

Wyndham C219 – Quandong PSP Summary of Submissions

A summary of the issues raised by each of the eight submitters, and their resolution, is provided below.

1. City West Water (CWW)

City West Water lodged a submission with Council, dated 23 April 2018. The nature of the submission involved a request to update the size of potable and recycled water mains on Plan 8 – Integrated Water Management and Utilities in the PSP document; and inserting a reference to Plan 8 – Integrated Water Management and Utilities in Requirement 59 of the PSP concerning the location of utilities in the conservation reserve.

The PSP document has been updated to reflect City West Water's requests.

A second submission was received from City West Water from its Land Development team, dated 1 May 2018, noting that they had no objection.

City West Water's submission is considered resolved.

2. Aboriginal Victoria (AV) – Department of Premier & Cabinet

Aboriginal Victoria lodged an email submission on 1 May 2018. The submission drew attention to the several registered Aboriginal Places within the Quandong Precinct, and that all Aboriginal cultural heritage is protected under the Aboriginal Heritage Act 2006. It was also noted that there is a Registered Aboriginal Party approved Cultural Heritage Management Plan for the area (CHMP 1332) and that all activity listed in the CHMP must comply with the CHMP recommendations and that any other activities may require an amendment to the CHMP or new CHMP or Cultural Heritage Permit.

It is acknowledged that the activity detailed in the CHMP must comply with the recommendations of this CHMP. Town Planning officers will assess permit applications against the recommendations of the CHMP.

Whilst not specifically requested by Aboriginal Victoria, the PSP has been updated to mark public information on the known areas of Aboriginal cultural heritage sensitivity and the recommendations of the CHMP which have spatial and design implications. The "Areas of Cultural Heritage Sensitivity (Public)" layer from the Aboriginal Cultural Heritage Register and Information System (ACHRIS) has been included on Plan 2 – Precinct Features. The CHMP recommended locations for an Aboriginal cultural heritage interpretive trail, areas for planting Murnong beds, and potential areas for reburial of artefacts of Aboriginal heritage significance. These have been identified on Plan 3 – Future Urban Structure and on other relevant plans in the PSP. A new specific PSP Objective has been inserted regarding identification, retention and celebration of places of Aboriginal cultural heritage significance in the Precinct, and the PSP Requirement for an interpretive strategy regarding Wadawurrung occupation of the precinct has been expanded to reflect the full description contained in the CHMP recommendation.

Aboriginal Victoria's submission is considered resolved.

3. Department of Education & Training (DET)

The Department of Education and Training (DET) wrote to Council on 21 May 2018 having reviewed the amendment documentation and the Quandong PSP. They noted that the PSP does not show any sites

for proposed government schools. However, they noted that the majority of the developable land within the Quandong Precinct falls within a high-pressure gas transmission pipeline measurement length, which is unsuitable for nominated sensitive uses including schools. DET noted the Quandong Precinct would therefore be an unsuitable location for a future government school, and that it is not seeking to have a proposed government school site shown in the Quandong Precinct. Any future additional demand for government schools resulting from the development would need to be provided for outside the Quandong Precinct. DET noted that they will continue to work with Council, the Victorian Planning Authority and other relevant stakeholders, to monitor and plan for government schools to ensure access to schools as the population continues to grow.

It should be noted that in planning for schools and community infrastructure across the Wyndham West area (which included the Quandong Precinct), the *Property Specific Land Budget* of the gazetted *Wyndham West DCP* allocated land area required for 'Government Education' across specific properties – i.e. footprints for school sites. For the Quandong PSP, the *Wyndham West DCP* (p55) specified that no land area was to be allocated for 'Government Education' across any of the properties within the Quandong precinct.

In regard to recent analysis of school planning and provision, Wyndham City conducted a review of school provision and planning against forecast demand in November 2017, with the findings summarised in the paper *"The Need for Government Schools in Wyndham: Forecasting demand based on dwellings – November 2017"*. In relation to the 'Manor Lakes and Wyndham Vale Growth Area', which the report outlines as including the Quandong PSP, it was found that a sufficient number of school sites have been planned for across the 'Manor Lakes and Wyndham Vale Growth Area' to accommodate the future population of the Quandong PSP, as well as that of the Ballan Road PSP, Westbrook PSP and Manor Lakes PSP.

The Department of Education and Training's submission is considered resolved.

4. Environment Protection Authority Victoria (EPA)

The Environment Protection Authority Victoria (EPA) lodged a submission dated 25 May 2018. The EPA noted that it generally supported the amendment and that Council had adequately addressed its concerns regarding the impact of noise from the nearby quarry (currently inactive) and future freeway and/or railway in the Outer Metropolitan Ring E6 Transport Corridor.

