

*Planning and Environment Act 1987*

**Panel Report**

**Wyndham Planning Scheme Amendment C228wynd  
315 Boardwalk Boulevard, Point Cook**

**29 May 2020**

### How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

### *Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

Wyndham Planning Scheme Amendment C228wynd

315 Boardwalk Boulevard, Point Cook

29 May 2020



Tim Hellsten, Chair



Mandy Elliott, Member

# Contents

|   | <b>Page</b> |
|---|-------------|
| <b>1 Introduction.....</b>                                  | <b>1</b>    |
| 1.1 The Amendment.....                                      | 1           |
| 1.2 Background.....   | 4           |
| 1.3 Summary of issues raised in submissions .....           | 8           |
| 1.4 Procedural issues.....                                  | 8           |
| 1.5 The Panel’s approach .....                              | 9           |
| <b>2 Planning context and strategic justification .....</b> | <b>10</b>   |
| 2.1 Planning policy framework.....                          | 10          |
| 2.2 Other relevant planning strategies and policies .....   | 11          |
| 2.3 Planning scheme provisions .....                        | 13          |
| 2.4 Ministerial Directions .....                            | 14          |
| 2.5 Submissions .....                                       | 15          |
| 2.6 Discussion and conclusions .....                        | 15          |
| <b>3 Traffic and infrastructure .....</b>                   | <b>16</b>   |
| 3.1 Traffic.....  | 16          |
| 3.2 Infrastructure .....                                    | 24          |
| 3.3 Open space .....  | 27          |
| <b>4 Environmental impacts .....</b>                        | <b>28</b>   |
| 4.1 Biodiversity impacts .....                              | 28          |
| 4.2 Waterways impacts .....                                 | 29          |
| 4.3 Soil and geotechnical issues .....                      | 31          |
| <b>5 Other issues .....</b>                                 | <b>34</b>   |
| 5.1 Amenity impacts.....                                    | 34          |
| 5.2 Potential health hazards.....                           | 35          |
| 5.3 Economic impacts.....                                   | 36          |

**Appendix A Submitters to the Amendment**

**Appendix B Document list**

**Appendix C Panel preferred version of the Development Plan Overlay Schedule 3 (DPO3)**

## List of Tables

|  | <b>Page</b> |
|--|-------------|
| Table 1 Relevant parts of Plan Melbourne .....                                     | 12          |
| Table 2 Point Cook Development Service Scheme assets within the subject site ..... | 30          |

## List of Figures

|  | <b>Page</b> |
|--|-------------|
| Figure 1 Subject land .....  | 1           |
| Figure 2 Site photo from edge of Point Cook Creek looking east .....                               | 2           |
| Figure 3 Large earth mound viewed from Terrene Terrace.....  | 2           |
| Figure 4 Boardwalk Boulevard Road Reserve and western edge of site including Point Cook Creek..... | 3           |
| zFigure 5 Existing zoning .....  | 3           |
| Figure 6 Featherbrook Estate Development Plan .....  | 5           |
| Figure 7 Development Concept (Version G).....  | 7           |
| Figure 8 Proposed internal road network .....  | 16          |
| Figure 9 Traffic generation from the future development of the site (vehicles per day). .....      | 17          |
| Figure 10 Future traffic volumes including future site development (vehicles per day).....         | 17          |
| Figure 11 Regional Network Access .....  | 19          |
| Figure 12 Estimated weekday AM and PM peak hour traffic volume generation and distribution .....   | 20          |
| Figure 13 Estimated weekly daily traffic generation and distribution.....                          | 20          |
| Figure 14 Completed or committed road upgrade projects .....                                       | 21          |
| Figure 15 Prudence Parade where it terminates at the subject land's eastern boundary .....         | 23          |

## Glossary and abbreviations

|                          |  |
|--------------------------|--|
| ACMA                     | Australian Communications and Media Authority  |
| Act                      | <i>Planning and Environment Act 1987</i>   |
| Amendment                | Wyndham Planning Scheme Amendment C228wynd   |
| Bushfire Statement       | <i>315 Boardwalk Boulevard, Point Cook: Bushfire Management Statement</i> (Brett Lane & Associates, June 2019)   |
| Contamination Assessment | <i>Site Contamination Assessment: 315 Boardwalk Boulevard, Point Cook, Victoria</i> (Presna Pty Ltd, September 2019)   |
| Council                  | Wyndham City Council   |
| DELWP                    | Department of Environment, Land, Water and Planning  |
| Development Concept      | Proposed Development Plan, Version G 06/05/19, Reeds Consulting  |
| DPO3                     | Development Plan Overlay Schedule 3 (315 Boardwalk Boulevard, Point Cook)  |
| Environmental Assessment | <i>Biodiversity Assessment &amp; Targeted Fauna Survey: 315 Boardwalk Boulevard, Point Cook, Victoria</i> , Ecology and Heritage Partners Pty Ltd, February 2018 |
| EPA                      | Environment Protection Authority   |
| EVC                      | Ecological Vegetation Class  |
| FZ                       | Farming Zone   |
| GRZ1                     | General Residential Zone 1 (Wyndham Residential Areas)   |
| PCDSS                    | Point Cook Drainage Service Scheme   |
| Planning Report          | <i>Planning Report 315 Boardwalk Boulevard Point Cook Vic 3030, Proposal – Planning Scheme Amendment C228, Reeds Consulting Pty Ltd, Version 4 June 2019</i>     |
| Proponent                | Akron Point Cook Pty Ltd   |

|  |   |
|--|---|
| s173 Agreement                                 | draft section 173 Agreement dated 8/11/2019   |
| Site Investigation and Hydrological Assessment | <i>Preliminary Site Investigation and Hydrogeological Assessment 315 Boardwalk Boulevard, Point Cook, Victoria, Environmental Earth Sciences, February 2018</i> |
| Social and Economic Assessment                 | <i>Social and High Level Economic Impact Assessment for Development in Point Cook, SGS Economics and Planning, April 2018</i>                                   |
| Transport Assessment                           | <i>315 Boardwalk Boulevard Point Cook Transport Impact Assessment, onemilegrid, 15 February 2019</i>  |

## Overview

| Amendment summary         |   |
|---------------------------|---|
| <b>The Amendment</b>      | Wyndham Planning Scheme Amendment C228wynd  |
| <b>Common name</b>        | 315 Boardwalk Boulevard, Point Cook   |
| <b>Brief description</b>  | Rezone land at 315 Boardwalk Boulevard, Point Cook from Farming Zone to General Residential Zone, and apply a new schedule 3 to the Development Plan Overlay (DPO3) to the land. Clause 72.08 Schedule to Background Documents is also updated to include the background documents referenced in the DPO3 |
| <b>Subject land</b>       | 315 Boardwalk Boulevard, Point Cook (Lot B PS522174)  |
| <b>The Proponent</b>      | Akron Point Cook Pty Ltd  |
| <b>Planning Authority</b> | Wyndham City Council  |
| <b>Authorisation</b>      | 3 October 2019  |
| <b>Exhibition</b>         | 14 November - 16 December 2019  |
| <b>Submissions</b>        | Number of Submissions: 14 Opposed or seeking changes: 11<br>Refer Appendix A  |

| Panel process              |  |
|----------------------------|--|
| <b>The Panel</b>           | Tim Hellsten (Chair) and Mandy Elliott   |
| <b>Directions Hearing</b>  | A Directions Hearing was not conducted and arrangements for the matter to proceed were considered 'on the papers' with the agreement of all parties  |
| <b>Panel Hearing</b>       | A Hearing was not conducted, and the matter was considered 'on the papers' at the request of all parties   |
| <b>Site inspections</b>    | Unaccompanied, 1 April 2020 and 12 May (Mr Hellsten) and 1 May (Ms Elliot)   |
| <b>Parties</b>             | City of Wyndham represented by Claire Bickerstaff and Victor Ng<br>Akron Point Cook Pty Ltd represented by John Cicero of Best Hooper Lawyers who called traffic impact evidence from John Kiriakidis of GTA Consultants (Vic) Pty Ltd |
| <b>Citation</b>            | Wyndham PSA C228wynd [2020] PPV  |
| <b>Date of this Report</b> | 29 May 2020  |

## Executive summary

Wyndham City Council, one of the fastest growing municipalities in Melbourne, is within Melbourne's western growth corridor with its population forecast to grow by 155,000 by 2031. The suburb of Point Cook is expected to grow by an additional 22,000 people requiring 8,400 additional dwellings by 2031. The *West Growth Corridor Plan*, *Point Cook Concept Plan* and other strategies have been developed to manage housing and employment growth in the area while acknowledging the challenges of meeting the demand for additional services and infrastructure.

WyndhamWyndham Planning Scheme Amendment C228wynd (the Amendment) seeks to rezone a vacant 15.12 hectare site at 315 Boardwalk Boulevard, Point Cook from Farming Zone to General Residential Zone 1 (GRZ1) to facilitate its residential development. The subject land adjoins and is surrounded by established residential areas within the GRZ1.

The Amendment applies a Development Plan Overlay (DPO3) to the site to manage the future residential development of the site and its integration with the existing urban network. A stormwater strategy, preliminary site assessment and hydrogeological assessment, contamination assessment, biodiversity assessment, and bushfire management statement have been prepared for the site to support the Amendment. The Contamination Assessment and Bushfire Management Statement are proposed to be included in the Wyndham Planning Scheme as reference documents.

The Amendment has been prepared by the Wyndham City Council at the request of Akron Point Cook Pty Ltd (the Proponent).

The COVID-19 pandemic created challenges with respect to the conduct of this Panel Hearing. Due to a variety of restrictions relating to social distancing, the usual face-to-face Hearing format was replaced by an 'on the papers' process which was supported by Council and the Proponent as the only parties who requested to be heard. The health and safety of all parties and the wider community was paramount in the decision of the Panel to vary the usual Hearing process. The Panel was cognisant of the need to ensure that all parties were provided with appropriate procedural fairness. A variety of steps were put in place to ensure all parties were given a reasonable opportunity to be provide submissions and ask questions of the witness and to respond to questions from the Panel.

Key issues raised in opposing submissions included:

- impacts on existing infrastructure
- need for a community leisure centre and pool
- impacts of increased traffic
- loss of habitat and waterway impacts
- loss and lack of open space
- amenity impacts on adjoining dwellings
- potential health impacts from telecommunications infrastructure
- impact on property values.

The Panel considers that the subject land is an appropriate site for urban infill. It is located within the Urban Growth Boundary and within an area designated for growth and adjoined

by established residential areas. It is currently underutilised, serviced by infrastructure and able to be readily integrated into the surrounding urban environment.

The Panel concludes that the Amendment is supported by, and implements, the Planning Policy Framework, is well founded and strategically justified and is consistent with the relevant Ministerial Directions.

Submissions opposing the Amendment were not focused on the relative strategic merits of the Amendment but rather the impacts of future site development on infrastructure, open space and the environment. These issues are considered in Chapters 3, 4 and 5 of this report.

#### *Traffic and infrastructure*

The existing road network adjoining the site has been planned to enable a seamless integration of the site into a collector and local road hierarchy. The Panel considers that the future traffic generation from the site can be accommodated within the existing capacity of the wider transport network which will be augmented by current and planned arterial road upgrades consistent with the view of Council and the transport evidence of Mr Kiriakidis.

