (Northern Views Estate) had been rezoned to GRZ as part of Amendment C113, had an approved development plan – Summerfields Development Plan (Figure 6), a section 173 Agreement providing for development contributions and a planning permit (with stage 1 completed and processes well advanced for the commencement of civil works for stages 2 and 3). The submission also noted that the Summerfields Estate was largely completed with the final stage under construction.

Figure 6 Summerfields Development Plan



The Wentworth submission considered that the strategic basis for including the site within the PSP was unclear and illogical and had the potential to require new approvals more consistent with the PSP if existing approvals were required to be amended, and would incur additional infrastructure contribution costs beyond those already negotiated in its section 173 Agreement. It submitted that given the advanced stage of planning for the site, inclusion of it within the PSP was inconsistent with the VPA's own guidelines for preparing PSPs, which identified PSPs as a high level strategic plan setting out the preferred spatial location of uses and infrastructure and guidance for subdivision and development (*Structure Planning in Melbourne's Greenfields Draft for Public Engagement September 2020*). Wentworth submitted that PSPs are not generally applied to an established community or area where permits have been issued and development underway. In support of this position it identified estate sites adjacent to the Beveridge Central, Lockerie North, Shepparton South East and East of Aberline PSPs.

The initial submission of Parklea raised similar concerns suggesting that the application of a PSP to existing residential zoned land under development was inconsistent with sound planning, and too late to be effective, resulting (along with the DPO21) in superfluous provisions.

VPA's Part A submission identified that as of December 2018 Council had approved development plans and permits in some instances for the following sites within the Wonthaggi North East Growth Area (refer Figure 7)²³:

- 'Powlett Ridge' (LandGipps site) Development Plan approved in October 2028 (amended), and planning permit issued for 232 lot subdivision
- Parklea Development Plan approved, and two planning permits issued for approximately 610 lots
- Summerfields Development Plan approved in September 2011 for separate parcels in different ownership
 - Summerfields Estate (Area 1), with a planning permit issued for a 202 lot subdivision
 - Northern Views Estate (Area 2) (Wentworth site), with a planning permit issued for a 504 lot subdivision
 - Summerfields (Area 4) (BEW site) – no planning permits issued
- Summerfields (Area 3) also known as 173 Wentworth Road - Development Plan approved in October 2011, with a planning permit issued for a 23 lot subdivision
- 'Oates Road Development Plan' approved in September 2015, with a planning permit for a 119 lot subdivision
- Klun Land Development Plan (industrial area in Kevin Street) approved in May 2012 for industrial land use, with no planning permits issued yet.

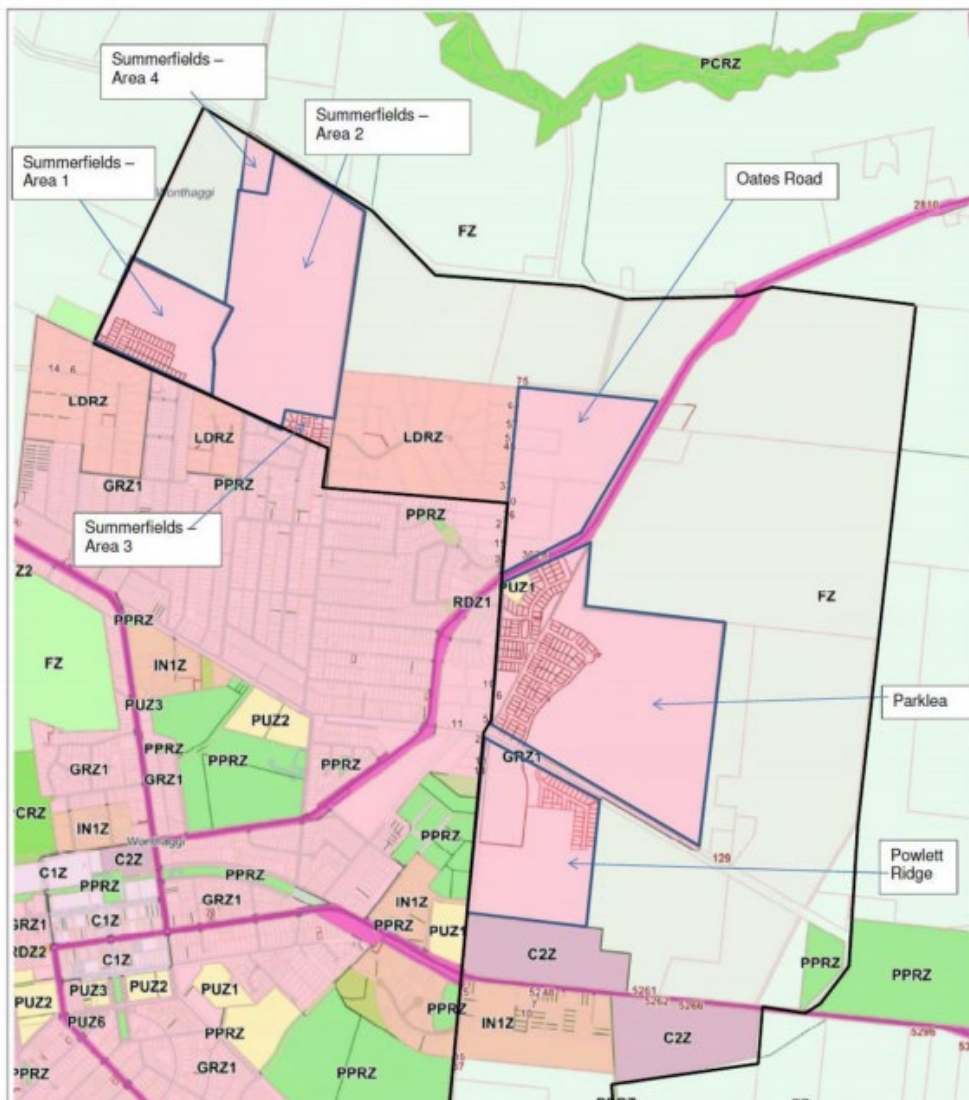
The Committee was also advised that a development plan had been approved for 35 Carneys Road in June 2017 and a planning permit issued for a 27 lot subdivision on the 30 March 2021.

The VPA submitted that the Northern View Estate and Wentworth land should remain in the Amendment as the land would benefit from the improved infrastructure and facilities within the PSP area. It noted that a distinction could be drawn between these sites when compared to the examples provided by Wentworth as they were not on the fringe of the PSP.

The VPA noted that further amendments to the DCP to be identified through the Tranche 2 Hearing process would resolve some of the submitter's concerns about recognising development contributions identified in existing section 173 Agreements.

²³ Klun land not shown in Figure 6

Figure 7 Approved development plans



Source: VPA Part A submission Figure 11 page 16

(iii) Discussion and findings

The Committee supports the VPA position that the PSP should include the Northern View Estate and Wentworth land. Unlike the examples provided by Wentworth, these sites have other sites to the west that do not have approved development plans or planning permits in place. The PSP has a strategic role to play for these sites and will ensure that adjoining sites are properly integrated, and the broader vision and objectives are achieved for the wider community benefit including infrastructure delivery.

The Committee acknowledges the concerns of Wentworth and others that Council as the responsible authority could require changes to approved developments to align with the PSP when permit changes or extensions are sought. While this is a possibility, such decisions need to be made in the context of both planning policy and the objectives of the Act including achieving appropriate planning outcomes and a level of reasonableness. If necessary, review mechanisms exist over permit decision disputes. The Committee considers that the strategic outcomes to be achieved by applying the PSP to all proposed sites outweigh the relatively low risk of disputes relating to any permit variations.

How the DCP applies to existing sites with existing approvals including section 173 Agreements will be considered at the Tranche 2 Hearing and considered by the Committee in its final Report.

The Committee finds:

- The PSP should apply to all property parcels as proposed including parcels with existing development plans and planning permits.

4.3 Consistency between development plans and the PSP

(i) The issue

The issue is whether the PSP should be amended to reflect approved development plans.

(ii) Submissions

The submissions of Milne, A1 Group, Wallis Watson and Wentworth raised concerns that the PSP arrangement of some roads and open space areas did not align with those identified in approved development plans or planning permits. These submissions are discussed in more detail in Chapters 8.1, 8.3 and 9 of this Report including the VPA's response to them.

The VPA acknowledged the status of a number of development plans. Its broad position on this submission theme was that the PSP was a high level, long term plan and that scope and flexibility existed for proposals that were 'generally in accordance with the PSP'.

(iii) Discussion and findings

The Committee acknowledges that the UGZ (and the PSP in some instances) provides for applications to be considered where they are generally consistent with the PSP and its vision and objectives. The Committee considers that generally the PSP vision and objectives should have a level of strategic priority over historic approvals or plans prepared in isolation. However, in this instance the majority of development plans approved within the PSP area are recent and approved in the context of existing policy including the Wonthaggi Strategic Framework Plan. In some cases these development plans have progressed to development approval and are under active construction (such as the Northern View estate).

Unless it could be demonstrated that approvals in line with existing development plans are contrary to the vision and objectives of the PSP or deliver unacceptable outcomes, the more pragmatic outcome is to align the PSP with them. This provides greater certainty for land owners and developers and avoids future argument as to whether a proposal is 'generally in accordance' with given the PSP. This is particularly the case where requirements are mandatory and exclude the generally in accordance with provisions (such as road access). The Committee considers this issue in the context of specific sites at Chapters 8.1 and 8.3 based on the principles of consistency with the PSP vision and objectives.

The Committee finds:

- The PSP should align with approved development plans where they are generally consistent with the PSP and consistent with the vision and objectives of the PSP.

5 Business/Mixed Use and Industrial precincts

5.1 Bass Coast Highway Business/Mixed Use precinct

(i) The issue

The issue is whether the PSP should be amended to identify an alternative Commercial/Mixed Use precinct arrangement along Bass Coast Highway.

(ii) What is proposed?

The PSP:

- identifies at Plan 3, a mixed use area and business area extending along the north side of Bass Highway (refer Figure 8)
- includes at Section 3.2.2 Employment, requirements and guidelines for the 'Business/Mixed use' area and which identifies that the purpose and role of the Business/Mixed Use precinct "is to provide a precinct of concentrated employment and services with an element of residential living", with the mixed-use area "providing an interface between core businesses and residential areas" and catering "for a broad range of employment and higher residential densities".

The UGZ1 identifies the following applied zones:

- Business – C1Z
- Mixed use - Mixed Use Zone (MUZ).

Figure 8 PSP Plan 3 – Future Urban Structure section - detail showing business/mixed use and industrial precincts



(iii) Evidence and submissions

Mr Ludeman of Project Planning and Development provided a detailed written submission on behalf of Birdwood (relating to property parcels 60, 61, 62, 63-E and 63-R). It sought to identify a portion of property parcel 63-R abutting Bass Highway east of the proposed St Clair Boulevard as

mixed use, to a depth of 90 metres and reducing the depth of the C2Z on business precinct parcels 63-E and 64-E and supported its position with the economic evidence from Mr Brian Haratsis of Macroplan.

The evidence of Mr Haratsis analysed the Commercial and Industrial Land Assessment, June 2017 and Addendum, 2019 undertaken by Urban Enterprise and supported the view that there was an under provision of C2Z land given the land takes required for bulky goods and other anticipated uses such as churches, hotels and offices. The evidence supported the application of the MUZ or C2Z east of St Clair Boulevard to accommodate a wide variety of uses (including gallery, real estate offices and other offices). He identified that a depth of 90 metres was required for the C2Z and MUZ areas to allow for required setbacks and intersection. In response to questions from the Committee he indicated that he did not think the increase in land set aside in total hectares for business and mixed use activities would result in an oversupply of commercial land.

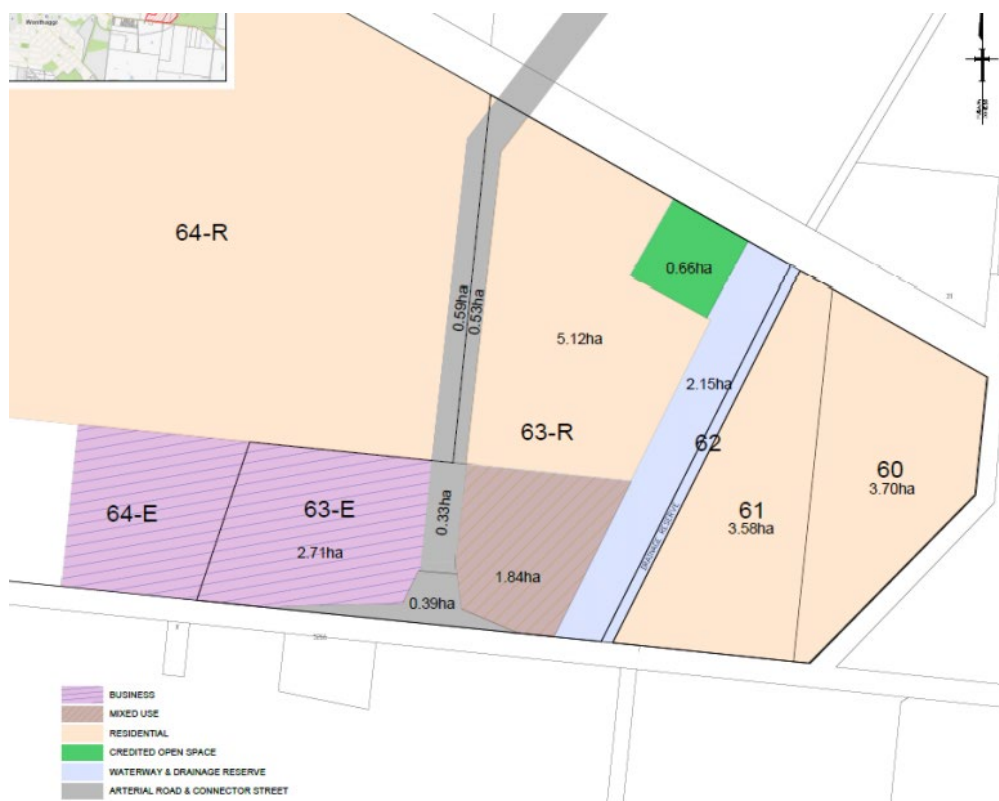
The initial submission of LandGipps and the submission of Clive and Julie Kilgour sought further detail to be included in the PSP about the planning outcomes for the Mixed Use precinct.

