

Planning and Environment Act 1987

Advisory Committee Report

Regional Parks Standing Advisory Committee

2 November 2018

Planning and Environment Act 1987

Advisory Committee Report pursuant to section 151 of the Act
Regional Parks Standing Advisory Committee

2 November 2018

A handwritten signature in black ink, appearing to read 'M. Kirsch', with a long horizontal flourish extending to the right.

Michael Kirsch, Chair

A handwritten signature in black ink, appearing to read 'A. Cornwall', with a long horizontal flourish extending to the right.

Amanda Cornwall, Member

A handwritten signature in black ink, appearing to read 'M. Elliott', with a long horizontal flourish extending to the right.

Mandy Elliott, Member

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List of Abbreviations

AACA	Australian-Albanian Community Association
AMYA	Australian Macedonian Youth Association
BCS	Biodiversity Conservation Strategy for Melbourne’s Growth Corridors
BLCAC	Bunurong Land Council Aboriginal Corporation
BPG	Brown Property Group
Casey	City of Casey
DELWP	Department of Environment, Land, Water and Planning
DSS	Development Services Scheme
EPBC Act	Environmental Protection and Biodiversity Conservation Act 1999
EVC	Ecological Vegetation Class
GAA	Growth Areas Authority
GWZ6	Green Wedge Zone Schedule 6
LFDP	Leisure Facilities Development Plan
LSIO	Land Subject to Inundation Overlay
Melbourne 2030	Melbourne 2030, Planning for Sustainable Growth, October 2002
Melton	City of Melton
MSA	Melbourne Strategic Assessment
MSS	Municipal Strategic Statement
NCR	Nature Conservation Reserve
PAO	Public Acquisition Overlay
Plan Melbourne	Plan Melbourne 2017 -2050, Metropolitan Planning Strategy
PPF	Planning Policy Framework
PSP	Precinct Structure Plan

RPSAC	Regional Parks Standing Advisory Committee
the Act	Planning and Environment Act 1987
the Committee	the Regional Parks Standing Advisory Committee
ToR	Terms of Reference
UGB	Urban Growth Boundary
VPA	Victorian Planning Authority
VPP	Victoria Planning Provisions
Wyndham	City of Wyndham

Executive summary

(i) Summary

The proposals for the three new regional parks in Melbourne's growth areas and the regional sports facility in Clyde are significant initiatives that will have far-reaching benefits for the broader Melbourne community as well as the local communities in which they are located.

The creation of three new regional parks will add to the range of existing regional parks in Melbourne that have been developed by successive State governments over many years and that continue to play such a vital role in enhancing Melbourne's liveability. As well as providing opportunities for passive recreation, the parks will also have important roles in protecting important biodiversity values in Melbourne's growth areas.

The Clyde Park Regional Sports Precinct is a significant investment by the City of Casey in the sporting needs of its community and will also benefit people within the broader south-east region of Melbourne. When developed, it will complement the impressive range of sporting infrastructure that already exists in Casey.

While the Committee supports the four proposals, it acknowledges that the planned acquisition of the four sites has caused significant distress to many of the affected landowners. The Committee also acknowledges that many submitters, including some of the landowners, supported the proposals and recognised the broader benefits that they will bring.

The Committee has had to balance these views in its assessment of the broader net community benefit that will flow from the proposals and decided that, on balance, the three regional parks and sports precinct should proceed. The Committee is also satisfied that the four proposals are strategically justified and have a sound basis in existing policy.

The Committee encourages the State government and the City of Casey to continue working co-operatively with landowners during the acquisition process and, where appropriate, to expedite that process. While some landowners will prefer to retain their properties for as long as possible, others will prefer that the acquisition of their land occur quickly so that uncertainty can be resolved, and disruption minimised.

In order to progress the four proposals, the Committee recommends that the draft planning scheme amendments that accompanied the referral of the sites be approved. The Committee is satisfied that the amendments are strategically justified and that stakeholders have had an appropriate opportunity to respond to the proposals and the amendments.

Finally, the Committee acknowledges the assistance provided by the officers from the Department of Environment, Lands, Water and Planning, the City of Casey and other councils and agencies. In addition, the Committee thanks all of the submitters, particularly the landowners, who contributed to the Advisory Committee process.

(ii) Recommendations

Based on the reasons set out in this report, the Committee makes the following recommendations.

1 Clyde Regional Park

- a That the Minister for Energy, Environment and Climate Change adopt the proposed Clyde Regional Park, as described in the Clyde Regional Park Planning Report 2018, as the basis for future planning and land acquisition processes.**
- b That the Minister for Planning approve draft Amendment GC99 as it relates to the Clyde Regional Park.**

2 Kororoit Creek Regional Park

- a That the Minister for Energy, Environment and Climate Change adopt the proposed Kororoit Creek Regional Park, as described in the Kororoit Creek Regional Park Planning Report 2018, as the basis for future planning and land acquisition processes.**
- b That the Minister for Planning approve draft Amendment GC99 as it relates to the Kororoit Creek Regional Park.**

3 Werribee Township Regional Park

- a That the Minister for Energy, Environment and Climate Change adopt the proposed Werribee Regional Park, as described in the Werribee Regional Park Planning Report 2018, as the basis for future planning and land acquisition processes.**
- b That the Minister for Planning approve draft Amendment GC99 as it relates to the Werribee Township Regional Park.**

4 Clyde Park Sports Precinct

- a That the City of Casey adopt the proposed Clyde Park Sports Precinct, as described in the Clyde Park Sports Precinct Planning Report 2018 as the basis for future planning and land acquisition processes.**
- b That the Minister for Planning approve draft Casey Planning Scheme Amendment C238.**

1 Introduction

1.1 Regional Parks Standing Advisory Committee

The Regional Parks Standing Advisory Committee (the Committee) is an initiative of the Minister for Planning, in conjunction with the Minister for Energy, Environment and Climate Change, and the Department of Environment, Land, Water and Planning. Its purpose is to provide advice to the Minister for Planning on the suitability of proposed changes to planning provisions to facilitate the delivery of open space proposed by the Victorian Government and/or other project partners.

The Minister for Planning appointed Brett Davis (Chair), Mandy Elliott (Deputy Chair) and Amanda Cornwall as the Advisory Committee on 29 November 2017. The Advisory Committee was reconstituted on 28 January 2018 to replace Brett Davis with Michael Kirsch as Chair.

The Committee comprises Michael Kirsch (Chair), Mandy Elliott (Deputy Chair) and Amanda Cornwall.

1.2 Referrals

The Minister for Planning referred four proposals to the Committee on 21 March 2018. These proposals are:

- Clyde Regional Park
- Kororoit Creek Regional Park
- Werribee Township Regional Park
- Clyde Park Sports Precinct.

The referred projects are outlined in Table 1.

Table 1: Referred Projects

Referral name	Address	Proponent
Clyde Sports Precinct	1910 and 180 Ballarto Road and 225 Muddy Gates Lane, Clyde	Casey City Council
Clyde Regional Park	1810, 1850, 1870 and 188- Ballarto Road, 65 and 125 Graham Road, Clyde	Minister for Energy, Environment and Climate Change
Kororoit Creek Regional Park	402, 276-306, 266-274 and 194-258 Clarke Road, 462-468, 470-500 and 502-536 Neale Road, 1404-1428, 1430-1454, 1456-1482, 1484-1508, 1510-1534 and 1536-1560 Western Highway, Deanside	Minister for Energy, Environment and Climate Change
Werribee Township Regional Park	480, 560, 570, 580, 590 and 600 McGraths Road, Wyndham Vale and 2 and 12 Davis Road and Hogans Road, Tarneit	Minister for Energy, Environment and Climate Change

1.3 Terms of Reference

The Minister for Planning approved Terms of Reference for the Committee under section 151 of the *Planning and Environment Act 1987* (the Act) on 29 November 2018. The Terms of Reference are included at Appendix A.

The Terms of Reference note that the Minister for Planning may refer proposals to the Committee (Clause 10) in the form of changes to a planning scheme and/or a combined planning permit application (Clause 11). The Minister for Planning, or delegate, may for a specific referral, vary or exclude any stage of the Terms of Reference (Clause 13).

Clause 29 requires that the Committee consider:

- a. Any relevant provisions in the Metropolitan Planning Strategy and the State Planning Policy Framework*
- b. Any relevant provisions of the applicable planning scheme*
- c. Any relevant documentation prepared by or for the proponent, or otherwise provided to the Advisory Committee*
- d. All submissions made in relation to the proposal.*

Clause 30 requires that the Committee provide the Minister for Planning with a written report for each proposal providing:

- a. A recommendation on the appropriateness of the proposal in light of the relevant provisions of the applicable planning scheme, the State Planning Policy Framework and the Metropolitan Planning Strategy, including whether the proposal should proceed and in what form.*
- b. A recommendation on planning provisions to best facilitate the proposal including, but not limited to, whether the Minister for Planning should be the responsible authority for approving matters in relation to the parks and surrounding land and whether there should be exemptions from notice and review provisions.*
- c. A recommendation on whether the proposed provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on the Form and Content of Planning Schemes.*
- d. Any other relevant matters raised in the course of the Advisory Committee hearing/s.*
- e. A list of persons who made submissions.*
- f. A list of persons consulted and/or heard.*

The reports may be submitted in one document or in stages (Clause 31).

Clause 34 requires that the Committee consider:

- a. All relevant submissions*

- b. The appropriateness of the proposal in light of key strategies including Plan Melbourne*
- c. The appropriateness of the proposal against the objectives of the Planning and Environment Act 1987 and any other relevant provisions of planning schemes*
- d. Whether the proposed changes to the planning scheme should be approved, subject to recommended changes.*

Clause 35 states that it is not the role of the Committee to review or consider the land acquisition process, including land values, compensation or the timing of implementation.

1.4 Briefing, exhibition, information sessions and Hearings

(i) Briefing

The Terms of Reference provide for the Committee to request a project briefing from the proponent as well as other interested parties prior to the commencement of a proposal and prior to the formal notification process (Clauses 17-19). The initial Committee was briefed by various DELWP Planning Group officers about the Advisory Committee process on 12 December 2017.

(ii) Exhibition and information sessions

The Terms of Reference require DELWP to carry out notification of the proposals for a period of 30 business days (Clause 22). Notification is to include:

- direct notice to owners and occupiers who may be materially affected by the proposal
- a notice in a local newspaper generally circulating in the area
- direct notice to government agencies and servicing authorities
- direct notice to relevant councils.

The notification undertaken for each of the four sites is discussed in the section for that site. DELWP also provided documents that outlined the consultation that it undertook¹.

Clause 23 requires the Committee to hold an information session and invite relevant councils, government departments, agencies, service authorities, and other interested parties, no less than three weeks after the commencement of the consultation period.

In this regard, the Committee hosted three structured information sessions. Each information session was chaired by the Committee Chair and they were held in the respective municipalities. They included an overview of the park proposal from the proponent, a summary from DELWP Environment Group on the land acquisition process and concluded with an opportunity for attendees to ask questions.

(iii) Submissions and Public Hearing

The Terms of Reference require the Committee to carry out a Public Hearing and provide all submitters with an opportunity to be heard (Clause 26).

¹ Documents 48 and 49.

43 submissions were received across the four referred sites and are recorded at Appendix B.

A joint Directions Hearing was held on 8 August 2018 at Planning Panels Victoria.

A joint Public Hearing was held on 5, 6, 7, 10, 11 and 12 September 2018 at Planning Panels Victoria. Parties to the Hearing are recorded at Appendix C. Documents provided as part of the Hearing process are recorded at Appendix D.

The Committee considered all written submissions made in response to the exhibition of the four proposals, together with submissions, evidence and other material presented to it during the Hearing.

The Committee has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the report. All submissions and materials have been considered by the Committee in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

1.5 Matters concerning the Terms of Reference

1.5.1 The role of the Committee

At the start of the Public Hearing, there was discussion about the Committee's role and the extent to which it could consider and make recommendations about the boundaries of the three referred parks.

In opening verbal submissions, Mr Rantino (on behalf of the Minister for Energy, Environment and Climate Change) suggested that the Committee should focus on the proposed Public Acquisition Overlays (PAOs) in draft Planning Scheme Amendment GC99, rather than the boundaries of the three regional parks.²

The Committee queried this and noted DELWP's advice to the Committee and stakeholders at the three information sessions that the Advisory Committee process would enable the Committee to consider and make recommendations relating to the park boundaries. The Committee also noted that some submitters had raised boundary issues that were unrelated to the PAOs.

Following this discussion, Mr Rantino agreed that the Committee could consider and make recommendations about boundary issues. The Committee proceeded with the Hearing on that basis and is satisfied that this approach is consistent with its Terms of Reference.

1.5.2 Land values

During the Hearing, there was discussion about whether the Committee should have regard to land values and acquisition costs as criteria for assessing the sites, particularly in relation to the proposed Werribee Township Regional Park and four areas that were not included in the referred park proposal.

The Committee notes that Clause 35 of its Terms of Reference includes:

² The proposed PAOs do not cover all the proposed park sites, given that some land is already in public ownership and some will be acquired through other processes.

It is not the role of the Advisory Committee to review or consider the land acquisition process, including land values, compensation or the timing of implementation.

Consistent with this, the Committee has not relied on land values or acquisition costs in its review of the proposals. The Committee also notes that it was not provided with any material or evidence that would enable it to consider or reach any informed views about these matters.

Nevertheless, the Committee accepts that the costs of establishing the parks, including land values, are legitimate considerations for Government and have informed the boundary definition process.

1.5.3 Alternative sites

Some submitters proposed that particular parks be located elsewhere or submitted that there had been inadequate analysis to confirm that the proposed sites were the best available sites.

The Terms of Reference require the Committee to consider the four proposals that were referred to it and do not make provision for it to consider alternative sites. For this reason, the Committee has not considered the merits of alternative sites proposed in submissions.

In terms of the suitability of the proposed sites and whether other sites might be more suitable, the Committee has focussed its analysis on whether the four sites are 'fit for purpose' and will be able to satisfactorily fulfil their intended functions. This does not mean that they are necessarily the best sites, but simply that they are suitable sites.

1.5.4 Clause 30(b)

Clause 30(b) of the Terms of Reference requires that the Committee provide:

A recommendation on the planning provisions to best facilitate the proposal including, but not limited to whether the Minister for Planning should be the responsible authority for approving matters in relation to the parks and surrounding land and whether there should be exemptions from notice and review provisions.

The Committee sought clarification from Mr Rantino about the references to the Minister for Planning being the responsible authority and whether there should be exemptions from notice and review provisions. He advised that these references were redundant because the draft amendments do not propose any planning scheme provisions or changes that would require the Minister for Planning to be the responsible authority or provide for notice and review exemptions. Consequently, the Committee has not made any recommendations about those matters.

2 Policy Context

The Terms of Reference require the Committee to assess the appropriateness of each proposal in terms of the objectives of the Act and key strategies, including *Plan Melbourne* (Clause 34). They also require the Committee to consider whether the proposed amendments make appropriate use of the Victoria Planning Provisions (VPP) and are consistent with the Ministerial Direction on the Form and Content of Planning Schemes.

This chapter provides a high-level summary of these matters and of the other relevant material that the Committee has had regard to in its assessment of the proposals.

2.1 Planning and Environment Act 1987

The ‘planning’ objectives of the Act are defined in section 4 and include:

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (d) *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- (e) *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- (fa) *to facilitate the provision of affordable housing in Victoria;*
- (g) *to balance the present and future interests of all Victorians.*

The Committee is satisfied that the proposals are consistent with the objectives of the Act, particularly sections 4(b), 4(c), 4(d) and 4 (g). The parks will provide positive recreation, sporting and environmental outcomes and will result in a broader ‘net community benefit’.³

2.2 Plan Melbourne 2017 - 2050

Direction 6.4 “*Make Melbourne cooler and greener*” includes Policy 6.4.2 “*Strengthen the integrated metropolitan open space network*”. That policy includes:

Better planning, design and use of new and existing public open space is critical. Developing innovative approaches to access and making use of other types of public land, such as waterways, school grounds and utility easements, are also important parts of delivering an integrated open space network that responds to Melbourne’s projected population growth.

³ Net community benefit is discussed further in section 3.1.

Open space provision must also be fair and equitable with the aim of providing access that meets the needs of all members of the community, regardless of age, gender, ability or a person's location.

In Melbourne's growth areas, new metropolitan parks will be delivered. Opportunities for additions to existing parks have also been identified through planning schemes.

Plan Melbourne also identifies the general locations of the 'Werribee Township', 'Kororoit Creek' and 'Cranbourne'⁴ regional parks (refer to Figure 1) and notes that these are "Future parks where land and infrastructure delivery has not yet commenced".

Direction 6.5 "Protect and restore natural habitats", includes Policy 6.5.1 "Create a network of green spaces that support biodiversity conservation and opportunities to connect with nature". That policy includes:

Melbourne's network of green spaces provides important areas of habitat for biodiversity conservation as well as opportunities for people to enjoy frequent contact with nature in urban environments. It includes a range of public and private green spaces, from parks and reserves to backyards and gardens as well as waterway and transport corridors that provide important green linkages. Existing green spaces need to be protected and new green spaces need to be created to improve landscape connectivity and resilience.

The *Plan Melbourne* references to the proposed regional parks are generally consistent with its predecessor strategies, including *Melbourne 2030* that also indicatively identified the three parks. These references have been progressively carried over from the 2002 *Linking People and Spaces* report that initially identified the need for the new parks.

In relation to the Clyde Park Sports Precinct, *Plan Melbourne* does not specifically identify the need or site for this facility but provides general policy support for the provision of sporting and other community facilities.

The Committee is satisfied that the four proposals are generally consistent with and appropriately implement *Plan Melbourne*.

⁴ The Cranbourne Regional Park is now known as the Clyde Regional Park and the proposed site has shifted to the south.

Figure 1 Plan Melbourne Open Space**Map 21****Open space**

- Public open space⁽¹⁾
- Restricted public land (with open space potential)⁽²⁾
- Private open space⁽³⁾
- Regional park — emerging⁽⁴⁾
- Regional park — proposed⁽⁵⁾
- Conservation reserve — emerging⁽⁶⁾
- Conservation reserve — proposed⁽⁷⁾
- Water's edge parklands
- Urban growth boundary
- Urban area
- Waterway
- Waterbody
- Metropolitan Melbourne region

Source: Plan Melbourne (2017), Map 21.

2.3 Planning Policy Framework

The Planning Policy Framework (PPF) includes a range of higher order objectives and strategies that are relevant to the four proposals.

Clause 11.03-2S (Growth areas) includes the objective:

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

It also includes the strategy “Implement the strategic directions in the Growth Area Framework Plans” and nominates the Growth Area Framework Plans (Department of Sustainability and Environment, 2006) as ‘Policy documents’.

Clause 12.01-1S (Biodiversity) includes the objective:

To assist the protection and conservation of Victoria’s biodiversity.

Clause 12.05-1S (Environmentally sensitive areas) includes the objective:

To protect and conserve environmentally sensitive areas.

Clause 19.02-4S (Social and cultural infrastructure) refers to sporting facilities (amongst other infrastructure) and includes the strategy:

Identify and address gaps and deficiencies in social and cultural infrastructure, including additional regionally significant cultural and sporting facilities.

Clause 19.02-6S (Open space) includes the objective:

To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.

This is supported by various strategies, including:

Plan for regional and local open space networks for both recreation and conservation of natural and cultural environments.

Ensure that open space networks:

- *Are linked, including through the provision of walking and cycling trails.*
- *Are integrated with open space from abutting subdivisions.*
- *Incorporate, where possible, links between major parks and activity areas, along waterways and natural drainage corridors, connecting places of natural and cultural interest.*
- *Maintain public accessibility on public land immediately adjoining waterways and coasts.*

Ensure that land use and development adjoining regional open space networks, national parks and conservation reserves complements the open space in terms of visual and noise impacts, preservation of vegetation and treatment of waste water to reduce turbidity and pollution.

Improve the quality and distribution of open space and ensure long-term protection.

Protect large regional parks and significant conservation areas.

Provide new parkland in growth areas and in areas that have an undersupply of parkland.

Clause 19.02-6R (Open space - Metropolitan Melbourne) includes the objective:

To strengthen the integrated metropolitan open space network.

This is supported by various strategies, including:

Ensure major open space corridors are protected and enhanced.

Develop open space networks in growth areas and in the surrounding region of Metropolitan Melbourne, where existing open space is limited and demand is growing, including:

- *Cardinia Creek Parklands.*
- *Cranbourne Regional Park.*
- *Kororoit Creek Corridor.*
- *Quarry Hills Regional Park.*
- *Chain of Parks - Sandbelt.*
- *Sunbury Regional Park - Jacksons Creek Valley.*
- *Toolern Creek Regional Park.*
- *Werribee Township Regional Park.*

This clause also includes *Linking People and Spaces: A Strategy for Melbourne's Open Space Network* (Parks Victoria, 2002) as a 'Policy document'.

The Committee is satisfied that the four proposals are consistent with and are appropriate in the context of the PPF. In relation to the three regional parks, the PPF foreshadows their establishment which will, in turn, assist in achieving the broader PPF biodiversity and open space objectives. Although the PPF does not include any specific references to the Clyde Park Sports Precinct, the proposal is consistent with the PPF objectives and strategies in relation to sports and recreation facilities.

2.4 Linking People and Spaces 2002

This report was prepared by Parks Victoria and has provided the framework for metropolitan park planning at a strategic level since its release in 2002. It informed the preparation of *Melbourne 2030* and the more recent *Plan Melbourne 2017–2050*. It is also a 'Policy document' at Clause 19.02-6R (Open space - Metropolitan Melbourne) of the PPF.

The report includes the 'actions':

Investigate options and define park boundaries for new regional parks at Melton Township, Werribee Township and Caroline Springs.⁵

Commence development of a new regional park along the Upper Kororoit Creek near Caroline Springs to meet existing demand and ensure diversity of recreational opportunity.⁶

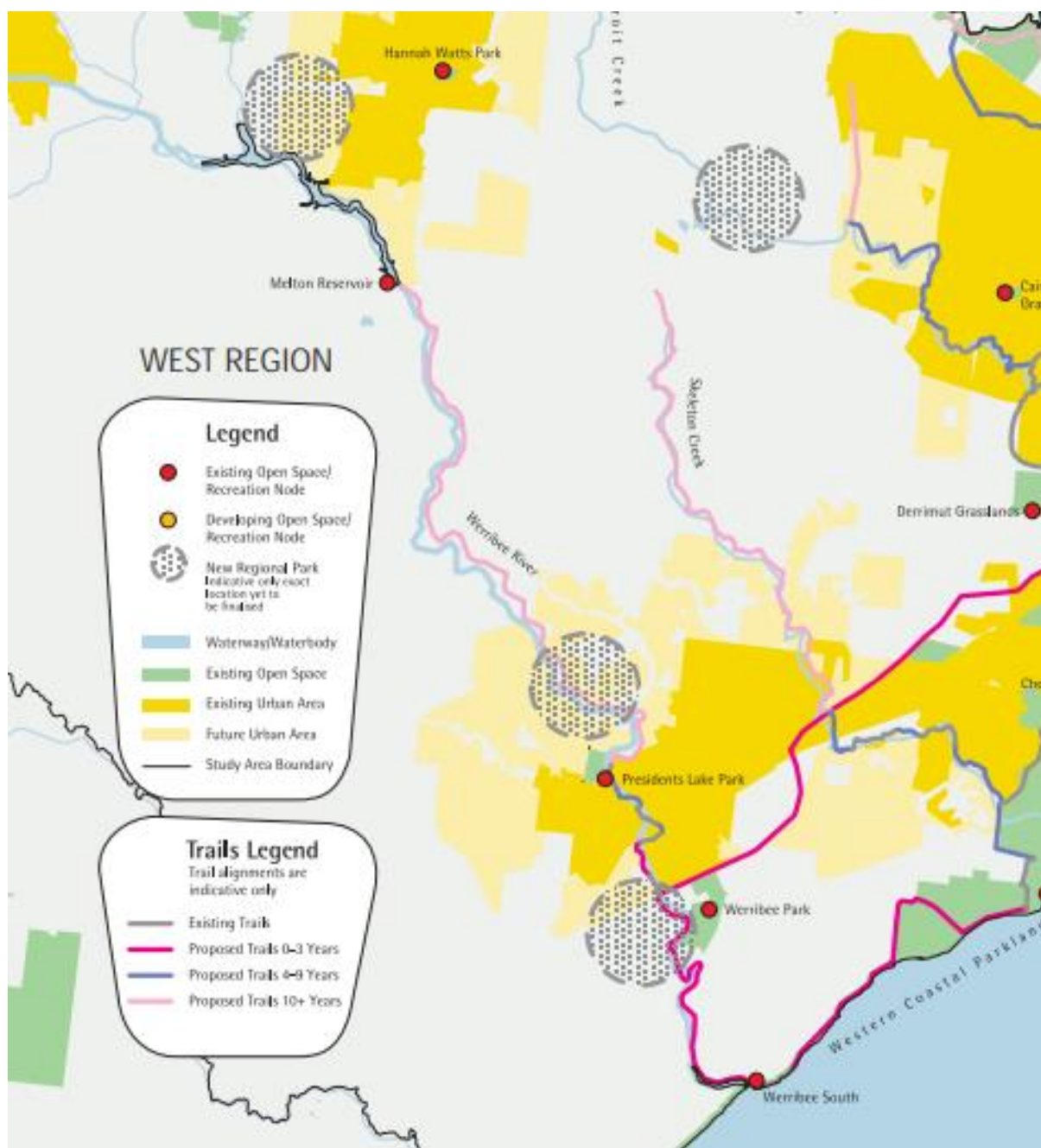
It also identifies indicative sites for the three parks shown on Figures 2 and 3. The report notes that the proposed sites are "indicative only exact location yet to be finalised".

⁵ A 0-3 year action.

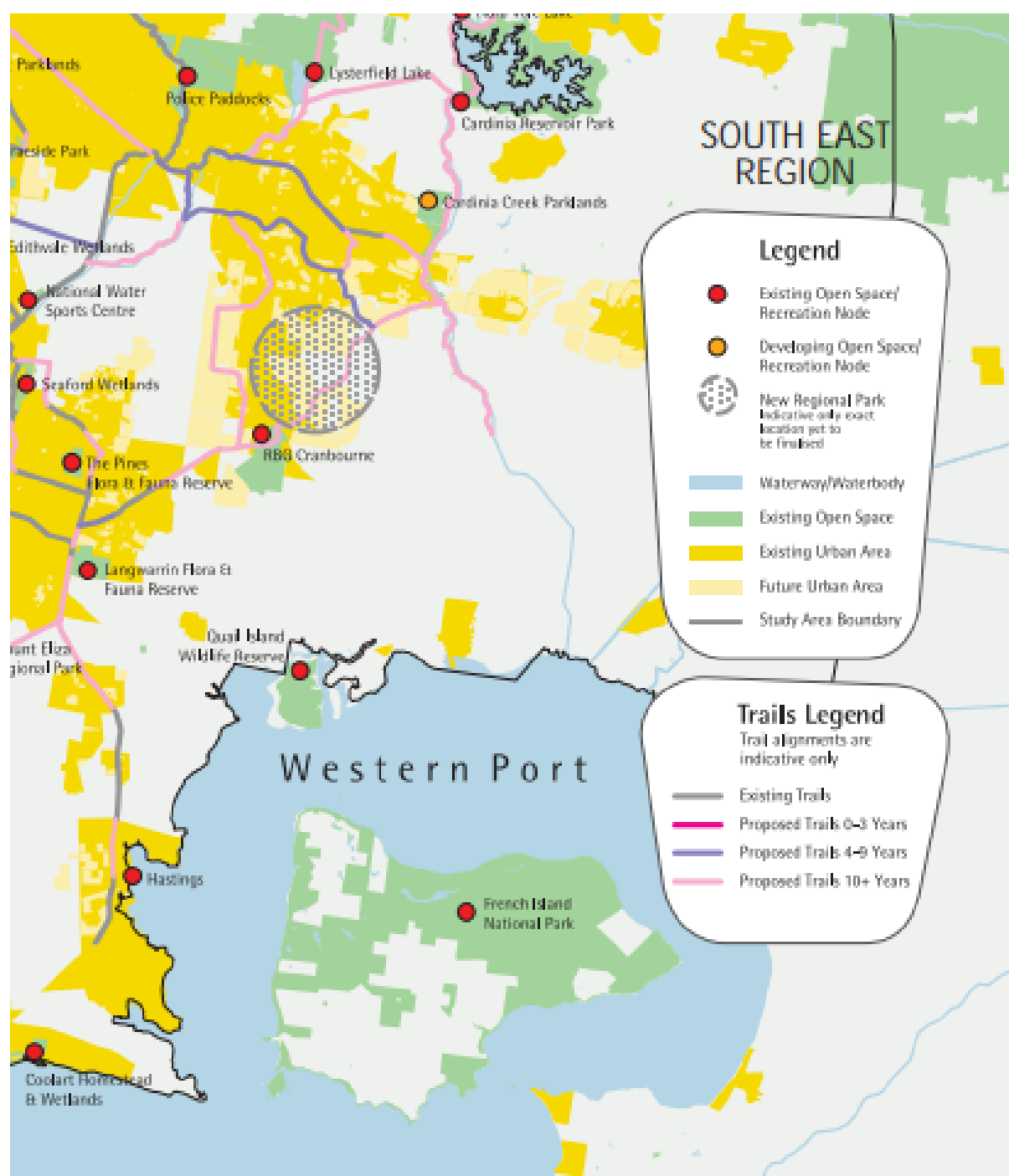
⁶ A 4-9 year action.