The Panel considers that the Amendment will not have an unreasonable impact on existing services and infrastructure and will provide for appropriate open space outcomes. The Amendment provides an appropriate mechanism for development contributions to be made to offsite infrastructure upgrades which provides a more equitable approach to wider infrastructure enhancements.

#### *Environmental impacts*

The site has been vacant since the mid 1960s and prior to that had been used as agricultural land. The assessments prepared as part of the Amendment found that the stockpiled soil on the site had minimal amounts of waste/contaminants and could be managed through a future planning process as part of developing the site.

A native vegetation patch of Plains Grassland has colonised on one of the soil stockpile areas but is not considered significant, although offsets will be required. The wetlands and drainage scheme will be integrated with the existing waterways surrounding and occurring on the western section of the site.

#### *Amenity and health impacts*

The DPO3 will provide for housing and open space outcomes consistent with the existing residential character.

The Amendment and future development of the site for housing will not result in any significant hazards relating to electromagnetic radiation or bushfire.

The Panel concludes that Amendment will have broad positive social and economic benefits by providing important additional housing supply and diversity and creating an integrated residential development with additional open space and waterways. This in the Panel's opinion will result in a net community benefit.

## **Recommendation**

Based on the reasons set out in this Report, the Panel recommends:

- 1. Adopt Wyndham Wyndham Planning Scheme Amendment C228wynd as exhibited subject to the following:**
  - **Amend Schedule 3 to Clause 43.04 Development Plan Overlay to replace the reference to ‘Traffic Management Plan’ with ‘Transport Impact Assessment’ as shown in the Panels preferred version of Development Plan Overlay Schedule 3 (DPO3) in Appendix C.**

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

The purpose of the Amendment is to rezone 315 Boardwalk Boulevard, Point Cook (subject land) from Farming Zone - Schedule 2 (FZ2) to the General Residential Zone to facilitate its development for housing.

Specifically, the Amendment proposes to:

- rezone the subject land to General Residential Zone – Schedule 1: Wyndham Residential Areas (GRZ1)
- apply a Development Plan Overlay – Schedule 3: 135 Boardwalk Boulevard, Point Cook (DPO3) to the subject land
- include two documents as Background Documents in DPO3 in the Schedule to Clause 72.08 (Background Documents):
  - *315 Boardwalk Boulevard, Point Cook: Bushfire Management Statement* (Brett Lane & Associates, June 2019) (Bushfire Statement)
  - *Site Contamination Assessment: 315 Boardwalk Boulevard, Point Cook, Victoria* (Presna Pty Ltd, September 2019) (Contamination Assessment).

### (ii) The subject land

The Amendment applies to land shown in Figure 1. The subject land (Lot B on PS522174E) is 15.12 hectares with frontage to Boardwalk Boulevard, Point Cook.

**Figure 1** Subject land



Source: Wyndham Planning Scheme Amendment C228wynd Explanatory Report

The site (refer photo in Figure 2) is generally flat with a lower area towards the western end which contains a waterway (former alignment of Point Cook Creek) and which drains

towards a realigned Point Cook Creek channel that flows into the Featherbrook Drive Wetlands to the south.

**Figure 2** Site photo from edge of Point Cook Creek looking east



A mounded area some two to three metres in height is located at the eastern end of the site the origins of which are unclear (refer photo in Figure 3) and may be re-used on the site as part of its future development subject to following appropriate guidelines. Several small mounds of soil are located in the western section of the site. Site vegetation comprises predominantly exotic grasses, with a small patch of Plains Grasslands on mounding in the north-east corner of the site as well as both environmental and exotic weeds. The former creek alignment and the grassed channel which now contains the Point Cook Creek are vegetated with reeds, grasses and other riparian vegetation. The narrow portion of the site running along Boardwalk Boulevard adjoins the Featherbrook Drive Wetland and Sediment Pond Drainage Reserve containing the creek and which is fenced and more heavily vegetated with trees, shrubs and grasses.

**Figure 3** Large earth mound (middle ground) viewed from Terrene Terrace



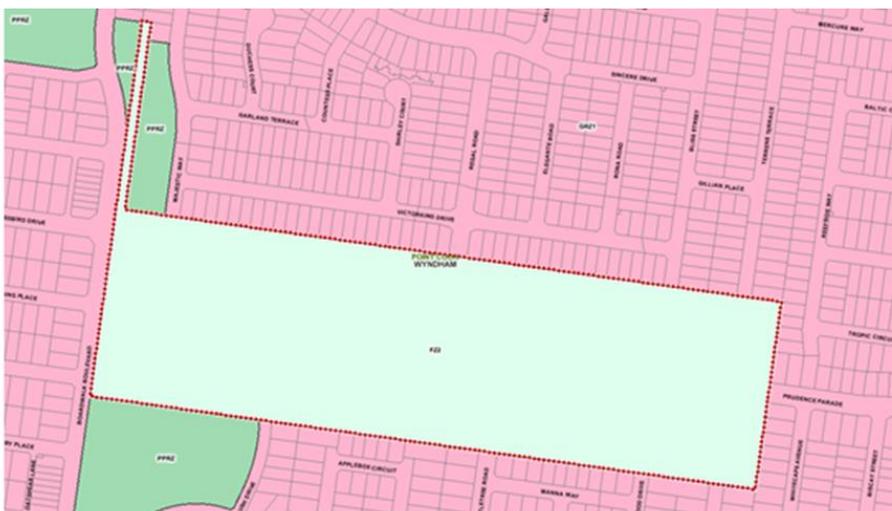
The site's primary frontage is Esplanade Boulevard. The Esplanade Boulevard road reserve includes an avenue of street trees and three open stormwater drains servicing residential areas to the west and a gravel path (refer photo in Figure 4).

The site is adjoined by residential properties within the Featherbrook Estate. Houses in the area are predominantly one or two storied brick dwellings with tiled pitched roofs and no or low, semi-transparent fencing. The site's common boundaries with existing houses are fenced with timber paling fences.

**Figure 4 Boardwalk Boulevard Road Reserve and western edge of site including Point Cook Creek**

Nine existing streets terminate at the site's boundaries (Boardwalk Boulevard, Majestic Way, Regal Road, bliss Street, Terrene Terrace, Prudence Parade, Yellowbox Drive, Ironwood Drive, Bottlewood Road and Daisybush Road).

The subject land is currently in the Farming Zone – Schedule 2 (FZ2) having formerly been used for agricultural purposes. A small portion of land in the south-western corner of the site adjoining and existing open space reserve to the south is within a Designated Bushfire Prone Area. The site is not located within a Bushfire Management Overlay. The adjoining residential areas were developed over the last decade and are in the GRZ1 (refer Figure 5). The developed residential areas extend approximately 570 metres to the southern urban edge of Point Cook at Grassland Drive. The Point Cook Creek wetland reserves to the north and south are zoned Public Park and Recreation Zone.

**Figure 5 Existing zoning**

The site is located within the following approximate distances of services and facilities:

- Featherbrook Village Shopping Centre and Featherbrook Community Centre approx. 750 metres to the north
- Featherbrook P-9 College located 300 metres north and Alamanda K9 College 400 metres to the east

- Alamanda Oval 200 metres east of the site
- a bus stop (Bus route 495 – Williams Landing Train Station to Point Cook South) is located adjacent to the site's frontage to Boardwalk Boulevard.

**(iii) Development Plan Overlay (DPO3)**

The exhibited DPO3 includes specific requirements for the preparation of a development plan including:

- a site analysis and design response that responds to a series of plans, reports and assessments relating to landscape, stormwater, environmental, hydrological assessment, Aboriginal Cultural Heritage, servicing, traffic, biodiversity, social and economic impact and bushfire
- land uses and design response to interfaces
- pedestrian and cycle paths
- buffer responses to the Point Cook Creek and surrounding wetland
- identification and response to remnant native vegetation and habitat
- location of wetlands and open space to manage stormwater
- medium density housing location
- provision of neighbourhood parks
- proposed road layout pattern
- location and distribution of lots.

## **1.2 Background**

**(i) Housing development activity**

Land adjoining the site has been developed from 2011 following a series of approved Development Plans and subdivision planning permits:

- Featherbrook Estate Development Plan (refer Figure 6) which applied to land to the west and south of the site and was developed over 21 stages. The subject land and land to the immediate north were not included in this Development Plan although an indicative road network was depicted for the sites
- Thirty Estate Development Plan (2011) covering land to the north of the site and developed over 12 stages
- Alamanda Development Plan (2014) covering land to the east of the site which was developed over 19 stages.

**Figure 6 Featherbrook Estate Development Plan**



Source: Council's Part A submission

**(ii) Amendment request support documents**

The Proponent's application for the Amendment was supported by a number of documents including:

- *Planning Report 315 Boardwalk Boulevard Point Cook Vic 3030, Proposal – Planning Scheme Amendment C228*, Reeds Consulting Pty Ltd, Version 4 June 2019 (Planning Report)
- *Biodiversity Assessment & Targeted Fauna Survey: 315 Boardwalk Boulevard, Point Cook, Victoria*, Ecology and Heritage Partners Pty Ltd, February 2018 (Biodiversity Assessment)
- *Cultural Heritage and Management Plan 15522, Subdivision of Land and Residential Development Subdivision at 315 Boardwalk Boulevard Point Cook*, Archaeology At Tardis, 29 June 2018
- *315 Boardwalk Boulevard Point Cook Transport Impact Assessment*, onemilegrid, 15 February 2019 (Transport Assessment)

- *Preliminary Site Investigation and Hydrogeological Assessment 315 Boardwalk Boulevard*, Point Cook, Victoria, Environmental Earth Sciences, February 2018 (Site and Hydrological Assessment)
- *Stormwater Strategy 315 Boardwalk Boulevard, Point Cook*, Reeds Consulting Pty Ltd, 11 April 2018 (Stormwater Strategy)
- *Engineering Services Report, Proposed Residential Subdivision 315 Boardwalk Boulevard Point Cook Vic 3030*, Reeds Consulting Pty Ltd, April 2018
- *Social and High Level Economic Impact Assessment for Development in Point Cook*, SGS Economics and Planning, April 2018 (Social and Economic Assessment)
- a draft section 173 Agreement dated 8/11/2019 (s173 Agreement) providing for monetary contributions towards infrastructure (including community, recreation and transport infrastructure) and open space. This document has subsequently been lodged for registration on Title.

**(iii) Development Concept**

The Amendment application documents included a 'Proposed Development Plan' for the subject land prepared by Reeds Consulting (Version G dated 06/05/19). As this document has not been approved by Council as the Development Plan the Panel has referred to it in this Report as the 'Development Concept' (Figure 7) however it usefully illustrates the key elements of the proposal:

- 14 residential development cells, two of these identified for medium density housing (pink shading) with a Net Developable Area of 12.42 Hectares and indicative yield of approximately 240 lots
- 3.94 Hectares of drainage reserves along the site's Boardwalk Boulevard frontage including a wetland area (the cross hatched section of which is bush fire prone)
- a central passive open space reserve (0.75 Hectares)
- a road network providing:
  - northern and southern connections to adjoining residential areas
  - two east-west roads, one connecting Boardwalk Boulevard and Grassbird Drive to Prudence Avenue with roundabouts proposed at the Boardwalk Boulevard/Grassbird Drive intersection and another at the intersection of the continuation of Regal Road
- off road cycle bikes along the proposed Prudence Drive extension (purple dashed lines).