The VPA’s closing submission supported the changes sought by Birdwood, proposing that:

- the depth of the C2Z land be 90 metres
- the MUZ be extended eastwards as shown its Final Tranche 1 changes to the Business/Mixed Use precinct (Figure 9).

The VPA did not support further changes to the PSP, submitting that further outcomes for the Mixed Use precinct and the applied zone (MUZ) and PSP sufficiently identify the purpose of the zone and the land uses that are allowed or prohibited. It identified that Council was in a position to tailor specific objectives and decision guidelines in the schedule to the zone if required.

Figure 9 VPA proposed changes to Business/Mixed Use precinct



(iv) Discussion and findings

Because the Commercial and Industrial Land Assessment undertaken by Urban Enterprise was broadly supported by the evidence of Mr Haratsis, there is no basis for the Committee to reach the conclusion that the employment areas identified in the PSP are inappropriate. The position of Birdwood and evidence of Mr Haratsis proposing an alteration to the Business/Mixed Use precinct has been supported by the VPA and the Committee has not heard any submissions or evidence to date that questions the shared approach to spatially rearrange the precinct.

The Committee considers that reasonably sound positions have been put forward regarding the need for more mixed use land, its location to the east of the proposed boulevard connector and the depth of the C2Z area.

The Committee agrees that capacity exists within the MUZ to determine more specific outcomes for the Mixed Use area via a schedule should Council consider that necessary with the appropriate level of strategic justification. In the interim the PSP provides an appropriate level of guidance through objectives, requirements, guidelines and statements about the role and purpose of the precinct. In addition, the usual merits considerations at planning permit stage will also apply. There appears to be no clear reason why the Amendment should be held up until that work takes place or is considered necessary.

That said, the Committee has not had the benefit of hearing the LandGipps submission or hearing or reviewing the planning evidence of Mr Glossop (it was not submitted before the Hearing). While it is possible before the Tranche 2 Hearing that the VPA and LandGipps reach agreement about the Business/Mixed Use proposed changes, from a procedural fairness and natural justice perspective this makes it somewhat difficult for the Committee to make final findings regarding this issue. It has therefore limited itself in this instance to observations.

The Committee observes:

- That the VPA Tranche 1 Final changes to the Business/Mixed Use precinct in response to the Birdwood submission appear reasonable and justified.
- There appears to be no strong reason at this stage to suggest that the PSP is deficient in its guidance for the Mixed Use area's land use and development outcomes and requires further guidance.

5.2 Industrial precinct

(i) The issues

The issues are whether:

- sufficient land has been identified for light industry
- appropriate buffers are provided
- alternative uses and zoning could be applied
- the existing industrial area is appropriately integrated into the PSP.

(ii) What is proposed?

The PSP includes:

- on Plan 3, an industrial precinct south of Bass Highway which is proposed to apply to land currently zoned C2Z and INZ and extend to land to the south (property parcels 128 and 29) currently within the Farming Zone

- no objectives, land use or built form requirements or guidelines for the industrial precinct.

The Amendment proposes to rezone the industrial precinct to IN3Z.

(iii) Submissions

Mr Brotheridge provided a written submission to the Committee which included an extensive series of emails and correspondence with Council, the VPA, SGW and DELWP about his frustrations about developing his land at 51 Johns Street given the requirement to prepare a development plan and lack of reticulated infrastructure services. His submission identified concerns about the lack of guidance in the PSP and DCP relating to the provision of water and sewerage infrastructure (and which are further outlined in Chapter 9). Submission supporting documentation also pointed to the general lack of guidance in the PSP relating to the existing industrial properties.

The submission of Paterno and Clifford presented by Mr Mcllraith of PE Law urged the consideration of an alternative mixed employment and residential outcome for its site at 37 Carneys Road rather than industrial based on its locational attributes and landscape qualities. It identified that the IN3Z was an appropriate zone to apply to provide a buffer between the IN1Z and housing but suggested it only apply to the northern portion of its site to allow the remainder to be used for alternative uses including housing. The submission also suggested that the range of uses permissible in the IN3Z was too limited for an employment precinct and identified the C2Z or Commercial 3 Zone as alternatives noting Mr Haratsis' evidence that C2Z was underprovided.

Mr Mcllraith considered such alternate uses would enhance walkability and reduce car use, enhance connectivity to Wonthaggi Secondary College, provide greater housing choice including low density dwellings and a lower density transition towards Cape Paterson, minimise the impact on the Wonthaggi Bushland Reserve and future recreation precinct west of Carneys Road.

Mr Mcllraith identified that his client intended to reside at their property for some time and needed some confidence that appropriate separation distances were applied to existing sensitive uses. He noted the permit issued for an asphalt batching plant at 37 Carneys Road without the consideration of separation distances where third part rights were excluded. He sought the inclusion of guidance for separation distances including reference to EPA Publication 1518 in the PSP.

Submission 17 considered there was a lack of light industrial zoned land in Wonthaggi.

The submission of Wonthaggi Lifestyle supported the retention of the industrial precinct as proposed based on the findings of Urban Enterprise's Commercial and Industrial Land Assessment and considered there was no evidence to suggest alternative land use outcomes were appropriate. It considered the application of the IN3Z was appropriate and would provide an adequate buffer to its proposed residential site to the south.

The VPA submitted that the Paterno and Clifford site forms part of an identified industrial precinct within the PSP area informed by industrial demand assessments. It identified that despite there being instances of IN1Z land directly adjoining residential zones across Melbourne, this does not represent a desired land use outcome.

In relation to the batching plant permit for a batching plant at 35 Carneys Road, the VPA confirmed that the permit had expired and that separation distances are appropriately dealt with under Clause 53.10 (Uses with Adverse Amenity Potential) of the Bass Coast Planning Scheme.

(iv) Discussion and findings

While the Committee acknowledges the challenges Mr Brotheridge has faced trying to develop his property over many years, this is largely a result of existing planning controls in place requiring the preparation of a development plan before development can be approved. The existing planning control regime is not a matter the Committee can consider. That said, the Committee observes that the PSP provides no real guidance (in terms of requirements or guidelines) about desired development and land use outcomes in the existing industrial precinct or staging of development. The PSP directions for this precinct are largely limited to providing for connections through this area to new employment areas to the south. At a strategic level this might be reasonable given the area is already zoned INZ1 and connections and coordination of infrastructure delivery is paramount to facilitate orderly growth. However, it potentially creates the situation where larger sites to the edge of the existing industrial area are readily developed while the smaller existing industrial land sites remain undeveloped or underutilised. This would be a poor planning outcome, particularly for lots close to Bass Highway and with the potential to contribute to a more functional and vibrant employment precinct. The Committee further discusses this concern in Chapter 9.

In response to the Paterno and Clifford submission, the Committee considers that the Commercial and Industrial Land Assessment undertaken by Urban Enterprise provides a robust analysis of the demand for industrial land and supports the quantum identified to be accommodated in the PSP. There was no evidence provided to suggest the industrial land demand estimates were incorrect, while Mr Haratsis' evidence largely agreed with the employment land spatial needs identified by Urban Enterprise. While the Committee acknowledges that 37 Carneys Road enjoys locational attributes that might be suitable for housing outcomes, the PSP needs to be considered holistically including provision for a functional and accessible employment area and activity centres. The Committee considers the accommodation of further industrial land is appropriately located adjacent to existing industrial areas within close proximity of Bass Highway. Strategically, an industrial future for this and adjoining sites has been identified for some time (Wonthaggi Strategic Framework Plan and DPO21 Growth Area Concept Plan).

The Committee does not therefore support designating a portion of 37 Carneys Road for residential use. It does not consider that there is any strategic justification to support the use of the Low Density Residential Zone or the provision of larger low density style residential lots within an area designated for urban growth. This is an inefficient utilisation of land resources and invested infrastructure particularly where there is further capacity to provide for housing outcomes in other locations outside designated growth areas.

The Committee considers that the INZ3 is an appropriate zone to apply to the Industrial precinct noting that its purposes include providing buffers to local communities, allowing for industries compatible with the nearby community, providing limited retailing opportunities and ensuring land use does not affect the safety and amenity of adjacent sensitive uses. The INZ3 allows for some additional non-industrial uses not permitted in the INZ1 including convenience shops, which provides some additional employment and activity outcomes for the precinct in the short to medium term. Other uses may also be permitted in the IN3Z including place of assembly, education centre, office, restricted retail premises.

The Committee does not believe that there is any strategic basis to apply the C2Z or CZ3 to a portion of 37 Carneys Road. This is because the site is spatially isolated from Bass Highway behind the existing INZ1 land and would risk splitting the Business/Mixed Use precinct into two areas and

spread it too far, potentially compromising the viability, vibrancy and compactness of the precinct. The further application of the C2Z or CZ3 would need a more detailed analysis to support it including an understanding of the wider impacts on Wonthaggi's retail hierarchy.

The Committee acknowledges that the IN3Z permit requirements and decision guidelines to consider amenity impacts only extends to applications for use, and then only where a permit for use is required and Clause 53.10 does not apply for sensitive uses within an industrial zone. The application of the IN3Z by its purpose alone is unlikely to see the establishment of uses requiring buffers or the management of off-site noise and amenity impacts. The Committee therefore does not consider that the PSP needs to contain requirements relating to buffers or EPA guidelines.

The Committee finds:

- Sufficient land has been identified in the PSP for industrial use.
- The application of the IN3Z to the Industrial precinct is appropriate.

6 Housing diversity

(i) The issues

The issues are whether the PSP should:

- include further requirements and guidelines for housing diversity including affordable housing
- identify property parcels 60 and 61 as a residential village or site for higher density housing.

(ii) What is proposed?

The PSP identifies the following directions around housing diversity:

- Objective 4 which is to *“promote greater housing diversity and affordability with lots capable of accommodating a variety of dwelling types and sizes that encourage a variety of tenure and household types in appropriate locations”*
- Requirement R8 which requires that *“Residential subdivisions must deliver a broad range of lot sizes capable of accommodating a variety of housing types”*
- Requirement R10 requires demonstration of how lots intended for medium and high density or integrated housing can be developed to meet specific design outcomes
- Guideline G11 encourages a broad range of lot sizes consistent with Table 3 Housing type by lot size
- Guideline G13 requires housing forms such as retirement living or aged care to be integrated into the wider structure and close to neighbourhood centres and community hubs.

(iii) Submissions

The Birdwood submission set out a background to the site’s strategic plan context, discussions with Council, zoning issues and approvals for its site including a development plan which included 229 residential lots and bulky goods/restricted retail and proposal for a residential village. The submission was critical about the lack of direction in the PSP for affordable housing or the lack of a housing needs assessment to nominate locations for preferred housing forms consistent with the VPA’s draft Precinct Structure Planning Guidelines. It set out the basis of a key need for affordable housing in Wonthaggi citing Council’s *Affordable Housing Picture and Affordable Housing Plan 2009-2013*, 2016 Community profile, its own housing needs analysis and the role its site could play in meeting this demand.

The Birdwood submission sought the identification of property parcels 60 and 61 as a residential village or site for higher density housing. It was concerned that without this designation all land in the PSP would be subdivided and developed for conventional housing. The submission also raised concerns about the impact of the proposed waterway corridor dissecting parcels 60 and 61, suggesting it be realigned adjacent to the existing drain to the east of parcel 61.

Submission 17 sought a greater diversity of housing including standard lots, dual occupancies, small housing options for seniors and larger lots and the use of covenants or restrictions to ensure diversity so as to provide for a sustainable long term supply of housing that will meet the needs of a diverse population.

Paterno and Clifford suggested that additional wording should be included in the PSP to encourage higher density living within the walkable catchment of the town centre and that low density housing options should be provided, potentially at 37 Carneys Road as identified in Chapter 5.2.

The VPA considered the PSP provided appropriate direction regarding housing diversity and further changes were not required.

(iv) Discussion and findings

The Committee agrees in part with Birdwood and Paterno and Clifford that the PSP provides minimal guidance to housing diversity, higher density housing and housing affordability. It considers that additional guidance is required for the location of the housing types identified in Table 3 particularly attached housing and semi-detached housing typologies. This might be achieved through changes to requirement R8 and guideline G11 or new guidelines. The Committee is reluctant to set out a requirement and notes that in part it needs to respond to market demands and nuances of the Wonthaggi housing market and associated demand.

While the Committee acknowledges there may be a demand for more affordable housing and greater housing choice, it does not support the specific designation of the Birdwood site (or any other site) for a particular housing outcome. A residential village proposal is part of the housing mix options as would be expected in a large growth area and should be able to be accommodated. The UGZ can accommodate a residential village proposal being made however any proposal should be considered on its merits. The Committee considers that guideline G13 provides some useful criteria to inform decision making.

The Committee notes the in-principle support from the VPA to realign the waterway corridor that currently dissects property parcels 60 and 61 to the existing drain to the east. The Committee observes that this would enable a more efficient housing development parcel and considers it an appropriate response if it can be accommodated within the wider waterway and drainage strategy but makes no further comment on this pending consideration of wider drainage issues at the Tranche 2 Hearing.

The Committee finds:

- The PSP should include amended requirements and guidelines for housing diversity including affordable housing to provide greater locational guiding criteria.
- It is not necessary for the PSP to nominate particular sites for residential village or higher density housing outcomes.

7 Development considerations

7.1 Cultural Heritage Management Plans

(i) The issue

The issue is whether the PSP requirement for a Cultural Heritage Management Plan (CHMP) on identified land is appropriate.

(ii) What is proposed?

In Section 3.1.2 Heritage and Land Contamination, the PSP includes a requirement (R7) for a CHMP to be prepared for development on land identified in Plan 2 Precinct Features as 'an area of Aboriginal cultural heritage sensitivity' and a guideline (G10) for a voluntary CHMP for land identified as being of 'high' or 'moderate' Archaeological potential.

(iii) Submissions

The initial submission from Paterno and Clifford requested that requirement R7 should not be mandatory and should be deleted.

The VPA Part B submission provided context for the proposed requirements and guidelines including:

- the Aboriginal Cultural Heritage Survey undertaken to inform the PSP in 2017 and which included consultation with the two Traditional Owner groups (the Boon Wurrung Foundation and Bunurong Land Council Aboriginal Corporation)
- Clause 3.5 Cultural Heritage of the Background Report.

The VPA advised that "*...the CHMP requirement is based on legislation and is mandatory. The wording of the requirement is based on what has been negotiated with Aboriginal Victoria...*" and that therefore no change to the Amendment was required other than splitting the cultural heritage elements from Plan 2 for inclusion into a separate Plan or figure.²⁴

(iv) Discussion and findings

The Committee is comfortable that the requirements and guidelines in the PSP for CHMPs are supported and soundly underpinned by an appropriate level of analysis and discussion with the land's Traditional Owners.