As noted earlier, the 'Cranbourne' site shown in Figure 3 has been replaced by the Clyde site that is further to the south.

Figure 2 Linking People and Spaces, West Region



Source: Linking People and Spaces (2002).

Figure 3 Linking People and Spaces, South East Region

Source: Linking People and Spaces (2002).

2.5 Growth Area Framework Plans 2006

The Growth Area Framework Plans were prepared by the then Growth Areas Authority (GAA) in 2006 and are 'Policy documents' in the PPF. They "*set long-term strategic planning directions to guide the creation of more sustainable communities in Melbourne's five growth areas: Casey-Cardinia, Hume, Melton-Caroline Springs, Whittlesea and Wyndham*".

In relation to 'regional open space', the Framework Plans:

... identify open space that is expected to have a role in the broader growth area region or beyond. It includes metropolitan parks (Parks Victoria provide management oversight), and other regional open space such as major municipal parkland. The regional open space network will serve multiple roles including creating a positive image and sense of place, nature conservation, recreation, waterway protection and drainage management. The plans also indicate regional open space investigation areas for both future metropolitan parks and municipal parkland.

The Wyndham Growth Area Framework Plan identifies the general area of the proposed Werribee Township Regional Park as "*Regional Open Space - Investigation Area*".

The Casey-Cardinia Growth Area Framework Plan identifies a "*Regional Open Space – Investigation Area*" to the south of Thompsons Road, replacing the earlier 'Cranbourne' site.

The Melton-Caroline Springs Growth Area Framework Plan identifies the general area of the proposed Kororoit Creek Regional Park as "*Regional Open Space - Investigation Area*".

2.6 Growth Corridor Plans 2012

The Growth Corridor Plans were prepared by the GAA and:

... are high level integrated land use and transport plans that provide a strategy for the development of Melbourne's growth corridors over the coming decades.

These plans will guide the delivery of key housing, employment and transport infrastructure in Melbourne's new suburbs and provide a clear strategy for the development of the growth corridors over the next 30 to 40 years.

The South East Growth Corridor Plan identifies the general area of the proposed Clyde Park Sports Precinct and describes it as "*Regional Active Open Space (under investigation)*". It identifies the former 'Cranbourne' regional park site adjacent to the Cardinia Creek and describes it as "*Proposed Cranbourne Regional Park (boundary to be determined)*".

The West Growth Corridor Plan identifies the general area of the proposed Werribee Township Regional Park and describes it as "*Proposed Werribee Township Regional Park (exact boundary to be determined)*". It also identifies that the site has biodiversity values.

The West Growth Corridor Plan also identifies the general area of the proposed Kororoit Creek Regional Park as "*Proposed Kororoit Creek Regional Park (exact boundary to be determined)*". It also identifies that the site has biodiversity values.

2.7 Local Planning Policy Frameworks

2.7.1 Casey Local Planning Policy Framework

The Casey Local Planning Policy Framework does not provide any specific guidance on the location of the Clyde Regional Park or the Clyde Park Sports Precinct given that both sites are relatively recent proposals. Both sites are within a broader area identified as "*rural*" within

the Casey Farm Local Area map⁷, a designation that is broadly consistent with the proposed park and sports precinct.

2.7.2 Wyndham Local Planning Policy Framework

The Wyndham Strategic Framework Plan⁸ identifies the general area around the Werribee River, including the proposed park site as having biodiversity values. The Conservation Map also identifies the general area of the park site as “*conservation area*”. Other policies note the environmental, landscape and biodiversity values of the Werribee River and other waterways.

2.7.3 Melton Local Planning Policy Framework

The Melton Recreation and Open Space Networks Policy⁹ notes the contribution that waterways, including the Kororoit Creek, and associated open space make to “*liveability*”. It also promotes the creation of a major open space corridor along the Kororoit Creek. The Framework also notes the ecological values of the basalt plains and grasslands that characterise much of the proposed park site.

2.8 Ministerial Directions

Ministerial Direction on the Form and Content of Planning Schemes

This Direction applies to the form and content of planning schemes. Draft Amendments GC99 and Casey C238 are consistent with the Direction.

Ministerial Direction No 11 – Strategic Assessment of Amendments

The purpose of this Direction is to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. The explanatory reports that accompany draft Amendments GC99 and Casey C238 meet the requirements of the Direction.

Ministerial Direction No 9 – Metropolitan Planning Strategy

The purpose of this Direction is to ensure that planning scheme amendments have regard to the Metropolitan Planning Strategy (Plan Melbourne). Draft Amendments GC99 and Casey C238 meet the requirements of the Direction.

2.9 Conclusions

The Committee is satisfied that there is higher order strategic support for the four proposals, including the objectives of the Act, *Plan Melbourne 2017-2050*, the Planning Policy Framework and predecessor strategies and reports.

The Committee is also satisfied that draft Amendments GC99 and Casey C238 make proper use of the VPP and are prepared and presented in accordance with the Ministerial Direction on the Form and Content of Planning Schemes and other relevant Directions.

⁷ Clause 21.13-5.

⁸ Clause 21.01-5.

⁹ Clause 22.03.

The Committee's detailed assessments of the four proposals, including a discussion of 'overarching' issues that are relevant to all of the proposals, are provided in the following chapters of the report.

3 Overarching issues

Submissions and evidence raised various issues that are common, in varying degrees, to the four proposals. The Committee's responses to these issues are provided below and should be read in conjunction with the chapters of this report that deal with the individual proposals.

3.1 Net community benefit

3.1.1 The issue

The issue is how the Committee should assess the 'net community benefit' of the proposals.

3.1.2 Discussion

Submissions and evidence referred to the 'net community benefit' that might accrue from the proposals, particularly in terms of whether the application of the PAO and the potential compulsory acquisition of land is justified.

Mr Rantino submitted that:

Net community benefit is not defined, nor is there a framework within the planning scheme, legislation or any practice note to guide an evaluation of net community benefit against a defined set of criteria. What is clear however is that the "community" is the community of "all Victorians", well beyond those whose land is directly or indirectly impacted by the Amendment or the subsequent land acquisition.

In relation to the three regional parks, Mr Rantino assessed the community benefits as:

- *the creation of additional open space with Melbourne's growing communities;*
- *the nature of a regional park allows for greater diversity of open space;*
- *each of the proposed sites deliver a connected network of quality and diverse open space;*
- *the regional open space will be used for a variety of informal, active, formal and passive recreation forms, including trails and social/family recreation nodes in a semi-natural environment; and*
- *the development of regional open space in both locations is compatible with the protection of the identified biodiversity qualities of the land and its surrounding area.*

He also submitted that the proposals have clear policy support and strategic justification.

Mr Rantino called evidence from Mr Glossop who made similar observations about how net community benefit should be assessed and noted that:

Considering net community benefit also requires an analysis of whether a proposal will produce an 'acceptable outcome'. As divisions of Planning Panels, the Victorian and Administrative Tribunal and the Supreme Court have recognised, acceptable outcomes may include some negative consequences.

Mr Glossop's assessment of the three regional park proposals led him to conclude that *"the benefits that will be delivered in the long term from the reservation and creation of new regional parkland significantly outweigh any negative consequences"*.

The Committee notes that similar observations can be made about the Clyde Park Sports Precinct and the net community benefit that might accrue from it.

Other submitters, such as Mr Chiappi on behalf of Mr Attard, submitted that the impacts on individual landowners were a factor in assessing net community. Similarly, the Australian Albanian Community Association noted that the combined Macedonian and Albanian community in Victoria numbers over 30,000 and that this should be a factor in determining the net community benefit (or disbenefit) when assessing the impacts of their land being acquired.

As a matter of general principle, the Committee accepts that the impacts on individuals and groups are relevant factors in its assessment of net community benefit and disbenefit, however the impacts need to be weighed against the broader community benefits of the proposals. In this context, it is clear that the three regional parks and the sports precinct will have significant, long-lasting benefits for the broader community. The Committee is also mindful that the proposals have strong strategic support and have, to varying degrees, been through comprehensive planning processes.

For these reasons, the Committee is satisfied that the four proposals will have a net community benefit.

3.1.3 Conclusion

The Committee concludes that the four proposals will provide a 'net community benefit'.

3.2 Changes to Conservation Areas

3.2.1 The issue

The issue is how the Committee should respond to proposals to change the boundaries of Conservation Areas under the Melbourne Strategic Assessment (MSA).

3.2.2 Discussion

The MSA evaluated the impacts of the Victorian government's Program 'Delivering Melbourne's newest sustainable communities' on matters of national environmental significance protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Matters of national environmental significance under the EPBC Act include listed threatened species and communities (sections 18 and 18A).

The Program provides for urban development in four growth corridors within Melbourne's expanded 2011 Urban Growth Boundary (UGB) and in 28 existing precincts within the 2005 UGB. Two of the three proposed regional parks are within the 2011 UGB.

The *Biodiversity Conservation Strategy 2013* (the BCS) is the overarching strategy for the protection of biodiversity in the growth corridors and sets out Victoria's commitment to the Commonwealth government in relation to conservation outcomes and measures to protect matters of national environmental significance.

The BCS addresses all relevant matters of State biodiversity significance, as well as matters of national environmental significance protected under the EPBC Act and ensures the long-term protection of biodiversity in the growth corridors by establishing 'Conservation Areas'. These areas (36 in total) comprise all the land that will require protection for conservation within the UGB. Mr Rantino called expert evidence on biodiversity from Mr Ward of DELWP who advised that the Conservation Area boundaries identified in the BCS were informed by:

- surveys and assessments of native vegetation and fauna commissioned across the growth corridors by the Growth Areas Authority (GAA) between 2008 and 2011
- targeted surveys for Growling Grass Frog and Golden Sun Moth commissioned by the Department between 2011 and 2013.

Achieving the conservation outcomes in the BCS is a requirement (that is, a condition) of the Commonwealth's approval for urban development within the growth corridors under the EPBC Act. All of the proposed regional parks (excluding Clyde which is outside the UGB) include Conservation Areas identified in the BCS.

The proposed Kororoit Creek Regional Park includes:

- Conservation Area 3 'Western Growth Corridor: Clarke's Road Grassland, Rockbank' (235 hectares wholly included within the regional park area). Conservation Area 3 protects high quality, herb-rich native grassland that contains a range of biodiversity values of National and State significance within a practically manageable area, including the most significant population of Small Golden Moths Orchid in Victoria.¹⁰
- Conservation Area 15 'Western Growth Corridor: Growling Grass Frog corridors (north)', (48 hectares will be within the proposed regional park boundary). The key rationale for Conservation Area 15 is to protect important populations of Growling Grass Frog and ensure connectivity between populations along the Kororoit Creek and Toolern Creek.¹¹

The Minister for Energy, Environment and Climate Change is proposing changes to Conservation Area 3 to remove a total of 60 hectares of land which generally includes areas where existing dwellings and infrastructure are located close to the Conservation Area boundary, as well as 20 hectares identified in the BCS as being able to be excised for active open space.

The proposed Werribee Township Regional Park includes:

- Conservation Area 14 'Western Growth Corridor: Growling Grass Frog corridors (south)'. The key rationale for Conservation Area 14 is to protect important populations of Growling Grass Frog and ensure connectivity between populations along the Werribee River and Lollypop Creek¹².

The proposed changes to Conservation Area 14 add 134 hectares of land to the existing Conservation Area. This will increase the regional park section from 218 hectares to 352 hectares and the overall conservation area from 372 hectares to 506 hectares¹³.

¹⁰ Biodiversity Conservation Strategy DEPI, 2013 p.56.

¹¹ Ibid p.77.

¹² Ibid p.76.

¹³ Document 16b, p.5.

The areas proposed to be added to the conservation area include:

- multiple areas along the Werribee River and Davis Creek
- a consolidated area of land located between Presidents Park and the current southern boundary of the conservation area.

The proposed Clyde Regional Park does not include any land within a Conservation Area, although the formerly proposed site, based on Cardinia Creek, forms part of Conservation Area 36 'South-Eastern Growth Corridor: Growling Grass Frog Corridors'. The key rationale for Conservation Area 36 is to protect important populations of Growling Grass Frog and ensure connectivity between populations within the growth corridor. Mr Ward confirmed that no ecological assessments have been undertaken for the Clyde Regional Park site referred to the Committee.

The Minister for Energy, Environment and Climate Change has proposed changes to Conservation Area 36 to remove 63 hectares of land along the Cardinia Creek within the UGB and add 113 hectares of land along the Clyde Creek outside of the UGB. This would increase the size of Conservation Area 36 by 51 hectares. Mr Rantino submitted that the 'relocation' of the regional park section of Conservation Area 36 is expected to result in a net improvement in conservation outcomes for the Growling Grass Frog and other threatened species.

Mr Collins, on behalf of Jetwise Enterprises Pty Ltd (CR01), the owner of land at 125 McCormacks Road, Clyde South, supported the proposed 'relocation' of part of Conservation Area 36 from its land (as currently shown in the BCS) to within the proposed Clyde Regional Park boundary. Mr Collins submitted that the Committee should 'recommend' that the relocation be supported.

Mr Rantino explained that The Minister for Energy, Environment and Climate Change would need to seek formal Commonwealth approval under the EPBC Act for the proposed changes to the Conservation Areas. Mr Ward advised that there has been verbal support from the Commonwealth for all of the proposed Conservation Area changes within or associated with the regional parks. The Commonwealth did not make any submissions or provide any advice to the Committee on these matters, although the Committee notes the following from the BCS (page 48):

Regional parks. These areas will be protected and managed as regional parks, with specific conservation management regimes in place for areas containing matters of national environmental significance. The final boundaries for the regional parks are still to be determined but will not reduce the extent of the conservation areas in the BCS.

Mr Rantino acknowledged that if the Commonwealth did not agree to the State's proposed changes to the Conservation Areas, the existing Conservation Areas would remain in place. For this reason, the Minister for Energy, Environment and Climate Change would not finalise the regional park boundaries until the MSA matters are resolved with the Commonwealth.

While the Committee notes the interplay between the regional park sites and the Conservation Areas, it is not within its Terms of Reference to make findings or recommendations about the proposed changes to the Conservation Areas as sought by submitters such as Mr Collins. These are matters for the State and Commonwealth

governments to determine and have not been considered or assessed by the Committee. Even if the Committee had been inclined to review the proposed changes, it was not presented with adequate ecological evidence to inform any assessment of these matters.

3.2.3 Conclusion

The Committee concludes that proposed changes to Conservation Areas under the MSA are matters for the Commonwealth and State governments and are not directly relevant to the Committee's considerations.

3.3 The Public Acquisition Overlay

3.3.1 The issue

The issue is whether the PAO is an appropriate VPP tool for acquiring the proposed parks and sports precinct.

3.3.2 Discussion

The Minister for Energy, Environment and Climate Change proposes to deliver the three regional parks through various mechanisms, but principally through the application of the PAO within the respective planning schemes. The Minister is the proposed acquiring authority for the three regional parks. Some areas within the parks will be delivered by different mechanisms than applying the PAO because of their conservation status.

The PAO reserves the land for a public purpose, and the *Land Acquisition and Compensation Act 1986* and Part 5 of the *Planning and Environment Act 1987* apply, setting out the process for acquisition and compensation arrangements. The purpose of the PAO is to implement the PPF and local planning policy, identify land that is proposed to be acquired by an authority and reserve it for a public purpose, and ensure that changes to land use or development do not prejudice the purpose for which it is to be acquired. Land which is affected by the PAO is land "*designated as being reserved for public purposes*" within the meaning of s 6(2)(c) of the *Planning and Environment Act 1987*.

For the Werribee Township Regional Park, land identified as Growling Grass Frog Habitat in the BCS will be delivered by an on-title agreement with the Secretary of DELWP under section 69 of the *Conservation Forests and Lands Act 1987*, or voluntarily transferred by the landowner into the Crown Reserve System.¹⁴

For the Kororoit Creek Regional Park, the land at 1352-1402 Western Highway is to be acquired through the MSA mechanisms. Mr Rantino explained that this means the land will be a Nature Conservation Reserve (NCR), which has a different intended purpose from the other parts of the park. He said the government is purchasing NCRs across Melbourne's growth areas through voluntary negotiation with landowners with funds generated from habitat compensation fees. The land becomes a Crown land reserve.¹⁵

Amendment C238 proposes to apply a PAO to facilitate acquisition for the future Clyde Park Sports Precinct, with Council as the acquiring authority. Casey submitted that the existing

¹⁴ Werribee Township Regional Park Planning Report 2017.

¹⁵ Document 50.

zoning and overlays (Green Wedge Zone and Land Subject to Inundation Overlay (LSIO)) are appropriate until the precinct is acquired and developed.

Alternatives to applying the PAO for the purpose of securing land for the parks include:

- an on-title agreement with DELWP under section 69 of the *Conservation, Forests and Lands Act 1987* or with Council under section 173 of the *Planning and Environment Act 1987*
- retaining existing zoning and overlays where they protect the conservation values of the land.

A section 69 agreement typically imposes restrictions on the use of the land and obligations on the landowner to maintain the habitat and prevent it from being degraded. A section 173 agreement can make similar provisions, but it requires the local council to enter the agreement and to enforce it, rather than DELWP.

Mr Rantino submitted that protection and management of conservation values would be compromised if numerous properties were secured through on-title agreements. He stated that for Conservation Areas, the MSA emphasises the protection of large contiguous habitat under the same type of management.

Mr Rantino submitted that using restrictive zoning and overlays to regulate the use and development of the land was not supported because they have limited effect. A number of land uses are 'as of right' uses, and zones and overlays do not place positive obligations on a land owner to do anything, such as maintain their land, control the planting of trees, or to prevent weed or seed infestation.

Submissions and evidence referred to principles and criteria to justify applying the PAO. Mr Rantino submitted that based on the approach taken by planning panels that have considered the application of the PAO, the Committee's task is to determine the strategic merit of the proposed PAO and whether it can deliver the open space and biodiversity outcomes that are sought.

Mr Rantino submitted that there is a strong strategic basis for the Amendment and the PAO, and that the PAO is the appropriate planning tool because it:

- guarantees that the land can be acquired by the Minister for Energy, Environment and Climate Change
- provides certainty to landowners and a transparent acquisition process.

Mr Glossop identified two 'strategic' questions for the Committee:

- Does the Amendment make efficient and correct use of the VPP to address strategic need?
- Is it appropriate to apply the PAO to the land identified for the park?

Mr Glossop provided a set of principles for determining if a PAO is justified, based on a review of Planning Panel reports¹⁶ that have considered the use of the PAO:

1. The PAO is applied for a public purpose.
2. The land should be identified as 'reasonably required' for the public purpose.

¹⁶ Greater Bendigo C161, Casey C223 and Yarra C126.

3. The site subject to the PAO should be adequate in size and capable of being developed for the purpose being acquired.
4. The acquisition should have some support in planning policy.

After applying these principles, he concluded that the PAO is justified for the three regional parks and is the appropriate VPP tool for the acquisition of this land.

He submitted that the intended use is a 'public purpose', the sites are an adequate size and capable of being developed for a regional park and that detailed or final design plans for the parks are not necessary to justify the PAO. He also concluded that there is a strong strategic basis for the proposed parks and the amendments.

A number of submitters stated that the Committee must be satisfied that the PAO is necessary or required for the public purpose. One of Mr Glossop's principles was that the land be 'reasonably required'.

In relation to the Kororoit Creek Regional Park, Mr Chiappi submitted that the Committee must be satisfied that the extent of land to be acquired is warranted and required for the public purpose.

Also in relation to Kororoit Creek, Ms Sharp submitted that the Committee should be satisfied that the PAO is not only strategically justified, but also necessary given the severity and consequences of a PAO for affected landowners. She cited a number of Panel reports that have considered PAOs in support of her proposition that there is a lack of detailed justification for the size and boundaries of the park:

- Casey C223 Panel - the extent of the land sought to be acquired should be appropriate and justified, it should be 'reasonably required'.
- Greater Bendigo C161 Panel - any proposed PAO needs to be carefully considered because it is associated with compensation and is distressing to landowners who have different aspirations for their land.
- Stonnington C197 Panel – the public benefit for public open space must justify the impact on the individual properties, and fairness and orderly planning require the acquiring authority to demonstrate the need for the land.

Ms Sharp submitted that given park design is very much in the preliminary planning stage it is appropriate that the Committee take a flexible approach to the proposed boundaries.

The Casey C223 Panel found that there was considerable strategic support and recommended that the PAO be applied.

The Greater Bendigo C161 Panel considered a proposed PAO in very different circumstances to the proposed regional parks. The Panel found that there was considerable local and regional planning support for the business park and recommended that it be rezoned, however, it found that there was inadequate strategic justification for the acquisition of the land and the application of the PAO. For those reasons, the Panel recommended that the application of the PAO not proceed.

The Stonnington C197 Panel was also very different from the proposals before the Committee. The Panel considered a proposed PAO in circumstances where it found that there was insufficient information to quantify the public benefits and allow them to be subject to public

scrutiny. The Panel concluded that the Council may well require more land and in different locations, once the community's needs were more closely assessed through a Masterplan. That is not the case with the current amendments. The Committee discusses its assessment of each park's boundaries, size and location as part of applying its assessment criteria in the following chapters and is satisfied that the absence of a detailed Masterplan for each park does not render the proposals too vague to be assessed.

Mr Chiappi and Mr Sharp emphasised that the PAO does not compensate for the cost of relocating businesses, the emotional upheaval of uncertainty and the loss of opportunity to gain from development of the land.

While the Committee understands these concerns, it notes that the matters that must be taken into account when determining an offer of compensation under sections 41 and 44 of the *Land Acquisition and Compensation Act 1986* are:

- *The market value of the land as determined by an independent valuer;*
- *Any special value the land has due to its location;*
- *Any loss attributable to severance, that is, any loss in the market value of adjoining land owned by the claimant which is intended to be used in conjunction with the acquired land;*
- *Any loss attributable to disturbance, being any financial loss suffered by the claimant as a natural, direct and reasonable consequence of the acquisition – for example, the cost of locating and purchasing a replacement property of equivalent value and location (including the cost of stamp duty payable on such purchase);*
- *The legal, valuation or other professional expenses incurred by the claimant as a result of the acquisition; and*
- *Solatium, being an additional amount of compensation which does not exceed 10 per cent of the value of the acquired land calculated in accordance with the above principles. Solatium is designed to compensate the claimant for intangible and non-pecuniary disadvantages that may have resulted from the acquisition. In assessing the amount of solatium, if any, to be paid, Council must take into account all relevant circumstances relating to the claimant and the land.*

The Committee recognises that public acquisition of land is an imposition on property owners. However, it also recognises that creating new regional parks has been a long-standing commitment of the State government as reflected in the various policy documents and will have a significant net community benefit.

The Committee adopts Mr Glossop's evidence that the PAO is the appropriate tool to reserve the proposed areas of land within the regional parks. It also adopts Mr Glossop's principles for determining if the PAO is justified and is satisfied they are also relevant to the Clyde Park Sports Precinct.

Issues about the extent of the proposed PAOs, in the context of the park and precinct boundaries, are discussed in the sections of this report that assess the four proposals.

3.3.3 Conclusion

The Committee concludes that the PAO is an appropriate VPP tool to acquire the three regional parks and the sports precinct.

3.4 The size of the regional parks and the sports precinct

3.4.1 The issue

The issue is how large the proposed regional parks and sports precinct should be to fulfil their intended functions.

3.4.2 Discussion

There were extensive submissions and evidence about the size of the three regional parks and the sports precinct and how large they need to be. A number of submissions sought the removal of land from the sites on the basis that they covered significant areas and there was scope to reduce their size without compromising their intended function.

Some submissions sought to apply a 'metric' in order to demonstrate that the sites were either too large or not large enough and there were comparisons to existing regional parks that are smaller than the proposed parks. Ms Sharp, for example, made submissions about the population catchment that the Kororoit Creek Regional Park might serve, and argued that a "*standard*" provision based on this catchment would only necessitate a park of approximately 106 hectares. Some submitters, noted that other regional parks, such as Westerfolds Park (approximately 120 hectares), were significantly smaller than some of the proposed parks and argued that they should be used as a benchmark for the new parks.

The Committee did not find these submissions to be particularly helpful and was not persuaded that there is a 'one size fits all' approach or a universal 'metric' for determining how large a regional park should be.

The appropriate size of the three regional parks should respond to their intended function and the characteristics of the sites and the areas in which they are located. Although they will share similar functions, the sites have significantly different characteristics and will require different design responses, including the size and boundary configuration of the parks. A further factor is the extent to which the sites are intended to include and protect the Conservation Areas identified under the BCS, including the changes that have been proposed by Minister for Energy, Environment and Climate Change. Clearly this factor has been a significant consideration in determining the boundaries of the sites, particularly for Werribee Township and Kororoit Creek Regional Parks.

In the case of the Clyde Park Sports Precinct, the size of the site has been determined by Casey's assessment of the number, type and size of sporting and ancillary facilities that need to be provided. This is an appropriate approach and provides a transparent and sound basis for determining the size of the precinct.

For these reasons, the Committee has not adopted a 'metric' to assess or determine an appropriate area for each of the proposals, relying instead on its assessment of the function of the parks, and their individual features and characteristics. Issues about the size of the

three regional parks and sports precinct are discussed in the chapters of this report that assess the four proposals.

3.4.3 Conclusion

The Committee concludes that the size of the regional parks and sports precinct should be assessed on the basis of their intended function and the characteristics of the sites and surrounding areas.

3.5 Cultural heritage

3.5.1 The issue

The issue is what impact cultural heritage values should have on defining the boundaries of the three regional parks and the sports precinct.

3.5.2 Discussion

The Minister for Energy, Environment and Climate Change and Casey provided the Committee with cultural heritage sensitivity mapping for the sites, all of which include 'areas of cultural heritage sensitivity'. Further work will be necessary as part of the detailed planning for the sites to further investigate the occurrence and response to any cultural heritage sites, however, the Committee agrees with the observation of Mr Mizzi on behalf of Casey that cultural heritage provides an opportunity rather than a constraint. The Committee also notes, for example, that the Bunurong Land Council has sought involvement in planning for the Werribee Township Regional Park and believes that would be a positive initiative.

3.5.3 Conclusion

The Committee concludes that cultural heritage issues can be addressed during the detailed park planning processes once the sites are acquired.

4 Assessment criteria

The Committee has developed and applied two sets of criteria to assist its assessment of the four proposals and to provide a context for considering the issues raised in submissions. One set of criteria has been developed for the three regional parks and one for the sports facility.

In terms of the three regional parks, the Committee also found it useful to define the ‘function’ of the parks in order to provide a broader context for applying the criteria.

The criteria provide a consistent and considered basis on which to assess the merits of the four sites and have been informed by a range of material including the general and site specific criteria relied upon by DELWP, various ‘planning’ documents and guidelines referred to during the Hearing process and the material contained in submissions and evidence. The Committee was also assisted by Mr McLeod of Parks Victoria who provided advice on the meaning and application of DELWP’s criteria.

The sections of this report that provide the Committee’s assessment of the four proposals should be read in conjunction with the following commentary.

4.1 Regional Parks

4.1.1 Function

The Committee has adopted the following overarching definition of the function of the three regional parks:

To provide for informal recreation for large numbers of people associated with the enjoyment of natural or semi-natural surroundings or open space.

This has been drawn from DELWP’s 2012 criteria and was generally supported in evidence and submissions as a reasonable description of the function of the parks.

In adopting this definition, the Committee has also had regard to DELWP’s 2012 criterion:

The parks may deliver the prescriptions from the Delivering Melbourne’s Newest Sustainable Communities Program report where these prescriptions do not limit the primary function of the park.

This is an important consideration because the parks, while providing an opportunity to protect and enhance biodiversity values, should primarily be accessible to the public and provide for passive recreation.