**Figure 7 Development Concept (Version G)**

#### (iv) Background Documents

##### **Bushfire Management Statement**

The Bushfire Statement identified the grassland and shrubland vegetation in the study area (extending 150 metres beyond the subject land) as being of potential bushfire hazard with managed grounds around dwellings to the north low threat vegetation. The Bushfire Statement allows buildings to be constructed to BAL-LOW standard as on completion of development the bushfire hazard will no longer exist. The exception to this is a small area of land to the south-west of the site adjacent to a series of wetlands which are classified as a permanent hazard. These lots (near the continuation of the Daisybush Drive road reserve) would need to be managed to a BAL-12.5 standard with a 21 metre wide defensible space. The Assessment provides specific actions in relation to the design of access roads to support emergency vehicle access, provision of defensible space and provision of fire hydrants. Such matters are to be assessed as part of the preparation of the development plan or a subdivision application.

##### **Site Contamination Assessment**

The Contamination Assessment was developed following an earlier *Site Investigation and Hydrogeological Assessment*, which was peer reviewed by GHD in June 2019 (*Technical Review Boardwalk Boulevard, Point Cook*) following the advice of Environment Protection Authority (EPA). The Contamination Assessment concludes that:

- concentrations of contaminations of concern Including pesticides and herbicides (associated with the former agricultural use of the site) were less than adopted ecological and human health investigation limits and laboratory limit of reporting and represented a low ecological and human health risk
- the removal of surface materials and rubbish and classification of imported soil will be addressed during construction

- a statutory environmental audit is not required, and the land is suitable for its intended sensitive use
- it is unlikely that current and/or historical activities have been undertaken on the site that would pose a contamination risk to future users of the site.

#### **(v) Authorisation**

The Authorisation of the Amendment was subject to conditions requiring minor changes to the DPO3 schedule and the explanatory report. These changes were made by Council prior to exhibition of the Amendment.

### **1.3 Summary of issues raised in submissions**

Fourteen submissions were received to the exhibition of the Amendment. This included supporting submissions from City West Water, the EPA and the Proponent. The EPA submission noted the completion of an independent review of the Environmental Earth Sciences' 2018 Preliminary Site Investigation. A submission from Department of Transport sought a minor change to the DPO3. The remaining 10 submissions opposed the Amendment and raised the following issues:

- impacts on existing infrastructure
- need for a community leisure centre and pool
- impacts of increased traffic
- loss of habitat and waterway impacts
- loss and lack of open space
- amenity impacts on adjoining dwellings
- potential health impacts from telecommunications infrastructure
- impact on property values.

### **1.4 Procedural issues**

#### **(i) Post-exhibition changes**

Council's consideration of the Amendment submissions identified that it proposed to amend DPO3 to replace the requirement for a 'Traffic Management Plan' under section 4.0 with a 'Transport Impact Assessment' as sought by the Department of Transport. Council included a post-exhibition version of DPO3 with this change in its Part A submission<sup>1</sup>. The Panel's recommendations in relation to the proposed change are discussed in Chapter 3.

#### **(ii) 'On the papers' proceedings**

In response to the Novel Coronavirus Disease 2019 (COVID-19) pandemic and its potential impact on conducting public hearings involving face-to-face contact the Panel advised all submitters that the Directions Hearing would be conducted 'on the papers' unless any concerns were identified and that the Hearing could be conducted via teleconferencing or potentially progressed through an 'on the papers' process<sup>2</sup>. Council and the Proponent were the only parties who requested to be heard by the Panel. The Panel issued its final

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<sup>1</sup> Document 5 Attachment 3

<sup>2</sup> Document 1

Directions<sup>3</sup> for the matter to be progressed ‘on the papers’ without a Hearing on the 15 April 2020 setting out arrangements for the circulation of evidence, Council’s Part A and B submissions, the Proponent’s submission, witness questions and closing submissions. The Panel proposed an ‘on the papers’ process because:

- face-to-face contact should be minimised due to COVID-19
- Council and the Proponent are the only parties who have requested to be heard and requested the matter be progressed ‘on the papers’ without a Hearing
- there was no contested evidence
- neither Council or the Proponent have raised concerns about the draft directions regarding the proposed proceedings
- the Panel was able to undertake an unaccompanied site inspection prior to initial submissions being received.

## **1.5 The Panel’s approach**

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the proceedings. It 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 Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context and strategic justification
- Traffic and infrastructure
- Environmental impacts
- Other issues.

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<sup>3</sup> Document 3. Draft Directions were included in Document 2 dated 8 April 2020.

## 2 Planning context and strategic justification

### 2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

#### Victorian planning objectives

Council submitted that the Amendment achieves the following objectives set out in section 4 of the Act by amending the current zoning of the site to an appropriate zoning that is consistent with the surrounding area, provide clear and consistent direction for residential development within Point Cook while balancing the present and future interests of all Wyndham City Council residents:

- 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 building, areas or other places which are of scientific, aesthetic, architectural or historical interest or otherwise of special cultural value;
- e) To protect public utilities or other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- f) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- g) To balance the present and future interests of all Victorians.

Council submitted that the Amendment will achieve positive environmental, social and economic outcomes by implementing appropriate controls.

#### Clause 11 (Settlement)

Council submitted that the Amendment supports Clause 11 by ensuring that there is a sufficient supply of land available for residential use to meet the needs of existing and future residents and providing for the orderly development of the urban area and creation of a well-planned neighbourhood consistent with Clause 11.02 (Managing Growth), Clause 11.02 (1S – Supply of Urban Land) and Clause 11.02-3S (Sequencing of Development).

#### Clause 12 (Environmental and landscape values)

Council submitted that the Amendment supports Clause 12 by ensuring that existing river corridors and other environmental assets are protected throughout the cycle of the residential development on site consistent with Clause 12.03 (Water bodies and wetlands) and Clause 12.03-1S (River Corridors, Waterways, Lakes and Wetlands).

#### Clause 13 (Environmental risks and amenity)

Council submitted that the Amendment supports Clause 13 by providing for the preparation of a Bushfire Management Statement to consider and assess the bushfire hazard and ensure that bushfire risk to existing and future residents, property and community infrastructure

will not increase through the provisions of DPO3, consistent with Clause 13.02 (Bushfire) and Clause 13.02-1S (Bushfire Planning). Council advised that both Council's Emergency Management Team and the CFA and have been consulted over the Amendment and are supportive of it. Issues of soil contamination are to be managed through existing assessments and the DPO3 provisions consistent with Clause 13.04-1S (Contaminated and potentially contaminated land).

### **Clause 15 (Built environment and heritage)**

Council submitted that the Amendment supports Clause 15 by providing appropriately zoned land that can facilitate the development of safe, functional and good quality urban environments to be developed to provide an attractive, liveable and walkable neighbourhood through appropriate design guidelines, consistent with Clauses 15.01-3S (Subdivision design), 15.01-4S (Healthy neighbourhoods), 15.01-1S (Urban Design), 15.01-1R (Urban Design – Metropolitan Melbourne), 15.02 (Sustainable Development) and 15.02-1S (Energy and resource efficiency).

### **Clause 16 (Housing)**

Council submitted that the Amendment supports Clause 16 through the provision of housing opportunities that will meet the needs of the community, providing for housing diversity and sustainable urban development on a highly accessible site close to activity centres and parks consistent with Clauses 16.01-4S (Housing Affordability), 16.01-3S (Housing Diversity), 16.01-3R (Housing diversity – Metropolitan Melbourne), 16.01 (Residential Development) and 16.01-1S (Integrated housing).

### **Clause 21 (the Municipal Strategic Statement)**

The Amendment supports the Municipal Strategic Statement:

- managing the residential growth of the municipality including removing the application of farming zone where it is no longer viable and underutilised and applying a residential zone to connect the surrounding residential areas to create a well-planned urban area consistent with Clause 21.01-4 (Wyndham's Strategic Vision)
- providing for residential development that has identified areas prone to bushfire and applies subdivision standards to lower any risk to potential hazards consistent with Clause 21.04-04 (Bushfire)
- implementation of a Development Plan to ensure the proposal provides variety and choice in housing densities consistent with Clause 21.07-1 (Residential Development)
- improving the diversity of choice in housing styles and designs within the area consistent with Clause 21.07-2 (Housing diversity).

## **2.2 Other relevant planning strategies and policies**

### **(i) Plan Melbourne**

*Plan Melbourne 2017-2050* sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. Outcomes and directions identified by Council as being particularly relevant to the Amendment are set out in **Error! Reference source not found.**

**Table 1** Relevant parts of Plan Melbourne

| Outcome   | Directions  |
|---|---|
| 2. Providing housing choice in locations close to jobs and services     | 2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city<br>2.2 Deliver more housing closer to jobs and public transport<br>2.3 Increase the supply of social and affordable housing<br>2.4 Facilitate decision-making processes for housing in the right locations<br>2.5 Provide greater choice and diversity of housing |
| 4. Distinctive and liveable city with quality design and amenity        | ...<br>4.3 Achieve and promote design excellence<br>4.4 Respect Melbourne’s heritage as we build for the future<br>4.5 Plan for Melbourne’s green wedges and peri-urban areas   |
| 5. Melbourne is a city of inclusive, vibrant and healthy neighbourhoods | 5.1 Create a city of 20-minute neighbourhoods<br>5.2 Create neighbourhoods that support safe communities and healthy lifestyles<br>5.3 Deliver social infrastructure to support strong communities<br>5.4 Deliver local parks and green neighbourhoods in collaboration with communities  |
| 6. A sustainable and resilient city                                     | ...<br>6.3 Integrate urban development and water cycle management to support a resilient and liveable city.<br>6.4 Make Melbourne cooler and greener.<br>6.5 Protect and restore natural habitats.<br>6.6 Improve air quality and reduce the impact of excessive noise  |

## (ii) West Growth Corridor Plan

Prepared in 2012 for Melbourne’s growth corridors by the Growth Areas Authority (now Victorian Planning Authority), the Growth Corridor Plans are high level integrated land use and transport plans that guide the delivery of key housing, employment and transport infrastructure in Melbourne’s new suburbs and provide a strategy for the development of the growth corridors over the next 30 to 40 years.

Point Cook is located within the *West Growth Corridor Plan* with the subject land and its surrounds identified as being within an existing urban area.

## (iii) Point Cook Concept Plan 1996 and 2000

The *Point Cook Concept Plan, April 1996* identifies the potential of the Point Cook area for urban development as a component of the Werribee Growth Area Plan (1990). The Concept

Plan presents scenarios for the area's capacity for development, future land use potential and infrastructure requirements to support development. The preferred scenario assumes a population of approximately 54,000 people occupying approximately 18,000 dwellings serviced by a regional activity centre with some local employment opportunities. The Plan requires the preparation of a Development Plan for each major development through the application of the DPO. Neither the 1996 nor its update in 2000 form part of the planning scheme. The 2007 Addendum is referred to in DPO12 (Sneydes Road) and DPO13 (Point Cook Road/Point Cook Homestead Road Precinct).