The Committee agrees that where there is a likelihood that areas of cultural sensitivity have survived in the PSP area and areas identified with moderate or high Aboriginal archaeological potential, and based on the lack of evidence to the contrary, a CHMP is the correct tool to avoid or mitigate disturbance. In this instance the Committee considers a mandatory requirement is justified.

The Committee supports the VPA's suggested inclusion of a separate plan or figure in the PSP to include cultural heritage information to improve legibility.

²⁴ Separate plan identified in VPA Part B submission Appendix A

The Committee finds:

- The PSP requirement R7 for a Cultural Heritage Management Plan on identified land is appropriate.
- The PSP should be amended to include a separate plan or figure in Section 3 to identify areas of Aboriginal cultural heritage sensitivity as identified in the VPA's Day 1 Amendment changes.

7.2 Contamination

(i) The issues

The issues are whether the:

- application of the EAO is appropriate
- DPO should include a requirement for a preliminary site investigation for sites with approved Development Plans and planning permits.

(ii) What is proposed?

The Amendment proposes to:

- apply the UGZ1 which includes a requirement for a preliminary site investigation for the use and development of seven identified properties for accommodation, and primary and secondary schools
- apply the EAO to property parcels 42, 43, 44 and 47
- apply IPO2 to the industrial precinct to require a preliminary site investigation for the use and development of land for accommodation, and primary and secondary school
- amend DPO21 to include as a condition and requirement for a permit, the requirement for a preliminary site investigation for the use and development (including works and subdivision) of 13 properties for accommodation, and primary and secondary school.

(iii) Relevant Ministerial Directions and practice notes

Ministerial Direction 1 - Potentially Contaminated Land seeks to ensure potentially contaminated land is suitable for use proposed by an Amendment and that the environmental conditions of the land are suitable for the proposed land use.

Planning Practice Note 30: Potentially Contaminated Land provides guidance on the application of the EAO.

(iv) Submissions

Carbora noted that the exhibited version of the Amendment applies the EAO over property parcel 47. It suggested that this was an error as the GHD Contaminated Land Investigation Report that informed the application of the EAO indicates property parcel 48 should have the overlay applied instead.

The VPA acknowledged the EAO mapping error and confirmed that the EAO should apply to property parcels 48 and not 47 as exhibited. It identified that this was consistent with the GHD Contaminated Land Investigation Report.

Wentworth questioned why a preliminary site investigation would be required over its site (property parcel 6)²⁵ through DPO21 where a planning permit for residential use has been issued. It considered that given the land was actively being transformed the requirement for a preliminary site investigation in the future would be superfluous. It considered any amendments to its existing planning permit or endorsed plans or an extension to the permit could trigger the preparation of a preliminary site investigation, adding unnecessary time and cost. Wentworth submitted that such a requirement did not provide for orderly planning or the certainty sought under the Victorian planning process.

The VPA submission identified that the basis of the application of the EAO and the IPO2 and DDO21 requirements for a preliminary site investigation were the *Wonthaggi North East Growth Area Contaminated Land Investigation* (GHD April 2016) and *Wonthaggi Precinct Structure Plan-North East Growth Area Phase 1 Preliminary Site Investigation* (GHD May 2019). It identified that these investigations:

- included a land capability assessment has been carried out for the land to determine any contamination potential with many farming properties have residual low-impact contamination associated with the conventional farming practices
- identified areas subject to historical localised contamination
- identified potential contaminants within the soil that may constrain the development of the land for sensitive uses or open space
- were informed by the Potentially Contaminated Land General Practice Note, DSE 2005 and identified areas in relation to perfluorinated compounds (PFC) contamination on rating scale (and assessment level rating) of High (A – requiring an EAO), Medium (B - Phase 1 environmental site assessment) and Low (C – no further assessment required). These ratings were reviewed in the 2019 GHD report.

The VPA submitted that the Amendment:

- applies the EAO across the four properties identified as having a high risk of potential contamination to ensure that further work is undertaken for properties prior to use for a sensitive purpose
- properties identified with a medium risk of contamination are required through DPO21 to carry out a proportionate assessment (preliminary site investigation) and clean up of any discovered contamination before new development commences.

The VPA disagreed with Wentworth and considered that the DPO21 provisions should remain as proposed because the PSP is a long term plan and the same level of guidance should be provided for all parcels.

(v) Discussion and findings

The Committee considers that the *Wonthaggi North East Growth Area Contaminated Land Investigation* (GHD April 2016) and the *Wonthaggi Precinct Structure Plan North East Growth Area Phase 1 Preliminary Site Investigation* (GHD May 2019) provide an appropriate level of assessment to support the application of the EAO to identified properties and the requirement for preliminary site investigations within the UGZ1 and DPO21. It observes however that the use of different

²⁵ PSP property parcel 6 is identified as site 4 in the *Wonthaggi North East Growth Area Contaminated Land Investigation* (GHD April 2016) and Table 2 of DPO21

property identifiers in the tables to the UGZ1 and DPO21 to those included in the PSP does make it challenging to match where the requirements apply.

The Committee supports the application of the EAO consistent with the Day 1 Amendment changes identified by the VPA including the correction of the EAO mapping to include it on property parcel 48²⁶. The Committee considers that the application of the EAO to potentially high risk areas only is consistent with Ministerial Direction No. 1 Potentially Contaminated Land and Planning Practice Note 30: Potentially Contaminated Land.

The Committee acknowledges the concerns of Wentworth that despite site development being well advanced consistent with approved permits, the requirement for a preliminary site investigation could be triggered by a permit amendment for sites identified within the DPO21 and UGZ1. While the DPO21 and the UGZ1 allow a waiver of this requirement if it is “*satisfied that the requirement has been complied with*” (DPO21) or “*has been complied with, or is not relevant*” in the case of the UGZ1, this may not provide the comfort or certainty sought by Wentworth or other affected land owners. The Committee considers that without evidence to the contrary it must rely on the two GHD investigation reports to establish that there is some risk of potential on the identified sites that warrants a considered approach. A preliminary assessment is considered an appropriate approach in the circumstances; however the Committee sees some utility in the DPO21 having the same waiver provisions as the UGZ1.

The Committee finds:

- That the application of the EAO is appropriate but the EAO mapping should be amended to apply it to PSP property parcel 48 and remove it from property parcel 47.
- That the requirement for a preliminary site assessment in DPO21 is appropriate but should include similar waiver arrangements as proposed in the Schedule to the UGZ1.

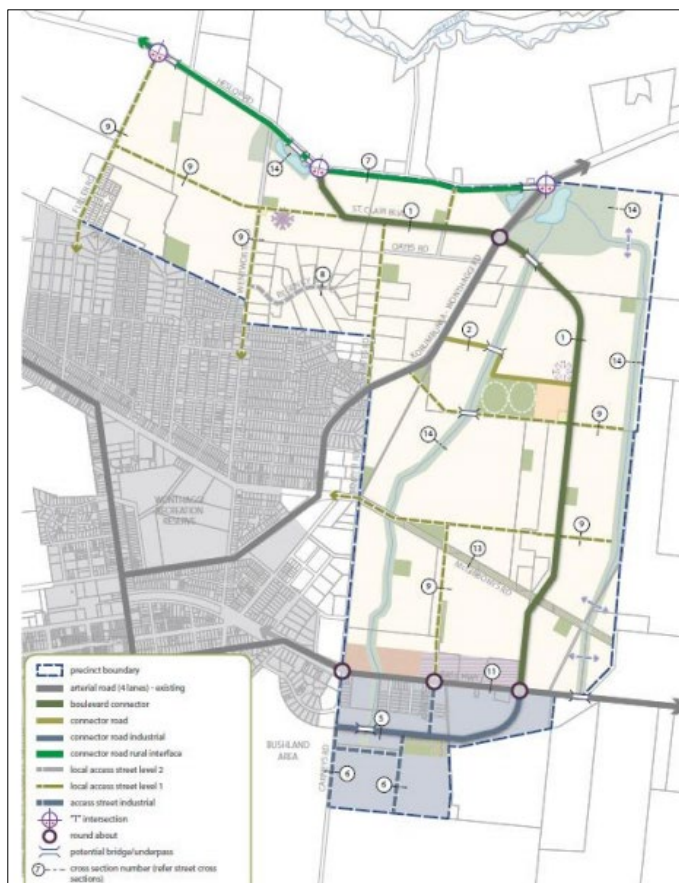
²⁶ PSP property parcel 48 is identified as site 39 in the Wonthaggi North East Growth Area Contaminated Land Investigation (GHD April 2016)

8 Transport and movement

The PSP includes:

- Plan 7 – Road Network which identifies a hierarchy of roads including arterial road, boulevard connector (St Clair Boulevard), connector roads (industrial and rural interface, the latter being Heslop Road) and local access streets (level 1 and level 2) (refer Figure 10)
- Plan 8 – Public Transport and Path Network which identifies bus capable roads, the existing rail trail, shared path and bike path locations and potential connections
- requirements and guidelines at Section 3.5.1 for the street network and Section 3.5.2 for walking and cycling
- twelve road cross sections and a shared trail cross section.

Figure 10 Plan 7 – Road Network



8.1 Roads and intersections

(i) The issue

The issue is whether the PSP should be amended with respect to some intersection designs, road cross-sections and the alignment of St Clair Boulevard.

(ii) Submissions

Mr Brotheridge suggested that the PSP design of the roundabout at the intersection of Johns Street and the Bass Coast Highway (IN-08) is adding undue expense and submitted that the DCP

should be amended to subsidise the future expenses. The VPA submitted that no change was required, stating that:

...the design of IN-08 has been developed in consultation with DoT and Council and achieves a balance between ensuring road safety and affordability. The cost of the intersection is being shared by the entire DCP and therefore is not considered an “undue expense”.²⁷

Paterno and Clifford questioned the need for an intersection treatment at the intersection of Carneys Road and the proposed Industrial Connector Road through PSP property parcel 127 (35 Carneys Road). The VPA responded that no DCP funded intersection is proposed at the Carneys Road/Industrial Connector Road intersection.

Summerfields requested that a shoulder and table drain be required on the western side of Fuller Road as the adjoining properties are in the Farming Zone. The VPA agreed to amend the PSP Cross Section 9 to include a note stating:

The western edge of Fuller Road behind the kerb and channel may be amended to provide an appropriate interface.

The A1 Group submitted that the location of the Industrial Boulevard (St Clair Boulevard) and culvert CU-01 should be shifted north to reflect the approved development plan for property parcel 127 (35 Carneys Road). They also requested that the requirement for indented parking on the western side of Carneys Road be removed along the site frontage.

Wallis Watson also submitted that the location of the Industrial Boulevard through property parcel 127 should be shifted north to reflect the approved development plan and planning permit (Figure 11) for that property, and the road alignment through its site (property parcels 68 and 69) also be amended accordingly. Wallis Watson argued that it was a poor design outcome to propose an alignment of the industrial connector road to adjoin the southern boundary of its site on the basis that it was inappropriate for a subsequent strategic plan to ignore previous agreed statutory planning outcomes, and this scenario placed an unreasonable design impost on them. They submitted realigning the Industrial Boulevard as requested would not impede its delivery or operation and would create the opportunity for more orderly development parcels which is a far better planning outcome.

Figure 11 Planning Permit endorsed plans for 35 Carneys Road



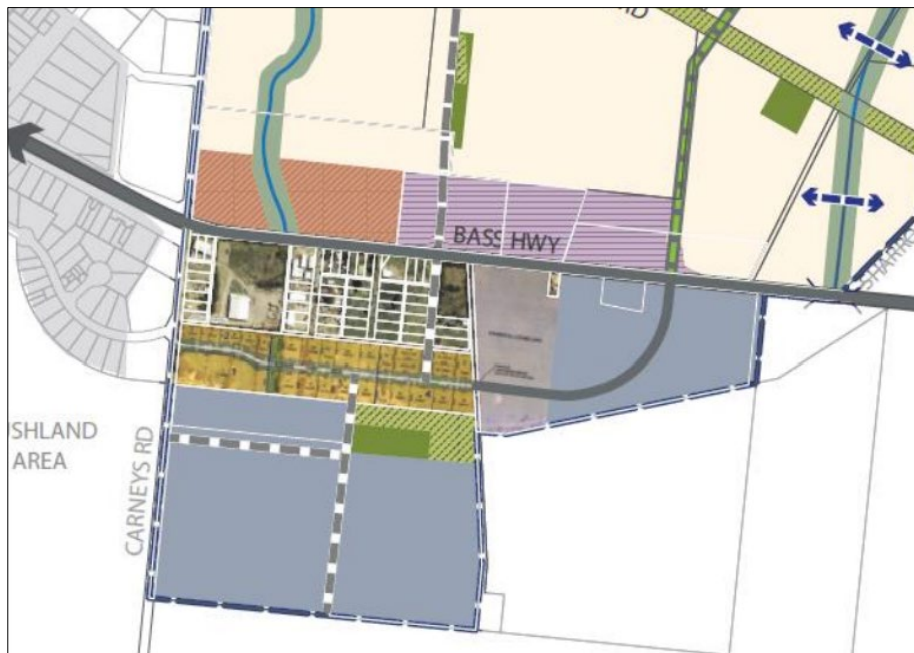
DoT expressed concerns with design of the roundabout intersection (IN-04) of Korumburra-Wonthaggi Road/St Clair Boulevard, in particular with the safety of the north eastern approach to the roundabout. DoT subsequently advised in its submission dated 8 April 2021 that its concerns

²⁷ Document 88, para 3.3.24

with the design of IN-04 have been resolved to its satisfaction through discussions with the VPA and Council.

In its closing submission,²⁸ the VPA agreed that the PSP should be amended to shift the location of St Clair Boulevard through 35 Carneys Road north to align with the approved development plan and planning permit as shown in its VPA Final Tranche 1 changes (refer Figure 12). The VPA considered that the indented parking requirement in PSP Cross Section 6 was a permit matter.

Figure 12 VPA proposed changes to alignment of St Clair Boulevard



In response to submissions made by DoT, the VPA proposed in its Day 1 Amendment changes that the design of intersection IN-04 be amended to adopt an 80 km/hr design speed which would reduce vehicle speeds on approach to the roundabout from the rural environment. It added that the amended design and cost would be included in the final DCP.