4.1.2 Criteria

Within this broad definition of the park’s function, the Committee has applied the following criteria to assess the three sites:

- **Strategic justification.** There should be direct or indirect strategic justification in existing policy for the provision of a regional park in the general area of the proposed site.

- **Size.** The site should be of sufficient size to accommodate the range of uses typically associated with a regional park, including adequate unencumbered land to accommodate park infrastructure and facilities.
- **Location.** The site should be in proximity to existing and planned residential communities.
- **Accessibility.** The site should be readily accessible by existing or planned transport infrastructure.
- **Boundary.** The site should have a low boundary to area ratio and be defined, where possible, by fixed features such as roads that can provide a buffer. It should also take account of existing and planned future uses on adjoining land and, where possible, avoid boundaries that directly abut urban development.
- **Environment.** The site should have (or be capable of providing) a key environmental feature or features that will provide a point or points of interest within the park. The site should also be able to protect and enhance existing environmental values.
- **Amenity.** The site should be able to provide a high level of amenity for visitors, including a sense of scale and remoteness associated with a regional park.
- **Connectivity.** Ideally, the site should link with other open space areas.

4.2 Clyde Sports Precinct

The Committee has applied the following criteria for the sports precinct site:

- **Strategic justification.** There should be direct or indirect strategic justification in existing policy for the provision of the precinct in the general area of the proposed site.
- **Size.** The site should be of sufficient size to accommodate the range of uses proposed by Council.
- **Location.** The site should be in proximity to existing and planned residential communities.
- **Accessibility.** The site should be readily accessible by existing or planned transport infrastructure.
- **Co-location.** Ideally, the site should be co-located with areas of passive and other open space.

5 Clyde Regional Park

5.1 Introduction

5.1.1 Committee Process

The Committee's process is set out in Table 2.

Table 2: Clyde Regional Park Committee process

Committee process	
Referral to the Committee	Referred by the Minister for Planning on 21 March 2018
Information session	12 June 2018 at Cranbourne Golf Course, Cranbourne
Notification	41 owners and occupiers notified by DELWP
Submissions	9
Directions Hearing	8 August 2018 at Planning Panels Victoria
Public Hearing	5, 6 and 7 September 2018 at Planning Panels Victoria
Further information	Requested 13 September 2018 Received 24 September 2018
Site inspections	24 July 2018

5.1.2 The proposal

The proposal is summarised in Table 3.

Table 3: Clyde Regional Park proposal summary

Proposal summary	
Site address	1810, 1850, 1870 and 188- Ballarto Road, 65 and 125 Graham Road, Clyde
Municipality	City of Casey
Proponent	Minister for Energy, Environment and Climate Change
Proposed planning provision change	Draft Amendment GC99

5.1.3 Proposed Public Acquisition Overlay

The proposed PAO in draft Amendment GC99 (shown in Figure 4) applies to all of the park, with the exception of the land associated with the Clyde Creek that is already in public ownership. The Amendment nominates the Minister for Energy, Environment and Climate Change as the acquiring authority for the PAO.

Figure 4 Proposed Clyde Regional Park PAO



5.1.4 Supporting and background material

DELWP provided the Committee with various supporting and background documents relating to the proposal, including:

- *Defining Boundaries for the Three New Regional Parks Clyde Regional Park, Summary Report 2018*
- *Clyde Regional Park Planning Report 2018*
- draft amendment documentation
- various maps and explanatory material.

5.2 The site

5.2.1 Description

The site is located to the east of Clyde and has an area of approximately 120 hectares, as shown on Figure 5. It is up to 2.5 kilometres long (north-south) and 0.9 kilometres wide (east-west), and has an area-boundary ratio of 22.64 hectares per kilometre, with a boundary length of approximately 5.3 kilometres.

The site is predominantly flat, low lying and cleared farming land with associated rural and rural lifestyle dwellings and outbuildings. It is traversed by the Clyde Creek which has been modified to form a constructed drainage channel (the Western Outfall Drain) that flows into Westernport Bay and is within the broader Koo-Wee-Rup Swamp area.

It is bounded by Ballarto Road to the north, the UGB to the west, the site of the proposed Clyde Park Sports Precinct to the east and the site of the proposed Melbourne Water stormwater retarding facility to the south.

The Amendment proposes to apply the PAO to 14 lots ranging in size from 2.4 to 20.14 hectares, comprising approximately 113.36 hectares of land. Four of the properties are partly affected by an existing PAO in favour of Melbourne Water.

The following Planning Scheme provisions apply to the site and are not proposed to be changed by Amendment GC99:

- Schedule 6 to the Green Wedge Zone (GWZ6)
- Public Use Zone – Service and Utility
- Land Subject to Inundation Overlay.

Figure 5 Clyde Regional Park proposed boundary



Source: Clyde Regional Park Planning Report (2018), Figure 2, p5.

5.2.2 Biodiversity and environmental features

The proposed park is low lying and was formerly part of the Koo-Wee-Rup Swamp. The Clyde Creek runs through it and becomes the Western Outfall Drain in the southern section where the waterway has been channelised.

Although there have been no ecological field assessments of the proposed site, Mr Ward's evidence was that the *"area is dominated by open grassy areas suitable to Growling Grass Frog foraging and dispersal. It also comprises a number of farm dams which could potentially provide breeding habitat for Growling Grass Frog ... It is considered highly likely that Growling Grass Frog would regularly utilise the proposed area for foraging and dispersal and potentially also breeding"*.

In particular, Mr Ward advised that:

- The proposed site currently provides suitable Growling Grass Frog habitat, with recordings on the land as well as upstream and downstream of the land.
- The land adjoins another section of Conservation Area 36 along the Clyde Creek located within the UGB and therefore will allow connectivity between Growling Grass Frog populations.
- The land adjoins a future Melbourne Water drainage facility which has been previously identified by State government as having potential to deliver significant biodiversity outcomes for threatened species including Growling Grass Frog, migratory birds, Dwarf Galaxias and the Southern Brown Bandicoot. The relocation of Conservation Area 36 next to the water reserve would significantly increase the potential for achieving biodiversity outcomes at both sites.

In his evidence for the Minister for Energy, Environment and Climate Change, Mr Fraser also advised that he expects that the future design of the park would take account of and feature Clyde Creek, including the possible re-establishment of a more natural creek form and function, and as a point of interest for visitors.

5.2.3 Precinct Structure Plans

The UGB abuts the northern and western boundaries of the proposed park. Land within the UGB, adjacent to the site, is the subject of precinct structure planning, with approved PSPs for McPherson (to the north) and Clyde Creek (to the north-west) and structure planning underway for Clyde South (to the west).

5.3 Defining the park boundary

The site is one of a number of sites that have been considered and proposed for a regional park in Melbourne's south-east, beginning with the indicative 'Cranbourne' site, first identified in *Linking People and Spaces* in 2002. The history of these sites is documented in Casey's written submission (CS11).

The current Clyde site was proposed by Casey in late 2016, in response to ongoing uncertainty about where the park would be located and the potential benefits of co-location with the proposed Clyde Park Sports Precinct and Melbourne Water facility. Following discussions between DELWP and Casey, DELWP investigated and assessed six potential sites in the general area, including the Clyde site.

During 2017, DELWP further investigated the merits of the site and had further discussions with Casey, the VPA, Melbourne Water and Parks Victoria.

The comparative assessment of the six sites summarised the proposed Clyde site as follows:

Strong landscape character and regional connectivity. Very significant co-location (i.e. extensive boundary-sharing) with both Council Sporting Reserve and Melbourne Water retarding basin. This site adds a further 113 hectares of potential habitat for GGF and wetland migratory birds.¹⁷

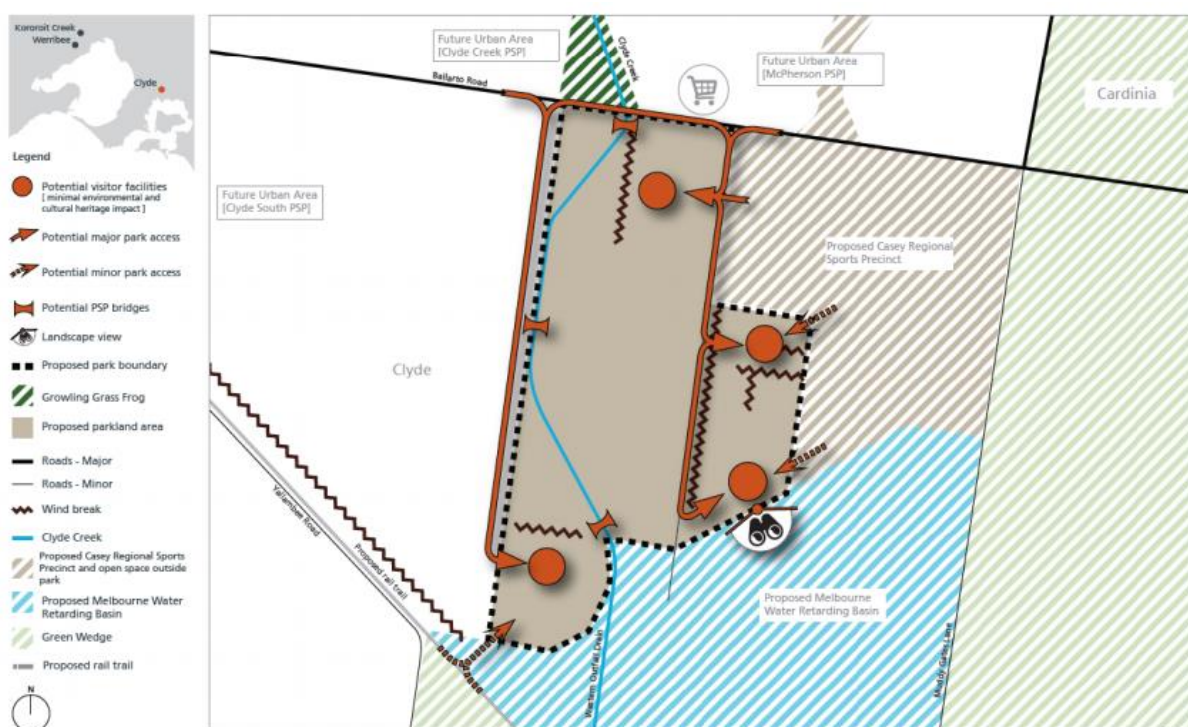
The site was adopted as the preferred site in 2017.

Affected landowners were advised of the proposed park in May 2018 as part of the draft planning scheme amendment process¹⁸.

5.4 Concept plan

The *Clyde Regional Park Planning Report 2018* included a plan showing “Potential Park Access Points and Nodes” prepared by Parks Victoria. Prior to the Directions Hearing, the Committee sought further information from DELWP, including an indicative concept plan for the park. The purpose of the plan (shown at Figure 6) was to demonstrate that the site is of a suitable size and appropriate configuration for its intended use. The plan is an indicative plan and is not intended to be determinative of how the park might be developed in the future.

Figure 6 Clyde Regional Park Indicative Concept Plan



Source: Document 4b, Figure 7, p14.

¹⁷ Document 4.

¹⁸ Document 66.

The plan was circulated to submitters prior to the Directions Hearing and assisted in informing the Committee's assessment of the proposal.

The concept plan sets out the proposed location for 'hard-stand infrastructure', including several potential visitor and car parking areas.

It is anticipated that Ballarto Road will provide primary arterial road access to the park, connecting to the South Gippsland Highway and Koo-Wee-Rup Bypass.

5.5 Submissions

The proposal attracted 13 submissions described in Table 4 below. Figure 7 identifies the properties within the proposed park by 'property numbers' that are used to identify the sites referred to in submissions.

Table 4: Clyde Regional Park submissions summary

Submitter (Submission No)	Submission
Jetwise Pty Ltd (CR01)	Supports the location of the park.
Transport for Victoria (CR02)	No objection.
Sandra Lewis and John Johnson (CR03)	Seek the removal of their property from the park.
Tony and Kerrie Volders (CR04)	Support the park and the acquisition process.
Kenneth and Louise Keys (CR05)	Seek the removal of their property from the park.
Peter Watson (CR06)	Opposes the proposed park site.
Port Phillip and Westernport Catchment Management Authority (CR07)	Supports the park.
Brown Property Group (CR08)	Supports the park but raises issues about the implications for vehicular access to its land on the north side of Ballarto Road.
Fleur Philip (CR09)	Opposes the proposed park site.
Victorian Planning Authority (G01)	Supports the proposed park.
National Trust of Victoria (G02)	Supports the proposed park and advocates high quality park design.
City of Casey (CS11)	Supports the proposed park and notes the benefits of co-location with the proposed Clyde Park Sports Precinct and Melbourne Water facility.
Melbourne Water (CS13)	Supports the proposed park and notes the benefits of co-location with Melbourne Water assets and the need for detailed planning to address stormwater issues.

Figure 7 Clyde Regional Park land ownership

Source: Clyde Regional Park Planning Report (2018), Figure 7, p10.

5.6 Issues raised in submissions

5.6.1 Alternative locations

(i) The issue

The issue is whether the park should be located elsewhere.

(ii) Evidence and submissions

Peter Watson (CR06) owns Property 2 and submitted that the Clyde site is poorly located to support population growth in the area and that the park should be more centrally located within the UGB. Mr Watson submitted that the park should be located to the north of the proposed site, preferably at the former Cranbourne site (on the Cardinia Creek).

Fleur Philip represented the Minta Group (CR09 and Document 39) that owns properties 4, 5, 6, 7, 8, 9, 12, 13 and 14. Ms Philip submitted that the proposed site has not been adequately justified and that:

- it has not been subject to a cost benefit analysis
- it does not meet all of the DELWP assessment criteria
- it has not been demonstrated that it is *“the best for the purpose”*
- it is unnecessarily large and does not reflect the opportunities for co-use of the Melbourne Water site to the south

- the park will remove high quality grazing and intensive farming land from production
- vehicular and public transport access to the site require further analysis
- there has been no assessment of other potential sites along the UGB in the area.

Ms Philip also submitted that the justification for abandoning the earlier Cranbourne site had not been adequately demonstrated, apart from the release of developable land.

Ms Philip's written submission proposed an alternative site, on the southern side of Ballarto Road and to the east of Muddy Gates Lane.

Casey (CS11 and Doc 25) supported the proposed site and noted the co-location benefits associated with the proposed Clyde Park Sports Precinct and Melbourne Water facility.

The site was also supported by Tony and Kerrie Volders (CR04), the Port Phillip and Westernport Catchment Management Authority (CR07), the Victorian Planning Authority (VPA) (G01), the National Trust of Victoria (G02).

Jetwise Pty Ltd (CR01) owns the previously proposed Cranbourne site and supported its relocation to the proposed Clyde site.

Mr Rantino noted that the site is supported by Casey and the VPA and has significant co-location benefits. The site's location outside of the UGB will also minimise the cost of the land, while still being in proximity to existing and planned residential areas. Mr Rantino relied on the evidence of Mr Glossop who concluded that the site was well placed in relation to current and future residential areas and associated community facilities. Mr Glossop also noted that being located outside (albeit adjacent to) the UGB will not preclude the development of land for future urban growth within the UGB.

(iii) Discussion

As discussed in section 1.5 of this report, the Committee's role is to consider the merits of the sites that have been referred to it, in this case the Clyde site. While other sites might be suitable or even have advantages over the Clyde site, the Committee's focus is on assessing the sites referred to it by the Minister for Planning and determining whether they are suitable for a regional park. This assessment is summarised in section 5.7 of this report.

In terms of the substantive issues raised in submissions, the Committee is satisfied that the site's location adjacent to, but outside, the UGB and its proximity to existing and future residential populations in the south-east corridor will enable it to conveniently serve a large population area.

The Committee is also satisfied that the size, configuration and characteristics of the site make it suitable for a regional park, although the success of the site will require responsive park planning and adequate investment to provide a suitable range of visitor facilities and experiences.

Finally, the Committee accepts Ms Philip's advice about the agricultural productivity of the site and agrees that the loss of this land from agricultural production is a likely disbenefit of the proposal. However, this needs to be weighed against the broader community benefits that will be derived from the park.

(iv) Findings

The Committee finds that it is not within its Terms of Reference to consider alternative sites for the Clyde Regional Park.

5.6.2 Specific properties**(i) The issue**

The issue is whether specific properties should be removed from the proposed park.

(ii) Evidence and submissions**Property 1**

Sandra Lewis and John Johnson (CR03) own Property 1 that is in the north-west corner of the park. The property has an area of approximately 5 hectares and has a dwelling and various outbuildings. It is zoned GWZ6 and is subject to the LSIO.

They sought its removal from the park because:

- They have extensively developed the property over the past 20 years and intend to retire there.
- The property is on the edge of the park and is not traversed by Clyde Creek.
- The property has various environmental values, but has not been identified as Growling Grass Frog habitat.
- They are unlikely to find an affordable equivalent property in the area.

They also queried why they had recently been granted planning permits given that the land is intended to be acquired.

In response, Mr Rantino submitted that this property should be included within the park because it provides an interface with Conservation Area 36 (to the north of Ballarto Road), providing a continuation of this area and a link along the Clyde Creek for Growling Grass Frog habitat. Mr Ward's evidence was that this link is "*critical*" to the park's function. Mr Rantino also relied on the evidence of Mr Fraser who noted that the park was "*not particularly large*" and that it was important to retain all of the proposed site.

Mr Rantino also noted that the PAO provides mechanisms for acquisition and compensation and for future planning permit applications to be referred to DELWP. The referral process would enable an assessment of whether the interim development of the sites is appropriate.

Property 10

Kenneth and Louise Keys (CR05) own Property 10 which has an area of approximately 20 hectares and is located on the eastern boundary of the park, adjacent to the proposed Clyde Park Sports Precinct. It is zoned GWZ6 and is subject to the LSIO.

They sought its removal from the park because:

- They have developed the property as a home and part of their horse training business over the past 11 years.
- The horse training business employs between 8-10 people.

- There are no suitable replacement sites in the area or in proximity to the Cranbourne Training Complex.

In response, Mr Rantino submitted this property should be included within the park because of its large area and central location. He noted that the concept plan prepared by Parks Victoria identified that the property could be suitable for two park visitor facilities, access to the Clyde Park Sports Precinct and landscape views to the south-east. Mr Fraser also supported the retention of this property in the park and noted that having an 'island' of private property in this area would impact on the utility and synergies of the three public facilities proposed for the area. Mr Ward submitted that removing this site would place greater strain on the Growling Grass Frog because of reduced habitat and connectivity.

Mr Rantino also noted that the PAO provides mechanisms for acquisition and compensation.

(iii) Discussion

Property 1

This site will make a significant contribution to the success of the park because:

- It abuts the Clyde Creek and will provide an opportunity to feature the Creek as part of the broader park.
- It will provide a buffer to the Creek and its environmental values.
- It will provide a link between the park and the proposed open space area to the north of Ballarto Road that has been identified in the McPherson PSP.¹⁹
- It will provide a link to Conservation Area 36 to the north of Ballarto Road.

For these reasons the Committee is satisfied that Property 1 should be included in the park.

Property 10

This property is a key site within the park because of its size and central location adjacent to the proposed Clyde Park Sports Precinct. As Mr Rantino noted, the park concept plan identifies the possible development of visitor facilities within and immediately to the south of the property. Although the concept plan is only indicative, it seems likely that this property will provide a link or links with the sport precinct and is a probable location for visitor facilities that can potentially service the park and the precinct.

Removing this site would also create an island of privately owned land within the broader open space area that would create interface management issues.

For these reasons the Committee is satisfied that Property 10 should be included in the park.

(iv) Findings

The Committee finds that Properties 1 and 10 should be included in the proposed park.

¹⁹ The PSP includes a Conservation Area Concept Plan for this area.

5.6.3 Access arrangements

(i) The issue

The issue is whether suitable access to the site (and the adjacent sports precinct) can be provided.

(ii) Submissions

Brown Property Group (BPG) (CR08) owns land on the north side of Ballarto Road, directly opposite the proposed park and sports precinct sites. The land is within the McPherson PSP (now the Cardinia Creek South PSP) which identifies various intersection treatments along Ballarto Road which is designated as a future four-lane arterial road. BPG raised various traffic capacity and safety issues arising from these arrangements and the possible use of Graham Road to access the park and sports precinct sites as shown in the *Clyde Regional Park Planning Report*. BPG proposed various changes to the PSP and park access arrangements to address these issues. Fleur Philip also raised issues about the Ballarto Road and Graham Road intersection.

Transport for Victoria (CR02 and CS01) did not raise any 'transport' issues associated with the sites or access to them.

Mr Rantino submitted that the issues raised by BPG are outside the scope of draft Amendment GC99 and the proposed application of the PAO. He also noted that:

- The possible park access points shown in the *Clyde Regional Park Planning Report* have since been refined in the concept plan prepared by Parks Victoria at the request of the Committee.
- Assess arrangements will be further investigated during future park planning processes that will involve public consultation.

(iii) Discussion

The Committee agrees with Mr Rantino that there are no apparent access issues that would preclude the development of the park site, although traffic and access issues will require further analysis and careful planning once the park and sports precinct are acquired. This will require coordination between Parks Victoria and the City of Casey to ensure that the most effective and safe access arrangements are provided.

Although the Committee was not provided with any detailed submissions or evidence about traffic and access issues, it notes that there are various options for accessing the park and sports precinct sites, including Bells Road, Graham Road and Muddy Gates Lane, and that there might also be scope to take direct access off Ballarto Road. Whether or not any of these options or combination of options might require changes to the arrangements proposed in the McPherson PSP is not something that the Committee can usefully comment on, other than to note that this would be a matter for the VPA, Casey and landowners.

In terms of the Committee's considerations, the BPG submission does not raise any issues that affect draft Amendment GC99 or impact on the proposed boundaries of the Clyde Regional Park or Clyde Park Sports Precinct.

(iv) Findings

The Committee finds that there are no access issues that preclude the development of the Clyde Regional Park or Clyde Park Sports Precinct, although traffic and access arrangements will require further analysis and planning once the park and precinct are acquired.

5.7 Assessment

This section provides a summary of the Committee's assessment of the proposal against the criteria discussed in chapter 4 of this report.

5.7.1 The proposed park**(i) Strategic justification**

This site was not specifically identified in any of the earlier strategic work, commencing with the *Linking People and Spaces* report in 2002, and was only identified more recently on the basis of the co-location benefits associated with the proposed Clyde Park Sports Precinct and Melbourne Water facility. Nevertheless, the Committee notes the more recent strategic assessments undertaken in the *Clyde Regional Park Planning Report 2018* and the *Defining the Boundaries for the Three New Metropolitan Parks Summary Report 2018*. These reports highlight the relevant Commonwealth, State and local policies and assess the strategic justification for the proposed park and the application of the PAO.

The Committee provides its own assessment of the policy context in chapter 2 of this report and is satisfied that the proposed park is strategically justified.

(ii) Size

The relatively large size (120 hectares) and regular configuration of the park will enable it to accommodate the range of uses typically associated with a regional park and achieve the scale and sense of remoteness consistent with its function.

Although the site is subject to the LSIO, this does not preclude the development of facilities and infrastructure typically associated with a regional park.

The Committee is satisfied that the size and configuration of the park are appropriate.

(iii) Location

The park is well located to service existing and future residential areas in the south-east growth corridor. As Casey noted, the growth area precincts in the area will provide for approximately 96,000 people within 5 kilometres the park and sports precinct. The park will also be able to draw visitors from a broader catchment.

The Committee is satisfied that the location of the proposed park is appropriate.

(iv) Accessibility

The site is accessible from Ballarto Road that is proposed to be developed into a four-lane, bus capable arterial road. Other options for accessing the site include Graham Road and Muddy

Gates Lane through the Clyde Parks Sports Precinct. There may also be options to access the site from the south. The site is also well located to existing and planned paths and trails.

The Committee is satisfied that appropriate access to the site can be provided, although detailed access arrangements will need to be considered during the park planning process once the site is acquired.

(v) Boundary and interfaces

Overall, the site has a reasonably regular boundary configuration and low boundary to area ratio. It will have interfaces with future residential development to the west, an upgraded Ballarto Road to the north, the Clyde Park Sports Precinct to the east and the Melbourne Water facility to the south.

The park planning process will need to respond to the future residential interface to the west (as should the PSP for that area) and the possible impact of Ballarto Road when it is upgraded to a four-lane arterial. It will also need to respond to the opportunities and constraints associated with the interfaces with the Clyde Park Sports Precinct and the Melbourne Water facility. In particular, the sports precinct might generate off-site impacts such as noise, traffic and light spill that will potentially affect amenity and habitat within the park.

The Committee is satisfied that the park boundary is appropriate and that any interface issues can be addressed during the detailed planning of the park and adjacent public facilities.

(vi) Environment

Although there is limited information on the current known biodiversity values of the site, the Committee notes Mr Ward's evidence that the proposed site could, over time, result in an enhanced conservation area for threatened species such as the Growling Grass Frog. The Committee also notes that the park design and development processes will provide opportunities to create points of environmental and visitor interest within the park, particularly in association with Clyde Creek and the adjacent Melbourne Water facility.

The Committee is satisfied that the proposed park will be able to protect and enhance environmental values and provide points of interest for visitors.

(vii) Amenity

The park's size and regular boundary configuration will enable a high level of visitor amenity, and a sense of scale and remoteness. It will also benefit from the borrowed landscape associated with the Melbourne Water facility to the south and east.

As already noted in relation to the park boundary, the proximity of the proposed Clyde Park Sports Precinct will raise some potential 'amenity' issues, however the Committee is confident that these can be addressed through coordinated and sympathetic planning responses for the two sites.

The Committee is satisfied that the site will be capable of providing a high level of amenity for visitors.

(viii) Connectivity

Co-location with the Melbourne Water retarding basin and the Clyde Park Sports Precinct will result in contiguous parkland in public ownership of almost 400 hectares, 1.7 times larger than the Albert Park sports and recreation precinct. The site also has the potential to link with Conservation Area 36 associated with Clyde Creek to the north of Ballarto Road. In combination, these other open space areas and the potential for connectivity are a significant attribute of the site.

The Committee is satisfied that the site has the potential for excellent links with other open space areas.

(ix) Conclusion

The Committee concludes that the proposed park is strategically justified and will be able to fulfil its intended function. The Committee supports the proposed area and boundary.

5.7.2 Draft Amendment GC99

The Committee concludes that the PAO is an appropriate mechanism to facilitate the acquisition of the park and that draft Amendment GC99, as it relates to the Clyde Regional Park, is strategically justified and should proceed. In forming this view, the Committee is satisfied that:

- The draft Amendment makes proper use of the Victoria Planning Provisions and is prepared and presented in accordance with the Ministerial Direction on the Form and Content of Planning Schemes and other relevant Directions.
- All relevant stakeholders have had the opportunity to make submissions on the proposal, including the draft Amendment.

5.8 Recommendations**Park boundary**

The Committee recommends:

That the Minister for Energy, Environment and Climate Change adopt the proposed Clyde Regional Park, as described in the Clyde Regional Park Planning Report 2018, as the basis for future planning and land acquisition processes.

Draft Amendment

The Committee recommends:

That the Minister for Planning approve draft Amendment GC99 as it relates to the Clyde Regional Park.

6 Kororoit Creek Regional Park

6.1 Introduction

6.1.1 Committee process

The Committee's process is set out in Table 5.