**(iv) Wyndham East District Plan 2015-19**

Council advised that the District Plan identifies Council's ongoing commitment to deliver, plan or advocate for services and infrastructure such as transport.

**(v) Wyndham Integrated Transport Policy and Strategy June 2016**

The *Wyndham Integrated Transport Policy* and *Wyndham Integrated Transport Strategy* were adopted by Council in June 2016. Council advised that the Policy identifies the shared vision and goals of the community in relation to transport and traffic, while the Strategy provides the details on how these goals will be achieved and guide major transport decisions. On the basis that the Amendment is not considered subject to the *Transport Integration Act 2010* Council considered that the Policy and Strategy were not relevant to the Amendment and that the Wyndham Integrated Transport Policy provides little relevance to decision making for this site.

**(vi) Wyndham Housing and Neighbourhood Character Strategy 2028**

The *Wyndham Housing and Neighbourhood Character Strategy 2018* identifies the surrounding residential area as an Incremental Change area in a Contemporary Garden neighbourhood character type area. It supports the provision of a variety of dwelling types and lot sizes and proposes the application of the GRZ to Incremental Change Areas (rather than the Residential Growth Zone). Council advised that because of the site's Farming Zone, the strategy did not consider the land as 'available Residential Land' and was not assigned a Change Area category or a Neighbourhood Character type. However, Council considered that the site would be included in a future review of the strategy.

**(vii) Wyndham Open Space Strategy 2045**

The *Wyndham Open Space Strategy 2045* provides a framework for the future planning, provision and management of parks and other open spaces in Wyndham City from 2015 to 2045 with specific focus on the ten years from 2015 to 2025.

## **2.3 Planning scheme provisions**

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

**(i) Zones**

The subject land is currently in the Farming Zone. The purposes of the Zone are:

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The Amendment proposes to apply the GRZ1 to the subject land. The purposes of the General Residential Zone are:

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

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

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

## **(ii) Overlays**

No Overlays currently apply to the subject land or adjoining land.

The Amendment proposes to apply DPO3 to the subject land. The purposes of the Overlay are:

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

The Overlay allows Schedules to identify objectives and permit exemptions and requirements for a development plan. A development plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages. A development plan must describe the land to which it applies and the proposed use and development of each part of the land. A development plan may be amended to the satisfaction of the responsible authority. If a development plan has been prepared to the satisfaction of the responsible authority, a permit application is exempt from the notice requirements of the Act.

## **2.4 Ministerial Directions**

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Council submitted that the Amendment responds to the Ministerial Direction No. 1 - Potentially Contaminated Land following the preparation of the Contamination Assessment, EPA review and the proposed conditions of DPO3. It submitted that the Amendment is also consistent with the Ministerial Direction on the Form and Content of Planning Scheme under

Section 7 (5) of the Act and implements Ministerial Direction No. 9 – Metropolitan Planning Strategy which gives effect to Plan Melbourne.

## **2.5 Submissions**

Council submitted that subject site is within the Urban Growth Boundary and is surrounded by the established urban areas of Point Cook. It considered that the urban development of the site was generally consistent with the Planning Policy Framework *“as it essentially is an infill site which will maximise the use of existing infrastructure rather than requiring construction of new major roads and public transport routes”*.

The Proponent submitted that:

There should be no doubt strategic planning policy and other relevant documents unequivocally support the rezoning of the land to a residential zone so the land can be developed for residential purposes consistent with the land use and development in the immediate and broader context.

## **2.6 Discussion and conclusions**

Submissions opposing the Amendment were not focused on the relative strategic merits of the Amendment but rather the impacts of future site development on infrastructure, open space and the environment. These issues are considered in Chapters 3, 4 and 5 of this report.

From a strategic planning perspective, the subject land is appropriate for urban infill. It is located within the Urban Growth Boundary and within an area designated for growth and adjoined by established residential areas. It is currently underutilised, serviced by infrastructure and able to be readily integrated into the surrounding urban environment.

The development of the subject land in a site responsive manner is consistent with the directions of Plan Melbourne and other local and regional level growth strategies and will provide additional housing supply consistent with planning policy objectives.

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

## 3 Traffic and infrastructure

### 3.1 Traffic

#### (i) The issue

The issue is whether the Amendment will have an unreasonable impact on the transport network.

#### (ii) Transport Assessment

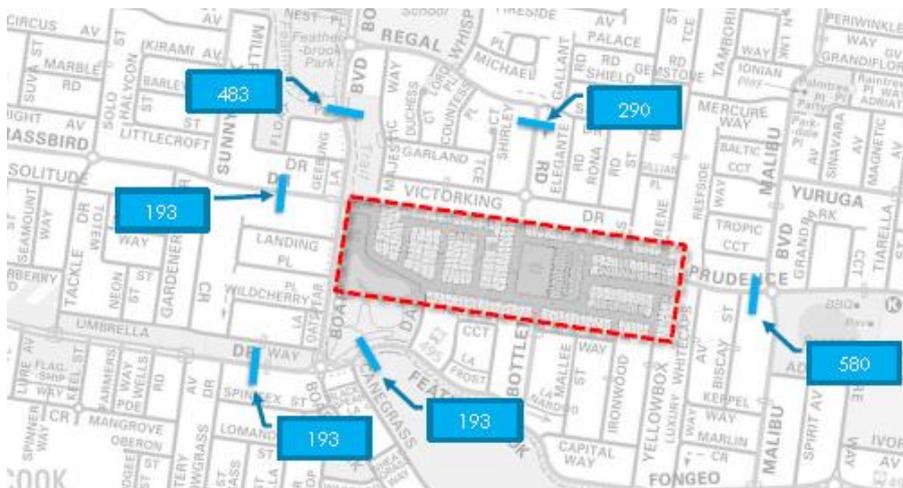
The Transport Assessment provided with the Amendment classified the proposed internal road network anticipated for the site's development consistent with the Development Concept (Figure 8).

**Figure 8** Proposed internal road network



Source: 315 Boardwalk Boulevard Point Cook Transport Impact Assessment, onemilegrid

The Transport Assessment examined the existing network, anticipated vehicle generation and distribution and the potential impacts on road capacity. The anticipated traffic generation (vehicles per day) from the future development of the site are shown in Figure 9 along with the area's total daily traffic volumes including full site development (Figure 10). The developed traffic volumes were anticipated to have minimal peak hour impacts on the four Point Cook connections to the Princes Freeway.

**Figure 9 Traffic generation from the future development of the site (vehicles per day).**

Source: 315 Boardwalk Boulevard Point Cook Transport Impact Assessment, onemilegrid

**Figure 10 Future traffic volumes including future site development (vehicles per day)**

Source: 315 Boardwalk Boulevard Point Cook Transport Impact Assessment, onemilegrid

The Traffic Assessment identified three bus routes that service the site:

- Bus route 495 (Williams Landing Train Station to Point Cook South). The bus stop for this service is located on Boardwalk Boulevard (along the road frontage of the site) and 200 metres to the south on Featherbrook Drive
- Bus route 494 (Williams Landing Station – Point Cook South). The closest bus stop is 1.1 kilometre to the south on Featherbrook Drive
- Bus route 944 (night bus – City to Point Cook). The closest bus stop is 1 kilometre to the north on Sneydes Road.

### (iii) Evidence and submissions

Many of the submissions<sup>4</sup> raised concerns about development impact on already busy and congested roads. Submission 6 identified the long commute times to get to the closest station or to the Princes Freeway. Submission 8 considered that public transport had not

<sup>4</sup> Submissions 5, 6, 7, 8, 11, 12 and 13

sufficiently evolved to cater for the increase in population, identifying the utilisation of Williams Landing Station, now the nineteenth busiest metropolitan station. It considered that the Amendment would only add more pressure to the public transport network. Submission 5 was concerned that limited information had been provided about proposed traffic management measures such as line marking, road duplication, provision of additional bus services and bus stops and bike paths.

The Department of Transport<sup>5</sup> supported the Amendment but sought to replace the requirement for a 'Traffic Management Plan' in the DPO3 'Requirements for Development Plan' to be replaced by a 'Transport Impact Assessment' so as to raise the importance of all transport modes when assessing the impact of the development on the transport network.

Both Council and the Proponent accepted this change.

Mr Kiriakidis of GTA consultants provided transport impact evidence on behalf of the Proponent<sup>6</sup>. He identified that the site transport network identified in Version G of the Development Concept had responded to Council's concerns with an earlier version. His evidence included a concept plan for the Boardwalk Boulevard roundabout which included provision for bus, pedestrian and cycle movements. His evidence was informed by:

- a review of the Berkeley Green Development Plan, the Transport Assessment
- a Transport Accessibility Review prepared by GTA Consultants in April 2020; and
- traffic surveys conducted in late February 2020 and earlier assessments from 2016.

Mr Kiriakidis summarised the traffic issues in submissions and responded to these in his evidence:

- Lack of detail around signage and line marking
- Impacts on the wider transport network
- Increased traffic impacts on Boardwalk Boulevard
- Increased traffic impacts past Featherbrook College
- Lack of detail around road duplication and transport infrastructure improvements Section
- Lack of public transport infrastructure to support the development
- Lack of bike paths to support the development.

The evidence of Mr Kiriakidis included an assessment of the existing road hierarchy that services Point Cook and the subject land which includes:

- Sneydes Road, Boardwalk Boulevard, Palmers Road and Point Cook Road regional freeway interchanges (Figure 11). He identified current traffic flow and weekday morning peak challenges for the freeway network but suggested that the Sneydes Road interchange operates with a good level of service and was a legitimate and most proximate freeway access link for future residents living on the subject land
- a local secondary arterial road network comprising Palmers Road (a divided road with dedicated bus lane), Point Cook Road and Boardwalk Boulevard (a divided road with on road cycle lanes north of Regal Road)
- major and connector roads including Sneydes Road (with a combination of on and off road paths), Boardwalk Boulevard (connector generally with footpath and

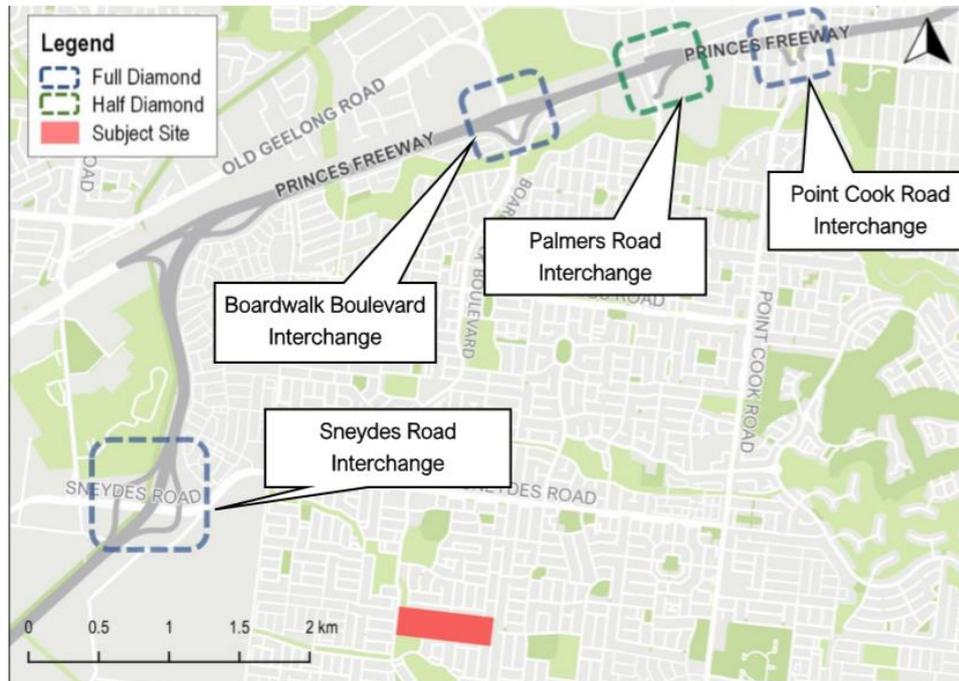
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<sup>5</sup> Submission 3

<sup>6</sup> Document 6

indented parking areas), Grassbird Drive (connector), Featherbrook Drive (connector with shared paths), Prudence Parade (connector with sections of on-road cycle lanes and off-road shared paths), Malibu Boulevard (connector with some indented parking and footpaths) and Regal Road (connector, sections with on road cycle paths and off-road shared paths, footpaths and indented parking).