(iii) Discussion and findings

The Committee notes the advice of the VPA that the design of the Bass Highway/Johns Street intersection (IN-08) has been prepared in consultation with DoT and Council to meet safety requirements and that the cost of the intersection will be shared through its inclusion in the DCP. The inclusion of the intersection in the DCP is appropriate given that the Bass Highway is an arterial road and is consistent with the inclusion in the DCP of other intersections along Bass Highway. The Committee considers this to be an equitable approach and agrees with the VPA that no change is required to the PSP with respect to this intersection (IN-08). Issues relating to any impacts on the DCP will be considered at the Tranche 2 Hearing.

The VPA advised that no DCP funded intersection is proposed at the intersection of St Clair Boulevard and Carneys Road. The Committee notes these roads are classified as either an Industrial Connector Road (St Clair Boulevard) or a Local Access Street (Carneys Road) and therefore their delivery would not normally be funded through the DCP. The Committee assumes

²⁸ Document 115, para 3.1.2

that an appropriate design for the intersection will be agreed with the relevant road authority at the time of its delivery as developer works. Issues relating to any impacts on the DCP will be considered at the Tranche 2 Hearing.

The Committee considers that the inclusion of a note to PSP Cross Section 9, as proposed by the VPAs Day 1 Amendment changes, is an appropriate response to the request by Summerfields Wonthaggi that a shoulder and table drain should be required on the western side of Fuller Road. The wording proposed by the VPA does not make it a requirement for a shoulder and table drain but it does provide design flexibility and will allow for an appropriate rural interface to be included at the design stage for Fuller Road.

The realignment of St Clair Boulevard (Industrial Connector Road) through property parcel 127 (35 Carneys Road) to match the approved development plan for that property is clearly a sensible outcome. As a consequence, the road alignment through the adjoining property parcels 68 and 69 to the east will also need to be adjusted. As set out by Wallis Watson, a revised alignment of the road through their properties would allow for more orderly development of their land. The Committee notes that the VPA and Council have agreed to the requested change to the PSP in the Day 1 Amendment changes.

PSP Cross Section 6 which applies to Carneys Road shows 2.6 metre wide parking bays with tree outstands on both sides of Carneys Road. The A1 Group requested that the requirement for 'indented' parking along the western side of Carneys Road be removed. The A1 Group did not appear at the Hearing and the Committee was not able to clarify the intent of their request. It may be that the A1 Group wanted parking on the western side to be removed entirely or more simply that the requirement for tree outstands which in effect created 'indented' parking be deleted from the cross section. The VPA considered this to be a matter for consideration at the permit stage and the Committee considers this an appropriate response.

The Committee considers that issues with the design of Intersection IN-04 have been resolved in the VPA Day 1 Amendment changes.

The Committee finds:

- No change to the PSP is needed with respect to the Bass Highway/Johns Street intersection (IN-08).
- No change to the PSP is needed to include an intersection treatment at the St Clair Boulevard/Carneys Road intersection.
- A note with the wording proposed in the VPA Day 1 Amendment changes should be added to PSP Cross Section 9 to provide flexibility in the detailed design of Fuller Road to include a suitable interface with the abutting farmland.
- PSP Plans 3 and 7 should be amended to change the alignment of St Clair Boulevard through property parcels 68, 69 and 127 to accord with the road's alignment shown on the approved development plan for PSP property parcel 127 (35 Carneys Road) and as identified in the VPA's Final Tranche 1 changes.
- No change should be made to the PSP Cross Section 6 with respect to parking bays.

8.2 Arterial road access

(i) The issue

The issue is whether the PSP requirements relating to access to collector and arterial roads are appropriate.

(ii) Submissions

DoT submitted:²⁹

..., this plan does not adequately address the current and future management of Wonthaggi-Korumburra Road as a declared arterial that provides a regional function. The Plan does not clearly specify the need to minimise direct access to the declared road or provide an appropriate cross section for Wonthaggi-Korumburra Road that will facilitate service roads.

DoT noted that both the PSP and NVPP identify substantial pockets of native vegetation within the existing road reserve and nominate this vegetation for retention. It added therefore that there is limited capacity to provide management of access from future subdivisions along Korumburra-Wonthaggi Road in the existing road reserve.

DoT requested that:

- PSP Plan 3 and Plan 7 be amended to include indicative locations for service roads along the north-west and south-eastern sides of Korumburra-Wonthaggi Road with preferred access points developed with Council to assist in assessing planning permit applications
- a cross section be included in PSP Appendix 4.4 and indicated on PSP Plan 7 that detailed the interface between lots, the service or loop road and Korumburra-Wonthaggi Road to ensure a consistent to service road delivery along Korumburra-Wonthaggi Road.

DoT noted that Cross Section 11 in the PSP provides a diagram similar to the requested new cross section although Cross Section 11 relates to commercial/industrial interfaces along the Bass Highway.

DoT submitted "*.....that a greater level of guidance in relation to the management of access to Korumburra-Wonthaggi Road would provide a superior integrated land use and transport outcome for Wonthaggi.*"³⁰

Ms Milne noted that the approved Oats Road Development Plan which applied to her property provides for the creation of a continuous 5 metre wide reservation along Oates Road except for one road entry and a continuous 5 metre wide reservation along the Korumburra-Wonthaggi Road abuttal. She stated that prior to exhibition of the PSP, she had discussions with Council and DoT seeking some flexibility on access arrangements to her land from both roads. Ms Milne submitted that the PSP should not close off such flexibility.

Summerfields requested that direct access onto Heslop Road be included in the PSP to allow for the development of its land. It submitted that without access, its land would be effectively landlocked and its ability to develop its land would be dependent on neighbouring developers.

²⁹ Document 81, para 19

³⁰ Document 81, para 39

In response to DoT requests, the VPA submitted that the PSP makes it clear that new lots are not to front directly or access onto Korumburra-Wonthaggi Road. It noted that requirement R40 of the exhibited PSP requires vehicle access to lots to be via a service road, local road or rear lane to the satisfaction of the coordinating roads authority. In its Day 1 Amendment changes the VPA proposed that Cross Section 11 be renamed and amended to refer to “State Arterial Road” to include Korumburra-Wonthaggi Road thereby showing interface between arterial roads and service lanes. It also proposed that an additional cross section be added to show a residential interface version in anticipation of land uses along Korumburra-Wonthaggi Road.

In response to the Summerfields submission and Ms Milne, the VPA submitted that local access onto declared roads is not identified in the PSP and such access would need to be negotiated with DoT.

(iii) Discussion and findings

DoT requested two changes to the PSP. Firstly, that PSP Plans 3 and 7 should show a service road on both sides of Korumburra-Wonthaggi Road within the PSP area and secondly, a new cross section be added to apply to Korumburra-Wonthaggi Road to show service roads along the interface with the abutting residential areas. The VPA agreed that a new cross section should be included in the PSP to show service roads abutting Korumburra Road.

It is unclear to the Committee why in addition to a new cross section, the VPA proposed that the existing Cross Section 11 (Bass Coast Interface) be renamed and amended so that it also applied to Korumburra-Wonthaggi Road. The Committee considers that amending the existing Cross Section 11 is unnecessary given that a new cross section is to be added to expressly deal with access onto Korumburra-Wonthaggi Road.

In conjunction with requirement R40 in the draft PSP, the Committee considers that the addition of the new cross section will be sufficient to provide clear guidance on the management of access onto Korumburra-Wonthaggi Road. It does not consider it necessary to change PSP Plans 3 and 7 to show service roads on each sides of Korumburra-Wonthaggi Road.

The Committee notes that requirement R40 provides some discretion in that access to the stipulated roads including Heslop Road is to be ‘to the satisfaction of the coordinating roads authority.’ The Committee agrees with the VPA that access onto declared roads whilst guided by provisions in the PSP, is ultimately a matter for negotiation between the abutting landowners and the responsible road authority. The Committee considers that this would be the case regarding access onto Heslop Road which is a rural interface connector road, not an arterial road, but nonetheless a declared road. No change to the PSP is required regarding access to Heslop Road.

The Committee finds:

- A new cross section showing services roads on both sides should be added to the PSP to apply to the Korumburra-Wonthaggi Road interface with abutting residential areas.
- No change is necessary to the PSP Cross Section 11 (Bass Highway interface).
- No change should be made to the PSP regarding access to Heslop Road.

8.3 Street network changes

(i) The issues

The issues are whether the PSP street network should be amended to:

- realign the local connector street to link it with the local road through property parcel 6 (Northern Views Estate)
- relocate further west the north-south access street through property parcel 128 (37 Carneys Road).

(ii) Submissions

Wentworth stated that the alignment of the east west local access street (future Banyalla Parade) through its property (property parcel 6) as shown on PSP Plan 3 and Plan 7 was not consistent with the approved Summerfields Development Plan (Figure 6) and approved plan of subdivision for its property (Figure 13). It submitted that the PSP Plans should be amended accordingly to match the alignment of the east west local access street with that shown on its approved development plan and subdivision plan.

Figure 13 Approved Northern Views Estate indicative subdivision and staging plan (with PSP compare)



At the Tranche 1 Hearing, SGW identified that it had planned for its sewerage and water assets to be accommodated within the alignment of Banyalla Parade local access street shown on the approved subdivision plan, which would be significantly affected by a realignment of the road consistent with the PSP. SGW considered it more appropriate for the road alignment to reflect the approved subdivision. In a follow up email, SGW confirmed that its assets “...are located within easements on the land owned by Wentworth PTY Ltd and not within Wentworth Road. These assets follow the alignment of the future Banyalla Parade as proposed by the Developer.”³¹

The VPA submitted that changes to the location of the east-west local access street in the northwest section of the PSP could be accommodated to link it with the local road on the

31 Document 116

Wentworth land (property parcel 6). The VPA noted that any realignment of the local connector road may have an impact on the sewer in Wentworth Road, will need to consider the best alignment with respect to the proposed local convenience centre and to stay close to the middle of the area to provide east west movement access to the broader north-west section of the PSP.

Paterno and Clifford requested that the north-south (industrial access) road through property parcel 128 (37 Carneys Road) be moved further west to provide separation from the existing dwelling and to co-locate this road with the drainage easement. They submitted³² that relocating the north-south access street further west to abut the proposed 'creek corridor' was a design response consistent with Melbourne Water Guidelines for constructed waterways which show roads abutting waterway corridors. They added that the industrial built form should have an active frontage and not turn its back on the waterway.

The VPA did not support the road location change requested by Paterno and Clifford, noting that it was important that the north-south industrial access road through property parcel 128 be located to provide a defining edge to the proposed parkland and that construction of the road would only occur through the action of the landowner.

(iii) Discussion and findings

Revising the PSP street network to show the east west connector street through the Wentworth land on the same road alignment as shown on the approved development plan and plan of subdivision is in the Committee's view the only sensible outcome. SGW has confirmed that its assets follow the alignment of the road shown in the plan of subdivision and changing the alignment of the east west local access street on PSP Plans 3 and 7 has consequences for other parts of the road network.

The VPA advised that a change in the alignment of the local access street through the northeast area of the PSP (the area east of Wentworth Road) could be accommodated to link it to the local access street on the Wentworth land. The Committee notes that the roads in question on each side of Wentworth Road are lower category local access streets and on reflection it is not apparent to the Committee why the two local access streets need to intersect with Wentworth Road at the same point. There is no reason why, in terms of road network connectivity and local access, their intersection with Wentworth Road could not be staggered. That is to say, the alignment of the local access street through the area east of Wentworth Road could remain unchanged from the alignment shown in the PSP. This would avoid any potential issues identified by the VPA regarding a realignment of the road.

The Committee is not convinced that the alignment of the north-south industrial access road through property parcel 128 (37 Carneys Road) needs to be changed from the alignment shown in the PSP. This is a local access category road and in the view of the Committee, the 'generally in accordance' principle should apply to its location when it is constructed, the timing of which as pointed out by the VPA, is in the hands of the landowner. Appropriate separation from the existing dwelling and the road's interface with the parkland and drainage asset can be resolved at the subdivision design and application stage.

The VPA's Day 1 Amendment changes included a change requested by Council to show the road running perpendicular to McGibbonys road as Local Access Street Level 2 (rather than Level 1).

³² Document 113, para 16

The Committee notes that the VPA's submissions did not articulate the reasons or justification for this change and that the consequences include a wider road cross section and potential land take. While the Committee has no in-principle issue with the proposed change from a traffic network perspective, it has not had the opportunity to hear submissions from parties relating to the change including Parklea.

The Committee finds:

- PSP Plans 3 and 7 should be amended to change the alignment of the east west local access street through property parcel 6 to match the alignment of the road as it is shown on the approved Summerfields Development Plan and approved plan of subdivision.
- It is unclear why it is necessary to change the alignment of the east west local access street east of Wentworth Road to link it to the changed alignment of the local access street west of Wentworth Road, that is, the alignment of the street east of Wentworth Road could remain unchanged with the two streets intersecting with Wentworth Road at staggered points.

8.4 By-pass road and role of Carneys Road

(i) The issue

The issue is whether the PSP should provide for a by-pass road and identify Carneys Road as that by-pass road.

(ii) Submissions

Mr Brotheridge noted that the PSP Plan 7 as it relates to the industrial precinct has changed significantly from earlier versions of the PSP and the 2018 map incorporated into the Bass Coast Planning Scheme which "...*(C)learly shows connector Rd leading residents from north of Bass Hwy to Cape Paterson via Carneys Rd*" adding that "*2020 PSP changed to was changed to create a dead end for connection from new residents north Bass Hwy to Cape Paterson.*"³³

Mr Brotheridge advised that this change affected his submission on the DCP as it was based on the incorporated 2018 map. He requested that the Committee recommend that the PSP revert back to the 2018 incorporated transport map.

Wonthaggi Lifestyle submitted in response to the draft PSP that:

- the nature of the proposed northern Wonthaggi by-pass road should be clarified and included in the planning scheme and reflected in the PSP and other supporting transport assessments in a consistent manner
- there does not appear to be a case for a major by-pass road between Cape Patterson Road and Bass Highway and it should be deleted
- the PSP should be amended to show an access street level 2 road or a connector street north south from the Carneys Road/Bass Highway intersection
- Carneys Road/Davidson Place should be changed from Cross Section 6 (Industrial Access Street) to Cross Section 5 (Industrial Connector Street) because a higher standard road is simply not warranted, desirable or financially prudent.