Table 5: Kororoit Creek Regional Park Committee process

Committee process	
Referral to the Committee	Referred by the Minister for Planning on 21 March 2018
Information session	14 June 2018, Melton Library, Melton
Notification	247 owners and occupiers notified by DELWP
Submissions	12
Directions Hearing	8 August 2018 at Planning Panels Victoria
Public Hearing	10, 11 and 12 September 2018 at Planning Panels Victoria
Further information	Requested 13 September 2018 Received 24 September 2018
Site inspections	24 July and 22 September 2018

6.1.2 The proposal

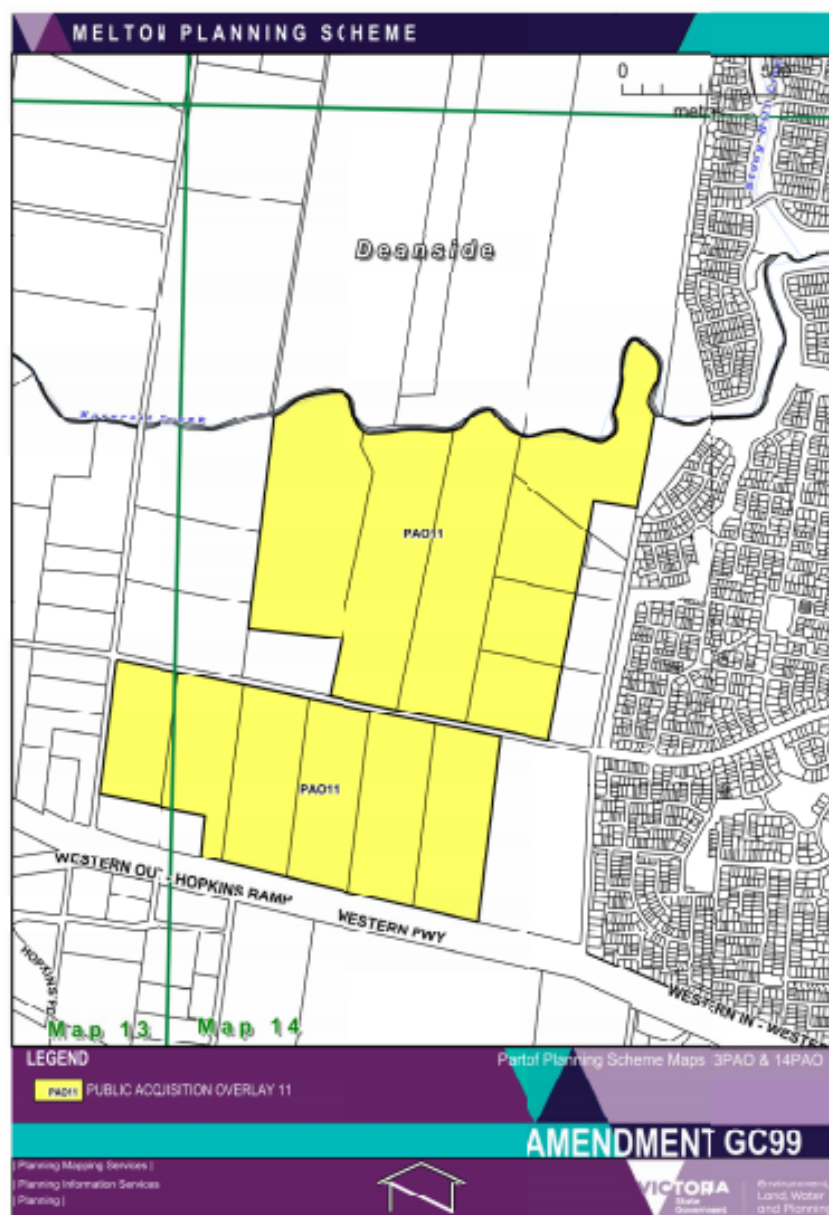
The proposal is summarised in Table 6.

Table 6: Kororoit Creek Regional Park proposal summary

Proposal summary	
Site address	402, 276-306, 266-274 and 194-258 Clarke Road, 462-468, 470-500 and 502-536 Neale Road, 1404-1428, 1430-1454, 1456-1482, 1484-1508, 1510-1534 and 1536-1560 Western Highway, Deanside
Municipality	City of Melton
Proponent	Minister for Energy, Environment and Climate Change

6.1.3 Proposed Public Acquisition Overlay

The proposed PAO in draft Amendment GC99 (shown in Figure 8) applies to all of the park, with the exception of the land in the south-east corner that DELWP advised would be acquired as part of the MSA process. The Amendment nominates the Minister for Energy, Environment and Climate Change as the acquiring authority for the PAO.

Figure 8 Proposed Kororoit Creek Regional Park PAO

6.1.4 Supporting and background material

DELWP provided the Committee with various supporting and background documents relating to the proposal, including:

- *Defining Boundaries for the Three New Regional Parks Kororoit Creek Regional Park, Summary Report (Final Draft) 2009*
- *Defining Boundaries for the Three New Regional Parks Kororoit Creek Regional Park, Summary Report 2018*
- *Kororoit Creek Regional Park Planning Report 2018*
- draft amendment documentation
- various maps and explanatory material.

6.2 The site

6.2.1 Description

The site is in the City of Melton (Melton), abutting the western extent of Caroline Springs. It is bounded by the Kororoit Creek corridor to the north, Sinclairs Road to the west, Neale Road and the Western Freeway to the south, and Clarke Road to the east (refer to Figure 9). Kororoit Creek enters the western boundary of Caroline Springs and reaches Port Philip Bay at Altona.

Figure 9 Kororoit Creek Regional Park proposed boundary



Source: Kororoit Creek Park Report (2018), Figure 2, p9.

The site has an area of approximately 260 hectares and is between 0.5 – 2.5 kilometres long (north-south) and 0.6 - 1.6 kilometres wide (east-west). The park has an area-boundary ratio of approximately 22.22 hectares per kilometre with an approximate boundary of 11.7 kilometres.

The Amendment proposes to apply the PAO to 13 lots comprising approximately 171.05 hectares of land.

The following Planning Scheme provisions apply to the site and are not proposed to be changed by Amendment GC99:

- Rural Conservation Zone
- Urban Floodway Zone applies to a strip of land on either side of the Kororoit Creek

- Public Park and Recreation Zone applies to two small triangular areas that straddle the Kororoit Creek at the urban interface known as the Clarkes Road Streamside Reserve
- Land Subject to Inundation Overlay applies to the section of the Kororoit Creek passing through the proposed park
- Schedules 1, 2 and 5 of the Environmental Significance Overlay apply to parts of the site.

The Public Acquisition Overlay (PAO10) has been applied via Amendment C147 (Kororoit PSP Part 1) to the site of a proposed Melbourne Water stormwater retarding basin to the north-east of the Sinclair Road and Neale Road intersection. Stormwater drainage issues are discussed in section 6.6.2.

6.2.1 Biodiversity features

The BCS includes the site within Conservation Area 3 and the Growling Grass Frog Conservation Area as shown in Figure 10. The biodiversity values under the EPBC Act include:

- High quality herb-rich Natural Temperate Grassland
- Small Golden Moths Orchid (population greater than 400, only wild population known in Victoria out of three populations in total)
- Spiny Rice-flower population within high persistence habitat
- Growling Grass Frog population
- A number of Sun Orchid (*Thelymitra*) species
- High persistence habitat for Golden Sun Moth (population not confirmed)
- Habitat for Striped Legless Lizard (population not confirmed).

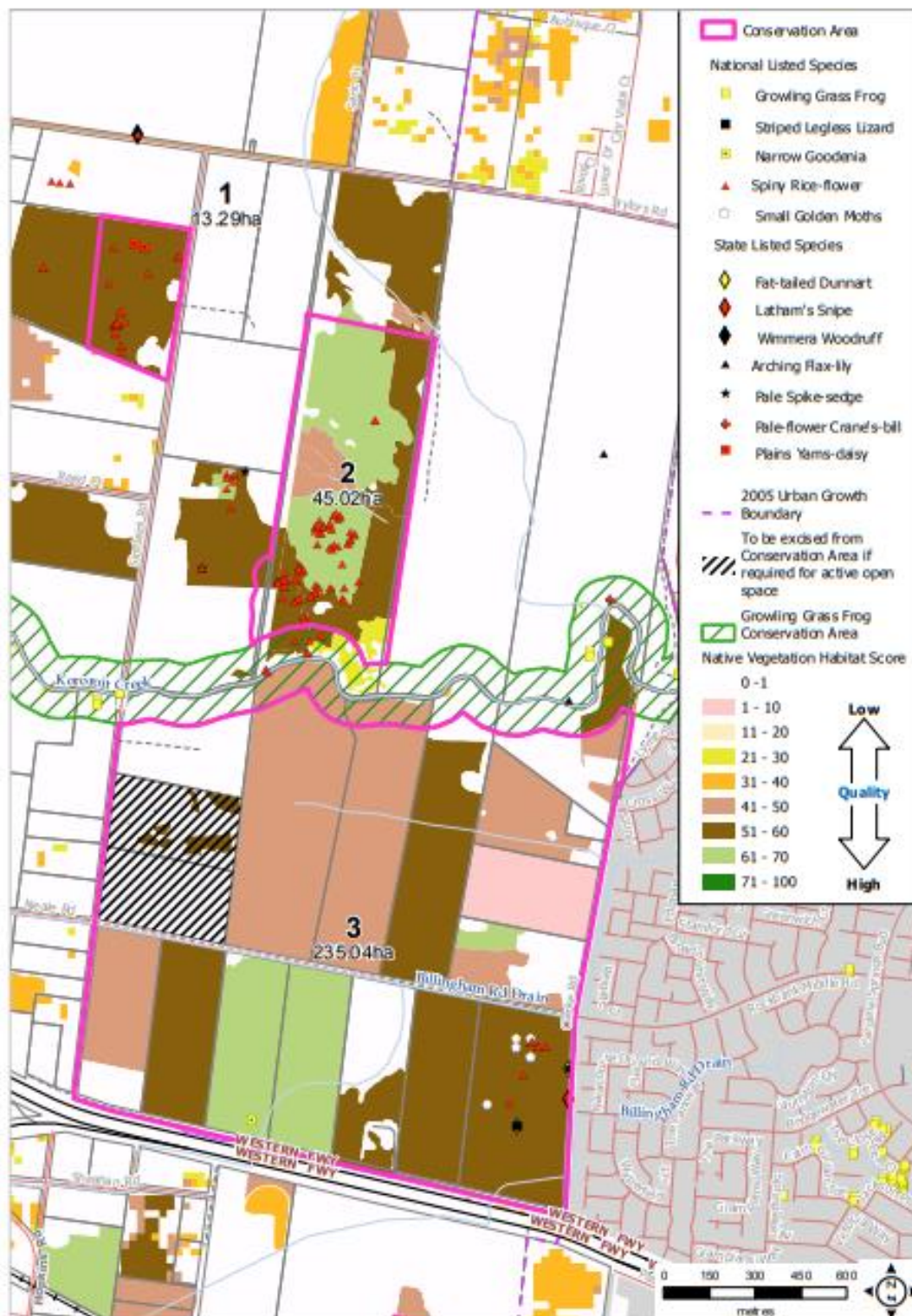
In addition to the above, the biodiversity values of State significance listed in the BCS for the site are:

- Western (Basalt) Plains Grasslands Community
- Inland Sicklefern
- Derrinallum Billy-buttons.

Mr Ward stated that Conservation Area 3 “*comprises a large area of high quality herb rich native grassland that has been classified as being of Very High conservation significance*”. Mr Ward relied upon the assessment undertaken by Biosis in 2010 for the former GAA²⁰ and stated that “*all native vegetation that was assessed through site surveys was determined to be of Very High Conservation Significance and to be consistent with critically endangered Natural Temperate Grassland vegetation community*” and to “*represent high quality habitat for the critically endangered Golden Sun Moth and Vulnerable Striped Legless Lizard*”.

DELWP officers undertook a field survey in 2006 of 1352-1402 Western Highway and found a population of 400 endangered Small Golden Moths Orchids, now known as the largest and most significant of three populations in the wild. A population of the critically endangered Spiny Rice Flower was also recorded on this property.

²⁰ Biodiversity Assessment Report (Native Vegetation) Melton-Wyndham Investigation Area: Section H (the Biosis report.)

Figure 10 Conservation Areas in the Biodiversity Conservation Strategy for Melbourne's Growth Corridors

Source: Kororoit Creek Park Report (2018), Figure 11, p16.

The Biosis report indicates that the conservation significance of the proposed park is very high, although the report does note that some parcels of land were unable to be surveyed. The

Ecological Vegetation Classes (EVCs) recorded by Biosis included Low-rainfall Plains Grassland (EVC 132_63) and Heavier-soils Plains Grassland (EVC 132_61).

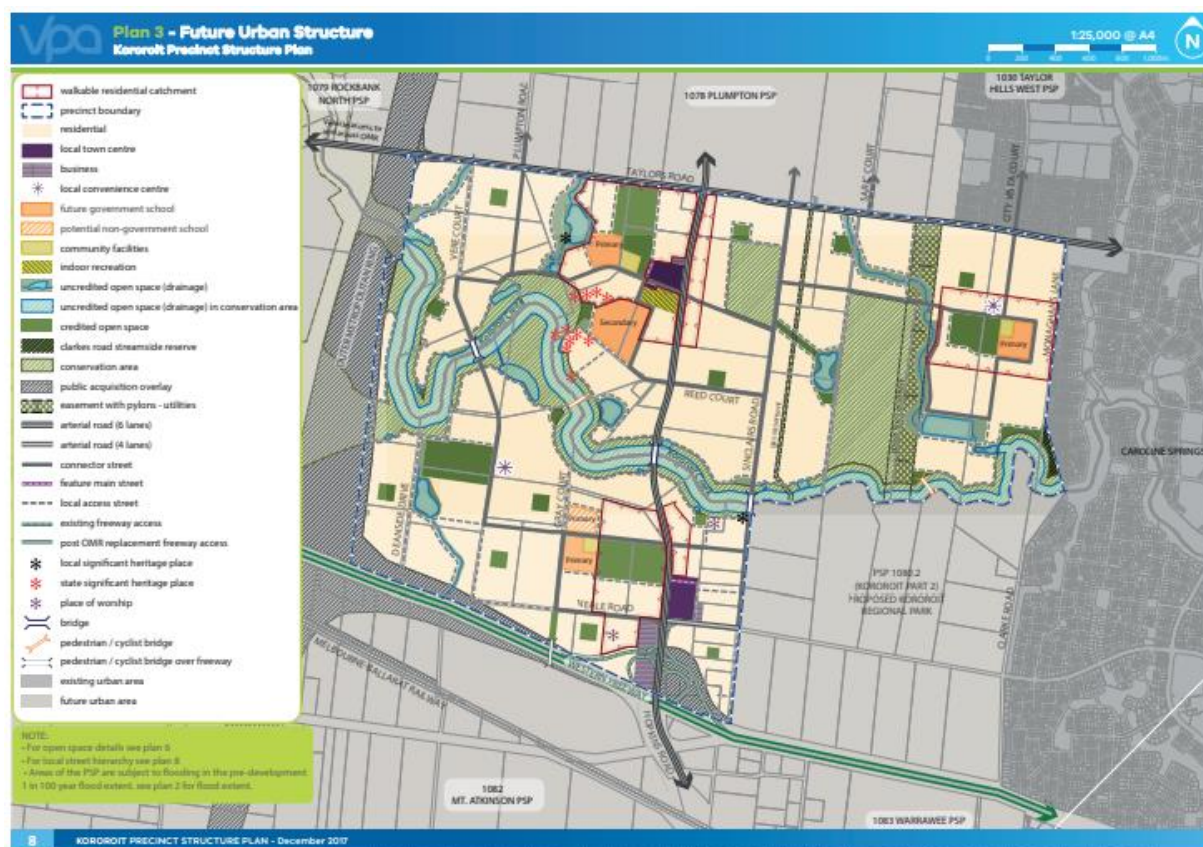
The existing values of the Kororoit Creek include significant conservation areas for the Growling Grass Frog that will continue to be protected as part of Conservation Area 15. Mr Ward stated *“the Kororoit Creek provides an important dispersal corridor between nearby metapopulations along the Kororoit Creek”* for the Growling Grass Frog. He also noted that Conservation Area 15 is known to comprise of the following values within the park section:

- high quality remnants of the critically endangered herb-rich Natural Temperate Grassland
- high quality habitat for vulnerable Striped Legless Lizard, based on the Biosis assessments
- high quality habitat for critically endangered Golden Sun Moth, also based on the Biosis assessments.

6.2.2 Precinct Structure Plans

The park site is within a broader area identified for a future PSP (Kororoit Part 2) and is adjacent to the Kororoit PSP that was approved in February 2018 (refer to Figure 11) through Amendments C146 and C147 to the Melton Planning Scheme.

Figure 11 Kororoit PSP Future Urban Structure



Source: Kororoit Creek Structure Plan (2018), Figure 3.

The Kororoit PSP makes provision for a large conservation area on the north side of Kororoit Creek, adjacent to the proposed park.

The VPA advised that the preparation of the Kororoit PSP (Part 2) will commence once the boundary of the regional park is determined. The VPA also advised that land not required for the park or infrastructure within this area will be nominated for urban residential development.

6.3 Defining the park boundary

The proposed Kororoit Creek site was indicatively identified in *Linking People and Spaces* in 2002 and subsequently reflected in *Melbourne 2030*, the *West Growth Corridor Plan* and, more recently, *Plan Melbourne*. These documents foreshadowed that the exact location of the park needed further investigation before it would be finalised.

This process involved the preparation of a draft report – *Defining the Boundaries of the Three New Metropolitan Parks Kororoit Creek Regional Park* 2009. This report recommended that the park be configured as shown in Figure 12.

Figure 12 Recommended park boundary

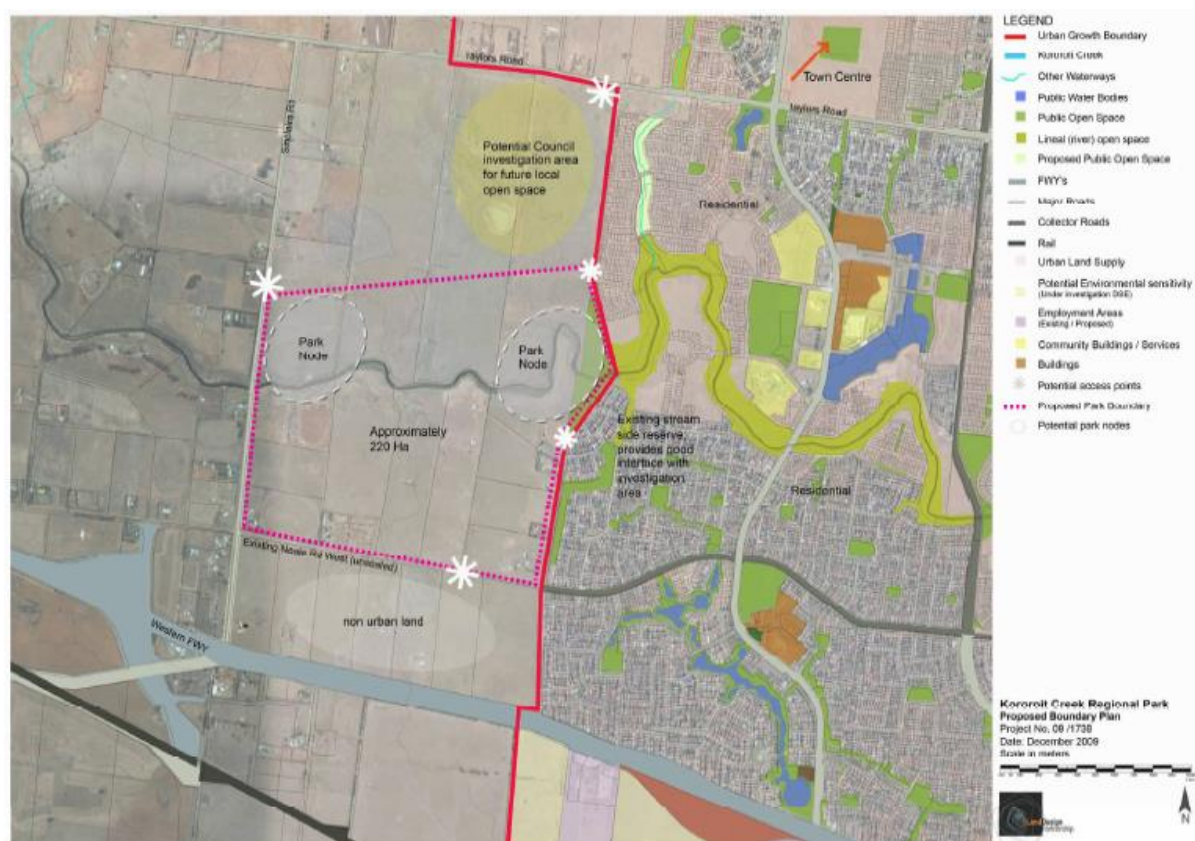


Figure 20. Kororoit Creek Regional Park: Proposed Boundary
Land Design Partnership, Urban Enterprise, HM Leisure PL

Source: Defining Boundaries for the Three Metropolitan Parks Kororoit Creek Regional Park (2009).

This report was updated in April 2018 and recommended the proposed boundary that has been referred to the Committee.

Although there is a large area of overlap between the two proposals, it is notable that the 2009 proposal had more regular boundaries, included more land to the north of Kororoit Creek and did not include the area to the south of Neale Road.

DELWP and the VPA consulted with landowners between 2014 and 2017 as part of the Kororoit PSP process and specifically in relation to the proposed park boundary. A number of landowners opposed the inclusion of their land in the park, leading to the removal of various areas that contain dwellings and outbuildings. These areas were assessed as having limited biodiversity value.

The Committee was advised that these changes were balanced against the need for:

- *a manageable boundary,*
- *regional visitor access and activities, and*
- *the protection of significant species as part of the State Government’s commitment to the Biodiversity Conservation Strategy.*²¹

Affected landowners were formally advised of the proposed boundary in May 2018 as part of the draft planning scheme amendment process.

6.4 Concept plan

The *Kororoit Creek Regional Park Planning Report 2018* included a plan showing “*Potential Park Access Points and Nodes*” prepared by Parks Victoria. Prior to the Directions Hearing, the Committee sought further information from DELWP, including an indicative concept plan for the park. The purpose of the plan (shown at Figure 13) was to demonstrate that the site is of a suitable size and appropriate configuration for its intended use. The plan is an indicative plan and is not intended to be determinative of how the park might be developed in the future.

The plan was circulated to submitters prior to the Directions Hearing and assisted in informing the Committee’s assessment of the proposal.

The key features of the plan include:

- Growling Grass Frog and conservation areas based along Kororoit Creek
- a conservation area in the south-east corner of the site
- visitor nodes located close to Kororoit Creek
- major access along the rear of the Clarke Road properties (potentially providing a buffer to those residential properties)
- major access from Sinclairs Road.

²¹ Document 66

Figure 13 Kororoit Creek Regional Park Indicative Concept Plan

Source: Document 4b, Figure 2, p6.

6.5 Submissions

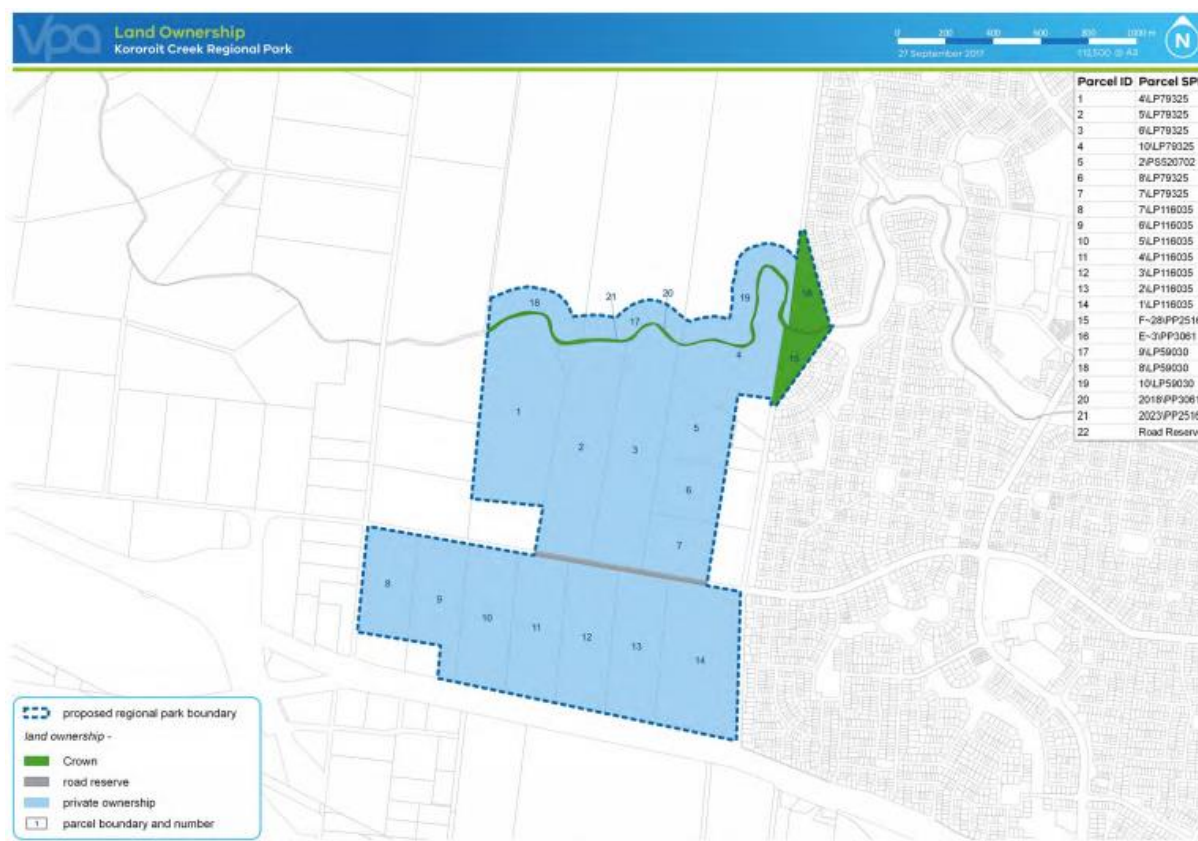
The Kororoit Creek Regional Park proposal attracted 14 submissions described in Table 7 below. Figure 14 identifies the properties within the proposed park by 'property numbers' that are used to identify the sites referred to in submissions.

Table 7: Kororoit Creek Regional Park submissions summary

Submitter (Submission No)	Submission
Transport for Victoria (K01)	No objection.
Australian Macedonian Youth Association 'Nikola Karev' Inc. (K02)	Opposes the inclusion of the Association's land in the park or seeks an alternative site.
Andrew Booth (K03)	Supports the park but raised issues about the proposed boundary.
Melton City Council (K04)	Supports the park but raised issues related to the park boundary, the approval processes and the accuracy of supporting information.
Mario Attard (K05)	Seeks the removal of part of his property from the park.
Albanian Australian Community Association Inc. (K06)	Seeks the removal of its property from the park.

Submitter (Submission No)	Submission
Walter and Margaret Fioritti (K07)	Seek the removal of their property from the park.
Wanda (K08)	The submission is unrelated to the park and has not been considered by the Committee.
Melbourne Water (K09)	Supports the park but raised issues related to stormwater drainage within and adjacent to the park.
Clarke Road Residents Group (K10)	Seeks the removal of properties from the park.
City West Water (K11)	No comment.
John and Debbie Debono (K12)	Seeks the removal of part of their property from the park.
Victorian Planning Authority (G01)	Supports the proposed park.
National Trust of Victoria (G02)	Supports the proposed park and advocates high quality park design.

Figure 14 Kororoit Creek Regional Park land ownership



Source: Kororoit Creek Regional Park Planning Report (2018), Figure 7, p12.

6.6 Issues raised in submissions

6.6.1 Park boundary

(i) The issue

The issue is whether the park boundary should be modified.

(ii) Evidence and submissions

Some submitters sought changes to the park boundary, with a number of affected landowners seeking the removal of all or part of their properties from the park. Other submitters supported the proposed boundary.

Property 1

Mario Attard (K05) owns Property 1 and purchased it in 1998. It is approximately 30 hectares and extends from Neale Road to Kororoit Creek. It consists of a dwelling and harness racing training complex that includes various outbuildings, fencing and a training track. The southern area of the property that contains the dwelling and outbuildings is not included in the park, but the northern area that includes the training track is within the park.

Mr Attard supports the park, but sought the removal of the training track or a smaller area that would allow a replacement track to be developed. In his initial written submission, he proposed two options for a replacement track.

Mr Attard was represented by Mr Chiappi at the Hearing who called evidence from Mr Haack. Mr Chiappi requested that the boundary of the park be modified to accommodate 'option two' and the removal of 8.9 hectares from the park. He advised that Mr Attard's intention was to continue the current use of the property as a training facility and he was not seeking an opportunity to develop the property for urban or residential purposes. Mr Chiappi advised that the loss of the training track would require the Attards to either relocate or find other land to train the horses. He highlighted the financial and emotional costs associated with these outcomes. Mr Chiappi noted that harness racing has a long history in the Melton area, evidenced by the establishment of Tabcorp Park.

Mr Haack assessed the size and characteristics of the proposed park and concluded that removing the 8.9 hectares for the training track would not compromise its intended function. He noted that the 'open' nature of the track and its immediate surrounds would be consistent with the likely open space character within the abutting areas of the park to the north and east. He described this as "*borrowed open space*". He also noted that some metropolitan parks occupy significantly smaller sites and he queried whether the biodiversity assessment, on which the park boundary is partly defined, was accurate.

Mr Chiappi queried the Biosis assessment undertaken as part of the MSA in 2010, noting that it did not involve an on-site inspection or access to adjoining properties that abut the rear of the Attard property. He noted that other sites within Conservation Area 3 had been excluded from the park based on DELWP's further review of biodiversity values since the Biosis assessment and that a similar approach should be adopted for the 8.9 hectares. He also noted that the park concept plan did not propose any facilities or infrastructure for this area.