In regard to potentially contaminated land in the Precinct, the EPA's submission at agency consultation stage dated 6 October 2016 outlined that it considered the site potentially contaminated due to the nature of wastes, fill and fuel storage identified by the Preliminary Site Investigation (Atma Environmental, 9 Dec 2014). The EPA recommended a further environmental site investigation and a removal management plan for the contamination be put in place. Wyndham's gazetted PSPs to date have handled potential contamination through the incorporation of an 'Environmental Site Assessment' provision in the Schedule to the Urban Growth Zone, triggered by an application to subdivide land, use or develop land for a sensitive use (residential use, child care centre, pre-school centre or primary school). With the EPA's endorsement, the exhibition version of the ordinance followed this approach.

However, the EPA have since, in their 25 May 2018 submission to the exhibition of the amendment, further recommended that a Section 53x environmental audit be undertaken on 955 Ballan Road and 1005 Ballan Road (the land for future urban uses), whilst Lot 8 (the parcel that is to be BCS Conservation Area) remain assessed via an environmental site assessment (as proposed by per exhibited ordinance). The landowners for both 955 Ballan Road and 1005 Ballan Road have agreed in writing for an

Environmental Audit Overlay (EAO) to be applied to their land as relevant, rather than pausing the planning scheme amendment for completion of an Environmental Audit.

Council officers have drafted a condition regarding an Environmental Audit for Schedule 16 to Clause 37.07 Urban Growth Zone based on the guidance/ conditions in the potentially contaminated land 2005 practice note and relevant content of the exhibition version of the ordinance. The EPA in email correspondence dated 5 October 2018 has noted that they support this proposed condition wording, that is consistent with the Practice Note on Potentially Contaminated Land. The EPA also recommended additional text be included, however, Council considers it duplication, and the EPA has come to agreement with Council's position. Council has also drafted revised conditions requiring an Environmental Site Assessment and subsequent Environmental Audit if required, for inclusion in Schedule 5 to Clause 43.03 Incorporated Plan Overlay, for the land that is to remain as Rural Conservation Zone. The wording of these conditions has been fine-tuned with advice from the EPA, who on 18 December 2018 confirmed they are satisfied with the proposed wording.

The Environment Protection Authority Victoria's submission is considered resolved.

5. Watsons Pty Ltd (for Lotus Living)

Watsons Pty Ltd lodged a submission dated 5 June 2018 and act on behalf of Lotus Living in regard to the Quandong Precinct Structure Plan's relationship with the Westbrook PSP adjoining to the north.

Watsons noted that Plan 4 – Local Context of the PSP shows key infrastructure items and land uses in the adjacent Westbrook PSP Plan. They requested that a notation be added to state "The layout of the areas adjoining the Quandong PSP are based on other current PSPs, and may be subject to change" to ensure that future development in the other PSP areas is not bound by any layout depicted in another (e.g. Quandong PSP) and will ensure that any future changes to the other PSPs will not trigger a corresponding change to the Quandong PSP. Council has subsequently added a note to Plan 4, with the effect of that requested by Watsons.

The 5 June 2018 submission by Watsons also requested that an additional requirement should be included in the "Development Staging Requirements" requiring that "Development staging must provide for the completion of the stormwater outfall pipe for the Jubilee wetland to the north prior to Statement of Compliance of the first stage of the development within the Quandong PSP area.". They noted that timing of the installation of this infrastructure is critical to enable stormwater flows to be safely conveyed via free draining outlet from the Jubilee wetland to the drainage asset in the Quandong Precinct and alleviate the potential for flooding upstream catchments.

Watsons submitted a revised submission dated 14 August 2018 noting that Lotus Living had been in correspondence with the developers of the majority of the land which comprises the Quandong PSP. They submitted that the further staging requirement suggested in their initial submission should be amended to be "prior to Statement of Compliance of the third stage of the development within the Quandong PSP area".

Council received email correspondence on 4 September 2018 from Greencor, the developer of the Quandong land parcel concerned, agreeing to Watson's revised wording requiring completion of the stormwater pipe prior to SOC for the third stage of development within the Quandong PSP area. A requirement to the effect of that agreed to between Watsons/Lotus Living and Greencor has been inserted into the PSP.

Watsons' submission on behalf of Lotus Living is considered resolved.

6. Victorian Planning Authority (VPA)

The Victorian Planning Authority lodged a submission dated 26 June 2018. The VPA noted that they were generally supportive of the intent, content and structure of the PSP. They noted that most of the comments previously provided by the VPA on the agency review version of the PSP document have now been incorporated. However, they noted that some items previously raised by the VPA had not been amended or incorporated into the exhibition version of the PSP. The VPA provided a table of requested changes for Council's consideration under six key items. These items concerned the specific wording of objectives, requirements and guidelines regarding subdivision layout, dry stone walls, bushfire management, minimum lot width, and Aboriginal cultural heritage. In some instances, Council agreed to the VPA's suggested changes. In other instances, on further explanation of Council's rationale, the VPA came to agreement on Council's position. The VPA's comments concerning the PSP document are resolved.