**Figure 11 Regional Network Access**



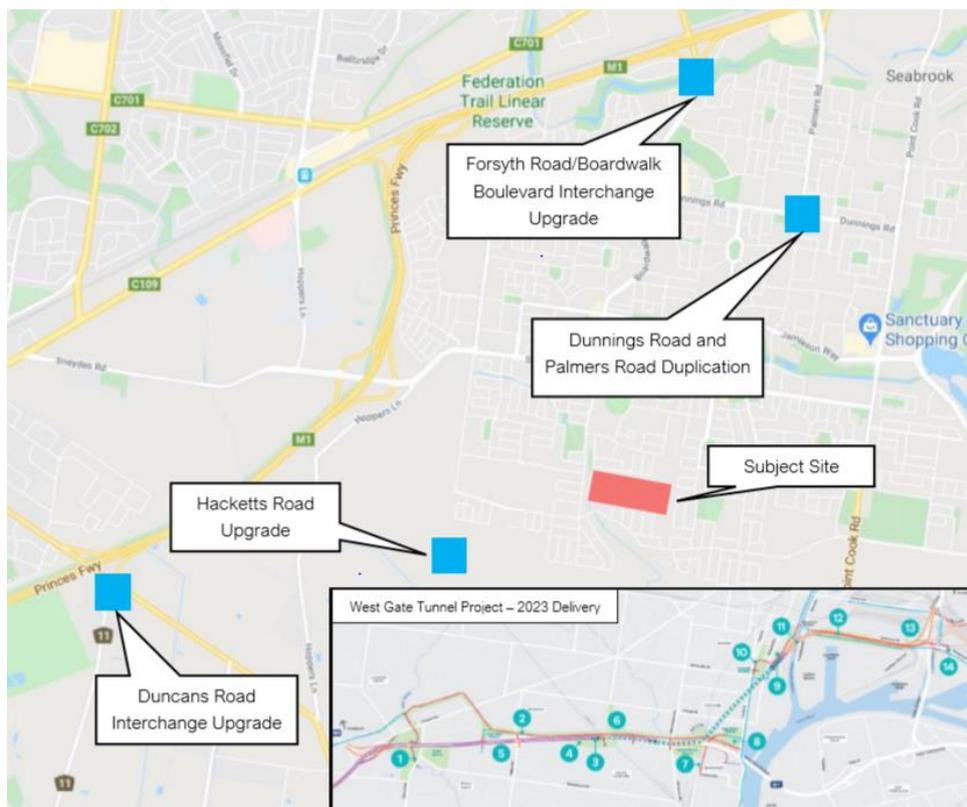
Source: Kiriakidis evidence Figure 2.3

Mr Kiriakidis' evidence included an analysis of the likely vehicle generation and distribution patterns of the development and the anticipated impacts on the existing road hierarchy. He estimated that 240 dwellings results in 144 peak hour vehicle movements and 1,440 daily vehicle movements the numbers and distribution of which are reproduced in Figures 12 and 13. He considered that the increases in daily and peak traffic demand were modest and did not give rise to any operational issues, with key roads in the vicinity operating satisfactorily and within daily threshold volume limits.



- the proposed east-west connector road through the site will deliver an additional public transport link to serve the wider catchment in the Point Cook Area
- the proposed roads will supplement active transport links through the site and to the wider residential catchment and road network, including through the extension of the off-road shared path on the eastern side of Boardwalk Boulevard and extension of on-road cycle lanes and footpaths on Prudence Parade to Boardwalk Boulevard and completion of the north-south links
- current and proposed transport access upgrades for the Point Cook area (Figure 14) will improve accessibility into and out of Point Cook and support further growth in population and employment in the area:
  - Hacketts Road Upgrade (complete)
  - Dunnings Road and Palmers Road, Point Cook duplication between Point Cook Road and Princes Freeway (complete)
  - Forsyth Road/Boardwalk Boulevard Interchange upgrade, Hoppers Crossing (due completion 2021)
  - Duncans Road Interchange upgrade, Werribee/Werribee South (due completion 2021)
  - West Gate Tunnel Project (due completion 2023).

**Figure 14** Completed or committed road upgrade projects



Source: Kiriakidis evidence Figure 5.4

The Proponent relied on the evidence of Mr Kiriakidis and identified that the submissions received raising transport related issues had *“failed to acknowledge the investment that has occurred and is occurring in new road infrastructure and upgrading of existing road infrastructure which has been detailed in the statement of evidence of Mr Kiriakidis”*.

Council submitted that the Proponent's Traffic Assessment was assessed and supported by its engineers and transport planners. In response to submissions it identified that:

- line markings were not proposed for Boardwalk Boulevard and Featherbrook Drive although it would continue to monitor the roads and respond as required
- while Point Cook Road and Dunnings Road were yet to be duplicated it continued to advocate for the upgrade or duplication of State controlled roads across the municipality. Dunnings Road (between Boardwalk Boulevard and Hacketts Road) is a Council road but current volumes did not warrant duplication
- Grassbird Drive and Prudence Parade will be connected by the development of the site providing a direct Connector Road link between Alamanda Boulevard and Hacketts Road, with enough width for two-way traffic flow and separate parking lanes
- the DPO will provide for a shared path link along the east side of Boardwalk Boulevard and the extension of the Prudence Parade on-road bike lanes to Boardwalk Boulevard
- most of site is within the Principal Public Transport Area as identified at Clause 18.02-2R which encourages making maximum use of existing infrastructure and increasing the diversity and density of development along the Principal Public Transport Network
- final road treatments will be determined at the Functional Layout Plan stage of a planning permit application for the site's subdivision
- other key connections (Bay Trail extension and its Skeleton Creek connection and broader bike path network) will be progressed through its Pedestrian and Cycle Strategy and capital works and funding programs.

Council generally agreed with the evidence of Mr Kiriakidis although it identified several minor errors or omissions in his witness statement. These aspects were generally acknowledged by Mr Kiriakidis.

Council identified that the S173 Agreement development contributions would be used for projects that improve local Council infrastructure including roads.

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

The Panel has no doubt that there are transport infrastructure challenges in the arterial road network within this growing area particularly during peak traffic periods. Council is aware of the challenges of growth and has a strategy in place through advocacy, growth area planning and charging development contributions to manage and respond to these impacts. At the local network level, the Panel is satisfied that appropriate analysis has been undertaken to understand the impacts of the site's development on the generation and distribution of traffic. The Panel accepts the transport evidence of Mr Kiriakidis and the position of Council that the local road network can accommodate anticipated traffic volumes within existing hierarchy capacities. The Panel is aware that multiple road infrastructure projects are underway or planned in the immediate area that will improve the arterial road network for both private vehicles and public transport.

The subject land benefits from previous planning for the Featherbrook Estate which has provided for a highly pervious collector and local road network which the site can seamlessly be connected into to provide for a wider distribution of vehicular traffic generated by the

site's future development. As shown in the photo in Figure 15, the surrounding road network has anticipated the site's residential development and connection to it. The site is also within the Principal Public Transport Network area and has key bus public routes located nearby providing important connections to schools, retail and community services for future residents.

**Figure 15** Prudence Parade where it terminates at the subject land's eastern boundary



The Panel considers that the subdivision design response identified in the Concept Plan provides for an appropriate road network and integration with existing bicycle and pedestrian connections to support active transport modes and the utilisation of bus networks. It is confident that the DPO3 provides appropriate mechanisms to ensure an integrated, site responsive development.

As identified in Chapter 1, Council proposed one post-exhibition change to DPO3 in response to the submission from DoT, replacing the requirement for a 'Traffic Management Plan' under section 4.0 with a 'Transport Impact Assessment'. The Proponent supported this change. Council's post-exhibition version of DPO3 is included in Appendix C as the Panel's preferred version of DPO3 with a minor suggested change to the DPO reference number format. The Panel considers this proposed change minor and appropriately lifts the future assessment beyond just vehicular movement considerations.

#### **(v) Conclusions and recommendation**

The Panel concludes:

- The Amendment will not have an unreasonable impact on the transport network.
- DPO3 provides an appropriate mechanism to ensure that the site integrates with the existing transport movement network.

The Panel recommends:

**Amend Schedule 3 to Clause 43.04 Development Plan Overlay to replace the reference to 'Traffic Management Plan' with 'Transport Impact Assessment' as shown in the Panels preferred version of DPO3 in Appendix C.**

## 3.2 Infrastructure

### (i) The issue

The issue is whether the Amendment will have an unreasonable impact on services and infrastructure.

### (ii) Background

#### *Social and Economic Assessment*

The Social and Economic Assessment assessed the effects of the future development of the site on community infrastructure and services. It examined the likely demographic profile of future residents and potential demand for schools and preschools, childcare services, maternal and child health care services, community meeting places, recreation and open space facilities. The assessment identified that the development did not create the sufficient demand for the provision of community services and facilities on site. It identified the availability of the services likely to be required by future site residents close to the site:

- Kindergartens - Featherbrook (co-located with the Community Centre) and Alamanda (adjacent to Alameda Reserve to the east)
- Schools - Featherbrook College and Alamanda College in addition to Point Cook Senior Secondary College (approximately a 30 minute walk from the site) and six other schools in Point Cook in addition to other schools in Hoppers Crossing and Werribee
- Childcare - several childcare centres located within two kilometre including two long day care services (Future Kids Childcare and Play and Learn), and childcare at the YMCA Point Cook in addition to other services across the wider suburb
- Medical centres and allied health – number of Maternal and Child Health centres, with the Featherbrook centre in close proximity. The closest hospital is Werribee Mercy Hospital within a 10 minute drive. The closest medical centre is the Myhealth Medical Centre opposite the Featherbrook shopping centre
- Community centres and libraries - the closest is the Featherbrook Community Centre, a 10 minute walk from the site. The Point Cook Library is co-located with a Community Learning Centre, a 10 minute drive from the site
- Sports facilities - within two kilometre of the site there are a number of public sporting fields including Prudence Parade Reserve (cricket, football, soccer, basketball and beach volleyball), Windorah Drive Reserve (cricket and football) and Tom Roberts Parade Reserve (cricket and soccer)
- Parks and open space - Alamanda Reserve Park, Featherbrook Reserve, Hargrave Park, Meeting Place Park and the open space around Point Cook Creek within a one kilometre radius. There are seven playgrounds located within this radius, including the Millpond Drive Playground and Whitetop Reserve Exercise Area within 500 metres.