Mr Chiappi submitted that, in terms of net community benefit, the impacts on individuals are relevant considerations for the Committee.

In response, Mr Rantino submitted that:

- Any land acquired for the park will be valued at market rate, including any assets.
- The removal of more land will negatively impact on the function, effectiveness and management of the park.
- Access to the property was not able to be obtained during the native vegetation and fauna assessment undertaken in 2008/2009.
- The 2010 Biodiversity Assessment Report concluded that the site was highly likely to comprise native vegetation with a *“very high conservation significance”*.
- The site is contiguous with other areas of similar value native vegetation.
- The removal of the site would be inconsistent with the conservation objectives of Conservation Area 3.

Mr Rantino relied on the evidence of Mr Ward who strongly opposed any further reduction of Conservation Area 3 (and the park boundary) and expressed concerns about possible interface issues between the park and the horse training facility, including the spread of weeds and pathogens.

Property 3

John and Debbie Debono own Property 3 that is entirely within the park and the PAO. They lodged a written submission in which they sought the removal of the southern area of their property (along Neale Road) from the park and the PAO. The property is predominantly cleared farming land, although there seems to be a collection of buildings at its northern end that are not clearly visible from Neale Road or other public view points.

They submitted that the property has been cropped and does not have any native vegetation. They also noted that other landowners have been able to keep part of their land and that they should have the same opportunity.

In response, Mr Rantino submitted that:

- The removal of the southern portion of this property would introduce negative *“boundary effects”* as it would be bounded on three sides by the park and create significant interface issues that would impact on biodiversity values and the park boundary.
- The removal of house blocks on other properties did not create the same level of interface issues.
- Based on the 2010 Biodiversity Assessment Report, it is highly likely that the property comprises *“high quality native grasslands”*.
- The site is contiguous with other areas of similar value native vegetation.
- The removal of the site would be inconsistent with the conservation objectives of Conservation Area 3.

Properties 4, 5, 6 and 7

The Clarke Road Residents Group (K10 and Document 53) includes four families that own five lots along the western side of Clarke Road to the north of Neale Road. The front (eastern) areas of Properties 5, 6 and 7 contain dwellings and various outbuildings and are outside the

park. The rear areas of these properties are mainly cleared farming land and are included in the park and subject to the proposed PAO. Property 14 is at the end of Clarke Road. The dwelling and other buildings on this property are also outside the park, but the remainder of the property that extends to the north and west is inside the park and subject to the PAO. The owners of Properties 5, 6 and 7 sought the removal of all of their properties from the park. The owner of Property 14 sought the removal of the property up to the boundary of the ESO2 that is inset from the Kororoit Creek. The combined area that would be removed is 26 hectares.

The landowners addressed the Committee during the Hearing to explain their situations and were also represented by Ms Sharp who made further submissions on their behalf. The Committee appreciated the input of the landowners and acknowledges the difficulties and distress that they (and other landowners) continue to experience as result of uncertainty about the park boundary.

Ms Sharp advised that the landowners sought the opportunity for residential subdivision and development of their properties, although she noted that this would require a residential rezoning and removal from Conservation Area 3. Alternatively, the landowners would continue to use their properties for limited farming/rural purposes.

Ms Sharp noted that the proposed location of the park has 'moved' over time and has become less connected to the Kororoit Creek as the park's focus has shifted further to the south. She advised that the Clarke Road residents were concerned that other landowners had been able to have land removed from the park through PSP and other processes, resulting in an *"inequitable economic and environmental burden"*.

Ms Sharp submitted that the PAO was a significant imposition on landowners, that the need for the land must be clearly demonstrated and justified, and that it is not enough to simply rely on broad strategic policy. Ms Sharp noted that the park concept plan had little detail and did not justify the proposed park boundary. She submitted that in the absence of adequate detailed justification, it was appropriate that the Committee take a *"flexible approach"* to the park boundary.

Ms Sharp also queried the merits of relying on the Biosis assessment and whether it had been consistently applied, submitting that there was variation across the area, the biodiversity values on the landowners' properties are not notably more significant than the surrounding area and some areas have a higher habitat score, but are not included in a Conservation Area.

Ms Sharp submitted that the park is unnecessarily large, particularly in the context of other metropolitan parks that are less than half the size. She also submitted that the landowners' properties (aside from the creek environs) would not contribute to the function of the park because of their limited conservation values, the disturbed nature of the land, flat terrain, lack of canopy trees and natural features. She also submitted that the amenity of the area was affected by the high voltage power lines, high wind levels and noise from the Western Freeway and Neale Road. She noted that with the removal of the landowners' properties, the park will still be 440 metres wide at its narrowest point and long-range views north and south would not be affected.

Ms Sharp provided commentary on various aspects of the park concept plan (as it relates to the landowners' properties), including the access arrangements, the location and size of the proposed visitor area and buffer areas. She concluded that the size of the park and generality of the plan means that there was sufficient flexibility and scope to achieve the general outcomes sought in the plan if the landowners' properties were removed.

In relation to the biodiversity values of this area, Mr Rantino submitted that:

- Some but not all of the properties were able to be accessed during the native vegetation and fauna assessment undertaken in 2008/2009.
- A large proportion of these properties were assessed as comprising or being likely to comprise native vegetation of *"very high conservation significance"*.
- The 2010 Biodiversity Assessment Report assessed the area along Clarke Road that is not included in the park as not having native vegetation or being outside of *"key ecological areas"*.
- The removal of additional land would be inconsistent with the conservation objectives of Conservation Area 3 and compromise the ability of the State government to meet its commitments under the BCS.

Mr Rantino also provided commentary on a proposed boundary treatment for the north of this area that was included in the initial written submission provided by the Town Planning Group²² on behalf of the landowners. Mr Rantino raised a number of issues in relation to the proposal, although the Committee notes Ms Sharp's advice that the proposed plan was prepared for indicative purposes and was not a formal proposal.

Property 9

Walter and Margaret Fioritti's (K07) own Property 9 and purchased it in 1988. The property is approximately 12.28 hectares and includes a dwelling and various outbuildings that are located in the southern area of the lot. The remainder of the lot is cleared farming land. The dwelling and outbuildings are located outside the park and the PAO. The northern, undeveloped part of the lot is within the park and the PAO.

The Fioritti's lodged written submissions in which they sought the removal of their property from the park and PAO because:

- The property does not have any significant native flora or fauna.
- The property is removed from the Kororoit Creek.
- The suitability of the property for a park is compromised by its proximity to the Western Freeway and the power transmission line.
- Neale Road will divide the southern area from the more important northern area.
- There is adequate *"unoccupied"* land to provide a park without needing to include their property.

They submitted that the property should be included within the UGB and that it has a number of features that make it suitable for urban development, including:

- proximity to existing residential and commercial development
- it is not subject to flooding

²² Submission K10.

- it is bounded by two road
- continued farming use is not viable.

They proposed two options for the development of their property:

- 250 – 300 residential lots
- a 360 unit retirement village.

In the event that the PAO is applied, they sought compensation for the loss of value based on residential development of the property.

In response, Mr Rantino submitted that:

- Previous decisions about zoning are not relevant to this process.
- Occupied land has been excluded where this does not compromise the park's function and biodiversity.
- The property will contribute to the function of the park through *"long sight-lines, a sense of getting away from it all"*.
- Access to the property was not able to be obtained during the native vegetation and fauna assessment undertaken in 2008/2009.
- The 2010 Biodiversity Assessment Report concluded that the site was highly likely to comprise native vegetation with a *"very high conservation significance"*.
- Detailed park design will address various design issues raised in the submission.

Property 13

The Australian Macedonian Youth Association 'Nikola Karev' Inc. (the AMYA) (K02) owns Property 13 and sought the removal of all or part of the site from the park to enable the development of a community facility. Alternatively, the Government should provide a 'replacement' site that would be suitable for the Association's plans.

The site is approximately 13 hectares and is undeveloped.

The AMYA advised that it had purchased the site approximately 30 years ago, when it was zoned 'rural', for the purpose of providing facilities for the Macedonian community. Although the Association does not have any firm plans for the site, possible uses included sporting, social and aged care facilities. The Association indicated that it would need approximately *"10 acres"* of the site to develop these facilities or alternatively, the Government should provide a replacement site in the area that would meet the Association's needs.

In response, Mr Rantino submitted that:

- The association will be paid market value for the property, funds that may be used to purchase an alternative site.
- Excising the 4 hectares would reduce the park's area to boundary ratio.
- Access to the property was not able to be obtained during the native vegetation and fauna assessment undertaken in 2008/2009.
- The 2010 Biodiversity Assessment Report concluded that the site was highly likely to comprise native vegetation with a *"very high conservation significance"*.
- The site is contiguous with other areas of similar value native vegetation.
- The removal of the site would be inconsistent with the conservation objectives of Conservation Area 3.

Property 14

The Albanian-Australian Community Association Inc. (the AACA) (K06 and Document 58) owns Property 14 and sought the removal of all or part of the site from the park to enable the development of a community facility. The Association purchased the site to develop a community centre for members and the wider community who live in the area. It advised that 6 hectares of the site would be necessary to develop the community facility.

The site is approximately 20 hectares and is undeveloped.

The AACA submitted that its property would not contribute to the function of the park and should be removed. In particular:

- The park should focus on the Kororoit Creek.
- The area south of Neale Road (including the Association's property) was too distant from the Creek to contribute to the park.
- The area south of Neale Road (including the Association's property) will not contribute to a sense of remoteness because of the impacts of Neale Road and the Western Freeway.
- The upgrading of Neale Road to a four-lane arterial would further isolate this area from the Creek.

The AACA noted that other properties had been excluded from the park and believed that its site, or at least 6 hectares of it, should also be excluded. The AACA also submitted that the site's environmental values had been protected under its ownership and that this could continue without the land being part of the park.

Finally, the AACA noted that the combined Macedonian and Albanian community in Victoria numbers over 30,000 and that this should be a factor in determining the net community benefit (or disbenefit) from including the site in the park.

In response, Mr Rantino submitted that:

- The site will not directly contribute to recreational use of the park, but will contribute indirectly by its use as "*borrowed landscape*".
- Access to the property was not able to be obtained during the native vegetation and fauna assessment undertaken in 2008/2009.
- A threatened flora survey that was conducted in 2006 recorded Small Golden Sun Orchids and Spiny Rice Flowers.
- The 2010 Biodiversity Assessment Report concluded that the site was highly likely to comprise native vegetation with a "*very high conservation significance*".
- The site is contiguous with other areas of similar value native vegetation.
- The removal of the site would be inconsistent with the conservation objectives of Conservation Area 3 and would compromise the ability of the State government to meet its commitments under the BCS.

Andrew Booth

Mr Booth was supportive of the park but submitted that:

Unfortunately, the proposed excisions from the park and public acquisition overlay, and the proposed four lane arterial road (Neale Road) dissecting it, seriously undermine its integrity and function.

He noted that 60 hectares of the “EPBC Act approved 235 ha park” is proposed to be removed, including the southern portion of Property 1. He submitted that urban development of this area will fragment the park, *“greatly reducing its ecological connectivity and function, and sense of natural open space”*. He noted that this will reduce the connectivity of the park to the high quality grasslands on properties 10 and 11 to the south of Neale Road (as identified in the Biosis report). He proposed that this site be subject to some form of management to minimise its potential impacts on the park.

Mr Booth also submitted that the removal of the three land parcels between Property 1 and Sinclair Road *“is also unnecessary and substantially reduces the natural open space and function of the park”*, although he suggested that the property along Neale Road could be subdivided to excise the existing dwelling.

Mr Booth submitted that the excision of existing dwellings along Clarke Road was appropriate, although there should be a management agreement to avoid impacts on the park interface.

Mr Booth noted that the proposed widening of Neale Road will create a *“significant ecological barrier through the middle of the park, and with the noise and traffic will reduce the sense of natural open space”*. He proposed that the upgrade include design measures to reduce possible impacts, such as grassland planting in the road reserve and fauna underpasses. He also noted that this could be addressed in the Kororoit (Part 2) PSP.

In response, Mr Rantino submitted that:

- The areas not included in the park generally have lower biodiversity values.
- The upgrade of Neale Road will present a risk to connectivity for some species and it should incorporate appropriate measures to address this.
- The area along Sinclairs Road is predominantly absent of native vegetation and some of it has been identified for Melbourne Water assets that will assist in providing a buffer to the park.
- The southern portion of Property 1 is unlikely to have high biodiversity values because of the built structures that exist.
- Detailed planning of the park will address park interface issues, including ecological barriers.

Melton City Council

Melton City Council (K04 and Document 51) was generally supportive of the proposed park, but noted that:

- The boundary does not match the boundary of Conservation Area 3.
- There is a disconnect between the park boundary and the PAO (Property 14).
- There is a disconnect between the park boundary and the Koroit Part 1 and Part 2 PSPs.
- There is a disconnect between the park boundary and reports that were prepared to justify the size and location of the park.

Melton also raised concerns about the process for approving the park boundary prior to Commonwealth approval of changes to Conservation Area 3. This is discussed in section 6.6.3 of this report.

Melton did not offer views on the boundary issues raised in submission, noting that these were matters for the acquiring authority. However, it supported *“the development of the regional park on both sides of Neale Road, with the area south of Neale Road being used and developed primarily as an area to protect native vegetation, and the area to the north being developed as an area for people to gather”*.

In response, Mr Rantino submitted that:

- Land in Conservation Area 3 that is outside the park is still protected under the EPBC Act and State planning controls.
- Property 14 is intended to be a Nature Conservation Reserve and will be acquired via a different process, consistent with other NCRs across Melbourne’s growth areas.
- The indicative plans in the *Kororoit Creek Regional Park Planning Report* and the park concept plan are illustrative and *“do not indicate predetermined infrastructure configuration”*. The future park planning process will respond to the two Kororoit PSPs.
- The supporting reports predate the approval of the Kororoit PSP Part 1.

(iii) Discussion

Before discussing the specific boundary issues raised in submissions, it is appropriate that the Committee provide some overarching commentary on:

- the proposed park boundary and the process that led to the current proposal
- the biodiversity values of the site.

The Committee then groups its responses to submissions based on the areas to the north and south of Neale Road.

The process for determining the park boundary

The need for the park was first identified, at least conceptually, in *Linking People in Spaces* in 2002. Since that time, the need for the park has been reaffirmed in a number of broader policy documents, including *Melbourne 2030*, the *West Growth Corridor Plan* and *Plan Melbourne*.

It seems that there was little activity to confirm a site for the park until the 2009 *Defining the Boundary Report* that proposed the boundary identified at Figure 12 of this report.

That proposal was clearly focussed on the Kororoit Creek, included significant areas to the north and south of the Creek and had more regular boundaries that minimised the boundary to area ratio. By those measures, that proposal was better than the current proposal that is focussed on the area to the south of the Creek and has a comparatively convoluted boundary.

Up until the current review process that commenced in 2017, planning for the park had not significantly progressed and it seems that it was overtaken by other actions to facilitate urban growth in this area, including changes to the UGB, the preparation of the Kororoit Creek PSP and further analysis of biodiversity values in the area as part of the MSA. These other processes and decisions have necessitated reasonably significant changes to the park

boundary proposed in 2009, including a reduced park size and a change in focus to the area south of the Kororoit Creek, including land south of Neale Road. In addition, land to the west has been removed in order to provide for infrastructure that will service surrounding development.

A number of sites were also removed from the park, apparently in response to landowner objections and negotiations, many of whom made submissions to the Committee. Many landowners have had longstanding expectations that their properties will, or should, be made available for residential development and are understandably frustrated by the lack of certainty and the time that it has taken to finalise the park boundary.

While the Committee understands the desire to respond to landowner concerns, these exclusions have compromised the effectiveness and function of the proposed park compared to the 2009 iteration. It seems to the Committee that if the park boundary had been confirmed earlier, certainly before the preparation of the Kororoit PSP, a better 'park' outcome might have been achieved and possibly with less distress to landowners. Notably, some landowners have made ongoing investments in their properties since 2002, including what seem to be some relatively recent developments.

These observations are more pertinent to the Kororoit Creek park proposal, than the Werribee Township and Clyde park proposals because of the different and challenging characteristics of the site. These include the flat topography, exposed location and limited scope for canopy vegetation or other visual relief. In addition, the site suffers significant amenity impacts associated with the Western Freeway, Neale Road (to be upgraded to a four-lane arterial) and power transmission infrastructure. As a consequence, the size, configuration and area-boundary ratio are critical for Kororoit Creek and present some significant park design challenges. These challenges will make it difficult to achieve the sense of remoteness and isolation that should be a key feature of a regional park and that might have been more easily achieved if the 2009 proposal had been implemented.

It is not possible to 'unpick' this process and start again, or to adopt the 2009 boundary, because of various decisions and commitments that have been made over time. Nevertheless, the process for the Kororoit Creek park highlights that opportunities can be lost and poorer outcomes can result if the boundaries of proposed parks are not settled early in broader planning processes.

Biodiversity values

The ecological values associated with the proposed park include areas of grassland, significant habitat for the Growling Grass Frog associated with Kororoit Creek, Striped Legless Lizard and Golden Sun Moth. Mr Ward stated that Conservation Area 3 contains a range of biodiversity values of State and National significance, including high quality remnants of the critically endangered herb-rich Natural Temperate Grassland vegetation community and a population of the critically endangered Small Golden Moths Orchid (at least 400 individuals were found during the survey).

Although the Biosis field assessments only covered approximately half of the properties associated with the park, these properties were found to contain 'very high conservation significance' grassland communities that are important for a number of vulnerable and

endangered species listed under Commonwealth and State legislation. Biosis assessed other properties as having a 'very high likelihood' of grasslands from 'reconnaissance surveys', where ecologists undertook assessments based upon observations around the perimeters of these properties and aerial photographs.

Although some submitters challenged these assessments and submitted that native vegetation was not present, or that its significance was overstated, no evidence about these matters was called, except for Mr Ward's evidence. Mr Haack provided some observations about the vegetation on Property 1, but the Committee notes that his evidence was principally in relation to park planning and design rather than native vegetation and habitat. In contrast, Mr Ward stated the *"the removal of this property (Property 1) would compromise the ability to meet conservation requirements set out for Conservation Area 3 in the Biodiversity Conservation Strategy"*.

Based on Mr Ward's evidence and the Biosis report, the Committee is satisfied that the proposed park has significant conservation values that are likely to exist on most of the properties within the park. In the absence of any evidence to the contrary, there is no 'biodiversity' basis on which to remove land from within the proposed park.

In terms of the function of the park, the area south of Neale Road, could be managed for its grassland values with educational/interpretative signage. Melton and Mr Booth both expressed a desire for this to occur, and Mr Booth submitted that the grassland south of Neale Road is some of the best examples of the Western (Basalt) Plains Grasslands Community. Mr Fraser's evidence was that the northern part of the regional park would have a clear focus on the Kororoit Creek which represents the original landscape and its biodiversity values and that south of Neale Road would focus on the *"grassland landscape, with education and interpretative aspects, with less visitation"*.

The ecological values north of Neale Road will also need management, particularly in the vicinity of the Kororoit Creek. The proposed concept plan for the park has park facilities located adjacent to the Kororoit Creek, and in areas identified by Biosis to be 'highly likely' to have native vegetation and areas of EVC 132_63 Low-rainfall Plains Grassland.

Although not impossible, it will be difficult to maintain direct links between the areas of the park north and south of Neale Road, especially when Neale Road is constructed as a four-lane arterial road. Mr Ward and Mr Booth highlighted that it will be critical that the upgrade of Neale Road incorporates measures to mitigate 'connectivity' impacts. Mr Ward and Mr Rantino agreed that this should be addressed through the Kororoit Part 2 PSP process.

South of Neale Road

This area has been added to the proposed park since the 2009 iteration of the boundary with the intention of protecting the biodiversity values that were identified in the 2010 Biosis report and field work undertaken by DELWP. As noted earlier, this area is now within Conservation Area 3 identified in the BCS. While this is a legitimate basis on which to include this area in the park, it suffers from significant constraints that will limit its ability to contribute to the broader function expected of the park, particularly in terms of public visitation, amenity and the sense of remoteness. As the Committee noted in section 4.1 in relation to the MSA

program, the protection of biodiversity values, while important, should not limit the primary function of the park.

In light of this, the Committee believes that the area to the north of Neale Road, particularly in association with the Kororoit Creek, will be the principal 'public' focus of the park. Not surprisingly, this is reflected in the indicative concept plan that includes all of the potential visitor facilities to the north of Neale Road. This approach was also supported in evidence and various submissions referred to earlier. Mr McCloud of Parks Victoria, for example, noted that the park has a challenging landscape, particularly in the area south of Neales Road because of the lack of tree cover.

For these reasons, the Committee believes that the only park 'function' that the area to the south of Neale Road is likely to accommodate will be the protection of biodiversity values, although there will be scope for interpretative material and limited public access. In assessing those biodiversity values, the Committee has had to rely on Mr Ward's evidence and the 2010 Biosis report. Although landowners made observations and offered opinions about the vegetation and habitat values in this area, they did not provide any technical assessments or alternative evidence that challenged the evidence or material put to the Committee by Mr Rantino.

More specifically, the Committee notes that Properties 8 (the northern section), 10 and 11 were all surveyed through field assessments by Biosis and were found to have native vegetation present of 'very high conservation significance'. This includes areas of EVC 132_61 Heavier Soils Plains Grassland. Property 14 was also surveyed through a field assessment and was found to contain a significant population of Small Golden Moth Orchid.

The Committee considered whether there should be further assessments of the properties that were the subject of 'reconnaissance surveys' before the park boundaries are confirmed (Properties 9, 12 and 13). However, it concluded that even if those properties did not contain native vegetation, it would still be appropriate to include them in the park in order to avoid further fragmentation and to provide a better area to boundary ratio.

For these reasons, the Committee does not support the removal of land from the area of the park south of Neale Road, including Properties 9, 13 and 14. While the Committee understands the concerns of these landowners, it has had to weigh them against the net community benefit that will be derived from the park, particularly the protection of this areas biodiversity values.

North of Neale Road

As discussed earlier, the Committee believes that this area will be the focus of the park, particularly in terms of public visitation, because of its closer association with Kororoit Creek. It also has fewer of the amenity constraints that will limit the utility of the area to the south of Neale Road, such as the Western Freeway. For these reasons, this area will effectively 'stand-alone' in terms of achieving the park's broader function, particularly in achieving the sense of scale and remoteness that is a key element of that function. This will not be easy because of the generally flat topography and the likelihood that there will be limited opportunities to establish canopy trees or other visual relief or interest over much of this area. Mr Glossop and Mr Fraser made similar observations about this area in their evidence, noting

that the need to take account of the landscape character would necessitate ‘a large park’. This area will also be impacted by the upgrade of Neale Road into a four-lane arterial road, the existing power transmission line and the shared boundary with existing and likely future residential properties.

All of these factors emphasise the need for the park to have an area and boundary configuration that provide significant separation from surrounding urban areas in order to achieve a sense of isolation and remoteness. Notably, the 2009 iteration of the park boundary would have been more successful in achieving this because it, had a more regular ‘square’ shape, extended east-west from Clarke Road to Sinclair Road, had a superior boundary to area ratio and was not compromised by the excision of existing houses around its boundary. The use of roads to define the southern, eastern and western park boundaries would also have provided a buffer from existing and future urban areas. As Mr Fraser noted, a better park outcome would be achieved if the area to the north of Neale Road was “*squared off*”.

As discussed earlier, the opportunity to implement the 2009 iteration has been lost, and the Committee must respond to the park boundary that has been referred to it. In doing so, the Committee does not support any further contraction of the boundary and believes that the area to the north of Neale Road is the minimum area that is needed to achieve the parks’ function. Although this is still a large area (260 hectares), its characteristics require a large area and significant separation distances, more so than other regional parks referred to the Committee that, because of their characteristics, have greater capacity to deal with interface issues and visual intrusion.

In relation to Property 1, the Committee considered whether it should support a minor contraction of the park boundary to accommodate the relocation of the harness training track. It did so on the basis that the training track would have little, if any, discernible visual impact from within the park and would contribute to the sense of open space as borrowed landscape. The Committee also considered mechanisms that might be used to prohibit or restrict future development of that area, so that it effectively remained as ‘open space’ in perpetuity. While there is some justification for this approach, the Committee has been mindful of Mr Ward’s concerns about having a horse training track abutting the park and the interface issues that might impact on the ecological values of the park. The Biosis report found that this site was ‘highly likely’ to contain grassy native vegetation. On balance, the Committee is satisfied that the exhibited park boundary within this property achieves the preferred outcome for this area of the park.

In relation to Property 3, it is centrally located in the park and the removal of the front section along Neale Road, as sought by the owners, would impact the park’s boundary to area ratio. It would also impact on the capacity to achieve a sense of open space and remoteness within the broader park. Notably, this area of the property is undeveloped and has been assessed by Biosis through a reconnaissance survey as ‘highly likely’ to have grassy native vegetation of ‘very high conservation significance’. In contrast, the front section of the adjoining Property 1 that is not included in the park is developed with a dwelling and various outbuildings, and Biosis found that it did not contain native vegetation. These are significant points of difference between the two sites and the Committee is satisfied that Property 3 should be retained in the park.

In relation to Properties 4, 5, 6 and 7 (Clarke Road), the areas of these properties along the Clarke Road frontage that have not been included in the park have been developed with dwellings and various outbuildings and have been assessed by DELWP as having limited biodiversity value. While a better park outcome would be achieved if all of these properties were included in the park, the Committee acknowledges the reasons for excluding the front sections, including the lack of high quality native vegetation. However, the removal of the remainder of these properties as sought by the landowners would have significant implications for the function of the park, reducing the east-west 'pinch point' north of Neale Road from approximately 730 metres to 450 metres. Although 450 metres is still a significant distance, the Committee does not believe that it is adequate to achieve the sense of remoteness and isolation that the park should provide. Contracting the park boundary in this area would also remove areas found by Biosis to include EVS 132_61 Heavier-soils Plains Grassland and 'highly likely' grassy native vegetation. Removal of these areas would be a poor outcome in terms of biodiversity values and the broader function of the park.

On balance, the Committee supports the exhibited boundary in this area of the park, but notes that using Clarke Road as the park boundary would, in some respects, have been a better outcome. The proposed boundary in this area will create interface and park management issues associated with existing residential development that will back onto the park. As Mr Fraser and Mr Glossop noted, it is not desirable that park boundaries directly abut residential back fences, although Mr Fraser believed that interface issues can be addressed by locating recreational facilities and accessways in these areas.

While the Committee accepts Mr Fraser's evidence, it also notes his view that aligning the boundary along Clarke Road would be a better 'park' outcome. Clearly, the proposed boundary is not ideal, and these interface issues will be exacerbated if these sites (and other sites that abut the park) are identified for more intensive urban residential development as part of the Kororoit Part 2 PSP. The Committee believes that these interface issues should be considered during the PSP process, and that it should include mechanisms to minimise negative impacts on the park. These might include buffer or setback controls, or even maintaining the existing low density character of these areas.

(iv) Findings

The Committee finds that:

- The proposed park boundary should be adopted as the basis for future planning and land acquisition processes.
- The Kororoit Part 2 PSP should address park interface issues and seek to minimise negative impacts on the park.

6.6.2 Stormwater drainage

(i) The issue

The issue is whether the park boundary can be confirmed in the absence of a more detailed assessment of stormwater drainage issues.

(ii) Submissions

Melbourne Water (K09 and Doc 56) supported the location of the park, but submitted that the exhibited boundaries raise issues about whether and how stormwater drainage can be provided in 'potential urban development areas', noting that: *"the current park boundary is likely to create areas of development which cannot be serviced by the retarding basin/treatment wetlands of the Gardiners Lane and Neale Road DSSs [Development Services Scheme]"*. These areas are shown in Figure 15.

Figure 15 Melbourne Water stormwater drainage issues



Source: Submission K09, Figure 4.

Melbourne Water advised that the design of the retarding basin (proposed for the area north-east of the Sinclair Road and Neale Road intersection) has not provided for further urban development to the east (referring to land that has been removed from the 2009 park boundary) and that a crossing of the gas transmission line has not been factored into its cost and design. Mr Prior advised that it will also be very complex to achieve a free-draining outfall in areas that are known to be of conservation significance for Growling Grass Frogs (Kororoit Creek and surrounds). The functional design of the proposed retarding basin indicates a two metre high embankment parallel to the western alignment of the gas main, which Melbourne Water submitted might create an issue of public safety. Mr Prior advised that:

Any future development in this area must: 1. Treat stormwater to Best Practice prior to discharge into Kororoit Creek 2. Ensure development is protected from flooding in a 1 in 100 year storm event.