³³ Document 108, page 2 (pages not numbered)

In its submission³⁴ at the Hearing, Wonthaggi Lifestyle stated that its final position on the Amendment was that it accepted the VPA, Council and DOT position that the width of Carneys Road is sufficient at 20 metres or 22 metres where a shared path is required. With respect to the by-pass road, it stated that the Strategic Framework Plan that forms part of the Planning Scheme at Clause 21.07 should be amended to remove the eastern and southern section of the proposed by-pass road.

The VPA was of the view that Carneys Road is not a “*structural road*” and outside the scope of the Amendment and therefore no change to the PSP was required. It noted that Cross Section 6 is a narrower and lower form of road than Cross Section 5 and, therefore, the requested change is inconsistent with the outcome sought by Wonthaggi Lifestyle Precinct.

Paterno and Clifford noted in their written submission to the Hearing that the traffic models included in 2020 GTA Traffic Impact Assessment did not take into account the option of constructing Carneys Road to Cape Paterson Road which in their view “.....*would seem an obvious opportunity worthy of consideration.*”³⁵ They added that the existing Carneys Road reservation has a direct connection to Cape Patterson Road and submitted that if Carneys Road was constructed south of 35 Carneys Road, the capacity for traffic to bypass the town on route to Cape Patterson would be enhanced. They noted that PSP ‘Plan 8 - Public Transport and Path Network’ indicates a bus capable road is to be delivered to the south of the Industrial Connector Road which indicated in their view that “.....*there has been some contemplation of the future construction of Carneys Road.*”³⁶

Paterno and Clifford submitted that construction of Carneys Road would provide an increase in road capacity that would go a significant way to avoiding the need for an expensive by-pass. They added that a de facto by-pass running through an industrial zone would avoid disrupting the amenity and landscape of the farming areas to the east and “ (A) *realistic assessment indicates that the construction of Carneys Road should be assessed as a cost effective alternative to the bypass.*”³⁷

In oral submissions at the Hearing, Mr McIlwrath for Paterno and Clifford submitted that the PSP was a deliberate shift away from a by-pass as indicated on the Strategic Framework Plan and it was “*a fair question*” to ask whether the Strategic Framework Plan should be amended.

C and J Kilgour and LandGipps noted that the PSP Boundary cuts Carneys Road in half. They submitted that all Carneys Road should be included in the PSP road network with a corresponding cross section.

The VPA noted³⁸ that a future by-pass road is not proposed as part of the PSP but the PSP will deliver on the potential first stages of the by-pass through an upgraded Heslop Road between Fuller Road and Korumburra-Wonthaggi Road which could connect with a second stage linking Korumburra-Wonthaggi Road to the Bass Highway with Heslop Road between Fuller Road Bass Highway delivered as part of subsequent stages. The VPA advised that DoT had not confirmed a position on the alignment of a by-pass, but that the VPA and Council had engaged with DoT on the

³⁴ Document 107, paras 20 and 21

³⁵ Document 113, para 24

³⁶ Document 113, para 28

³⁷ Document 113, para 33

³⁸ Document 73, page 10

by-pass “...to ensure that the Amendment can accommodate various alignment options, with the VPA of the view that the Amendment should not be delayed and no change (to the PSP) is required.”³⁹ In closing oral submissions, the VPA submitted that St Claire Boulevard was an ‘orbital’ road within the PSP to service the precinct and was not part of a by-pass. It added that it was not the case that Carneys Road would become part of a by-pass route, with Heslop Road upgrades the only potential PSP elements relevant to a future by-pass road.

The VPA and Council advised in closing submissions that they did not support amending the Strategic Framework Plan as that Plan is outside the scope of the Amendment. The VPA added in oral closing remarks that the PSP will be added to the Planning Scheme and will take primacy over the Strategic Framework Plan.

The VPA submitted that the request to include Carneys Road is already accommodated. It noted that Carneys Road south of the Industrial Connector has been identified as an industrial access street requiring Cross Section 6 and north of the Industrial Connector, Carneys Road requires a road with Cross Section 12 in response to the fire threat interface identified on Plan 6 of the PSP. In closing submissions, the VPA and Council stated that they do not support changes as to how Carneys Road is shown in the PSP because development to the south of the PSP is still to be determined.⁴⁰

(iii) Discussion and findings

The apparent difference between the 2018 and 2020 Road network plans included by Mr Brotheridge in his submission is that the 2018 plan shows an arrow sweeping from the east west industrial connector road (St Clair Boulevard) south onto Carneys Road. The Committee understands that Mr Brotheridge was seeking the reinstatement of this arrow in the PSP.

The arrow appears to the Committee to represent an expected traffic desire line heading from the east onto Carneys Road south to Cape Paterson Road suggesting a de-facto by-pass road. Carneys Road could only function as part of a de-facto by-pass if it is constructed all the way to Cape Paterson Road. That could happen at some time in the future when the southern area of land abutting Carneys Road is developed but the consideration of the construction of Carneys Road south of the PSP area is not part of this Amendment. The Committee is not inclined to suggest that the PSP road network plan should be amended to include the arrow from St Clair Boulevard onto Carneys Road as shown on the 2018 road network map.

The Committee notes the advice of the VPA that the PSP road network could deliver some sections of a future by-pass road to the north and south of the Wonthaggi township but that DoT is yet to determine the alignment of a by-pass road. It may be the case as suggested in submissions, that Carneys Road on its construction to Cape Paterson Road could form part of a de-facto by-pass, that this could prove a lower cost alternative to a new road through farmland to the east and is worthy of serious consideration, however alignment of a future by-pass road and whether Carneys Road should form part of a by-pass is not a matter before this Committee.

The Committee notes too that the Strategic Framework Plan while included in the Planning Scheme, is just that – a strategic plan. The location of a by-pass road shown on it is no more than

³⁹ Document 88, para 3.3.30

⁴⁰ Document 88, para 3.1.3

an indicative concept and the Committee agrees with the VPA that the PSP incorporated in the Planning Scheme will take primacy over the Strategic Framework Plan.

The Committee considers that changes to the Strategic Framework Plan are not matters for its consideration as the Plan does not form part of the Amendment. Any changes to the Framework Plan are more appropriately considered holistically via a separate amendment process and in the context of wider township policy review.

The PSP includes cross sections for Carneys Road over its length within the PSP. The Committee considers that these cross sections are appropriate and no change to the Carneys Road cross section is needed at this time.

The Committee finds:

- Sections of the PSP road network could form part of a future by-pass road but given that DoT is yet to confirm the route of any by-pass, it would be premature to identify a by-pass route or parts of it in the PSP.
- Carneys Road may form part of a future by-pass when it is constructed south to Cape Paterson Road but the Committee makes no findings as to the merits of it forming part of a future by-pass route.

8.5 Active transport

(i) The issue

The issue is whether the PSP makes appropriate provision for active transport.

(ii) Submissions

Mr Norton (Submitter 6) submitted that the PSP lacked a connection to the eastern trail that connects to the rail trail through the centre of the town and to the two high school campuses.

Mr Miller raised concerns with the route of the shared path located along the waterway on PSP Plan 8. He submitted that the waterway reserve will have poor visual amenity and expressed safety concerns in terms of potential car and truck traffic collisions in the industrial area. He suggested that a shared path would be better located on the eastern side of Carneys Road.

Paterno and Clifford requested that:

- a crossing location to the western side of Carneys Road be shown in the PSP to provide a connection between the shared path on Plan 8 with the bushland area to the west and the schools located west of Carneys Road
- relevant cross sections be amended to deliver a shared path along the industrial connector running through property parcel 127 (35 Carneys Road)
- rather than narrow footpaths on either side of the Industrial Connector Road, a larger shared path at least 3.0 metres wide be provided to ensure consistency with the shared paths shown in this area of the PSP.

They submitted ⁴¹that the vegetation link along the boundary between property parcels 127 and 128 (35 and 37 Carneys Road) would be a good place for a shared path for connections to the secondary college and town centre and the shared path could follow a separate alignment to the

⁴¹ Document 113, paras 17-21

industrial access road. They added that if the shared path was separated from the industrial connector street cross section, the path could still run adjacent to the property boundary and the native vegetation retained. They considered this to be an acceptable solution as it would separate bike traffic from the industrial zone traffic.

The VPA agreed that “...an industrial precinct is not the ideal location for cyclist/pedestrian focussed connections, however, in order to connect with the rail trail the connections have to run through the industrial precinct for a small portion of the route.”⁴² It noted that provisions are included in the PSP to ensure safety, visual amenity and security for cyclists and pedestrians and considered that a waterway reserve was a suitable place to have a shared path and would allow for cyclists and pedestrians to move safely and directly through the precinct.

The VPA Day 1 Amendment changes proposed, in response to Paterno and Clifford, that PSP Plan 8 be amended to identify a “potential cycling connection” at the Carneys Road/Industrial Connector Road intersection. It submitted that no other changes to the PSP were required noting that:

- the cross section for the Industrial Connector Road already shows a 2.5 metre wide shared path and which side of the road the shared path is delivered can be determined at the planning permit stage
- a wider shared path is not required in an industrial precinct where pedestrian traffic will be low.

In its closing submission the VPA noted that the cross section for the Industrial Connector Road shows a shared path separated from vehicular traffic by a 2.6 metre wide parking bay and a 2.9 metre nature strip and therefore they did “.....not agree that relocating the shared path network would make it any safer for cyclists.”⁴³

(iii) Discussion and findings

The Committee agrees with submitters that a shared path through an industrial precinct is not ideal in terms of safety and amenity for cyclists and walkers. The option proposed by Paterno and Gifford for the shared path to run through the vegetation link between property parcels 127 and 128 could provide a more visually attractive and potentially safer route. The Committee notes, however, the view of the VPA is that in order to provide connectivity between the existing rail trail and paths proposed in the PSP it will be necessary for the shared path to run through the industrial area for a short section. It noted that there are provisions in the PSP dealing with pedestrian and cyclist safety, visual amenity and security and that the shared path is separated from car/truck traffic by a parking lane and nature strip.

The PSP proposed shared path network does appear to link directly with the existing rail trail and path running west from Carneys Road to the secondary school campus and the town centre. This connectivity would be enhanced by a walking/cycling connection across Carneys Road at its intersection with the Industrial Connector Road and the PSP Plan 8 should be amended to show this connection.

The Committee does not consider that relocating the north south shared path from along the waterway as shown on Plan 8 to the eastern side of Carneys Road would be better outcome. It is common for shared paths in PSPs to adjoin waterways and in this instance, having the shared path

⁴² Document 88, para 3.3.36

⁴³ Document 115, para 3.1.13

next to the waterway through the industrial area provides direct connectivity with the proposed shared path north of the Bass Highway.

From the Committee's experience, shared paths in PSP areas are typically 3.0 metres wide and as pointed out by Paterno and Clifford, that is the case for the shared paths in other parts of the Wonthaggi North East PSP. For this particular situation where the shared path runs through an industrial precinct, the VPA submitted that widening the path from 2.5 to 3.0 metres is not necessary because pedestrian traffic will be low. The Committee is not entirely convinced that pedestrian numbers will be significantly lower through the industrial area especially as the shared path is located to connect the rail trail and paths proposed in the PSP and ideally, the width of the shared path should be 3.0 metres.

In the circumstances, however, locating a 2.5 metre wide shared path within the industrial precinct adjacent to the Industrial Connector Road is an acceptable outcome and would accord with the approved Development Plan for property 127 (35 Carneys Road).

The Committee finds:

- The proposed shared path network as shown on PSP Plan 8 - Public Transport and Path Network provides connectivity with the existing rail trail and makes good provision for active transport through the PSP.
- Plan 8 should be amended as proposed in the VPA Day 1 Amendment changes to show a cycling and walking connection at the Carneys Road/Industrial Connector Road intersection.

9 Water and sewerage assets and community infrastructure

(i) The issues

The issues are:

- whether the PSP appropriately identifies South Gippsland Water assets
- whether the PSP should be amended to extend water and sewerage infrastructure to the industrial area
- whether the PSP requirements and guidelines for schools and kindergartens are appropriate
- the location of open space LP-05.

(ii) Submissions

South Gippsland Water assets

In its submission⁴⁴ to the Committee, SGW stated that it was broadly supportive of the PSP noting particularly the Utilities Section 3.6.2 which provides indicative locations for significant water and waste water assets. It noted that developers and other authorities need to consider the presence of its existing assets, and development work that potentially impacts SGW assets must be planned in consultation with SGW. Further SGW may require development plans to change should it consider risks to its assets and services to be unacceptable.

SGW stated that its only reservation with the PSP was the requirement for the timing and sequencing for the provision of the road network reserves and drainage reserves as these are areas where SGW typically co-locates assets. It indicated that SGW was keen to avoid incurring the costs of compulsory acquisition (using its power under the Water Act 1989) of land that is already designated to be gifted to or purchased by the Council or other relevant authority as part of the DCP.

In closing submissions, the VPA confirmed that SGW assets are already identified in the PSP plans and no change to the PSP was required.

Industrial area water and sewerage Infrastructure

Mr Brotheridge raised concerns in relation to the delivery of utility services and roads into the existing employment/industrial area of Johns Street, the cost associated with connecting sewer infrastructure to his property in Johns Street (property 85) and the failure to include in the PSP and DCP the Master plans from SGW (sewer and water) and AusNet (power). He submitted that:

- little thought has been put into the industrial area
- the provision of a sewer main and pump station should be included in the PSP to support existing industrial-zoned lots
- the planned rollout of sewerage and water infrastructure unfairly makes delivery of the infrastructure the responsibility of existing land owners.

⁴⁴ Document 109

Mr Brotheridge submitted that *“(T)here is no planning mechanism in the current PSP/DCP which deals with my block of land relating to services and infrastructure.”*⁴⁵ He asked the Committee that it request Council and the VPA to map out in the PSP/DCP how he could implement services and infrastructure *“.....within a reasonable timeframe as I am past the trigger points within the current PSP/DCP.”*⁴⁶

Paterno and Clifford submitted that:

- PSP Plan 10 - Utilities should be amended to show the extension of the water main and sewer line into the Employment Area
- any extension of the water main should be a DCP item or funding clarified
- in relation to requirements R55 and R56, it is not appropriate to delegate responsibility to individual developers as the provision of sewerage infrastructure should be planned for strategically through the PSP and DCP.