#### *Services Report*

The Services Report reviewed the availability and requirements for all necessary infrastructure to support the site development including drainage, water supply, sewerage, utility services including electricity and lighting, telecommunications and gas. It concluded that all necessary infrastructure was available to the site and the planned upgrade or

augmentation of some services required to meet the demands of the development could be planned in a manner to suit the proposed staging and timing of the development.

### **(iii) Submissions**

Submission 12 opposed the Amendment considering that it would have a significant impact on education and health facilities. Submission 13 noted that no provision had been made for convenience shops to meet the needs of the development.

Submission 7 from Featherbrook College (located to the north of the site) raised concerns regarding existing services being under pressure as a result of growth and the urgent need for a community leisure centre, and public pool facilities in particular. The submission identified that the existing indoor facility (Aquapulse, located in Hoppers Crossing) was unable to meet community demand and the increasing needs of schools to provide swimming programs forcing it to use facilities outside the Municipality. The submission sought the provision of a 50 metre public pool on the site to meet community needs. The submission further identified concerns about the capacity of it and Alamanda College to meet future enrolment needs for this and other new estates as a result of school zonings.

The Proponent's submission<sup>7</sup> provided an aerial photograph which identified the location of retail, education, community, childcare, employment nodes and medical facilities in relation to the subject land. It considered that the site was well serviced by existing services and community infrastructure and was supported by the findings of the Social and Economic Assessment. It relied on the Services Report to conclude that the Amendment would not have any significant impacts on existing reticulated services and associated infrastructure.

The Proponent relied on the Planning Report which identified that the proposal would have a net community benefit to the broader community of Point Cook and would be socially beneficial by:

... allowing for and supporting the residential development of currently underutilised land. It will allow for improved connectivity within the area resulting in improved travel patterns and transport network. The amendment will create a more attractive neighbourhood, including the provision of additional open space to satisfy Councils 400m open space walkable catchment requirements creating a socially sustainable community.

The amendment will have a net community benefit through implementing a cohesive road network, providing affordable housing opportunities, allowing for connectivity from east-west through an on-road bike path and providing open space for the existing and future residents.

Council submitted that maximizing the use of existing infrastructure and increasing the diversity and density of development along the Principal Public Transport Network was encouraged by Clauses 18.02, 21.02-1 and 21.09. Consistent with this it identified that it had secured a s173 Agreement for the site requiring the payment of development contributions for the further off site provision of infrastructure (\$200,689/Net Developable Hectare) and open space (\$127,483/Net Developable Hectare). Council advised that the infrastructure contributions would be used for a range of infrastructure projects including community, recreation facilities and transport infrastructure that will service the subject land.

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<sup>7</sup> Document 7 Attachment C

Council submitted that its *Aquatic Strategy* (2015) did not identify Point Cook as a location for a future aquatic facility. It said that a *Point Cook/Williams Landing Aquatic Demand Review* is currently underway and that until this review was completed it was premature to require a pool to be located on the subject land.

**(iv) Discussion and conclusions**

Based on the Social and Economic Assessment, the Amendment will result in the development of the site that will yield in the order of 230-240 homes and 700 residents. With the area expected to attract young families and to comprise up to 30 per cent of its future residents aged under 19 years of age there will be resultant demand for school, medical and retail services.

While the Panel notes there will be an increase in demand for existing services it will increase incrementally over time from a modest point when construction of any subdivision is completed over a period of years until all lots are developed and eventually occupied. There is time for local schools to plan for this modest potential increase in student demand. The Panel accepts the findings of the Social and Economic Assessment (there being no alternate analysis to the contrary) that the demand for services can largely be accommodated by existing services nearby or within a short drive of the site. The Panel agrees that the nature of demand created by the development does not reach a threshold level where services such as schools, social or recreation facilities are needed or should be provided on a site.

The Panel considers that the development of this site for residential purposes ought to have been reasonably anticipated when the planning of existing commercial and social infrastructure took place. It cannot be said that this is an unanticipated development that came 'out of the blue' based on previous development plans for the Featherbrook Estate which identified it. It is also not reasonable to require the site to provide additional community infrastructure that has not been identified as needed.

There is also no established nexus between the scale of development anticipated and the provision of additional services other than open space. There is no reasonable basis to identify the use of the land for an indoor recreation facility such as an aquatic centre. As identified by Council such a regional level facility is appropriately considered and planned for as part of a wider municipal or suburb wide analysis. That is currently being undertaken by Council. There has been no suggestion by Council that this site would possess the characteristics of a likely candidate site for such a facility.

The Panel supports the basis on which Council proposes to collect development contributions towards localised infrastructure upgrades considering this a fairer and more consistent approach.

The Panel concludes:

- The Amendment will not have an unreasonable impact on services and infrastructure.
- The Amendment will provide for a mechanism for development contributions to be made towards offsite infrastructure upgrades.

### **3.3 Open space**

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

The issues are:

- whether the Amendment results in the loss of open space
- whether adequate open space will be provided.

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

Submission 4 opposed the rezoning because it would result in a loss of 'free green area'. Submission 8 identified similar issues and considered the site should be maintained for 'free space'. Submission 13 considered that the proposal provided insufficient green space and no parks and that at the time of purchase they were advised that the site was open space.

The Proponent identified that the Concept Plan proposed 5.69 per cent of unencumbered developable land open space would be provided consistent with Point Cook Concept Plan (2000) which requires a 5 per cent public open space contribution resulting in the provision of 0.75 hectares of land. The s173 Agreement requires this open space to be provided in a single area and location and configuration to the satisfaction of the Council. The owner will also be required to undertake improvements and embellishments of the land at its cost.

The Explanatory Report and the Council submission considered that the Amendment would create a more attractive neighbourhood, including the provision of additional open space to satisfy Council's 400 metre open space walkable catchment requirements creating a socially sustainable community. It noted the s173 Agreement that provided for the purchase of new open space reserves or the upgrade of existing open space reserves in the surrounding area.

Council advised that while the Wyndham Open Space Strategy 2045 does not provide site specific direction or policy, the public open space contribution in the Amendment aligns with the principles of the strategy and will be developed and managed in accordance with it.

#### **(iii) Discussion and conclusions**

While the site currently presents as a large open area it is privately owned and held for future residential use. The proposal, through the provisions of the DPO increases the amount of public open space in the neighbourhood and provides for an extended and augmented wetland which is already a key landscape feature of the area. Existing open space in the locality will also benefit from monetary contributions provided for in the s173 Agreement.

The Panel concludes:

- The Amendment does not result in the loss of public open space.
- The Amendment will result in a net gain of publicly accessible open space and enhanced wetland areas.

## 4 Environmental impacts

### 4.1 Biodiversity impacts

#### (i) The issue

The issue is whether the Amendment will have unreasonable impacts on the biodiversity values of the site and surrounds.

#### (ii) Background

The proponent submitted a report titled *Biodiversity Assessment and Targeted Fauna Survey at 315 Boardwalk Boulevard, Point Cook, Victoria (Ecology Heritage Partners, February 2018)*. The assessment included targeted surveys of the critically endangered Golden Sun Moth (*Synemon plana*), and an assessment of significant flora and/or ecological communities.

##### *Native vegetation*

The assessment identified one single patch of Plains Grassland (EVC 132) totalling 0.046 hectares to the north-eastern corner of the study area, on top of dumped spoil.

The majority of the site consists of exotic flora, likely to be used as a foraging resource by common generalist bird species (e.g. Australian Magpie).

##### *Golden Sun Moth*

The Golden Sun Moth is listed as critically endangered under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, Threatened under the *Flora and Fauna Guarantee Act 1988* and Critically Endangered on DELWP's Advisory List for Threatened Invertebrate Fauna in Victoria.

Areas of native grassland, particularly those with a high cover of wallaby-grasses and Chilean Needle Grass provide habitat for the Golden Sun Moth. Based on the presence of these grasses within the site, Golden Sun Moth surveys were conducted to determine the presence of the species on site. Despite targeted surveys on four separate occasions, the biodiversity assessment reported that Golden Sun Moth was not detected within the study area.

#### (iii) Submissions

The proponent relied on the Biodiversity Assessment by Ecology and Heritage Partners.

In response to Panel's question four regarding the patch of the Plains Grassland (EVC 132), the proponent confirmed that the patch referred to in the Biodiversity Assessment is the patch located on top of the dumped soil in the eastern part of the site which the ecologists assessed as likely to have recolonised the site. The response from the proponent also confirmed that this patch is the only native vegetation on the site which constitutes a patch within the meaning of the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)*.

The patch of native vegetation (Plains Grassland EVC) is proposed to be removed as part of the future development of the site and an appropriate offset will be required.

Submission 4 opposed the rezoning because it would impact the habitat values for native wildlife.

Council submitted that the recommended actions proposed in the Biodiversity Assessment in the form of potential permit conditions will be considered by Council as part of a future permit process if the Amendment is approved.

**(iv) Discussion**

The site has been modified due to past agricultural land use, and more recently has had spoil dumped on it. The source of the spoil is not known to the proponent.

The patch of Plains Grassland EVC, which is potential Golden Sun Moth habitat, is a small patch that has recolonised dumped spoil. The Panel accepts the Biodiversity Assessment that the removal of this patch of native vegetation is not significant. The Panel notes that the Biodiversity Assessment did not find Golden Sun Moths on site and accepts they are unlikely to occur on the site.

The Panel notes that a general offset will be required for the removal of the Plains Grassland EVC (0.046 hectares), in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation*.

Other than the above EVC, the Panel accepts that there are minimal biodiversity values on site.

**(v) Conclusion**

The Panel concludes:

- That the removal of 0.046 hectares of Plains Grassland (EVC 132) that exists on top of the dumped soil in the eastern part of the site is unlikely to have a significant impact on the biodiversity values of the site and surrounds.

## **4.2 Waterways impacts**

**(i) The issues**

The issues are:

- whether the Amendment considers the existing drainage constraints
- whether it will have unreasonable impacts on the water quality and surrounding wetlands.

**(ii) Background**

A Stormwater Strategy prepared by Incitus (11 April 2018) was attached to the Amendment documentation. The report states (page 1):

Urbanisation leads to an increase in stormwater runoff and a subsequent increase in pollutant wash-off. It also has detrimental effects on the receiving waterways. In determining the urban structure, it is critical that assets required for drainage purposes are determined early so that the impacts from the increase of stormwater runoff due to urbanisation can be mitigated and all new development can proceed without the risk of flooding, of flooding neighbouring properties and without impacting on the natural environment, receiving waterways and ultimately, Port Phillip Bay.

The Stormwater Strategy indicates that the site is located within Melbourne Water's Point Cook Development Services Scheme (PCDSS) and the site generally drains towards the south west.

The PCDSS allows for a 165 hectare external catchment to drain through this site. Of this external catchment, 135 hectares will contribute from the waterway adjacent to Boardwalk Boulevard. The scheme assets, which are located within the Amendment site (315 Boardwalk Boulevard), are listed in Table 2 below.