Melbourne Water also raised concerns in regard to properties south of Neale Road, advising that in order to achieve a free draining outfall, a drainage pipe would be required along the northern side of the Western Freeway within the park (on the assumption that the gas main could be crossed). Melbourne Water's preliminary analysis indicates that areas of significant native vegetation may be subject to disturbance from the stormwater pipe construction. The Committee notes that the Biosis assessment and Mr Ward's evidence indicate that it is highly likely that grassland communities are present in this location. Consequently, further detailed ecological assessments, in association with other technical assessments, would be required for any future development of a stormwater pipe within these areas.

The Committee sought further advice from Mr Rantino about these matters at the end of the Hearing.²³ In response, the issues raised by Melbourne Water were acknowledged and it was agreed that further analysis of stormwater drainage issues in the area was required as part of the Kororoit Part 2 PSP. This analysis would consider possible drainage solutions and the development capacity of land adjacent to the park. The Committee also sought advice on whether the drainage issues needed to be resolved before it could make recommendations about the park boundary. The Committee was advised that the boundary could and should be determined before the PSP is prepared, although it should not make assumptions about the capacity for residential development in the precinct.

(iii) Discussion

The Committee acknowledges the issues raised by Melbourne Water, and agrees that further analysis will be required before drainage infrastructure and development capacity issues in the area are resolved. The Committee also agrees with Mr Rantino and others that the Kororoit Part 2 PSP process would be an appropriate mechanism to undertake this work, although this is a matter for the VPA, DELWP, Melbourne Water and other stakeholders.

The Committee also agrees that the park boundary can and should be settled before the PSP is prepared, based on its view that the development of this precinct should be focused on achieving a positive park outcome rather than maximising residential development capacity.

(iv) Findings

The Committee finds that the Kororoit Creek Regional Park boundary can be finalised before stormwater drainage issues within the Kororoit Part 2 PSP area are resolved.

6.6.3 Process for confirming and implementing the park boundary

(i) The issue

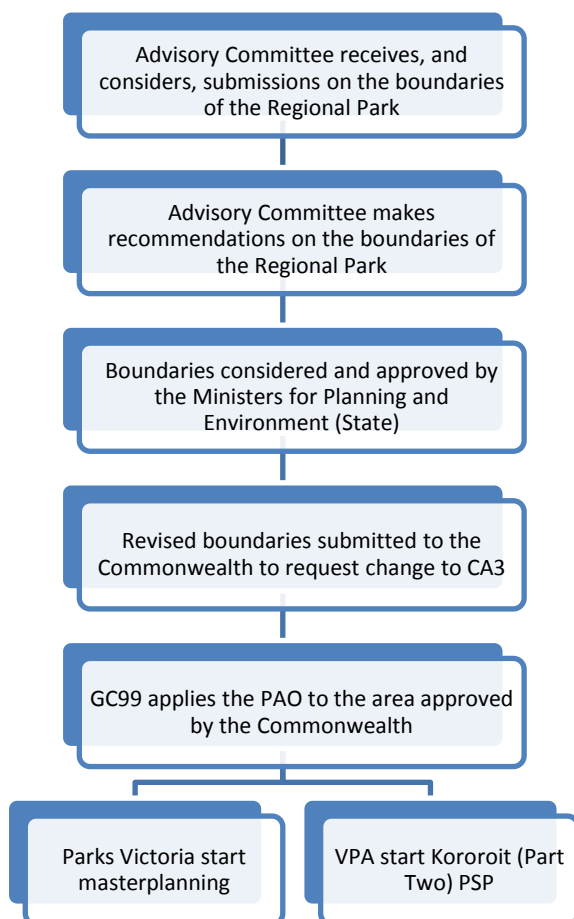
The issue is what process should be used to confirm and implement the park boundary.

²³ Document 66

(ii) Submissions

Melton (K04 and Document 51) raised concerns about the process for confirming the park boundary, including seeking Commonwealth approval in relation to Conservation Area 3, the application of the PAO and the preparation of the Kororoit Part 2 PSP. Melton proposed the sequence of tasks shown in Figure 16.

Figure 16 Melton City Council preferred sequence of tasks



Source: K03, p3.

Mr Rantino advised that this is the process that DELWP intends to follow.

(iii) Discussion

The process for confirming and implementing the boundary is a matter for the State government, although it will be contingent on Commonwealth decisions about Conservation Area 3. For its part, the Committee agrees that the boundary should be settled before the Kororoit Part 2 PSP is prepared, given its view that development of this precinct should be focused on achieving a positive park outcome rather than maximising residential development capacity.

More broadly, the Committee encourages the parties to progress these matters quickly in order to provide certainty to landowners and to enable the acquisition process to commence as soon as possible.

6.7 Assessment

This section provides a summary of the Committee's assessment of the proposal against the criteria discussed in chapter 4 of this report.

6.7.1 The proposed park

(i) Strategic justification

The need for a regional park in this broader area and the general location have strong strategic support, commencing with the *Linking People and Spaces* report in 2002. Since then, various policy documents such as *Melbourne 2030*, the *West Growth Corridor Plan* and, more recently, *Plan Melbourne* have reinforced the strategic need for the park, while recognising that the exact location of the park needed further investigation before it could be finalised.

This strategic justification is described in the *Kororoit Creek Regional Park Planning Report 2018* and the *Defining the Boundaries for the Three New Metropolitan Parks Summary Report 2018*. These reports highlight the relevant Commonwealth, State and local policies and assess the strategic basis for the proposed park and the application of the PAO.

The Committee provides its assessment of the policy context in chapter 2 of this report and is satisfied that the proposed park is strategically justified.

(ii) Size

Although this is a large park (approximately 260 hectares), it presents several design challenges because of the characteristics of the site and the area and the various constraints that will impact on its function. In particular, the area south of Neale Road, while achieving important biodiversity outcomes, will have little utility for public access and enjoyment. This means that public access and facilities will need to be focussed in the area to the north of Neale Road, reinforcing the need for this area to be large enough to also achieve broader park outcomes, such as providing a sense of scale and remoteness. For these reasons, submissions that sought a reduction in this area of the park are not supported.

The Committee believes that the proposed size and configuration of the park is the minimum area necessary to achieve its function.

(iii) Location

The site is well located to serve existing and planned residential areas, including the areas within the western corridor growth area and the associated PSP areas. For example, the City of Melton has a residential population of approximately 135,000 people that will continue to grow as vacant land within the UGB is developed. The park will also serve a broader regional population.

The Committee is satisfied that the general location of the proposed park is appropriate.

(iv) Accessibility

The park concept plan indicates primary vehicular access from Neale Road and Sinclairs Road, with both of those roads identified in the Kororoit PSP as being bus capable. The park will also be accessible from future shared paths around the perimeter of site.

The Committee is satisfied that appropriate access to the site can be provided.

(v) Boundary

Various elements of the park boundary are problematic, given that it has an irregular shape and extensive abutments to existing residential development. This will be exacerbated if adjoining land is identified for more intensive residential development as part of the Kororoit Part 2 PSP process. In this context, the 2009 iteration of the park boundary was clearly preferable, but is no longer an option given various decisions that have been made since that time. The interface issues associated with the current proposal will need to be carefully considered and addressed through the PSP and park design processes so that negative impacts on the park are minimised. In terms of the PSP, protecting the amenity and function of the park should be key objectives.

The Committee supports the proposed park boundary, but highlights the need to address interface issues in future planning processes.

(vi) Environment

The park's key environmental features will be the Kororoit Creek and native grasslands and habitat. In terms of visitor experience, the Creek will be the primary focus although there will be opportunities for interpretative facilities and limited public access elsewhere in the park. A key attribute of the park will be the opportunity to protect and enhance existing environmental values and to achieve conservation outcomes sought under the BCS.

The Committee is satisfied that the park will be able to provide points of interest for visitors and protect and enhance environmental values.

(vii) Amenity

The amenity of the park is likely to be compromised by a range of factors associated with the Western Freeway, Neales Road, electricity and gas infrastructure, residential abutments, the flat topography and the open character of the landscape. However, as noted in relation to the size and boundary of the park, there will be some scope to address these issues through detailed park planning and the treatment of interface areas through the Kororoit Part 2 PSP. The outcomes of these processes will be critical to the successful development of the park and its capacity to achieve the amenity necessary for it to fulfil its broader function.

The Committee is satisfied that a reasonable level of amenity will be achievable, but will require a range of issues to be addressed in future planning processes.

(viii) Connectivity

The park will be connected to other areas of open space, including the Kororoit Creek corridor and trail, open space associated with the powerline easement and the Conservation Area to the north of the Creek that are identified in the Kororoit PSP.

The park concept plan provides for two pedestrian crossings over the Creek, linking the park with the area to the north and various other potential access points and links.

The Committee is satisfied that the site has the potential for excellent links with other open space areas.

(ix) Conclusion

The Committee concludes that the proposed park is strategically justified and will be able to fulfil its intended function. The Committee supports the proposed area and boundary.

6.7.2 Draft Amendment GC99

The Committee concludes that the PAO is an appropriate mechanism to facilitate the acquisition of the park and that draft Amendment GC99, as it relates to the Kororoit Creek Regional Park, is strategically justified and should proceed. In forming this view, the Committee is satisfied that:

- The draft Amendment makes proper use of the Victoria Planning Provisions and is prepared and presented in accordance with the Ministerial Direction on the Form and Content of Planning Schemes and other relevant Directions.
- All relevant stakeholders have had the opportunity to make submissions on the proposal, including the draft Amendment.

6.8 Recommendations

Park boundary

The Committee recommends:

That the Minister for Energy, Environment and Climate Change adopt the proposed Kororoit Creek Regional Park, as described in the Kororoit Creek Regional Park Planning Report 2018, as the basis for future planning and land acquisition processes.

Draft Amendment

The Committee recommends:

That the Minister for Planning approve draft Amendment GC99 as it relates to the Kororoit Creek Regional Park.

7 Werribee Township Regional Park

7.1 Introduction

7.1.1 Committee Process

The Committee's process is set out in Table 8.

Table 8: Werribee Township Regional Park Committee process

Committee process	
Referral to the Committee	Referred by the Minister for Planning on 21 March 2018
Information session	Eagle Stadium, Werribee
Notification	3,000 owners and occupiers notified
Submissions	8
Directions Hearing	8 August 2018 at Planning Panels Victoria
Public Hearing	5, 6 and 7 September 2018 at Planning Panels Victoria
Further information	Requested 13 September 2018
	Received 24 September 2018
Site inspection	27 July 2018

7.1.2 The proposal

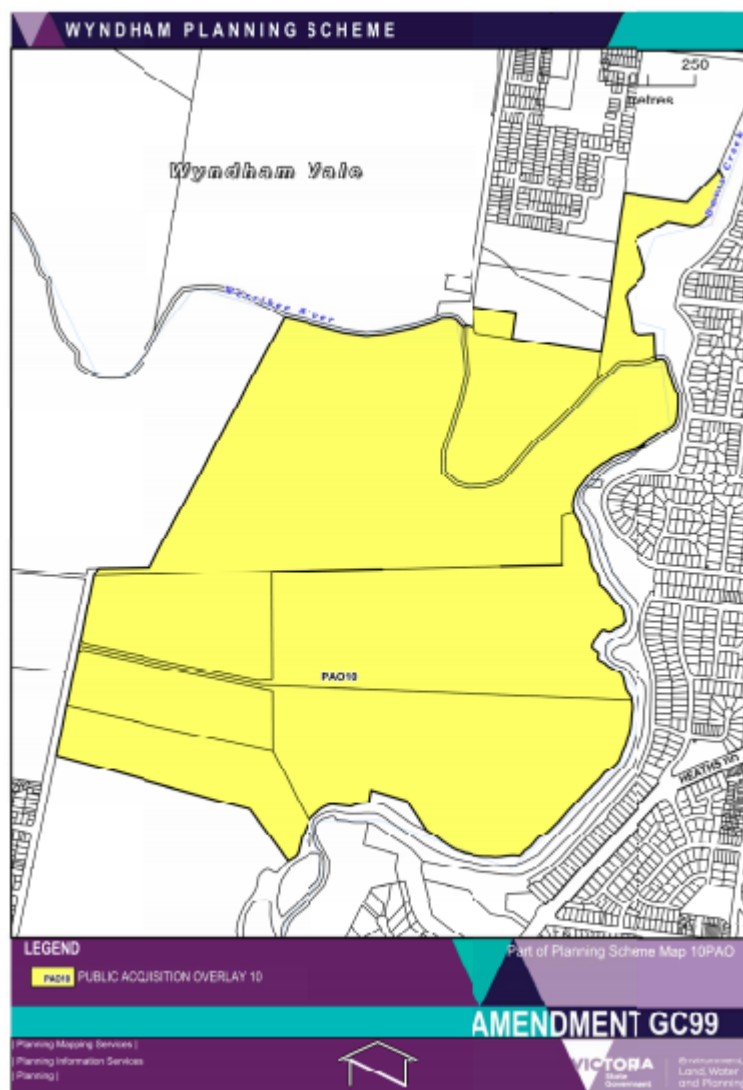
The proposal is summarised in Table 9.

Table 9: Werribee Township Regional Park proposal summary

Proposal summary	
Site address	480, 560, 570, 580, 590 and 600 McGraths Road, Wyndham Vale and 2 and 12 Davis Road and Hogans Road, Tarneit
Municipality	City of Wyndham
Proponent	Minister for Energy, Environment and Climate Change

7.1.3 Proposed Public Acquisition Overlay

The proposed PAO in draft Amendment GC99 (shown in Figure 17) applies to privately owned land within the park except where the land is to be delivered by other processes. The Amendment nominates the Minister for Energy, Environment and Climate Change as the acquiring authority for the PAO.

Figure 17 Proposed Werribee Township Regional Park PAO

7.1.4 Supporting and background material

DELWP provided the Committee with various supporting and background documents relating to the proposal, including:

- *Defining Boundaries for the Three New Regional Parks Werribee Township Regional Park, Summary Report (Final Draft) 2009*
- *Defining Boundaries for the Three New Regional Parks Werribee Township Regional Park, Summary Report 2018*
- *Werribee Township Regional Park Planning Report 2018*
- draft amendment documentation
- various maps and explanatory material.

7.2 The site

7.2.1 Description

The site is located in Wyndham Vale, adjoining the northern extent of Presidents Park, as shown in Figure 18. It is broadly bounded by McGrath Road to the west, Heaths Road to the south-east, and Hogans Road to the north. The site spans the suburb boundary between Wyndham Vale and Tarneit in Melbourne's western growth corridor.

Figure 18 Werribee Township Regional Park proposed boundary



Source: Werribee Township Regional Park, Figure 2, p9.

Presidents Park is a Council owned and managed open space asset that features sporting fields and amenities including hockey, softball, and basketball facilities, a dog obedience club and an adventure playground, as well as a limited range of park infrastructure (picnic facilities, lights, seats, and pedestrian and cycling trails).

The site has an area of approximately 340 hectares and is approximately 2.5 kilometres wide (east-west) and 1.6 kilometres long (north-south). It has 100-200 metre wide linear corridors along the Werribee River and Davis Creek and an area-boundary ratio of approximately 27.2 hectares per kilometre with an approximate boundary of 12.5 kilometres.

Established residential development extends along the eastern edge of the Werribee River and Davis Creek, defining the eastern extent of the proposed park. Residential development opposite Presidents Park is close to the park boundary to the south-west.

The site is a floodplain landscape with a shallow incised Werribee River which flows into Port Phillip Bay. The river is a major natural feature in the region and its riparian vegetation

contrasts with the surrounding western plains landscape. Most of the park will be below the 1 in 100 year flood level.

At present, the site is used for pasture and intensively cultivated market gardens typical of previous land use in the area. The area surrounding the site is subject to rapid change from residential development.

The Amendment proposes to apply the PAO to nine lots in private ownership within the proposed park, comprising approximately 178 hectares. The PAO is to apply to the whole of the nine lots, which range in size from 0.8 hectares to 60.12 hectares.

Not all land for the park will be subject to PAO. Land identified as Growling Grass Frog habitat in the BCS will be delivered through an on-title agreement with the Secretary of DELWP under section 69 of the *Conservation Forests and Lands Act 1987*, or voluntarily transferred by the landowner into the Crown Reserve System.

The following Planning Scheme provisions apply to the site and are not proposed to be changed by Amendment GC99:

- Rural Conservation Zone applies to land adjoining the Werribee River and Davis Creek
- Farming Zone applies to a section of land to the south of the Werribee River
- Urban Growth Zone applies to land to the north and west of the proposed park with a small section in the park's western boundary
- Incorporated Plan Overlay Schedule 3 Ballan Road PSP, Westbrook PSP and Riverdale PSP
- Heritage Overlay
- Environmental Significance Schedules Overlay 1 and 2 (to protect Growling Grass Frog habitat)
- Development Contributions Overlay.

Although the site is within the 1 in 100 year flood area it is not covered by the LSIO or an Urban Floodway Zone.

7.2.2 Biodiversity features

The park is characterised by a floodplain landscape with a shallow incised Werribee River. More than 98 per cent of the park is within the floodplain below the 1 in 100 year flood level. More than 60 per cent of the park area is zoned for protection of the very high value Growling Grass Frog habitat.

The site also includes remnants of the Floodplain Riparian Woodland vegetation community and numerous scattered trees along the Werribee River, as well as patches of the Plains Grassland vegetation community away from the riparian zone.

The BCS includes the site within Conservation Area 14 as shown in Figure 19. DELWP proposes to add 134 hectares of land to the Conservation Area, increasing the park section from 218 hectares to 352 hectares and the overall Conservation Area from 372 hectares to 506 hectares. This will require the agreement of the Commonwealth.

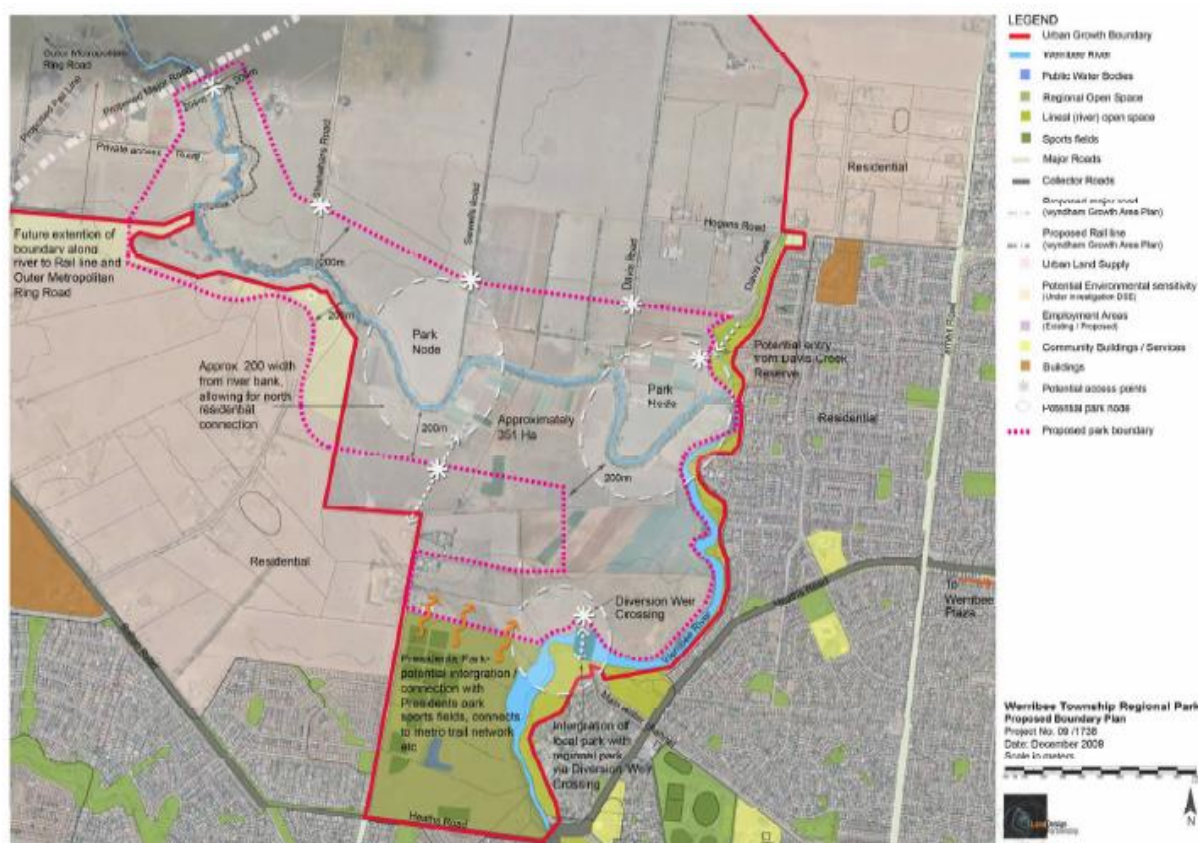
Mr Rantino submitted that important populations of Growling Grass Frog are known to occur along the Werribee River. Other key habitat within the proposed park includes instream pools along the Werribee River and Davis Creek as well as terrestrial foraging and dispersal habitat

This process involved the preparation of a draft report – *Defining the Boundaries of the Three New Metropolitan Parks Werribee Township Regional Park, 2009*. This report recommended that the park be configured as shown in Figure 20.

The park boundaries were further investigated during the preparation of the Ballan Road PSP and the Riverdale PSP.

The park boundaries were subject to further review and a revised *Defining the Boundaries* report was released in April 2018 that generally adopted the park boundary indicated in the PSPs, with the exception of four relatively small areas that were removed from the park (refer to Figure 23). Three of these areas are within the Ballan Road PSP and the fourth is within the Riverdale PSP. These areas were the subject of submissions from Wyndham and are discussed in section 7.6.1 of this report.

Figure 20 Werribee Township Regional Park proposed boundary



Source: *Defining the Boundaries of the Three New Metropolitan Parks Werribee Township Regional Park (2009)*

Landowners were initially consulted on the park boundaries in 2013 as part of the preparation of the Ballan Road and Riverdale PSPs. In 2015, DELWP advised landowners that acquisition of land for the park would proceed on the basis of the boundaries included in the PSPs.

Since that time, there has been a further review of the boundary, resulting in the removal of the four areas.

Affected landowners were formally advised of the revised boundary in May 2018 as part of the draft planning scheme amendment process.

7.4 Concept plan

The *Werribee Township Regional Park Planning Report 2018* included a plan showing “Potential Park Access Points and Nodes” prepared by Parks Victoria. Prior to the Directions Hearing, the Committee sought further information from DELWP, including an indicative concept plan for the park. The purpose of the plan (shown at Figure 21) was to demonstrate that the site is of a suitable size and appropriate configuration for its intended use. The plan is an indicative plan and is not intended to be determinative of how the park might be developed in the future.

The plan was circulated to submitters prior to the Directions Hearing and assisted in informing the Committee’s assessment of the proposal.

The key features of the plan include:

- four areas of potential visitor facilities
- major access from McGrath Road (south-west) and Davis Road (north-east)
- three pedestrian crossings of the Werribee River.

Figure 21 Werribee Township Regional Park Indicative Concept Plan



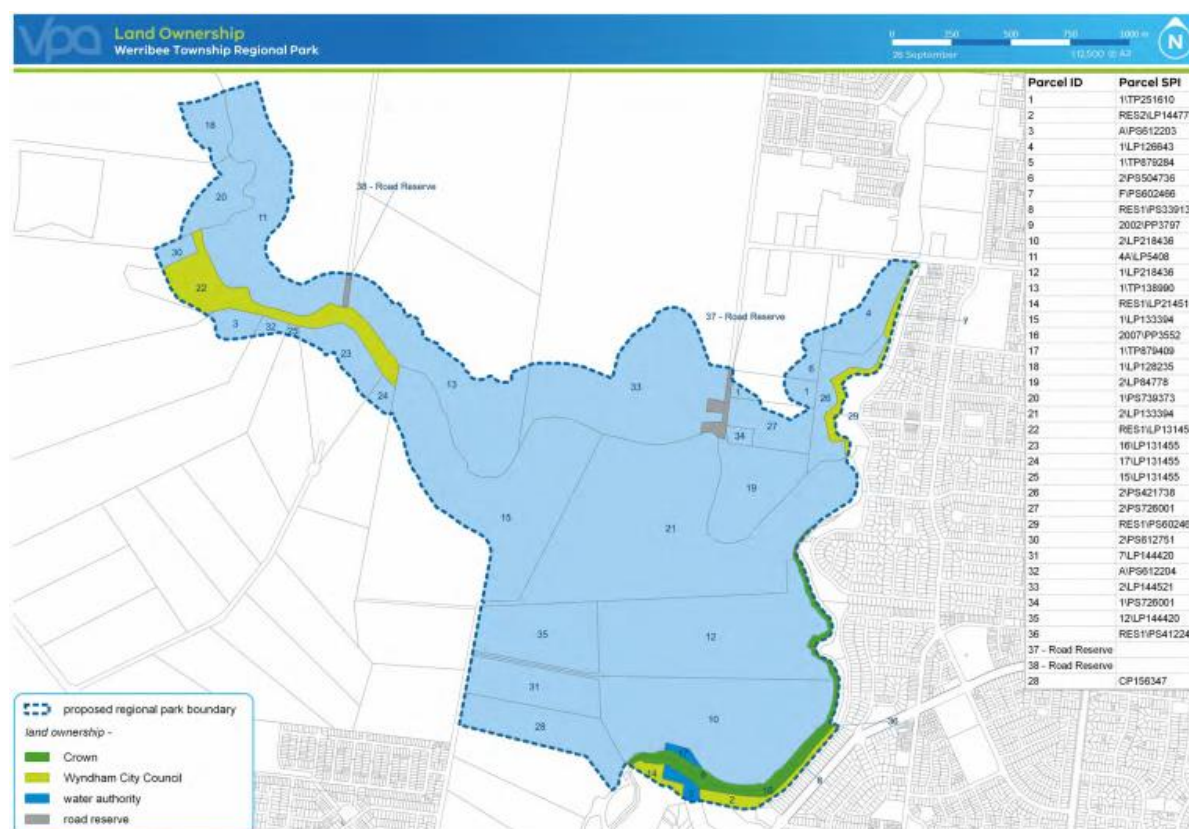
Source: Document 4b, Figure 4, p8.

7.5 Submissions

The proposal attracted nine submissions described in Table 10 below. Figure 22 identifies the properties within the proposed park by ‘property numbers’ that are used to identify the sites referred to in submissions.

Table 10: Werribee Township Regional Park submissions summary

Submitter (Submission No)	Submission
Bunurong Land Council (W01)	Expressed interest in the proposed park, noted the site's cultural values and sought involvement in project planning and development.
Adrian Minniti (W02 and W03)	Expressed concerns about off-site and other impacts.
Neale Austen (W04)	Supports the park but seeks a negotiated sale of the submitter's land and some form of recognition of the family's ownership within the park.
Wyndham City Council (W05)	Supports the PAO but seeks the retention of the 'existing' park boundary and further advice on various design and delivery issues.
Karen Lee Sutherland Cogswell (W06)	Supports the park, seeks an expansion of the proposed boundary and raises various design issues.
Melbourne Water (W07)	Supports the proposed park but notes that flooding issues will need to be addressed
City West Water (W08)	No objections to the proposed park.
Victorian Planning Authority (G01)	Supports the proposed park and the boundary changes proposed by DELWP.
National Trust of Victoria (G02)	Supports the proposed park and advocates high quality park design.

Figure 22 Werribee Township Regional Park land ownership

Source: Werribee Township Regional Park, Figure 7, p13.