SGW noted in submissions that its infrastructure requirements are not included in the DCP. It added that water and wastewater infrastructure is built and paid for by developers to meet minimum servicing solutions for their developments and constructed to SGW standards.⁴⁷

In a letter dated 26 November 2020, SGW advised Mr Brotheridge that:

To help you and other landowners on John St, Vere St and Kevin St, South Gippsland Water could provide advice, facilitate and work with other authorities to assist servicing the area. Support from other agencies including Bass Coast Shire, Rural Roads Victoria and AusNet Services would be needed in order to commence any detailed planning. I reiterate that development is at owner's cost.⁴⁸

The VPA responded⁴⁹ that there is no power in planning legislation to mandate water/sewerage network extensions which are dealt with by SGW under separate legislation. It submitted that DCPs do not fund utilities infrastructure and while the PSP has provided for the likely location of water and sewerage assets in consultation with SGW, there is no power in planning legislation to plan directly for site-by-site construction of these assets. It added that as the referral authority, SGW would impose the relevant requirements at the planning permit stage.

The VPA submitted⁵⁰ that no change is required to the Amendment in relation to water and sewerage infrastructure in the industrial area because:

- the delivery of sewer utilities is deemed to be developer works
- the inclusion of master plans is an implementation matter and not required at the Amendment stage
- there is no need to identify the infrastructure now as this can only be confirmed when the industrial use is known.

In its closing submission the VPA stated it did not support further changes to the Amendment in relation to servicing the industrial estate. They were of the view that the PSP is a strategic document to provide Council and servicing authorities with certainty about future land use so that they can coordinate the sequencing and delivery of trunk facilities. It submitted that SGW

⁴⁵ Document 108, page 1

⁴⁶ Ibid

⁴⁷ Document 109, page 1

⁴⁸ Document 56a, page 1

⁴⁹ Document 2, page 9

⁵⁰ Document 88, para 3.3.6

supported the VPA view, noting that SGW confirmed in its submission that water and sewerage servicing is a cost to be met by developers and new customer contributions.⁵¹

Schools and Kindergartens

DET raised a number of issues with the provisions in the PSP relating to schools and kindergartens set out in Figure 2 - Village Hub Concept Plan requirements and guidelines in Section 3.3.2 requesting:

- inclusion of a kindergarten adjacent to the proposed primary school
- reference that requirement R30 not apply to government schools
- deletion of PSP requirement R31 (alternative uses of non-government school sites) as the PSP does not include sites for non-government schools
- inclusion of two new requirements with respect to development sequencing and staging and servicing of the school site prior to its acquisition by DET.

In a supplementary submission, DET advised the Committee that it considered all its items “... to be ‘resolved’ provided that the VPA undertake the required action agreed by both DET and VPA.”⁵² DET added that it accepted Council’s advice that it was satisfied with the size (0.32 hectares) as included in the draft DCP for the community centre and that Council would be able to provide sufficient kindergarten facilities on the site to meet demand.

DET advised that it had written to the VPA regarding confirmation and assurance that the location of the transmission pressure gas pipeline will not have any implications in terms of the suitability of the proposed government school site. Until it received such confirmation and assurance, DET considers this matter to be unresolved and wished to reserve the right for the matter to be referred to the Committee for resolution.

The VPA’s Day 1 Amendment changes as set out in Table 3 included amendments to the PSP to address the concerns raised by DET. In Part B submission, the VPA noted that DET considered its issues to be resolved. No further submissions were made to the Committee with respect to schools and kindergartens provisions in the PSP.

Location of Open Space (LP-05)

In submissions by Mr McCaffrey on behalf of Ms Milne, the Committee was advised that Ms Milne intended to construct a new dwelling on her property (property parcel 40) on Oates Road immediately to the north of PSP property parcel 41 on which an existing dwelling is sited although a building permit was yet to be granted for the new dwelling. It was noted by Mr McCaffrey that the exhibited PSP shows a ‘local park’ on the land intended for the new dwelling. He noted further that a reserve for parkland is shown centrally in the concept plan forming part of the DPO21 and in the approved Oats Road Development Plan for her property (Figure 13) and that there was no basis of which she is aware or which is evident in the PSP documentation, justifying the change in location of the park reservation from that shown on the approved Development Plan. Mr McCaffrey stated that “(I)t is Ms Milne’s submission that the proposed local park be relocated and in this matter she is prepared to discuss alternatives with the relevant authorities.”⁵³

⁵¹ Document 115, para 3.1.6

⁵² Document ?, page 1 DET supplementary submission dated 6 April 2021 doesn’t appear to be allocated a doc number

⁵³ Document 99, para 8

Figure 14 Oats Road Development Plan (with PSP compare)



In closing submissions, the VPA and Council submitted that:

.....the current location of the open space maximises the walkable catchment and confirm that LP-05 also allows for the accommodation of a water boost pump station in response to submitter 13.⁵⁴

They acknowledged that minor changes to location and shape of the space could be considered under the 'generally in accordance' principle but considered that the reasons for the relocation of the open space have not been made clear by the submitter. In oral submissions, the VPA noted that there was some flexibility in the location of the local park but there was no need to make a change to the PSP at this time.

(iii) Discussion and findings

South Gippsland Water assets

The Committee notes the advice of SGW that it is broadly supportive of the PSP. SGW did not raise any issues regarding the identification of its assets in the PSP.

The Committee agrees with the VPA and Council that no changes to the PSP are required on this issue.

Industrial area water and sewerage infrastructure

Mr Brotheridge submitted to the Committee many emails which he has exchanged with Council, the VPA and SGW on the issue of key infrastructure provision over several years. The Committee has reviewed the large number of documents provided by Mr Brotheridge along with submissions

⁵⁴ Document 115, para 3.1.8

made by him and other parties at the Hearing. The Committee has formed the view that it is outside the scope of this Amendment for it to consider further the request of Mr Brotheridge, and similar submission from Palermo and Clifford, that the PSP be amended to include the extension of water and sewer mains into the existing industrial area.

In forming its view, the Committee notes the submissions by the VPA and South Gippsland Water, the authority responsible for water and sewerage infrastructure, that this infrastructure is built and paid for by developers. It also notes the advice of the VPA that DCPs do not fund utility services, there is no basis in planning legislation for PSPs to plan for site-by-site delivery of water and sewerage assets, and that water and sewer network extensions are dealt with by South Gippsland Water under separate legislation. Having said that, there does not appear to be any provisions in the PSP that would impede Mr Brotheridge and others from developing their land in the existing industrial area.

SGW has offered to help Mr Brotheridge and other landowners in the industrial area with advice and assistance with other responsible authorities to provide water and sewerage services to the area. The Committee would encourage the parties to work together to find a solution to allow Mr Brotheridge to proceed with development of his land.

Schools and Kindergartens

The Committee notes the advice of DET that it considers its issue to be resolved on the proviso that the VPA can provide confirmation and assurance that the transmission gas pipeline will not have any implications for the proposed government school site. The potential impacts on the PSP of the transmission gas pipeline are under investigation and will be considered as part of the Tranche 2 Hearing.

The proposed government school site as shown on PSP Plan 3 is located some distance from the transmission gas pipeline that runs east west just to the north of the PSP area. Nonetheless, the Committee agrees with DET that as part of the current investigations regarding potential impacts of the gas pipeline on the PSP, it needs to be confirmed that there are no implications for the proposed government school site.

The Committee notes the Day 1 Amendment change proposed by the VPA in response to the Paterno and Clifford submission to remove requirement R31 as there is no private school site identified in the PSP. The Committee supports the deletion of this requirement which is redundant, and the other changes proposed by the VPA including changes to requirement R59 and an additional guideline relating to drop off/pick up facilities (as summarised in Table 3).

Location of Open Space (LP-05)

The Committee notes the advice of the VPA that LP-05 as shown in the PSP is located to maximise walkable catchments and to accommodate a water boost pump station. With those considerations in mind, the Committee agrees that locating LP-05 further to the east as shown on the approved Development Plan for property holdings of Ms Milne would not be the optimum location for the local park.

The VPA indicated that there would be some flexibility applying the 'generally in accordance' principle and some minor changes on the shape and location of LP-05 could be made, presumably at the subdivision approval stage. While that may accommodate the outcome sought by Ms Milne, the Committee notes that the VPA described any changes to location and shape as 'minor'

which would seem to preclude a significant shift in the location of the local park to, for example, the site to the east shown on the Development Plan.

It seems to the Committee that an obvious solution to this issue would be to move LP-05 further south along Oates Road to a location just south of property 41. This would meet the objectives as set out by VPA for the location of the local park but would give greater certainty to Ms Milne that the location of LP-05 as shown on an adopted PSP would not compromise her preferred site for a new house.

The VPA's Day 1 Amendment changes proposed to amend Plan 9 – Integrated Water Management to insert words 'local drainage' between 'Underground' and 'pipes' in the legend in response to the DET submission to clarify the role of the pipes is considered minor and reasonable.

The Committee finds:

- South Gippsland Water assets are appropriately identified in the PSP.
- There is no basis or need for the PSP to be amended to extend water and sewerage infrastructure into the existing industrial area.
- The PSP provisions for schools and kindergartens are appropriate subject to the outcome of investigations regarding the potential impacts of the transmission gas pipeline on the PSP.
- The changes proposed by the VPA in its Day 1 Amendment changes in response to the DET submission as identified in Table 3 including Plan 3 and Figure 2 notations, deletion of requirement R31, changes to requirement R59 and inclusion of a new requirement for drop off/pick up facilities for the proposed government school and adjacent kindergarten, are appropriate.
- The PSP Plan 6 (Open Space) should be amended to move open space LP-05 south along Oates Road from its current position to a location immediately south of property parcel 41.
- The changes proposed by the VPA in its Day 1 Amendment changes amend Plan 9 – Integrated Water Management to insert words 'local drainage' between 'Underground' and 'pipes' in legend are appropriate.

10 Other issues

10.1 Incorporated Plan Overlay

(i) The issues

The issue is whether the Explanatory Report and Amendment Maps refer to the correct Incorporated Plan Overlay (IPO) schedule.

(ii) What is proposed?

The Amendment proposes to apply a new schedule to the IPO (IPO2) to the industrial precinct south of Bass coast Highway and east of Carneys Road, although the exhibited IPO Maps refer to IPO1. The IPO2 requires the preparation of a preliminary site investigation for most of the affected land for the use and development of accommodation, and primary or secondary school.

(iii) Submissions

Wallis Watson identified that the IPO map exhibited with the Amendment identified the application of IPO1 instead of IPO2.

The VPA acknowledged the reference to IPO1 was incorrect and the Amendment mapping should refer to IPO2. It proposed this change as part of its Day 1 Amendment changes.

(iv) Discussion and findings

The Committee notes that IPO1 applies to the 'Saltwater Creek Area, Ventnor' and that the intention of the Amendment, despite the mapping error, is clearly to apply a new schedule to the IPO (IPO2) to the existing IN2Z and proposed IN3Z land in the PSP. The Committee has not considered the merits or content of the proposed IPO2 as no submissions were made about its proposed provisions. The Committee considers the Day 1 Amendment changes appropriate and necessary.

The Committee finds:

- That Planning Scheme Map 63IPO and Map 64IPO should be amended to replace IPO1 with IPO2 consistent with the VPA's Day 1 Amendment changes.

10.2 Other issues

(i) The issues

The issues are whether the Amendment should:

- be fast tracked
- consider wider issues of town entry landscape quality.

(ii) Submissions

Submission 9 raised concerns about the quality of the entry into Wonthaggi, management of nature strips and that the town should "*be tidied before growing it*".

The initial Parklea submission questioned the need for the Amendment to be fast tracked and suggested that it was not suitable for fast tracking. The initial Paterno and Clifford submission

supported a conventional panel process to consider all unresolved submissions. Conversely, the submission of C and J Kilgour and initial submission of LandsGipp supported the fast track process.

The VPA in its summary of responses to submissions identified that the issues raised in submission 9 were out of scope for Amendment and a matter for Council. In relation to the initial Parklea submission it submitted that the comments did not relate to the content of the Amendment and that as a consequence no change was required.

(iii) Discussion

The Committee agrees with the VPA that it is not a matter for it to comment on the appropriateness of the draft Amendment process, including its timing. The issues relating to the wider streetscape presentation of Wonthaggi are outside the scope of the Amendment. The Committee notes there are image and character requirements and guidelines within the PSP to ensure appropriate landscaping and streetscape outcomes.

11 Initial findings and recommendations

11.1 Reasons for findings

Chapters 4 to 10 of the Committee's Report sets out the basis of its findings regarding the Tranche 1 Hearing issues. This Report has not considered unresolved submissions relating to the DCP, NVPP, drainage, pipelines and bushfire and the Committee has limited some of its Tranche 1 issue findings where they may be impacted by Tranche 2 issues or where it is yet to hear a party's primary submission and evidence. The Committee will prepare a final report following the conclusion of the Tranche 2 Hearing which will consider the unresolved submissions regarding the DCP, NVPP, drainage, pipelines and bushfire issues.

The Committee finds that at the broad strategic level the PSP provides the appropriate tool to guide the future development of the Wonthaggi North East growth area and its application is strategically justified subject to a number of changes to respond to submissions. The application of the UGZ1, GRZ1, IN3Z, EAO, IPO2 and DPO21 are broadly appropriate and strategically justified subject to a number of changes to respond to submissions some of which will be further examined through the Tranche 2 Hearing. The Amendment process should be able to proceed without waiting on the completion of the DAL, although the timing of the release of the draft SPP will provide the opportunity for consequential changes to be made to the Amendment in response to it if required.

The Committee considers that the PSP boundaries are appropriate and that it should apply to the sites currently proposed to be included within it, however where possible the PSP should reflect approved development plans, particularly those where substantial development has already taken place. The Committee has identified suggested changes to Amendment documentation (including the majority of changes proposed by the VPA in its Day 1 changes and Final Tranche 1 changes) to respond to submissions relating to the Business/Mixed Use and Industrial precincts, cultural heritage, housing diversity, contamination, transport and movement.

The Committee's Tranche 1 interim Report findings suggests the following changes to the draft Amendment:

Draft Wonthaggi North East Precinct Structure Plan:

- Plan 2 – Precinct features should be amended to remove the identified areas of Aboriginal cultural heritage sensitivity and include them in a separate plan or figure in Section 3 as identified in the VPA's Day 1 Amendment changes.
- Plan 3 – Future Urban Structure should be amended to:
 - change the alignment of St Clair Boulevard through property parcels 68, 69 and 127 to accord with the road's alignment shown on the approved development plan for property parcel 127 (35 Carneys Road) and as identified in the VPA's Final Tranche 1 changes
 - change the alignment of the east west local access street through property parcel 6 to match the alignment of the road as it is shown on the approved Summerfields Development Plan and approved plan of subdivision.
- Include the changes proposed by the VPA in its Day 1 Amendment changes in response to the DET submission as identified in Table 3 of this Report including Plan 3 – Future Urban Structure and Figure 2 – Village Hub Concept Plan notations, deletion of

requirement R31, changes to requirement R59 and a new guideline relating to drop off/pick up facilities for the proposed government school and adjacent kindergarten.