**Table 2** Point Cook Development Service Scheme assets within the subject site

| Asset Name | Asset Type   | Estimated Asset Size   |
|------------|--|--|
|            | Constructed Waterway   | Waterway Corridor Width = 43 m   |
| WL-5N      | Constructed Wetland  | Wetland footprint @ NWL including sediment pond = 6,500 m <sup>2</sup> |
| WL-5NL     | Land acquisition for the drainage reserve required for the wetland WL-5N | To be determined through design phase                                  |

The Explanatory report for the Amendment also refers to the Stormwater Strategy prepared for the site. The Stormwater Strategy concluded that stormwater flows would be safely conveyed through the development along road reserve corridors and within the proposed drainage reserve. No temporary outfall works or on-site retardation is required due to the existing outfall to the south.

The proponent advised that the site is currently encumbered by a number of easements. The easements apply to the portion of the site at the north-western corner. As part of any future development, these easements will be located within the future drainage reserve.

### (iii) Submissions

The proponent submitted the Stormwater Strategy to Melbourne Water who provided in-principle support<sup>8</sup> subject to the following conditions:

- Wyndham City Council's acceptance of the Stormwater Management Strategy
- The areas being set aside for the Stormwater Quality Assets identified in the Strategy still being appropriate at the time of functional design of the assets.

Melbourne Water also reserved the right to require a greater drainage reserve area if necessary for asset location, design criteria, performance and maintenance if the identified area in the Stormwater Strategy is insufficient. Further acceptance of any future water scheme assets will need to be resolved with Melbourne Water.

The Stormwater Strategy states that to comply with the requirements of the PCDSS, as well as relevant guidelines, a total drainage reserve of 1.67 hectares will be required. The exact areas and compensation for the drainage reserve will be determined through the detailed design of the asset as part of the future planning process.

The drainage reserve connects into the existing drainage areas and wetlands.

<sup>8</sup> Document 13

Submissions 11 and 12 considered that the Amendment would have impacts on the existing environment and wetlands.

**(iv) Discussion**

The PCDSS asset is an important Melbourne Water asset that is required to be designed for part of the site as a drainage reserve. Any proposed water drainage design will be subject to Melbourne Water review and approval as part of a future planning process. The future design of the drainage assets must also integrate with the existing wetland systems and the Panel notes that the proponent has been liaising with Melbourne Water on this matter.

The Panel is satisfied that the existing and surrounding wetlands will be integrated into any future drainage scheme as set out within the proposed DPO3. The Stormwater Strategy provides a concept of how this may work which is reasonable at this stage of the process.

**(v) Conclusion**

The Panel concludes:

- That the proposed DPO3 includes provisions to protect the existing and surrounding wetlands as appropriate as part of a future development and will be considered as part of the detailed design of the Point Cook Development Services Scheme.

### **4.3 Soil and geotechnical issues**

**(i) The issue**

The issue is whether the spoil on site can be managed as part of a future development.

**(ii) Background**

The Preliminary Site Investigation and Hydrogeological Assessment (2018) submitted as part of the Amendment application first identified that there are stockpiles of unknown origin abundant in the western and southern portions of the site. As part of the soil investigation, ten boreholes were tested. No odours or staining were noted during the field works from these borehole soil samples. Fill/disturbed natural material was identified in stockpiles across the site. Ten soil samples were collected from these stockpiles for the purposes of soil classification. Soil analytical results were reported either below adopted criteria or below the laboratory limit of reporting for both natural soils and stockpiled materials at the site. Stockpiles were found to contain large angular basalt boulders.

At the request of the EPA, a separate field investigation undertaken as part of the peer review conducted by GHD, included 10 samples taken from the stockpiles. The GHD report *“observed small amounts of general waste (treated pine sleepers, concrete and polystyrene) at the periphery of a small number of stockpiles”*.

**(iii) Submissions**

The proponent submitted that the Preliminary Site Assessment and Hydrogeological report found that the proposal to use the site for residential purposes has a low risk to human health and the environment and that the site is considered suitable for residential use. The report also found that the stockpiled soil at the site may be suitable for reuse onsite.

Council confirmed through its Part B submissions (paragraph 26) that prior to the authorisation of the Amendment, discussions with the EPA were undertaken which resulted in an independent peer review by GHD of the Preliminary Site Investigation and Hydrogeological Assessment submitted by the proponent. The recommendations in the peer review report led to a further site inspection to confirm the absence of targeted soil contaminants, and a refinement of the proposed DPO schedule to ensure conditions are included in any future planning permit for development to require:

- (a) The removal of aesthetically objectionable material currently on site
- (b) That any soils imported onto the site are assessed in accordance with EPA Industrial Waste Resource Guidelines (EPA 621 and 702).

In response to Panel questions<sup>9</sup>, the Proponent advised that it is unaware of the source of the material stockpiled on site as it predates its ownership of the site. The Proponent also advised that it intends to reuse the stockpiled soil on site, subject to further advice as to its geotechnical and environmental suitability. The Proponent will be required to import fill and the potential reuse of the stockpiled material will be considered as part of a bulk earthworks strategy for the site.

Councils closing submission states that the specialist technical reports do not identify the source of the earth mounds and Council does not have any additional material that can provide further information on this. Council submitted that *“(t)here is no other environmental impact that has been identified by Council’s environmental team”* and that the Amendment *“will not result in any increase to the risk to life, property, community infrastructure and the natural environment from bushfire”*.

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

Council and the Proponent have undertaken a comprehensive assessment of the stockpiled soil that is present on the site. Although the source of the spoil mounds is unknown, the Proponent has demonstrated that it is aware of the process that must be implemented during site development.

The Panel is satisfied that any soil contamination issues have been appropriately assessed and peer reviewed. The EPA has been involved in this assessment process and has not raised concerns about the Amendment. The provisions of DPO3 provide an appropriate mechanism for the Development Plan to respond to the Contamination Assessment. It also provides for subdivision permits to contain conditions responding to the recommendations of the Preliminary Site Investigation and Hydrogeological Assessment relating to the removal of surface materials and imported soil, and the directions of a further environmental report.

Panel agrees with the Council that site-specific issues such as the removal and/or management of spoil can be appropriately managed through the planning permit application process under the proposed provisions of the DPO3 and the standard requirements of the General Residential Zone.

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<sup>9</sup> Document 13

**(v) Conclusion**

The Panel concludes:

- That the DPO3 provides adequate measures to ensure spoil is removed or managed appropriately during site development.

## **5 Other issues**

### **5.1 Amenity impacts**

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

The issue is whether the Amendment and future development of the site will have an unacceptable impact on the amenity of existing residents.

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

Submission 13 considered that the site's development would block sunlight and fresh air to Victorking Drive residents to the north of the site.

Council submitted that Amendment will facilitate conventional residential development, with two portions of the land identified for future medium density housing. It considered the application of the GRZ consistent with the surrounding residential development with DPO3 guiding the density of future subdivision. It submitted that development of dwellings on future lots would generally not require planning permits but that mandated setbacks would be applied through the building permit process.

The Proponent relied on the Planning Report's assessment of the proposal against the relevant provisions of the Wyndham Planning Scheme.

#### **(iii) Discussion**

The outlook of nearby residents from their houses and private open space areas after development occurs will change. Maintenance of views across private farmland is not a reasonable expectation to be achieved through the planning system. The development of the site for housing is consistent with the long term planning of the area. The Development Concept and DPO3 provide for new open space and wetland areas which will enhance existing areas and concentrate medium density housing away from existing residential areas.

In terms of new housing development, the Development Concept provides an indicative lot size and orientation generally consistent with the established residential development to the north and south. The future development of lots for housing will be subject to building permits and amenity issues managed through planning scheme provisions relating to height, setbacks, overshadowing and overlooking.

#### **(iv) Conclusions**

The Panel concludes:

- That the Amendment and future development of the site will not have an inappropriate impact on the amenity of existing residents.
- The DPO3 will provide for housing and open space outcomes consistent with the existing residential character.

## 5.2 Potential health hazards

### (i) The issue

The issue is whether the Amendment and future development for housing will create health hazards including exposure to electromagnetic radiation from telecommunications infrastructure and unacceptable bushfire risk.

### (ii) Submissions

Submission 4 opposed the rezoning because of potential exposure to health hazards installed on the site such as a telecommunications facility. The submission identifies existing issues of potential electromagnetic radiation from the nearby Vodafone telecommunications tower. It did not specifically identify the location of this facility.

Council submitted that it did not consider that the development of the land for residential purposes would create any health hazards and that there was no proposal to construct an antenna on the site. It indicated that the construction of any antenna would need to comply with the Australian Communications and Media Authority (ACMA) regulations.

Usefully, Council undertook further research to establish the location of communications antennas (and any associated permits) in the Featherbrook Estate. It identified three active ACMA sites markers, the closest some 700 metres from the site:

- 756 Aviation Road, to the south of the subject site in the wetland area, is a 30 metre high telecommunication tower developed by Telstra for the Regional Broadband Scheme. It is used by Telstra, Optus, Vodafone and R BKAL Pty Ltd. A permit was issued in 2008 following notification. It was considered to meet the *Telecommunications Code of Practice 1997* (Commonwealth) and the *Code of Practice for Telecommunications Facilities in Victoria*, July 2004 and Clause 52.19 (Telecommunications Facility)
- 215-221 Sneydes Road located to the north of Windorah Drive within the Featherbrook Estate and north of the subject site. Owned by Telstra it does not appear to be an antenna structure according to the description on the ACMA website
- 29-31 Windorah Drive, Point Cook is a 35 metre monopole and most likely to be the antenna referred to by the submitter. Council issued a planning permit in 2016 for the structure.

In terms of potential for bushfire risk, Council identified that the DPO provided suitable measures for the implementation of defendable space requirements and provision of fire hydrants to reduce any potential bushfire risk to the lots within the Bushfire Prone Area.

### (iii) Discussion

The Amendment does not propose the construction of any above ground telecommunications facilities. Based on the submission of Council, existing telecommunication facilities have been erected following their assessment against State and Commonwealth Codes of Practice which consider the impacts of electromagnetic radiation. The closest existing facility is over 700 metres from the subject land and unlikely to have health impacts on new residents on the site.

The DPO3 provides an appropriate mechanism for the Development Plan to respond to the Bushfire Statement and provide subdivision permit conditions relating to the management of the defendable space within the small bush fire prone area adjacent to the proposed wetland consistent with Clause 53.02. The Panel notes that the exhibited DPO3 at section 3.0 refers to the wrong date for the Bushfire Statement. This has been corrected in the Panel's Preferred Version of DPO3.

**(iv) Conclusion**

The Panel concludes:

- The Amendment and future development of the site for housing will not result in any significant health hazards relating to electromagnetic radiation or bushfire risk.

### **5.3 Economic impacts**

**(i) The issues**

The issues are:

- whether property value and financial implications for individuals are relevant in this matter
- whether the Amendment will have a net community benefit.

**(ii) Submissions**

Four submissions<sup>10</sup> identified that the Amendment will have negative impacts on property values. Submission 4 considered that the provision of additional lots would further impact on what was considered to be already volatile property prices. Submissions 11 and 12 advised that if they had been made aware of the rezoning when they bought their houses, they would have reconsidered their decision. They submitted the development would reduce the value of their property and have broader financial impacts on them.