7.6 Issues raised in submissions

7.6.1 Park boundary

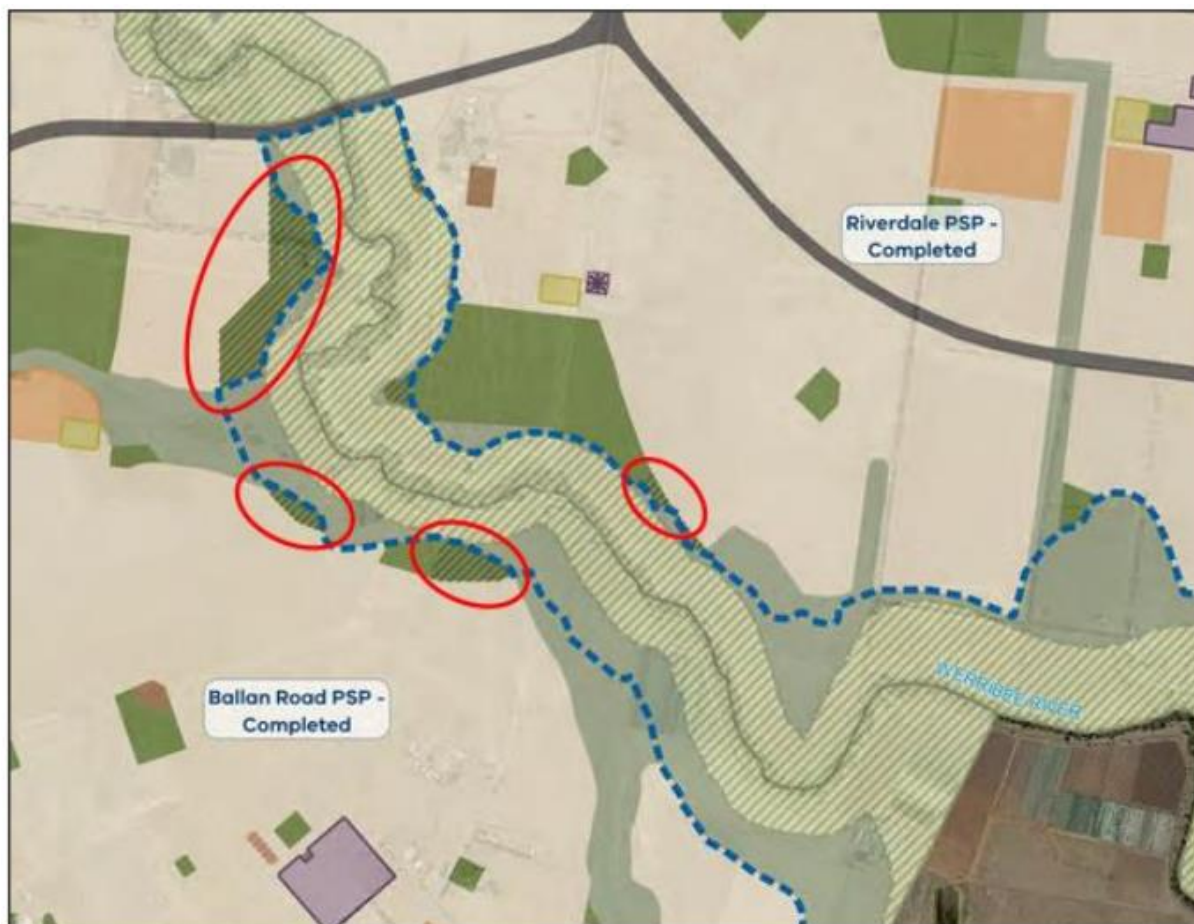
(i) The issue

The issue is whether the proposed park boundary is appropriate.

As noted earlier, the proposed park boundary referred to the Committee is shown in the *Werribee Township Regional Park Planning Report 2018*. The boundary has been changed over time, with the most recent changes being:

- removing four 'developable' areas totalling approximately 7.7 hectares and shown in Figure 23
- including an additional 126.7 hectares of land based on an expanded Conservation Area 14 that is yet to be approved by the Commonwealth.

Figure 23 Four areas not included in the proposed Werribee Township Regional Park boundary



Source: Werribee Township Regional Park, Figure 17, p21.

(ii) Evidence and submissions

Wyndham City Council (W05 and Doc 30) generally supported the proposed PAO in draft Amendment GC99, but submitted that the four sites shown in Figure 23 should be included in the park. Mr Sherman, on behalf of Council, made lengthy submissions about these areas and relied on the evidence of Mr Haack in relation to park planning and Mr Fleming in relation to development processes.

In summary, Mr Sherman submitted that the principal reason for excluding the sites is the cost of the land and although he agreed that this is important, it raised the following issues:

- 1.4.1 *the costs saving objective appears to be the key (or only?) driver in isolation from, and in spite of, various other criteria or principles that have been applied in relation to the proposed WTRP boundary over time;*
- 1.4.2 *it appears the cost saving objective (placed above all others) may itself be an inaccurate assessment due to other likely “encumbrances” on the Excluded Land areas.*

- 1.4.3 *the decision is arbitrary and does not appear to have been assessed in terms of future impact on the WTRP in any qualitative sense;*
- 1.4.4 *immediate significant impacts for at least 4 current, approved or pending, subdivision proposals on land which includes some of the Excluded Land;*
- 1.4.5 *virtually no consultation (and no public consultation) occurred in relation to it. Clearly DELWP and VPA had input, Councils invited contribution appears to consist of an “email in June/July 2018”, and some phone calls, then silence; and*
- 1.4.6 *it may force Planning Scheme Amendments in relation to the applicable Precinct Structure Plans (PSPs) and Development Contribution Plans (DCPs), neither of which Council wants.*

Mr Sherman highlighted that the removal of the four sites from the previous iteration of the park was a recent decision and submitted that it was contrary to previous discussions and decisions, particularly the park boundary arrangement provided for in the approved Ballan Road and Riverdale PSPs. Mr Sherman also outlined the implications for various permit applications that would be affected by the boundary changes.

Mr Sherman sought recommendations or comments from the Committee that:

- 1.7.1 *support the adoption of the PAOs in respect of the land over which they are exhibited;*
- 1.7.2 *the area of 7.7 hectares (approx.) proposed to be excluded from the WTRP be retained within the proposed WTRP boundary;*
- 1.7.3 *indicate that no properly or finally formed view in respect of the WTRP boundaries can be drawn from the reports Werribee Township Regional Park Planning Report – 2018, and Defining Boundaries for the 3 Metropolitan Parks – Werribee Township Regional Park, Summary Report – April 2018;*
- 1.7.4 *recommending a further amendment to apply a PAO over the 4 Excluded Land areas; and*
- 1.7.5 *(possibly as an alternative to 1.7.4) that no change should be made to the PSP or the DCP.*

The Committee notes that it did not receive any submissions from the owners of the four areas.

The VPA (G01 and Doc 26) supported the park boundary that was referred to the Committee. In relation to the four areas, the VPA submitted that they were “*relatively minor adjustments*” and “*will not undermine the future role and function of the park*”. In response to Wyndham’s concerns about the Ballan Road and Riverdale PSPs, the VPA submitted that they would require minor amendments and outlined the nature of the changes that would be required, including additional public open space that would be triggered if the areas were designated

for residential purposes. The VPA also indicated that it would likely be the planning authority for the required amendments.

Melbourne Water (W07) supported the proposed park and noted that it is subject to extensive flooding. Melbourne Water also provided *“in principle support for Parks Victoria structures within the 100-year flood extent”*.

During the Hearing, the Committee sought further advice from Mr Rantino about the process and considerations that led to the four areas not being included in the park. The Committee was subsequently advised of the following:

52. *It is the case that at the time the Riverdale and Ballan PSPs were formulated and pursued, the 4 areas which are the subject of the Council’s submissions to the Advisory Committee formed part of the Regional Park.*
53. *But it was never the case to DELWP’s knowledge that the park boundaries had been “settled” or that they were incapable of further review or consideration. It is not realistic to expect that all things within a PSP remain unaltered for all time.*
54. *That said, it is acknowledged that an alteration to a PSP can have flow on effects. The nature and scale of those effects will depend on the nature and scale of the alteration, the timing of the alteration, and the extent to which the relevant part of the PSP has been implemented (through development, planning approach etc).*
55. *In terms of the 4 areas in question, the Park boundaries submitted by DELWP staff to the Minister’s office, included the areas within the Park.*
56. *The Minister’s office queried with DELWP staff whether the recreational and conservation objectives for the Park and the State’s commitment to the Commonwealth could be achieved without the 4 areas. The Minister’s office made it clear to DELWP staff that it was conscious of the significant extra cost of acquiring those areas given their ‘unencumbered’ status and their development potential.*
57. *No other area was considered by DELWP staff for exclusion from, or inclusion, in the Park. As attested by Mr Ward, he, together with other staff, carefully considered whether excluding the 4 areas would prejudice the recreational and conservation outcomes of the Park. He and they were satisfied that those outcomes would continue to be achieved.*
58. *Upon being advised that the outcomes for the Park would continue to be achieved, the Minister’s office directed that the Park boundary and the consequent planning scheme amendment be pursued without the 4 areas.*
59. *Ultimately, it falls on the Advisory Committee to assess whether the Park as exhibited and pursued by the proponent will achieve the outcomes sought for the Park.*
60. *While some of the evidence and questioning of the witnesses focused on whether it “would be better” if the 4 areas were included within the Park*

boundaries, planning decisions are not made on whether something would or could be better or worse, but whether the decision (in this case whether to pursue the Park without the 4 areas) is “acceptable”.

61. *DELWP relies on the evidence of Mr Ward, Mr Fraser and Mr Glossop in support of the acceptability of the Park boundary – as exhibited and pursued. Although, to be clear DELWP submits that the outcome is better than merely acceptable.*
62. *DELWP acknowledges that, in the absence of evidence as to funds saved by not acquiring the 4 areas or as to the ability and value of those areas for development, the Advisory Committee cannot give weight to those aspects in assessing the proposed Park (including the net community benefit assessment).²⁴*

From an ecological perspective, Mr Rantino submitted that the proposed removal of 7.7 hectares of ‘unencumbered’ land from the regional park would not impact the conservation outcomes for Conservation Area 14 and suggested that the existing boundary of Conservation Area 14 already incorporates a sufficient buffer between Growling Grass Frog habitat and potentially developable land.

(iii) Discussion

From the Committee’s perspective, the starting point for its consideration of boundary issues is the most recent iteration of the park boundary defined in the *Werribee Township Regional Park Planning Report 2018* and the *Defining Boundaries for Three New Metropolitan Parks Werribee Township Regional Park 2018*. Earlier iterations of the park boundary were not referred to the Committee, although its Terms of Reference enable it to consider changes such as those proposed by Wyndham.

The issues raised in submissions and evidence about these four areas raise the following questions:

- Are the potential acquisition costs of the four sites a relevant consideration for the Committee?
- Are any, or all, of four sites reasonably required for the park to fulfil its function?
- Are the consequential changes to existing applications and approvals associated with the Ballan Road and Riverdale PSPs overly burdensome?

Acquisition costs

As discussed in section 1.5.2 of this report and consistent with its Terms of Reference, the Committee has not relied on land values or acquisition costs in its review of the proposals or submissions. The Committee also notes that it was not provided with any material or evidence that would enable it to consider or reach any informed views about the potential acquisition savings associated with the four areas of land.

Nevertheless, the Committee accepts that the costs of establishing the park, including land acquisition costs, are legitimate considerations for Government in settling the park boundary.

²⁴ Document 66.

The function of the park

The Committee heard conflicting submissions and evidence about whether some or all of the four areas were necessary for the park to fulfil its function, particularly in terms of providing unencumbered land for the development of park facilities. These encumbrances affect almost all of the site and include flooding and the Growling Grass Frog habitat within Conservation Area 14. While the Committee agrees with Wyndham that including the four areas would provide some degree of additional design and locational flexibility for park facilities and infrastructure, it is satisfied that there is adequate scope within the exhibited park boundary and on adjoining public land to provide the range of facilities anticipated for the park.

In forming this view, the Committee has relied on the evidence of Mr Fraser who reviewed the proposed concept plan and concluded that there was adequate 'unencumbered' land on the site to enable a suitable range of park facilities. Although Mr Haack's assessment led him to conclude that additional unencumbered land was necessary, the Committee believes that his assessment was overly cautious and conservative.

The Committee has also relied on the evidence of Mr Ward that the removal of these areas *"would not impact on the conservation outcomes for Conservation Area 14"*.

For these reasons, the Committee is satisfied that the four areas are not necessary for the park to fulfil its intended function.

Consequential implications

The Committee accepts Wyndham's advice and the evidence of Mr Fleming that adopting the exhibited park boundary will have consequential implications for various applications and approvals, and agrees that these are relevant factors. However, the Committee does not believe that these are significant considerations and notes that PSPs and associated subdivision permits are amended from time to time in response to changing circumstances. The Committee is satisfied that there are no circumstances that warrant any existing approvals or applications being 'locked in'.

In relation to the existing PSPs, the Committee notes the VPA's advice that it would likely act as planning authority for any amendments that are required (although it did not commit to that) and would consult with Wyndham during that process. This would potentially limit the cost and resourcing implications for Council, although it will still need to manage the existing planning permit processes. Given that the possible PSP changes will have been necessitated by State government decisions, it would be appropriate that the VPA act as planning authority for any amendments that are required.

Conclusion

On balance, the Committee is satisfied that the proposed park boundary should be adopted. The Committee has reviewed the matters identified by Mr Sherman for which he sought a comment or recommendation and concluded that it need only make recommendations about the park boundary and draft Amendment.

(iv) Findings

The Committee finds that the proposed park boundary should be adopted as the basis for future planning and land acquisition processes.

7.6.2 Park design and delivery issues**(i) The issues**

The issues are how the park will be designed and delivered.

(ii) Submissions

The Bunurong Land Council Aboriginal Corporation (BLCAC) (W01) noted that the site has significant cultural values and that future decisions about the use of the park should *“be made in collaboration with the BLCAC and must also highlight the significant values of the area from a cultural perspective”*.

Adrian Minniti (W02/03) owns a property on Waterfront Boulevard, opposite the proposed park and on the east side of the Werribee River. He raised concerns about the impacts of the park on traffic capacity on Waterfront Boulevard and other roads in the immediate area. He also raised concerns about possible degradation of the river bank that might result from increased visitation in the area and suggested that visitor facilities not be located in this area of the park.

Neale Austen (W04) represents the owners of Property 21 and supported the proposed park. Mr Austen noted that the owners would prefer to sell the property through the *“negotiated acquisition process”* and he sought some recognition of his family’s ownership of the land over three generations, suggesting that some form of memorial be included in the park.

Karen Cogswell (W06) made a number of suggestions about the design and use of the park. She also sought an extension of the park boundary to include the *“opposite of Davis Creek, including the current park that exists there”*.

Melbourne Water (W07) supported the proposed park, noting that the site is subject to extensive flooding and that various stormwater assets are planned for the site. It also provided ‘in principle’ support for park structures, subject to future planning. Melbourne Water also noted that the park will provide an opportunity to construct a fish ladder or similar asset near the Werribee Diversion Weir, allowing instream connectivity (fish passage) along this reach of the Werribee River.

Wyndham (W05) sought further advice about various park acquisition, delivery and management timeframes and processes. The Minister for Energy, Environment and Climate Change responded to these matters in submissions and the Committee encourages Council to continue its discussions with DELWP to resolve any outstanding issues.

(iii) Discussion

Many of the matters raised in submissions will be dealt with during the park planning and design process that will follow the acquisition of the park. Mr Rantino advised that there will be extensive stakeholder consultation during that process that will enable design issues to be identified and addressed. The Committee supports that approach and notes that none of the

‘design’ issues raised in submissions impact on the proposed park boundary or warrant recommendations from the Committee.

In relation to the submission from Ms Cogswell, it is not clear whether the additional area (presumably along the eastern side of Davis Creek) that she proposed for inclusion in the park is within or outside the park. The Committee assumes that the area is outside the park but already in public ownership, and notes that its existing status and use as public open space will not change regardless of whether it is included in the park.

(iv) Findings

The Committee finds that park design issues raised in submissions can be addressed during the park planning process and do not impact on the proposed park boundary.

7.7 Assessment

This section provides a summary of the Committee’s assessment of the proposal against the criteria discussed in chapter 4 of this report.

7.7.1 The proposed park

(i) Strategic justification

The need for a regional park in this general location has strong strategic support, commencing with the *Linking People and Spaces* report in 2002. Since then, various policy documents such as *Melbourne 2030*, the *West Growth Corridor Plan* and, more recently, *Plan Melbourne* have reinforced the strategic need for the park, while recognising that the exact location of the park needed further investigation before it could be finalised.

This strategic justification is described in the *Werribee Township Regional Park Planning Report 2018* and the *Defining the Boundaries for the Three New Metropolitan Parks Summary Report 2018*. These reports highlight the relevant Commonwealth, State and local policies and assess the strategic basis for the proposed park and the application of the PAO.

The Committee provides its assessment of the policy context in chapter 2 of this report and is satisfied that the proposed park is strategically justified.

(ii) Size

This is a very large site (approximately 340 hectares), albeit a site with an irregular boundary and constraints associated with flooding and Conservation Area 14. These constraints and the relatively limited area of ‘unencumbered’ land will present park design challenges, but there is adequate scope to develop the range of infrastructure and facilities that will enable the park to fulfil its function. There might also be scope to co-locate facilities within adjoining public open space, including Presidents Park.

The Committee is satisfied that the size and configuration of the park are appropriate.

(iii) Location

The site is well located to serve existing and planned residential areas, including the areas within the western corridor growth area and the associated PSP areas. For example,

Wyndham has a population approaching 250,000 people and the combined residential population planned for the Ballan Road and Riverdale precincts is approximately 50,000 people. This is a significant regional population, within which the park is centrally located.

The Committee is satisfied that the location of the proposed park is appropriate.

(iv) Accessibility

The park will potentially have two primary access points - from Davis Road to the north and McGraths Road to the south. In addition, there will be scope for local access along the park frontage roads and pedestrian and cycle path connections.

The Committee is satisfied that appropriate access to the site can be provided.

(v) Boundaries and interfaces

The site has an irregular boundary, reflecting the proposed expanded Conservation Area 14 and the extensive area that is liable to flooding. These areas are generally based on the course of the Werribee River and Davis Creek and will present various park design and management challenges. However, some parts of the boundary, such as the Presidents Park interface are relatively straightforward, while other areas such as the abutments with future residential areas have largely been determined through PSP processes.

The Committee is satisfied that the park boundary is appropriate and that any interface issues can be addressed.

(vi) Environment

The Werribee River and Davis Creek will provide the key environmental features of the park and a focus for visitors. Access to these watercourses may be constrained by flooding and conservation constraints, but these issues are best dealt with through the future park design and planning processes. There is also scope for the broader floodplain landscape to be a key environmental and visitor feature, although access to and enjoyment of that area will also require careful planning and design.

The inclusion of an expanded Conservation Area 14 is a significant attribute of the park and will contribute to achieving Commonwealth and State biodiversity objectives.

The Committee is satisfied that the proposed park will be able to protect and enhance environmental values and provide points of interest for visitors.

(vii) Amenity

The park's large size will enable a high level of visitor amenity, and a sense of scale and remoteness. It will also benefit from the borrowed landscape and co-location with adjoining open space such as Presidents Park and links along the Werribee River and Davis Creek.

The Committee is satisfied that the site will be capable of providing a high level of amenity for visitors.

(viii) Connectivity

The park will be connected to significant areas of existing and proposed public open space, including Presidents Park to the south, open space corridors along the Werribee River and Davis Creek and an open space link into the Riverdale PSP area to the north. In combination, the opportunity to connect with these open space areas is a significant attribute of the site.

The Committee is satisfied that the site has the potential for excellent links with other open space areas.

(ix) Conclusion

The Committee concludes that the proposed park is strategically justified and will be able to fulfil its intended function. The Committee supports the proposed area and boundary.

7.7.2 Draft Amendment GC99

The Committee concludes that the PAO is an appropriate mechanism to facilitate the acquisition of the park and that draft Amendment GC99, as it relates to the Werribee Township Regional Park, is strategically justified and should proceed. In forming this view, the Committee is satisfied that:

- The draft Amendment makes proper use of the Victoria Planning Provisions and is prepared and presented in accordance with the Ministerial Direction on the Form and Content of Planning Schemes and other relevant Directions.
- All relevant stakeholders have had the opportunity to make submissions on the proposal, including the draft Amendment.

7.8 Recommendations

Park boundary

The Committee recommends:

That the Minister for Energy, Environment and Climate Change adopt the proposed Werribee Regional Park, as described in the Werribee Regional Park Planning Report 2018, as the basis for future planning and land acquisition processes.

Draft Amendment

The Committee recommends:

That the Minister for Planning approve draft Amendment GC99 as it relates to the Werribee Township Regional Park.

8 Clyde Park Sports Precinct

8.1 Introduction

8.1.1 Committee Process

The Committee's process is set out in Table 11.

Table 11: Clyde Park Sports Precinct Committee process

Committee process	
Referral to the Committee	Referred by the Minister for Planning on 21 March 2018
Information session	12 June 2018 at Cranbourne Golf Course, Cranbourne
Notification	41 owners and occupiers notified
Submissions	13
Directions Hearing	8 August 2018 at Planning Panels Victoria
Public Hearing	6 and 7 September 2018 at Planning Panels Victoria
Further information	N/A
Site inspections	24 July 2018

8.1.2 The proposal

The proposal is summarised in Table 12.

Table 12: Clyde Park Sports Precinct proposal summary

Proposal summary	
Site address	1910 and 180 Ballarto Road and 225 Muddy Gates Lane, Clyde
Municipality	Casey City Council
Proponent	Casey City Council

8.1.3 Proposed Public Acquisition Overlay

The proposed PAO in draft Amendment C238 (shown in Figure 24) applies to all of the precinct. The Amendment nominates the City of Casey as the acquiring authority for the PAO.

Figure 24 Proposed Clyde Park Sports Precinct PAO

8.1.4 Supporting and background material

Casey provided the Committee with various supporting and background documents relating to the proposal, including:

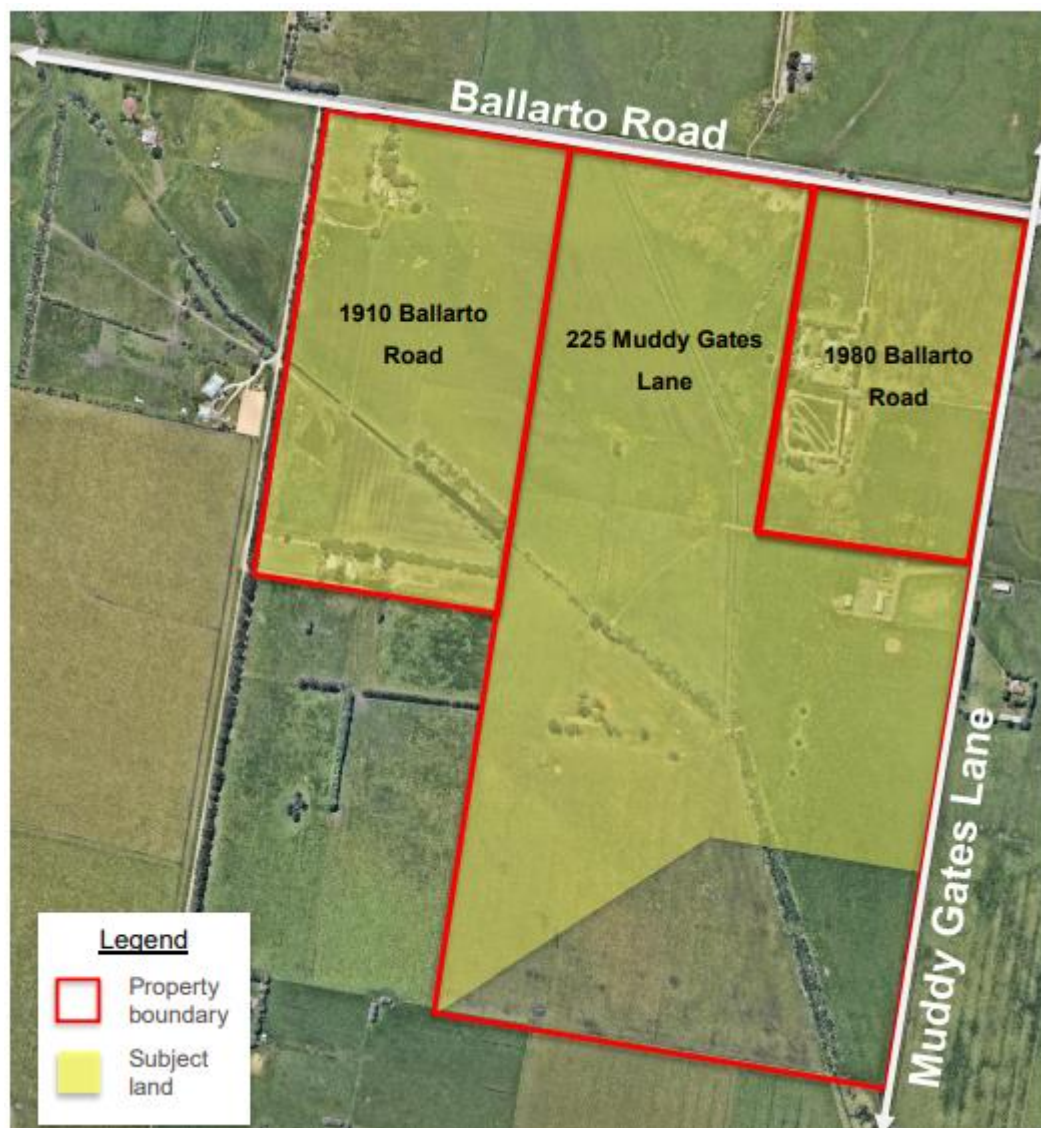
- *Clyde Park Sports Precinct Planning Report 2018*
- *Casey Leisure Facilities Development Plan Policy 2014*
- draft amendment documentation
- various maps, explanatory material and background documents.

8.2 The site

8.2.1 Description

The site is located on the south-west corner of the intersection of Ballarto Road and Muddy Gates Lane, Clyde as shown in Figure 25. It has an area of 82 hectares and is irregular in shape. It has a frontage to Ballarto Road of approximately 975 metres and a frontage to Muddy Gates Lane of approximately 895 metres.

Figure 25 Clyde Park Sports Precinct proposed boundary



Source: Clyde Park Sports Precinct Planning Report, Figure 1, p8.

It is bounded by Ballarto Road to the north, Muddy Gates Lane to the east, the site of the proposed Clyde Regional Park to the west and the site of the proposed Melbourne Water stormwater retarding facility to the south.

The site is predominantly flat, low lying, farming land that is currently used for mixed farming and grazing, and rural lifestyle properties with associated residential dwellings and

outbuildings. It is traversed by the Muddy Gates Drain that flows into Westernport Bay and is within the broader Koo-Wee-Rup Swamp area.

The site includes privately owned properties at 1910 and 1980 Ballarto Road (120.4 hectares and 14.09 hectares respectively) and part of 225 Muddy Gates Lane (61.33 hectares).

The following Planning Scheme provisions apply to the three properties and Amendment C238 does not propose to change them:

- Green Wedge Zone
- Land Subject to Inundation Overlay.

8.2.2 Precinct Structure Plans

The site is outside the UGB, but is adjacent to the approved McPherson PSP (to the north of Ballarto Road). This PSP does not have any direct implications for the sports precinct, although it identifies the future upgrade of Ballarto Road to a four-lane arterial and includes other access arrangements from Ballarto Road to within the PSP area.

8.3 Defining the precinct boundary

The proposed location of the precinct was determined by Casey, in consultation with DELWP, Parks Victoria and Melbourne Water. A key driver for the site was the co-location opportunity with the proposed Clyde Regional Park to the west and the proposed Melbourne Water facility to the south.

Casey described various benefits of the site as follows:

- 50 *The colocation of these three public assets will create a substantial public space approximately 1.7 times larger than the Albert Park sports and recreation precinct.*
- 51 *In addition to its value to the community, the colocation provides benefits for the three agencies. As one contiguous public asset, there are opportunities for shared infrastructure including roads, car parking, and public facilities.*
- 52 *Surrounding the subject land and Clyde Regional Park to the north and west is land within the Urban Growth Boundary intended for urban residential development. This includes land within the Clyde Creek Precinct Structure Plan (PSP), Cardinia Creek South PSP and Clyde South PSP area. These three precincts combine for an approximate population of 96,000 within five kilometres of the parks.*
- 53 *There are currently eight government primary schools and three government secondary schools proposed within proximity of subject land, with more expected anticipated as planning for the Clyde South PSP area occurs.*
- 54 *The subject site is considered to be appropriately serviceable for active and public transport. The site is located adjacent to or within proximity of future bus capable arterial roads (Ballarto Road, Bells Road) as well as bus capable*

connector roads within the adjacent PSP areas. This will provide access to other important sites including the future Clyde Railway Station, the Clyde Major Town Centre and local schools.

- 55 The site is located adjacent to or within proximity of existing and future paths and trails, as identified in Figure 3. This will provide access throughout the residential communities as well as to important sites including the future Clyde Railway Station, the Clyde Major Town Centre, Casey Fields and the Royal Botanic Gardens Cranbourne.

8.4 Concept plan

The *Clyde Park Sports Precinct Planning Report* prepared by Casey included an indicative plan (Figure 26) that demonstrates how the precinct might be developed.

Figure 26 Clyde Park Sports Precinct Indicative Plan



Source: Clyde Park Sports Precinct Planning Report, Figure 5, p23.

This reflects Council's assessment of the type, number and size of the various facilities that will be required in the future, based on its 2011 review of its *Leisure Facilities Development Plan Policy*²⁵.