- Include in 3.1.3 amended requirements and guidelines for housing diversity including affordable housing to provide greater locational guiding criteria
- Plan 6 - Open Space should be amended to move open space LP-05 south along Oates Road from its current position to a location immediately south of property parcel 41.
- Plan 7 – Road Network should be amended to:
 - change the alignment of St Clair Boulevard through property parcels 68, 69 and 127 to accord with the road’s alignment shown on the approved development plan for property parcel 127 (35 Carneys Road) and as identified in the VPA’s Final Tranche 1 changes
 - to show road running perpendicular to McGibbonys Road as a Local Access Street Level 2 as proposed by the VPA in its Day 1 Amendment changes.
 - change the alignment of the east west local access street through property parcel 6 to match the alignment of the road as it is shown on the approved Summerfields Development Plan and approved plan of subdivision.
- Plan 8 - Public Transport and Path Network should be amended as proposed in the VPA Day 1 Amendment changes to show a potential cycling and walking connection at the Carneys Road/Industrial Connector Road intersection
- Plan 9 – Integrated Water Management should be amended as proposed by the VPA in its Day 1 Amendment changes to insert words ‘local drainage’ between ‘Underground’ and ‘pipes’ in the legend.
- Cross Section 9 should be amended consistent with the VPA Day 1 Amendment changes to add a note to provide flexibility in the detailed design of Fuller Road to include a suitable interface with the abutting farmland.
- A new cross section showing services roads on both sides should be added to the PSP to apply to the Korumburra-Wonthaggi Road interface with abutting residential areas.

Overlay Mapping changes:

- Draft Bass Coast Planning Scheme Map 63IPO and Map 64IPO should be amended to replace IPO1 with IPO2 consistent with the VPA’s Day 1 Amendment changes.
- Bass Coast Planning Scheme Map 57EAO should be amended to apply it to property parcel 48 and remove it from property parcel 47.

DPO21:

- Amend draft DPO21 to include a similar waiver arrangement for a Preliminary Site Assessment as proposed in the Schedule to the UGZ1.

The Committee recommends that the interim Report be released to the parties to the Tranche 1 and Tranche 2 Hearing before the circulation of the VPA’s next iteration of changes to the Amendment.

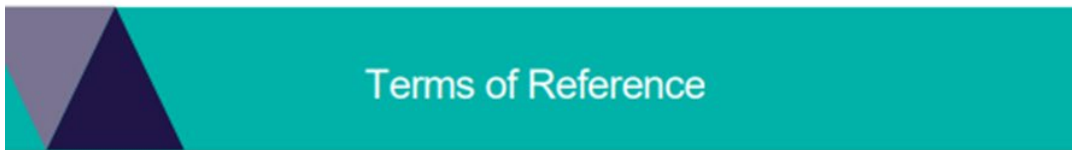
11.2 Recommendations

The Committee recommends:

- 1. That the Minister notes the Victorian Planning Authority Projects Standing Advisory Committee’s Referral 3 Interim Report (Interim Report).**

- 2. That the Victorian Planning Authority consider the initial findings and observations of the Interim Report in preparing its further changes to the draft Amendment for the Tranche 2 Hearing.**
- 3. That the Minister and Victorian Planning Authority release the Interim Report.**

Appendix A VPA Projects SAC Terms of Reference



VPA Projects Standing Advisory Committee

Version 1: July 2020

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (the Act) to advise the Minister for Planning and the Victorian Planning Authority (VPA) on referred projects and plans and associated draft planning scheme amendments.

Name

The Standing Advisory Committee is to be known as the 'VPA Projects Standing Advisory Committee'.

1. The Committee is to have members with the following skills:
 - a. Strategic planning
 - b. Statutory planning
 - c. Civil engineering (infrastructure planning)
 - d. Development contributions
 - e. Road and transport planning
 - f. Biodiversity
 - g. Social planning
 - h. Urban design
 - i. Heritage (post contact and Aboriginal)
 - j. Planning law.
2. The Committee will include a Chair, Deputy Chairs and not less than ten other appropriately qualified members.
3. The Committee may seek advice from other experts where it considers this necessary.

Purpose

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

Background

5. The VPA is responsible for preparing development plans and other proposals in identified metropolitan, growth areas and regional cities and towns. Some of these plans are to be approved through the planning scheme amendment process using the provisions of section 20(4) of the Act.
6. This Committee process allows submissions to be made to the VPA on a draft plan and associated draft planning scheme amendment, with any unresolved issues to be considered by the Committee before the final planning scheme amendment is submitted to the Minister for Planning for approval.
7. The Committee will provide a targeted and timely process to assess the merits of discrete unresolved issues associated with State and regionally significant projects.

Method

8. The Committee may meet, and depending on the nature of the referral and the issues raised, undertake consultation that is fit for purpose. This may be on the papers; through round table discussions or forums;

or Hearings. There must be a quorum of at least two Committee members, including either the Chair or a Deputy Chair.

9. The Committee may apply to vary these Terms of Reference in any way it sees fit.

Notice

10. As directed by the Minister, the VPA will prepare and give notice of a 'draft Amendment' and receive submissions. The VPA will consider all submissions and where possible seek to resolve issues with submitters prior to referring matters to the Committee.
11. The Committee is not expected to carry out additional public notification or referral of matters but may seek the views of any relevant referral authority, responsible authority or government agency.

Referral

12. Once all submissions are considered, the Chief Executive Officer, VPA (or delegate) will provide a letter of referral to the Committee Chair, seeking its advice on particular matters or unresolved issues raised in the submissions and/or any other relevant matter. The letter of referral will be a public document.
13. The letter of referral must be accompanied by:
- The relevant plan and associated draft planning scheme amendment and planning permit documentation
 - The referred submissions
 - Any supporting background material.

Committee Assessment

14. The Committee may inform itself in anyway it sees fit, but must consider:
- The relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it
 - The referred submissions
 - Plan Melbourne*
 - Any relevant Regional Growth Plan or Growth Corridor Plan
 - The applicable Planning Scheme
 - Relevant State and local policy
 - Any other material referred to it.
15. Depending upon the nature of the referral, the Committee can conduct its proceedings through round table discussions, on the papers or, a public hearing, including by video conference if unable to conduct this 'in person'.
16. The Committee will be provided with the written submissions and other supporting material by parties, and may:
- Direct that parties meet, to discuss and further resolve issues, or
 - Act as a mediator to seek to resolve issues in dispute.
17. The Committee may direct the VPA and relevant parties to provide additional information on specified matters.
18. The committee must not consider submissions or evidence on a matter that a planning authority is prevented from considering by operation of ss 22(3) and 22(5) of the Planning and Environment Act 1987.
19. The written submission of the VPA is to include:
- an overview of the draft amendment and/or any relevant planning permit and the relevant Plan, including a detailed explanation of the referred elements.

- b. a written response to each referred submission and how the draft plan, amendment or permit might be changed to respond to the submission.

Outcomes

20. The Committee must produce a written report for the VPA and the Minister for Planning, providing the following:
 - a. Whether the referred element(s) of the draft amendment or planning permit is appropriate
 - b. A summary and assessment of the issues raised in submissions referred to the Committee.
 - c. Any other relevant matters raised in the course of the Committee process.
 - d. A list of persons who made submissions considered by the Committee.
 - e. A list of tabled documents.
 - f. A list of persons consulted or heard, including via video conference.
21. Following the completion of the report the Committee may deliver an oral briefing to the Minister for Planning or the VPA. The briefing may be in person, by video conference or telephone.

Submissions are public documents

22. The Committee must retain a library of any written submissions or other supporting documentation provided to it until a decision has been made on its report or five years has passed from the time of its appointment.
23. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain 'in camera'. A document may be made available for public inspection electronically.

Timing

24. The Committee is required to commence its process by issuing a written notice of the referral of a matter from the VPA to all referred submitters no later than 10 business days from the date of any specific letter of referral received.
25. The Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the last day of its proceedings, tabling of submissions or consultation process.
26. The VPA must release the report of the Committee within 10 business days of its receipt.

Fee

27. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
28. The costs of the Committee will be met by the VPA.



Richard Wynne MP
Minister for Planning

Date: 17 / 07 / 2020

Appendix B Letter of referral



Hon Richard Wynne MP

Minister for Planning
Minister for Housing

8 Nicholson Street
East Melbourne, Victoria 3002

Mr Nick Wimbush
Lead Chair
Victorian Planning Authority Projects Standing Advisory Committee
Planning Panels Victoria
planning.panels@delwp.vic.gov.au

Ref: MBR044126



Dear Mr Wimbush

AMENDMENT C152 TO THE BASS COAST PLANNING SCHEME – DECISION ON SUBMISSIONS FOR THE WONTHAGGI NORTH EAST GROWTH AREA

I refer to draft Amendment C152 to the Bass Coast Planning Scheme, which proposes to create new residential and employment neighbourhoods around Wonthaggi. To achieve this, the amendment proposes introducing a precinct structure plan, development contributions plan and native vegetation precinct plan with associated zoning, overlay and other scheme changes.

The VPA has committed to delivering a fast-track planning program to assist with Victoria's post coronavirus (COVID-19) economic recovery over the next financial year.

On 17 July 2020, I established a streamlined planning process, including the establishment of the VPA Projects Standing Advisory Committee (SAC) to independently review unresolved submissions, including discrete issues, received through the VPA streamlined engagement process.

Between 2 November and 1 December 2020, the VPA, in conjunction with Bass Coast Shire Council, undertook a targeted public consultation process for the draft planning scheme amendment. The consultation included direct notice to landowners and occupiers within 50 metres of, and within, the amendment area; Commonwealth and Victorian Government agencies; Ministers prescribed under section 19(1)(c) of the *Planning and Environment Act 1987*; and Bass Coast Shire Council. The VPA and Bass Coast Shire Council held a virtual drop-in session and responded to phone calls and emails during the consultation period.

I have decided to refer all unresolved submissions to the VPA Projects SAC for advice and recommendations in accordance with the SAC's terms of reference (17 July 2020).

I have enclosed a submissions summary table, prepared by the VPA, which provides an analysis of each submission, including summaries of the issues raised and a significance rating to assist the SAC with its proceedings.

The SAC should consider the submissions in the manner it sees fit in accordance with its terms of reference. I note the terms of reference enable the committee to adopt an approach that is 'fit for purpose' and that this could involve consideration of issues 'on the papers' as appropriate.

I am advised the VPA will continue to seek to resolve matters with submitters and it will advise the SAC if further matters are resolved.

Please find enclosed some of the supporting documents required by clause 13 of the terms of reference for the VPA Projects SAC. The VPA will provide the remaining documents in due course.

I encourage the SAC to undertake its work in the most efficient way and to act promptly in light of the significance of the proposed project and its role in assisting Victoria's post coronavirus (COVID-19) economic recovery.

If you would like further information, please email Dr Jane Homewood, Executive Director, Statutory Planning Services, DELWP, at jane.homewood@delwp.vic.gov.au.

Yours sincerely



HON RICHARD WYNNE MP
Minister for Planning

31 / 01 / 2021

Encl. Amendment C152 Submissions Summary Table
Wonthaggi North East Public Consultation Report

Appendix C Submitters to the Amendment

No.	Submitter
1	Sam Brotheridge
2	VicTrack (submission not considered by Committee)
3	West Gippsland Catchment Management Authority (submission not considered by Committee)
4	South Gippsland Water
5	Department of Education and Training
6	David Norton
7	Department of Environment, Land, Water and Planning (Environment)
8	Alan Miller
9	Jan Redmond
10	Project Planning & Development Pty Ltd (Birdwood Pty Ltd)
11	Department of Transport
12	Daryl Hoey
13	J Milne
14	Spiire
15	Wentworth Pty Ltd (submission 1)
16	Wonthaggi Lifestyle Precinct
17	Sargeants Conveyancing
18	Parklea Developments Pty Ltd
19	Giovani & Cheryl Paterno and Leigh & Gemma Clifford
20	BEW Family Investments Pty Ltd
21	Summerfields Wonthaggi Pty Ltd
22	Wentworth Pty Ltd (submission 2)
23	Wallis Watson Industrial Pty Ltd
24	Carbora Nominees Pty Ltd
25	Robert John Edden
26	Clive and Julie Kilgour
27	LandsGipp Vic Pty Ltd
28	A1 Group
29	Country Fire Authority (late submission)

Appendix D Parties to the Panel Hearing

Submitter	Represented by
Victorian Planning Authority and Bass Coast Shire Council	James Lofting of HWL Ebsworth
Country Fire Authority	Anne Coxon
South Gippsland Water	Lucy Allsop
Regional Roads Victoria and Department of Transport	written submission only
Department of Education	Written submission only
Parklea Developments Pty Ltd	Juliet Forsyth SC assisted by Jennifer Trehwella of counsel instructed by Ellen Tarasenko of Herbert Smith Freehills. The substantive submission of Parklea was not heard during the Tranche 1 Hearing nor was the planning evidence of Mark Woodland of Echelon Planning or the land supply evidence of Mark Dawson of Urbis
LandGipps Vic Pty Ltd	Nick Sutton and Scott Edwards of Planning & Property Partners. The substantive submission of Parklea was not heard during the Tranche 1 Hearing nor was the planning evidence of Mr Glossop
Giovani & Cheryl Paterno and Leigh & Gemma Clifford	Barnaby McIlrath of PE law
J Milne	John McCaffrey
Birdwood Pty Ltd	Trevor Ludeman of Project Planning & Development Pty Ltd who called the evidence of Brian Haratsis of Macroplan on economics
Wentworth Pty Ltd Robert John Edden Carbora Nominees Pty Ltd Wallis Watson Industrial Pty Ltd	Fiona Wiffrey of Beveridge Williams
Summerfields Wonthaggi Pty Ltd	
BEW Family Investments Pty Ltd	Advised Committee that they no longer wished to be heard
A1 Group/Carney's Road Development	Joey Whitehead of Beveridge Williams who provided a written submission only
Sam Brotheridge	
Wonthaggi Lifestyle Precinct	Greg Bursill