The Proponent submitted that:

The land is currently, because of its zoning as General Farming, underutilised in an established suburb of Wyndham where there has been a recent and massive investment of infrastructure to better serve the existing and proposed residents of the suburb of Point Cook.

The Proponent relied on the Planning Report which identified that:

This amendment will have an overall net community benefit to the immediate and broader community of Point Cook.

The amendment will achieve positive environmental, social and economic outcomes by amending the zoning and ensuring consistency throughout the area. Appropriate controls will be implemented to ensure that the land is developed to achieve a net community benefit.

...

The amendment will have a net community benefit through implementing a cohesive road network, providing affordable housing opportunities, allowing for connectivity from east-west through an on-road bike path and providing open space for the existing

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<sup>10</sup> Submissions 4, 11, 12 and 13.

and future residents. The net community benefits of this amendment will outweigh any administrative costs incurred by the responsible authority.

The Proponent referred to the Social and Economic Assessment which concluded that the economic implications of the current land use are likely to be relatively insignificant identifying that:

The economic and employment impacts of the proposed new development will be positive, leading to a significant number of new jobs during the infrastructure servicing and dwelling construction phases once the residential allotments are created. The new development is also likely to provide relatively affordable housing, and convenient access to jobs in the Melbourne CBD, Werribee town centre and the western part of the city.

Council submitted that the site's residential development would improve the diversity of housing supply in the area, which is one of the objectives of the Wyndham Planning Scheme. It suggested that the Amendment would have positive economic effects during site construction phase and that the loss of this unviable area of isolated farming land would not impact on agricultural industry activity. It submitted that the short-term fluctuation of property value was not a relevant strategic planning consideration.

### **(iii) Discussion**

The Planning and Environment Act and the Wyndham Planning Scheme require social and economic matters and the principles of net community benefit and sustainable development to be considered.

Social and economic impacts are difficult to quantify and often intangible in the absence of any analysis and evidence. The Panel acknowledges that the Amendment may have some level of economic impact on land owners, however it regards this as principally a private economic impact rather than a broader community impact. The Panel does not consider that the private impacts identified in submissions outweigh the broader community benefit of the Amendment that flow from providing a greater diversity and supply of housing in the area and enhancing the existing open space and wetland networks.

The Panel agrees with the submissions of Council and the Proponent that the Amendment will have a broad positive social and economic benefit by providing important additional housing supply and diversity and creating an integrated residential development with additional open space and waterways. This in the Panel's opinion will translate as a net community benefit.

### **(iv) Conclusions**

The Panel concludes:

- Property value and financial implications for individuals are not relevant matters for consideration of the Amendment.
- The Amendment will have a net community benefit.

## Appendix A Submitters to the Amendment

| No. | Submitter                        |
|-----|----------------------------------|
| 1   | City West Water                  |
| 2   | Environment Protection Authority |
| 3   | Department of Transport          |
| 4   | Evgeny Chernyak                  |
| 5   | Nathan Bessell                   |
| 6   | Siu Wai Law                      |
| 7   | Featherbrook College             |
| 8   | Louise Shaw                      |
| 9   | Anushan and Dayani Jayasekera    |
| 10  | Akron Point Cook Pty Ltd         |
| 11  | Paras Jain                       |
| 12  | Anuj Yadav                       |
| 13  | Harsha Vardan Singh              |
| 14  | Ae Kyung Lee                     |

## Appendix B Document list

| No. | Date       | Description  | Provided by         |
|-----|------------|--|---------------------|
| 1   | 20/03/2020 | 'On the papers' Direction Hearing proceedings letter to all submitters | Panel               |
| 2   | 8/04/2020  | Draft Directions for proceedings                                       | Panel               |
| 3   | 15/04/2020 | Final Directions for proceedings                                       | Panel               |
| 4   | 17/04/2020 | Rezoning application material as required in Direction 1 of Panel      | Best Hooper Lawyers |
| 5   | 5/04/2020  | Council's Part A submission  | Council             |
| 6   | "          | Transport Impact witness statement of Mr Kiriakidis                    | Best Hooper Lawyers |
| 7   | 12/05/2020 | Proponent submission   | "                   |
| 8   | "          | Council's Part B submission  | Council             |
| 9   | "          | Comments on witness statement  | Council             |
| 10  | 13/05/2020 | Witness questions  | Panel               |
| 11  | 14/05/2020 | Witness response to questions  | Mr Kiriakidis       |
| 12  | 15/05/2020 | Panel's questions of submitters  | Panel               |
| 13  | 19/05/2020 | Proponent closing submission and response to Panel questions           | Best Hooper Lawyers |
| 14  | 21/05/2020 | Council closing submission and response to Panel questions             | Council             |

## Appendix C Panel preferred version of the Development Plan Overlay Schedule 3 (DPO3)

[Tracked Added](#)

~~Tracked Deleted~~

XX/XX/XXXX  
Proposed  
C228

## SCHEDULE 03 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO03**

### 315 BOARDWALK BOULEVARD, POINT COOK

#### 1.0 Objectives

XX/XX/XXXX  
Proposed  
C228

To facilitate the residential subdivision of the land consistent with the surrounding residential area.

#### 2.0 Requirements before a permit is granted

XX/XX/XXXX  
Proposed  
C228

A permit may be granted to use or subdivide land, construct a building or carry out works before a development plan has been prepared to the satisfaction of the responsible authority provided it does not prejudice the orderly and proper planning of the area and the future development of the site.

#### 3.0 Conditions and requirements for permits

XX/XX/XXXX  
Proposed  
C228

The following conditions and/or requirements apply to permits:

- Except for a permit issued under Clause 2.0, a permit must contain conditions or requirements which give effect to the provisions and requirements of the approved Development Plan.
- Any planning permit issued for subdivision of the land must include the following conditions:
  - Prior to the issue of a Statement of Compliance, all aesthetically objectionable material, including but not limited to treated pine sleepers, concrete and polystyrene must be removed to the satisfaction of the Responsible Authority.
  - Prior to the issue of a Statement of Compliance, an environmental report prepared by a suitably qualified person must be prepared to confirm that all soils imported onto the site are assessed in accordance with EPA Industrial Waste Resource Guidelines (621 and 702) or any guidelines that supersede them.
- Any planning permit issued for building or works must include the following conditions, unless the Responsible Authority is satisfied that they have been previously complied with:
  - Prior to the construction of the building or carrying out of works, all aesthetically objectionable material, including but not limited to treated pine sleepers, concrete and polystyrene must be removed to the satisfaction of the Responsible Authority.
  - Prior to the construction of the building or carrying out of works, an environmental report prepared by a suitably qualified person must be prepared to confirm that all soils imported onto the site are assessed in accordance with Environmental Protection Agency Industrial Waste Resource Guidelines (621 and 702) or any guidelines that supersede them.
- Any planning permit issued for subdivision of land located within the Bushfire Prone Area must include the following condition:
  - Prior to the date the Plan of Subdivision is certified under the *Subdivision Act 1988*, the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* and must make application to the Registrar of Titles to have the agreement registered on the title to the land within the “Defendable space – BAL 12.5” area as identified in Figure 2 of the 315 Boardwalk Boulevard, Point Cook: Bushfire Management Statement (Brett Lane & Associates, June 2019) under Section 181 of the Planning and Environment Act 1987.

The restriction must provide that:

Any dwellings constructed on the land must adhere to the minimum construction standards for BAL 12.5 rating under AS3959-2018 Construction of Buildings in Bushfire-prone Area (Standards Australia, 2018).

Defendable space is provided at distance of 21 metres and managed in accordance with the requirements of Table 6 of Clause 53.02 of the Wyndham Planning Scheme.

No residential lots are to be provided within the defendable space area.

The owner must pay the costs (including the Council's costs) of the preparation, drafting, finalisation, signing and recording of the agreement.

A copy of Title showing the Dealing number as issued by the Office of Titles must be provided to the Responsible Authority.

#### 4.0 Requirements for development plan

XX/XX/XXXX  
Proposed  
C228

The Development Plan must include the following requirements:

- The development plan must be accompanied by a site analysis and design response for the site demonstrating a response to the site's opportunities and constraints with particular regard to the recommendations contained in the following reports:
  - A Landscape Concept Plan for roads, open space and the public realm. The plan should not use weed species known to the area. The landscape plan should enhance and complement the site, provide a high-quality landscape outcome and be sustainable;
  - A Stormwater Strategy;
  - A Preliminary Environmental Site Inspection and Hydrogeological Assessment;
  - A Cultural Heritage Management Plan;
  - An Engineering Servicing Report;
  - A [Transport Impact Assessment](#) ~~Traffic Management Report~~;
  - A Social and High-Level Economic Impact Assessment;
  - A Biodiversity Assessment;
  - *315 Boardwalk Boulevard, Point Cook: Bushfire Management Statement (Brett Lane & Associates, June 2019).*
- Provision of a design response for the site that responds to the requirements of this schedule, including the technical reports.
- Provision of a suitable design response to interfaces with adjoining land uses on all boundaries of the plan area.
- Provision of an indication of the location of all proposed land uses within the plan area and their interrelationship with the proposed lot layout of the subject land, to ensure a functional layout.
- Identification of the location of main pedestrian/cycle paths along corridors, which are to the residential lots through the environmental buffers.
- Identification of and response to environmental buffers to the Point Cook Creek and surrounding wetland.
- Identification of and response to any areas of remnant native vegetation and/or habitat present on the land.
- Identification of location of wetlands and open space required to manage stormwater within the plan area.
- Provision of a medium density residential area, designed to be integrated with the adjoining public open space.
- Provision of neighbourhood parks within 400 metres of at least 95% of dwellings, but at least 400 metres apart and at least 100 metres from the main sub-arterial road.
- Provide details of the proposed road layout pattern which:
  - Provides convenient internal and external access for residents.
  - Demonstrates an appropriate interface between residential properties and public open space reserves and roads.
  - Provides road links to surrounding areas.
  - Minimises the length of any bus route that is to be provided off the main sub-arterial road.

- Meets emergency vehicle weight requirements and applicable vehicle access design and construction requirements (for length of access greater than 30 metres) in accordance with the requirements of Table 5 of Clause 53.02 of the Wyndham Planning Scheme.
- Meets the water supply requirements of Table 4 and any other applicable fire authority requirements of Clause 53.02 of the Wyndham Planning Scheme.
- Provides signage to restrict vehicle parking to one side of the road (if the road is less than 7.3m wide)
- Provide details of the general location and distribution of lots and details relating to:
  - Variety of lot sizes and densities to encourage a range of housing types and for other compatible land uses.
  - Consideration of the topography of the land particularly with regard to the provision of useable open space.
  - Achievement of the Principles contained in Plan Melbourne 2017-2050.
  - Sensitive interface onto adjoining residential land.
  - Stages of the development and the timing and provision of infrastructure and other key facilities associated with it.
  - Provision of well-distributed local open space which is not flood effected or constrained and is clearly visible and accessible to residents within the development area.
  - The location of any major existing infrastructure easements.

### **Background Documents**

- *315 Boardwalk Boulevard, Point Cook: Bushfire Management Statement (Brett Lane & Associates, June 2019)*
- *Site Contamination Assessment: 315 Boardwalk Boulevard, Point Cook, Victoria (Prensa Pty Ltd, September 2019)*