8.5 Submissions

The proposal attracted 14 submissions described in Table 13 below. Figure 25 identifies the properties within the precinct.

Table 13: Clyde Park Sports Precinct submissions summary

Submitter (Submission No)	Submission
Transport for Victoria (CS01)	No objection to the proposed park.
National Rugby League Victoria (CS02)	Supports the proposed park.
Environment Protection Authority (CS03)	Advised that the proposal is not within the scope of the EPA's role.
Hockey Victoria (CS04)	Supports the proposed park.
Melbourne Storm Rugby League Club (CS05)	Supports the proposed park.
Athletics Victoria (CS06)	Supports the proposed park.
Australian Football League Victoria (CS07)	Supports the proposed park.
Rugby Victoria (CS08)	Supports the proposed park but seeks the provision of three rugby fields and a pavilion.
Neville and Cheryl Pearce (CS09)	Opposes the inclusion of their land.
Cricket Australia (CS10)	Supports the proposed park.
City of Casey (CS11)	Supports the proposed park.
Tennis Victoria (CS12)	Supports the proposed park but seeks the provision of tennis facilities.
Melbourne Water (CS13)	Supports the proposed park and notes the benefits of co-location with Melbourne Water assets and the need for detailed planning to address stormwater issues.
Victorian Planning Authority (G01)	Supports the proposed park.

²⁵ Council's submission (Document 25) provides a useful overview of the process that underpins the concept plan.

8.6 Issues raised in submissions

8.6.1 The provision of specific sports facilities

(i) The issue

The issue is what sports facilities should be provided in the precinct.

(ii) Submissions

Athletics Victoria (CS06), Rugby Victoria (CS08) and Tennis Australia (CS12) supported the proposed park but sought the provision of specific indoor athletics, rugby and tennis facilities.

The submissions from National Rugby League Victoria (CS02), Hockey Victoria (CS04), Melbourne Storm Rugby League Club (CS05) Australian Football League Victoria (CS07) and Cricket Australia (CS10) supported the proposal.

Casey outlined the background to the precinct and the concept plan, including the process for identifying the number, type and size of the various facilities. Casey noted the general support from sporting organisations for the precinct and advised that:

Whilst the range and number of sports facilities has been guided by Council's LFDP Policy, the specific details and layout of the sporting facilities will be considered as part of detailed design for the precinct. It is noted that stakeholders will continue to be engaged through this process.

In relation to the Tennis Australia submission, Casey noted that the Cardinia Creek South PSP provides a district level tennis facility and that there are opportunities to provide 'hot shots or half tennis courts' within the wider Clyde precinct.

In relation to the Rugby Victoria submission, Casey noted that the concept plan provides for three rugby fields and a pavilion.

(iii) Discussion

The Committee is satisfied that Casey applied a suitably rigorous process for determining what sports should be accommodated in the precinct and the types of facilities that should be provided. The Committee acknowledges that the concept plan will be reviewed and potentially revised as part of the detailed planning to be undertaken when the site is acquired and that this process will involve the relevant stakeholders and sporting organisations.

The Committee is satisfied that any issues about the provision for specific sports can be addressed as part of that future process.

(iv) Findings

The Committee finds that the provision of specific sports facilities is based on a sound needs assessment.

8.6.2 1910 Ballarto Road, Clyde

(i) The issue

The issue is whether the 1910 Ballarto Road, Clyde should be included in the precinct.

(ii) Submissions

Neville and Cheryl Pearce (CS09) own the property at 1910 Ballarto Road, Clyde that is in the north-west corner of the precinct. The site is approximately 20 hectares and has a dwelling and various sheds and outbuildings. They advised that after having lived on the property for 40 years they recently contracted to sell it and that they were due to settle the sale in September 2018. They expressed concerns about the impact of the proposed precinct and the PAO on the sale. They also opposed the plans for *“the whole parks area”* because there are *“too many environmental issues”*.

Casey acknowledged the Pearce’s concerns and advised that it *“intends to progress acquisition immediately following approval of the amendment so as to ensure effects are not unnecessarily extended”*.

In relation to environmental issues, Casey noted that the *“Environmental site assessment did not identify any environmental concerns with the property”*²⁶.

(iii) Discussion

The Committee does not support the removal of this property from the precinct. As indicated on the concept plan, there is no spare capacity within the precinct that would enable such a large site to be removed without having significant implications for the capacity and function of the precinct.

While the Pearce’s concerns about the sale of the property are understandable, the Committee agrees with Casey that the uncertainty and inconvenience they have experienced are best addressed by resolving the boundary of the precinct and instigating acquisition as soon as possible. In this context, Casey is to be commended for its intention to progress the acquisition process as soon as the PAO is applied. This is in contrast to the State government’s approach to acquiring the adjoining Clyde Regional Park site (and other regional park sites) which is only partially funded and, on the advice of DELWP, might take 10-15 years to acquire.

It is not clear what the ‘environmental issues’ referred to by the Pearce’s are, but if it is contamination, the Committee notes that Council commissioned a Preliminary Site Investigation for the precinct.²⁷ This report, which was provided to the Committee, recommends that *“further intrusive investigation works are undertaken which aim to target the known and suspected potential sources of contamination at the Sites”*, including the Pearce’s property. The possibility of site contamination and the need for further investigations are matters that Council will need to pursue as part of its planning for the site, but do not preclude the proposal proceeding.

²⁶ The Committee assumes that this refers to the Preliminary Site Investigation dated July 2018 undertaken by Prensa.

²⁷ Preliminary Site Investigation 1910 Ballarto Road, 1980 Ballarto Road and 225 Muddy Gates Lane Clyde Victoria, July 2018. Prensa.

(iv) Findings

The Committee finds that 1910 Ballarto Road, Clyde should be included in the precinct.

8.7 Assessment

This section provides a summary of the Committee's assessment of the proposal against the criteria discussed in chapter 4 of this report.

8.7.1 The proposed precinct**(i) Strategic justification**

This site is not specifically identified in any of the relevant policy or background documents, given that it is a relatively recent proposal, however, the need for a regional sports facility in the general area has been established since Council's 2011 review of its *Leisure Facilities Development Plan Policy*. The higher order strategic support for the precinct is also outlined in the *Clyde Sports Precinct Planning Report* and in Casey's submission to the Committee, that included references to the relevant Commonwealth, State and local policies that describe the strategic support for the proposed precinct and the application of the PAO.

The Committee's assessment of the policy context is provided in chapter 2 of this report and it is satisfied that the proposed precinct and PAO are strategically justified.

(ii) Size

Casey's concept plan for the precinct is based on its *Leisure Facilities Development Plan Policy* and demonstrates the area of land needed to meet future regional sporting needs. The concept plan indicates that the size of the proposed precinct is necessary to accommodate the necessary mix and number of facilities. The Committee also notes that the precinct is of a similar size to the Casey Fields facility (84 hectares).

The Committee is satisfied that the proposed precinct is of adequate size to accommodate the anticipated function and various uses that have been contemplated for the site.

(iii) Location

The precinct is well located to service existing and future residential areas in the south-east growth corridor. As Casey noted, the growth area precincts in this area will provide for a residential population of approximately 96,000 people within 5 kilometres of the sports precinct and the proposed regional park. The precinct will also be able to draw visitors from a broader regional and metropolitan catchment.

The Committee is satisfied that the location of the proposed precinct is appropriate.

(iv) Accessibility

The site is accessible from Ballarto Road that is proposed to be developed into a four-lane, bus capable arterial road. It is also accessible from Muddy Gates Lane along the precinct's eastern boundary and Graham Road along the western boundary.

The Committee is satisfied that appropriate access to the proposed precinct can be provided.

(v) Co-location

The site will be adjacent to the proposed Clyde Regional Park which will be managed by Parks Victoria as a passive regional park and the future Melbourne Water retarding basin. The co-location of the three 'public' facilities will result in contiguous public ownership of approximately 398 hectares of land. This presents opportunities for shared infrastructure such as car parking and connectivity between the three facilities regardless of ownership. It also provides opportunities for integrated design and development, and potential benefits for the management and users each of these facilities.

The Committee is satisfied that the site has significant co-location opportunities.

(vi) Conclusions

The Committee concludes that the proposed precinct is strategically justified and will be able to fulfil its intended function. The Committee supports the proposed area and boundary.

8.7.2 Draft Amendment C238

The Committee concludes that the PAO is an appropriate mechanism to facilitate the acquisition of the sports precinct and that draft Amendment C238, as it relates to the Clyde Park Sports Precinct, is strategically justified and should proceed. In forming this view, the Committee is satisfied that:

- The draft Amendment makes proper use of the Victoria Planning Provisions and is prepared and presented in accordance with the Ministerial Direction on the Form and Content of Planning Schemes and other relevant Directions.
- All relevant stakeholders have had the opportunity to make submissions on the proposal, including the draft Amendment.

8.8 Recommendations**Precinct boundary**

The Committee recommends:

That the City of Casey adopt the proposed Clyde Park Sports Precinct, as described in the Clyde Park Sports Precinct Planning Report 2018 as the basis for future planning and land acquisition processes.

Draft Amendment

The Committee recommends:

That the Minister for Planning approve draft Casey Planning Scheme Amendment C238.

9 Response to Terms of Reference

Relevant clause	Terms of Reference requirement	Section/s of the report that address the requirement
30	The Advisory Committee must produce a written report for each proposal for the Minister for planning providing:	
30(a)	A recommendation on the appropriateness of the proposal in light of the relevant provisions of the applicable planning scheme, the State Planning Policy Framework and the Metropolitan Planning Strategy, including whether the proposal should proceed and in what form.	Chapter 2
30(b)	A recommendation on the planning provisions to best facilitate the proposal including, but not limited to, whether the Minister for Planning should be the responsible authority for approving matters in relation to the parks and surrounding land and whether there should be exemptions from notice and review provisions.	Not applicable (refer to section 1.5.4)
30(c)	A recommendation on whether the proposed provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on the Form and Content of Planning Schemes.	Chapter 2
30(d)	Any other relevant matters raised in the course of the Advisory Committee hearing/s.	Throughout the report
30(e)	A list of persons who made a submission.	Appendix B
30(f)	A list of persons consulted and/or heard.	Appendix C
34	The Advisory Committee must consider:	
34 (a)	All relevant submissions	Throughout the report
34(b)	The appropriateness of the proposal in light of key strategies including <i>Plan Melbourne 2017-2050</i> .	Chapter 2
34(c)	The appropriateness of the proposal against the objectives of the <i>Planning and Environment Act 1987</i> and any other relevant provisions of the planning schemes.	Chapter 2
34(d)	Whether the proposed changes to the planning scheme should be approved, subject to recommended changes.	Clyde regional park – section 5.8 Koroit Creek Regional Park – section 6.8 Werribee Township Regional Park – section 7.8 Clyde Park Sports Precinct – section 8.8

Appendix A Terms of Reference

Terms of Reference

Regional Parks Standing Advisory Committee

Version 1: November 2017

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to provide advice on the suitability of planning proposals to facilitate the delivery of regional parks proposed by the Victorian Government and/or project partners.

Name

1. The Standing Advisory Committee is to be known as the 'Regional Parks Standing Advisory Committee' or 'RPSAC' (the Advisory Committee).
2. The Advisory Committee is to have members with the following skills:
 - a. Environmental planning
 - b. Statutory and strategic planning
 - c. Land development and property economics
 - d. Planning law
 - e. Social planning (sports and recreation expertise)
3. The Advisory Committee may seek specialist advice, including legal advice, as appropriate.
4. The Advisory Committee will include an appointed Chair, Deputy Chair and other appropriately qualified members.

Purpose

5. The purpose of the Advisory Committee is to provide advice to the Minister for Planning on the suitability of changes to planning provisions to facilitate the delivery of open space proposed by the Victorian Government and/or project partners.

Background

6. Continuing a long tradition of open space planning for Greater Melbourne, the Victorian Government has committed to delivering open space across Melbourne to ensure the future liveability for communities as it grows and changes.
7. Regional parks play an important role by providing opportunities to enjoy natural or semi-natural surroundings in close proximity to urban environments. They comprise large areas of open space that also provide protection of significant natural values and enhanced biodiversity outcomes.
8. Melbourne's existing network of regional parks is vast, and accommodate a number of visitors and users each year. To respond to open space gaps, population growth and urban development new regional parks have been identified in *Plan Melbourne 2017-2050* in Cranbourne, Werribee Township and Kororoit Creek to ensure that the existing parks network continues to meet the future needs of Victorians.
9. The Advisory Committee has been established to provide a consistent, timely and transparent process for considering the proposed planning provision changes that facilitate the delivery of the proposed regional parks.

Method

General

10. The Minister for Planning may refer proposals to the Advisory Committee for advice on future planning provisions on the land.
11. The proposals may be in the form of changes to the planning scheme and/or a combined planning permit application.
12. The Minister for Planning may refer any other land in addition to that proposed where there is a direct link to the provision of open space or where it may enable more orderly development of land.
13. The Minister for Planning, or delegate, may for a specific referral, vary or exclude any stage of these Terms of Reference. Any such referral must include the details of any variations.
14. In making a referral, the Minister for Planning must be satisfied that any future provisions for the land make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on *The Form and Content of Planning Schemes*.
15. The Advisory Committee may apply to the Minister for Planning to vary these Terms of Reference in any way it sees fit prior to submission of its report to the Minister for Planning.
16. The Advisory Committee will generally undertake its work in four stages:
 - a. Stage 1: Briefing
 - b. Stage 2: Exhibition
 - c. Stage 3: Public Hearings and Directions Hearing
 - d. Stage 4: Outcomes.

Stage 1: Briefing

17. The Advisory Committee may request a project briefing from the proponent as well as other interested parties prior to the commencement of a proposal. This may occur prior to the formal notification process.
18. Other interested parties may include:
 - a. Victorian Planning Authority
 - b. Council
 - c. VicRoads
 - d. Melbourne Water
19. This may occur prior to the formal notification process.

Stage 2: Exhibition

20. Once a referral has been received, the Advisory Committee will pre-set the hearing dates. The hearing dates may include a Directions Hearing and must include a Public Hearing.
21. A Public Hearing must be held within 20 business days after the conclusion of the public exhibition period.

22. The Department of Environment, Land, Water & Planning (DELWP) will give notice of the proposal for at least 30 business days. Notice will include:
 - a. Direct notice to owners and occupiers who may be materially affected by the proposal.
 - b. A notice in a local newspaper generally circulating in the area.
 - c. Direct notice to government agencies and servicing authorities.
 - d. Direct notice to relevant councils.
23. The Advisory Committee will hold an information session inviting all relevant councils, government departments, agencies, service authorities, and other interested parties, no less than three weeks after the commencement of the consultation period to discuss the Advisory Committee process.
24. All submissions are to be collected by the office of Planning Panels Victoria (PPV) in accordance with the 'Guide to Privacy at PPV'. Electronic copies of submissions will be made for the proponent, each relevant council, and DELWP. Electronic copies may also be provided to other submitters upon request.
25. Petitions and pro-forma letters will be treated as single submissions and only the first name to appear on the submission will receive correspondence in relation to the Advisory Committee matters.

Stage 2: Public Hearings

26. The Advisory Committee is expected to carry out a Public Hearing and provide all submitters with an opportunity to be heard. Submitters are not required to have formal representation at the Public Hearing.
27. The Advisory Committee may limit the time of parties who wish to appear before it at a Public Hearing and may prohibit or regulate cross-examination.
28. The Advisory Committee may meet and invite others to meet with it when there is a quorum of at least two of the Advisory Committee members.
29. The Advisory Committee may inform itself in any way it sees fit, but must consider:
 - a. Any relevant provisions in the Metropolitan Planning Strategy and the State Planning Policy Framework.
 - b. Any relevant provisions of the applicable planning scheme.
 - c. Any relevant documentation prepared by or for the proponent, or otherwise provided to the Advisory Committee.
 - d. All submissions made in relation to the proposal.

Stage 3: Outcomes

30. The Advisory Committee must produce a written report for each proposal for the Minister for Planning providing:
 - a. A recommendation on the appropriateness of the proposal in light of the relevant provisions of the applicable planning scheme, the State Planning Policy Framework and the Metropolitan Planning Strategy, including whether the proposal should proceed and in what form.
 - b. A recommendation on the planning provisions to best facilitate the proposal including, but not limited to, whether the Minister for Planning should be the responsible authority for approving matters in relation to the parks and surrounding land and whether there should be exemptions from notice and review provisions.
 - c. A recommendation on whether the proposed provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes.
 - d. Any other relevant matters raised in the course of the Advisory Committee hearing/s.
 - e. A list of persons who made submissions.
 - f. A list of persons consulted and/or heard.
31. The reports may be submitted in one document or in stages.

Submissions are public documents

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

Matters to be Considered

34. The Advisory Committee must consider:
 - a. All relevant submissions.
 - b. The appropriateness of the proposal in light of key strategies including *Plan Melbourne 2017-2050*.
 - c. The appropriateness of the proposal against the objectives of the *Planning and Environment Act 1987* and any other relevant provisions of planning schemes.
 - d. Whether the proposed changes to the planning scheme should be approved, subject to recommended changes.
35. It is not the role of the Advisory Committee to review or consider the land acquisition process, including land values, compensation or the timing of implementation.



Timing

36. The Advisory Committee is required to commence its Public Hearing process no later than 20 business days from the close of the notice period.
37. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 40 business days from the completion of its hearings.

38. If the Minister for Planning refers any further proposal for review (including but not limited to, a planning permit application, Development Plan, Incorporated Document or masterplan) a report must be prepared within 20 business days from the receipt of the referral or as otherwise agreed.

Fee

39. The fee for the Advisory Committee will be set at the current rate for a panel appointed under Part 8 of the *Planning and Environment Act 1987*.
40. The costs of the Advisory Committee will be met by the proponent.


Hon Richard Wynne MP
Minister for Planning
Date: 

Appendix B List of submitters

No.	Submitter
GENERAL SUBMISSIONS	
G01	Victorian Planning Authority
G02	National Trust of Australia (Victoria)
CLYDE SPORTS PARK	
CR01	Jetwise Pty Ltd
CR02	Transport for Victoria
CR03	Sandra Lewis
CR04	Tony and Kerrie Volders
CR05	Ken Keys Racing
CR06	Peter Watson
CR07	Port Phillip & Westernport Catchment Management Authority
CR08	Brown Property Group
CR09	Kenneth and Louise Keys
CR10	The Minta Group
CLYDE REGIONAL PARK	
CS01	Transport for Victoria
CS02	NRL Victoria
CS03	Environment Protection Authority
CS04	Hockey Victoria
CS05	Melbourne Storm Rugby League Club
CS06	Athletics Victoria Inc
CS07	AFL Victoria
CS08	Rugby Victoria
CS09	Cricket Australia
CS10	City of Casey
CS11	Tennis Victoria
CS12	Melbourne Water
KOROROIT CREEK REGIONAL PARK	
K01	Transport for Victoria
K02	Australian Macedonian Youth Association 'Nikola Karev' inc
K03	Andrew Booth

K04	Melton City Council
K05	Mario Attard
K06	Albanian Australian Community Association Inc.
K07	Walter and Margaret Fioritti
K08	Wanda
K09	Melbourne Water
K10	Clarke Road Residents Group c/-: Town Planning Group
K11	City West Water
WERRIBEE TOWNSHIP REGIONAL PARK	
W01	Bunurong Land Council Aboriginal Corporation
W02	Adrian Minniti
W03	Adrian Minniti
W04	Neale Austen
W05	Wyndham City Council
W06	Karen Lee Sutherland Cogswell
W07	Melbourne Water
W08	City West Water

Appendix C Parties to the Hearing

Submitter	Represented by
Minister for Energy, Environment and Climate Change	John Rantino and Kate Lyle of Maddocks, who called the following expert evidence: <ul style="list-style-type: none"> - planning from John Glossop of Glossop Town Planning - park planning and design from Lindsay Fraser of Land Design Partnership - biodiversity from Michael Ward of DELWP. Alex McLeod (Parks Victoria) also provided advice in relation to the function and planning of regional parks.
City of Casey	Jayden Mizzi and Jamye Grossman
Victorian Planning Authority	Paul Cassidy
Melbourne Water	Michael Prior and Stephen Miller
Wyndham City Council	Andrew Sherman of Russell Kennedy Lawyers, who called the following expert evidence: <ul style="list-style-type: none"> - regional open space from Peter Haack of Urbis - land development from Mark Fleming of Beveridge Williams.
Minta Group	Fleur Philip
Jetwise Pty Ltd	Bernard Collins of Beveridge Williams
Melton City Council	Matthew Milbourne
Clarke Road Residents Group	Jane Sharp (counsel) assisted by Clarke Road residents
Australian Macedonian Youth Association 'Nikola Karev' Inc	Ian Karevski and others
Mario Attard	Paul Chiappi (counsel)
Andrew Booth	
Albanian Australian Community Association Inc	Adzi Ceni

Appendix D Document list

No.	Date	Description	Presented by
1	21/03/2018	Referral of four regional park proposals	Hon Richard Wynne MP, Minister for Planning
2	06/06/2018	Information Session Agendas: a) Clyde Regional Park and Clyde Sports Park b) Kororoit Creek Regional Park c) Werribee Township Regional Park	Michael Kirsch, Committee Chair
3	29/06/2018	RPSAC Request for further information	"
4	03/07/2018	a) Letter in response to further RPSAC information request b) Further information response provided 29 July 2018	Peter Beaumont, DELWP
5	11/07/2018	Advice about Directions Hearing and Public Hearing	Michael Kirsch, Committee Chair
6	08/08/2018	Request for further information	Andrew Sherman, Russell Kennedy for Wyndham City Council
7	09/08/2018	Addendum to submission K07 in response to further information	Walter and Margaret Fioritti
8	10/08/2018	Committee Directions and Hearing Timetable	Michael Kirsch, Committee Chair
9	16/08/2018	Revised Hearing Timetable (v2)	"
10	17/08/2018	Response to further information request from Wyndham Council with attachments: a) Filing letter b) Linking People and Spaces (2002) c) Defining Boundaries Draft Report (2009) d) Advisory Note 30 regarding VC68 e) DSE Letter 2012 f) Submissions relating to Ballan Road and Riverdale PSP g) Delivering Melbourne's Newest Sustainable Communities Report (2009) h) Growth Corridor Plans (2012) i) Biodiversity Conservation Strategy for Melbourne's Growth Corridors (2013)	John Rantino, Maddocks for the Minister for Energy, Environment and Climate Change
11	27/08/2018	Response to direction 12 enclosing: a) Filing email b) Biodiversity Assessment Report (native vegetation), Melton – Wyndham Investigation Area: Section H, GAA (2010)	Kate Lyle, Maddocks for the Minister for Energy, Environment and Climate Change

No.	Date	Description	Presented by
		<ul style="list-style-type: none"> c) Biodiversity Conservation Strategy for Melbourne's Growth Corridors, DEPI (2013) d) Review of Habitat Corridors for Growling Grass Frog within Melbourne's urban growth areas, Biosis (2012) e) Sub-regional species strategy for the growling grass frog, DEPI (2013) f) Sub-regional species strategy for the growling grass frog, DSE – DRAFT for consultation (2011) 	
12	28/08/2018	<ul style="list-style-type: none"> a) Tabling letter for Mario Attard (K05) b) Evidence of Peter Haack on open space planning 	David Passarella, Mills Oakley
13	"	<ul style="list-style-type: none"> a) Tabling letter for Wyndham City Council b) Evidence of Peter Haack on open space c) Evidence of Mark Fleming on land development 	Andrew Sherman
14	"	<ul style="list-style-type: none"> a) Tabling letter for DELWP re Clyde Regional Park b) Evidence of Michel Ward on biodiversity c) Evidence of Lindsay Fraser on park planning d) Evidence of John Glossop on planning 	John Rantino
15	"	<ul style="list-style-type: none"> a) Tabling letter for DELWP re Kororoit Creek Park b) Evidence of Michel Ward on biodiversity c) Evidence of Lindsay Fraser on park planning d) Evidence of John Glossop on planning 	"
16	"	<ul style="list-style-type: none"> a) Tabling letter for DELWP re Werribee Township Park b) Evidence of Michel Ward on biodiversity c) Evidence of Lindsay Fraser on park planning d) Evidence of John Glossop on planning 	"
17	"	Copy of correspondence to VPA seeking the release of a document	Andrew Sherman
18	2908/2018	Casey Preliminary Site Investigation	Jayden Mizzi, City of Casey
19A	31/08/2018	Revised Hearing Timetable (v3)	Michael Kirsch, Committee Chair
19	05/09/2018	PowerPoint presentation	Lindsay Fraser, Land Design Partnership
20	"	Figure 15, 2009, Planning report, Werribee Township Regional Park	Andrew Sherman
21	"	Figure 15, 2018, Planning report, Werribee Township Regional Park	"
22	"	Conservation Area Maps, Clyde and Werribee Township Regional Parks	Michael Ward, DELWP Environment

No.	Date	Description	Presented by
23	“	Department of Environment, Land Water and Planning submission	John Rantino
24	06/09/2018	PowerPoint for City of Casey submission on Clyde Park Sports Precinct	Jamye Grossman, City of Casey
25	“	City of Casey submission on Clyde Park Sports Precinct	Jayden Mizzi
26	“	VPA submission	Paul Cassidy, VPA
27	07/09/2018	Letter about the responsible authority	John Rantino
28	“	Map showing revised boundaries Werribee Township Regional Park	Andrew Sherman
29	“	Map of Werribee Township Regional Park	“
30	“	Submission of Wyndham City Council	“
31	“	Letter from Executive Director, Forests and Parks, DELWP setting out criteria for the regional parks	“
32	“	Aerial map showing drainage lines for Werribee Township Regional Park boundaries	“
33	“	Aerial map of Werribee Township Regional Park boundaries	“
34	“	Aerial map of Werribee Township Regional Park boundaries	“
35	“	Aerial map of Werribee Township Regional Park boundaries	“
36	“	Topographical map of Werribee Township Regional Park boundaries	“
37	“	Aboriginal Cultural Heritage Assessment, Wyndham Vale PSP 40 East, 2012	“
38	“	Aboriginal Cultural Heritage Assessment, Tarneit PSP, 2012	“
39	“	Submission of The Minta Group	Fleur Philip, The Minta Group
40	“	Submission of Jet Wise Pty Ltd	Bernard Collins, Beveridge Williams
41	“	Clyde Sports Park Precinct Cultural Heritage Sensitivity map	Jayden Mizzi
42	“	Extract from Aboriginal Cultural Heritage Assessment, McPherson 1055 PSP, MPA, 2015	“
43	10/09/2018	Growth Corridor Plans, Managing Melbourne’s Growth, Growth Areas Authority, 2011	Jane Sharp
44	“	PowerPoint presentation, Lyndsay Fraser, Land Design Partnership	Kate Lyle
45	“	Town Planning Group submission	Jane Sharp

No.	Date	Description	Presented by
46	“	Page 32 from Planning Report, Kororoit Creek Regional Park, 2018	“
47	“	Biodiversity Conservation Strategy Conservation Areas, map from Melbourne Strategic Assessment	Michael Ward, DELWP
48	“	Regional Parks Notification report, DELWP	Clare Willis, DELWP
49	“	Werribee Township Regional Park notification of adjoining landowners	“
50	“	Submission on behalf of Minister for Energy, Environment and Climate Change	Kate Lyle
51	11/09/2018	Submission of Melton City Council	Matthew Milbourne, Melton City Council
52	“	Stonnington Planning Scheme Amendment C197 proposed PAO, Panel report, 14 July 2015	John Rantino
53	“	Submissions for Clarke Road Landowners group	Jane Sharp
54	“	Town Planning Group photos	“
55	“	TPG – Williams Landing photos	“
56	12/09/2018	Melbourne Water submission	Michael Prior, Melbourne Water
57	“	Submission for Mario Attard	Paul Chiappi
58	“	Submission by Albanian Australian Community Association Inc	Adzi Ceni
59	“	Guidance note: Implementing the Biodiversity Conservation Strategy for Melbourne’s Growth Corridor, Melbourne Strategic Assessment, 2015	Kate Lyle
60	“	Growling Grass Frog Habitat Design Standards, Melbourne Strategic Assessment, 2015	“
61	“	Response on behalf of Clarke Road residents’ group	Adam Parker, Town Planning Group
62	13/09/2018	Direction from the committee on further information	Michael Kirsch, Committee Chair
63	“	Email clarifying Council’s position on a comment by the Albanian–Australian Community Association’s submission	Matthew Milbourne, Melton City Council
64	“	Flood prone area development guidelines, Melbourne Water	Michael Prior, Melbourne Water
65	“	Further information relating to land configuration in options 1 and 2, and suggested future land use control	David Passarella, Mills Oakley
66	24/09/18	Further information response	Kate Lyle