Appendix E Document list

No.	Date	Description	Provided by
1	31/1/2021	VPA Projects SAC Referral	Minister for Planning
2	"	VPA Submissions Summary Table	"
3	"	Public Consultation report, December 2020	"
Amendment documents			
4	10/2/2021	Wonthaggi North East Precinct Structure Plan, November 2020	VPA
5	"	Wonthaggi North East Development Contributions Plan, November 2020	
6	"	Wonthaggi North East Native Vegetation Precinct Plan, November 2020	
7	"	Draft Planning Scheme Amendment documents including policy changes, Zone and Overlay schedules and Maps, clause schedules, instruction sheet and Explanatory Report	"
Background Documents			
8	"	Background Report, VPA, November 2020	"
9	"	Bushfire Management Report, Terramatrix, October 2018	"
10	"	Commercial and Industrial Land Assessment, Urban Enterprise, June 2017 and Addendum, 2019	"
11	"	Community Infrastructure Needs Assessment, November 2020	"
12	"	Contaminated Land Investigations Report, GHD, April 2016 including Figures and Appendices (A-J)	"
13	"	Phase 1 Preliminary Site Investigation, May 2019	
14	"	Drainage Strategy Storm Water Management Plan, Engeny, October 2019	"
15	"	Wetland 3 and 4 Design Work, Engeny – February 2020	
16	"	Flora and Fauna Assessment, Nature Advisory, May 2020	"
17	"	Targeted Growling Grass Frog, Swamp Skin and Latham's Snipe Surveys, Nature Advisory, November 2020	"
18	"	Aboriginal Cultural Heritage Survey, Triskel Heritage Consultants, May 2017	"
19	"	Public Land Equalisation, Estimated Land Valuations, Westernport Property Consultants, September 2020	"
20	"	Statutory Strategy, October 2020	"

No.	Date	Description	Provided by
21	“	Transport Assessment, GTA Consultants, October 2020	“
22	“	Precinct Structure Plan Implementation Map, VPA, November 2020	“
23	“	Public Consultation Brochure, VPA, November 2020	“
24	“	Submissions	“
Directions Hearing and Hearing documents			
25	12/2/2021	Notification Letter to submitters advising of referral to VPA SAC and details of Directions Hearing	VPA SAC
26	9/3/2021	Submission A1 Group (owners 35 Carneys Road)	Mr J Whitehead, Beveridge Williams
27	“	Letter to Chair advising of questions pre-Directions Hearing and request for DELWPs attendance at Directions Hearing on behalf of Parklea Developments Pty Ltd	Ms H Asten & Ms E Tarasenko, Herbert Smith Freehills
28	10/3/2021	Letter to Chair advising response to questions from Parklea Developments Pty Ltd made on behalf of the Victorian Planning Authority and Bass Coast Shire Council	VPA & Bass Coast Shire Council
29	“	Letter to parties advising of high-pressure gas pipeline and high-pressure desalination water pipeline situation in proximity	VPA & Bass Coast Shire Council
30	15/3/2021	Directions, Distribution List and Timetable (version 1)	VPA SAC
31	17/3/2021	Letter to Chair requesting drainage modelling information from Herbert Smith Freehills on behalf of Parklea Developments Pty Ltd	Ms E Tarasenko, Herbert Smith Freehills
32	19/3/2021	Letter to Chair advising response to request for documents from Parklea Developments Pty Ltd made on behalf of the Victorian Planning Authority and Bass Coast Shire Council	VPA & Bass Coast Shire Council
33	22/3/2021	Email to all parties including letter from Herbert Smith Freehills on behalf of Parklea Developments Pty Ltd	VPA SAC
34	“	Email to all parties advising Committee is satisfied with response from VPA / Council to Directions sought by Parklea Developments Pty Ltd	“
35	“	Letter to Chair noting issues with conclave arrangements and request for permit information from Herbert Smith Freehills on behalf of Parklea Developments Pty Ltd	Ms E Tarasenko
36	“	Email to parties with response to Direction 3(a), (c) and (d)	VPA & Bass Coast Shire Council

No.	Date	Description	Provided by
37	“	Email to all parties including letter from Herbert Smith Freehills on behalf of Parklea Developments Pty Ltd regarding conclaves and request for information	VPA SAC
38	23/3/2021	Letter to all parties sent on behalf of Mr S Brotheridge	VPA SAC
39	“	Letter to Chair advising response to request for documents from Parklea Developments Pty Ltd made on behalf of the Victorian Planning Authority and Bass Coast Shire Council	VPA & Bass Coast Shire Council
40	24/3/2021	Letter to Chair further noting issues with conclave arrangements a from Herbert Smith Freehills on behalf of Parklea Developments Pty Ltd	Ms E Tarasenko
41	“	Letter to all parties regarding conclaves and request for documents	VPA SAC
42	“	Letter to all parties with response to Direction 3 (c) Pipeline Action Plan	VPA & Bass Coast Shire Council
43	“	Email to all parties regarding conclave arrangements	“
44	25/3/2021	Letter to Chair with response to letter sent from Mr S Brotheridge dated 23 March 2021	“
45	26/3/2021	Letter to all parties with response to Direction 3 (e), (f) and (g) and response to further information	“
45a	“	Drainage Conclave – Agreed Statement	VPA & Bass Coast Shire Council
46	“	Letter to all parties sent on behalf of Mr S Brotheridge including attachment a) Emails to Bass Coast Council	VPA SAC
47	29/3/2021	Letter to all parties sent on behalf of Mr S Brotheridge (dated 26 March 2021) including attachment a) Bass Coast Shire Council Minutes for Ordinary Meeting Wednesday 21 June 2017	VPA SAC
48	“	Letter to all parties sent on behalf of Mr S Brotheridge (dated 28 March 2021)	“
49	“	Letter to all parties advising of incorrect section 173 agreement	Mr S Brotheridge
50	30/3/2021	Email to all parties correcting section 173 agreement	VPA & Bass Coast Shire Council
51	“	Email to all parties advising of SAC position on matters raised by Mr S Brotheridge	VPA SAC
52	“	Email to all parties advising of DCP conclave arrangements	VPA & Bass Coast Shire Council
53	“	Email to all parties in response to letters from Mr S Brotheridge	VPA & Bass Coast Shire Council

No.	Date	Description	Provided by
54	"	Letter to all parties with response to request for documents	Ms L Allsop, South Gippsland Water
55	"	Letter to all parties requesting information including attachment a) Letter from Bass Coast Shire Council	Mr S Brotheridge
56	31/3/2021	Letter to all parties requesting hearing be put on hold and notes regarding discussions with South Gippsland Water including attachment a) South Gippsland Water to Mr S Brotheridge	"
57	"	Email to all parties with response to letters of Mr S Brotheridge	VPA & Bass Coast Shire Council
58	1/4/2021	Email to all parties responding to letters of Mr S Brotheridge	VPA SAC
59	2/4/2021	Letter to all parties advising of material uploaded to file share	VPA & Bass Coast Shire Council
60	6/4/2021	Letter to all parties noting discussions with the VPA including attachments a) Letter from VPA to Mr S Brotheridge b) Ombudsman correspondence	Mr S Brotheridge
61	"	Email to all parties forwarding the email from the Department of Transport (DoT) and requesting additional information as to delayed request to be heard	VPA SAC
62	"	Emails to all parties advising of SAC position on matters raised by Mr S Brotheridge	"
63	"	Evidence Statement – Brian Haratsis	Mr T Ludeman, Project Planning & Development Pty Ltd
64	"	Evidence Statement – Mark Woodland	Ms E Tarasenko
65	"	Evidence Statement – Michael Mag	"
66	"	Evidence Statement – Rod Wiese	"
67	"	Evidence Statement – Darren Powell	"
68	"	Evidence Statement – Alex Hrelja	"
69	"	Evidence Statement – Mark Dawson	"
70	"	Evidence Statement – Chris DeSilva and Jo Fisher	VPA & Bass Coast Shire Council
71	"	Evidence Statement – Glenn Ottrey	"
72	"	Evidence Statement – Warwick Bishop	"

No.	Date	Description	Provided by
73	“	VPA / Bass Coast Shire Council – Part A Submission including attachments a) Modified Subdivision Plan for 35 Carneys Road b) Advice from Engeny to Council in relation 465 Heslop Road Wonthaggi c) Ordinance Changes Log d) PSP-DCP-NVPP Changes Log	“
74	“	Evidence Statement – Nina Barich	Mr S Edwards, Planning & Property Partners
74a	“	DET email advising their withdrawal from the hearing with the following attachments: a) supplementary submission and advice that they will not attend the hearing b) supplementary submission appendix	Katholiki Giordamnis, Department of Education and Training (DET)
75	7/4/2021	Email from DoT with request to join as a party to hearing	Mr G Skoien, DoT
76	“	Directions, Distribution List and Timetable (version 2)	VPA SAC
77	“	Letter including hearing link and Zoom instructions	VPA & Bass Coast Shire Council
78	“	Email to all parties seeking leave to provide late evidence statement of John Glossop on behalf of LandGipps Vic Pty Ltd	Mr N Sutton, Planning & Property Partners
79	“	Email to all parties advising late evidence statement of John Glossop to be discussed on Day 1	VPA SAC
80	“	Email to all parties providing undertaking that John Glossop will not review material on behalf of LandGipps Vic Pty Ltd	Mr N Sutton
81	8/4/2021	Submission – DoT	Mr G Skoien
82	“	Letter including hearing link, password and Zoom instructions	VPA & Bass Coast Shire Council
83	“	Letter regarding Bass Coast Distinctive Areas and Landscapes Project including attachments: a) Bass Coast Declaration Assessment b) Bass Coast Declaration c) Distinctive Areas and Landscapes: Landscape Assessment Review Stage 1 – Scoping, Department of Environment, Land, Water and Planning, East Melbourne, Victoria d) Phase One Community Engagement Key Findings Report	Andrew Gear DELWP
84	9/4/2021	Letter to all parties advising that DCP requires further investigation	VPA & Bass Coast Shire Council

No.	Date	Description	Provided by
85	“	Email to all parties advising Carbora Nominees is not intending on calling an expert	VPA SAC
86	“	Email to all parties requesting the hearing be adjourned	Mr S Brotheridge
87	“	Email to all parties responding to DCP matters and request for adjournment	VPA SAC
88	“	VPA / Bass Coast Shire Council – Part B Submission including attachment a) Appendix A	VPA & Bass Coast Shire Council
89	“	Letter to all parties advising of various drainage models, additional information, and request for hearing to be recorded on behalf of Parklea Developments Pty Ltd	Ms E Tarasenko
90	“	Email forwarding Bass Coast Distinctive Areas and Landscapes Project letter and attachment from DELWP	VPA SAC
91	“	Email from Mr S Brotheridge advising he no longer wishes to present at the Hearing	Mr S Brotheridge
92	“	Email to all parties clarifying drainage models and seeking confirmation that all parties agree to Hearing recording	VPA & Bass Coast Shire Council
93	“	Development Contribution Plan (DCP) Conclave – Agreed Statement	VPA & Bass Coast Shire Council
94	“	Email to Mr S Brotheridge acknowledging email advising he no longer wishes to present at the Hearing	VPA SAC
94a	“	Email from VPA forwarding further DELWP (Environment) submission including letter to VPA and VPA submission summary	VPA & Bass Coast Shire Council
95	12/4/2021	Preliminary Issues Submission – Parklea Developments Pty Ltd	Ms E Tarasenko
96	“	Committee Directions dated 12 April 2021	VPA SAC
97	13/4/2021	Letter to Chair proposing Tranche 2 dates, deferral of Parklea submission and costs on behalf of Parklea Developments Pty Ltd	Ms E Tarasenko
98	“	Letter to Chair advising of deferral of LandGipps Vic Pty Ltd submission	Mr N Sutton
99	“	Submission – Ms J Milne	Mr J McCaffery
100	“	Distribution List and Timetable (version 3)	VPA SAC
101	“	Submission – Mr T Walsh including attachments a) Memo to SAC b) Appendices	Mr T Ludeman
102	“	Submission – Wallis Watson Industrial Pty Ltd	Ms F Wiffrie, Beveridge Williams

No.	Date	Description	Provided by
103	"	Email to all parties advising of documents uploaded into file share including attachments a) Pipelines Plan b) Revised Action Plan	VPA & Bass Coast Shire Council
104	14/4/2021	Email to Chair requesting time allocation in Tranche 1	Mr S Brotheridge
105	"	Email to all parties advising of extended Day 3 to accommodate Mr S Brotheridge	VPA SAC
106	"	Submission – Wentworth Pty Ltd	Ms F Wiffrie
107	"	Submission – Wonthaggi Lifestyle Precinct	Mr G Bursill, Bursill Consulting
108	"	Submission – Sam Brotheridge including attachments a) Wonthaggi Donna Taylor Response Crop Raising b) Wonthaggi Ali Wastie CEO c) VPA Matt	Mr S Brotheridge
109	15/4/2021	Submission – South Gippsland Water	Ms L Allsop
110	"	Letter to all parties advising of Parklea Developments Pty Ltd position and draft directions for Tranche 2	Ms E Tarasenko
111	"	Submission – Country Fire Authority (CFA) including attachment: a) Attachment 1	Ms A Coxon, CFA
112	"	Letter to all parties advising of VPA /Bass Coast Shire Council position and draft directions for Tranche 2	VPA & Bass Coast Shire Council
113	16/4/2021	Submission – Mr G & Ms C Paterno and Ms G & Mr L Clifford including attachments: a) Images	Mr B McIlrath, PE Law
114	"	Letter to all parties advising of broad support of VPA position on draft directions	Mr N Sutton
115	"	Closing Submission – VPA & Bass Coast Shire Council	VPA & Bass Coast Shire Council
116	"	South Gippsland Water clarifying location of assets including plan of assets a) Plan of assets	Ms L Allsop
117	21/4/2021	Letter to all parties advising of Committee’s Directions for Tranche 2	VPA SAC
118	23/4/2021	LandsGipp position regarding evidence of Mr Glossop and the consideration of issues it was yet to present	Mr N Sutton, Planning and Property Partners
119	11/5/2021	Letter from VPA identifying status of discussions with CFA and that the matter should be further discussed at the Tranche 2 Hearing	VPA

No.	Date	Description	Provided by
120	19/5/2021	Email to parties advising VPA-CFA Amendment changes relating to bushfire will be discussed at the Tranche 2 Hearing	VPA SAC