The VPA submitted further comments in a letter dated 3 July 2018, expressing concerns regarding the proposed planning scheme ordinance conditions for subdivision permits for land within the 'high pressure gas transmission pipeline measurement length' and 'gas city gate measurement length'. The VPA considered these requirements to be overly onerous and did not support the conditions proposed. Council officers met with officers from the VPA and DELWP Planning on 1 November 2018 to discuss the proposed ordinance and the VPA's concerns. Council officers acknowledged that the wording proposed in the use table for 2.3 Specific provisions – Use of land of Schedule 16 to Clause 37.07 Urban Growth Zone had unintended consequences and have subsequently agreed to the VPA's proposed approach, and amended the wording in the table accordingly.

The VPA also had concerns about the proposed wording of a permit condition requiring application of a restriction to any lots on the Plan of Subdivision within the 'high pressure gas transmission pipeline measurement length'. On consideration of recent planning panel reports, Council acknowledged the VPA's concerns and that the covenant proposed at exhibition was inappropriate as it would create APA (the high pressure gas transmission pipeline owner and operator) as a quasi-referral authority with a right to veto. Recent panel reports are clear that the gas pipeline owner should be a notified body, rather than a referral authority. However, Council considers it appropriate for a condition to still require a note on the title alerting owners and potential purchasers that there may be restrictions and/or conditions on nominated sensitive uses and works on their land, whilst the high-pressure gas transmission pipeline remains operational. Council considers its revised wording addresses the issue, although the VPA has expressed some reservations and considers this issue unresolved.

The VPA also had some comments regarding the Schedule 16 to Clause 37.07 Urban Growth Zone and its compliance with the Ministerial Directions on The Form and Content of Planning Schemes, especially given the recent changes enacted by the VC148 amendment. Council officers have taken these comments into consideration in updating the schedule.

Council officers received advice from the VPA on 21 December 2018 that the VPA agrees for the Amendment to proceed with its submission not fully resolved. This means that a Panel is not required to consider any outstanding submissions and the matter will be resolved by the VPA discussing its remaining unresolved issues with DELWP, who have the opportunity to make changes when the Adopted Amendment is provided to them for review and Approval by the Minister for Planning.

7. Transport for Victoria (TfV)

Transport for Victoria lodged a submission dated 10 May 2018. TfV noted that they had reviewed the documents related to the proposed amendment and had no objections. No further comment was provided.

Transport for Victoria's submission is considered resolved.

8. Country Fire Authority (CFA)

The Country Fire Authority lodged a submission dated 20 April 2018. The CFA noted that they supported the exhibition version of the Amendment as exhibited and provided some comments for consideration. The CFA's comments concerned bushfire mitigation measures in relation to hazard from grassfire events, particularly from the future Western Grassland Reserve adjoining the precinct. They noted, that as indicated in the Explanatory Report, the future Outer Metropolitan Ring/ E6 Transport Corridor will provide a protective buffer to the development.

The CFA articulated that the provision of an outer urban buffer - either by the development of the future Outer Metro Ring/ E6 Transport Corridor, or in the interim by the provision of a "rolling interface" incorporating boulevard road/ open space - should be part of the design planning. They also articulated that development of a Site Management Plan incorporating "bushfire protection measures" should be part of the Design criteria. Both of these points were made in an earlier agency consultation phase and were addressed by the exhibited C219 Amendment and the updated version of documentation for adoption.

Cross-sections in the Quandong PSP require a boulevard road/ open space interface to the outer urban edge - irrespective of the timing of delivery of the OMR - as well as to the BCS Conservation Area, and waterway and drainage reserves. A mandatory "Bushfire management" permit condition requiring a Site Management Plan that addresses bushfire risk was included in the exhibited version of Schedule 16 to Clause 37.07 Urban Grown Zone. In response to the Victorian Planning Authority's submission, the permit condition will now become an application requirement in the same schedule – requiring applicants to address and incorporate separation requirements and bushfire protection measures into the design of subdivisions before they apply for a permit, rather than as a condition of permit. The wording has also been updated, as per the request of the VPA, to reflect the minimum construction standard of BAL-12.5 that applies to Bushfire Prone Areas. The Country Fire Authority has been advised of these changes, and on 6 February 2019 confirmed in correspondence that they had no objection.

The Country Fire Authority's submission is considered resolved.