

**Melton Planning Scheme  
Referral 12: Western Highway, Truganina**

**Priority Projects Standing Advisory Committee Report**

*Planning and Environment Act 1987*

**17 May 2021**

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Priority Projects Standing Advisory Committee Report pursuant to section 151 of the PE Act

Melton Planning Scheme

Referral 12: Western Highway, Truganina

**17 May 2021**

Members of the Priority Projects Standing Advisory Committee who considered this referral:



Con Tsotsoros, Chair



Geoffrey Carruthers, Member

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## Glossary and abbreviations

ACM facility	Aurora Construction Materials recycling and concrete batching facility
the Committee	Priority Projects Standing Advisory Committee
Council	Melton City Council
DELWP	Department of Environment, Land, Water and Planning
DoT	Department of Transport
Head TfV	Head, Transport for Victoria (formerly VicRoads)
Melbourne Water	Melbourne Water Corporation
OMR	Outer Metropolitan Ring Road
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Melton Planning Scheme
the Precinct	Mt Atkinson & Tarneit Plains Precinct
the PSP	Mt Atkinson & Tarneit Plains Precinct Structure Plan
RDZ1	Road Zone Category 1
RM Act	Road Management Act 2004
VCAT	Victorian Civil and Administrative Tribunal

# 1 Overview

## (i) Referral summary

Referral summary	
Date of referral	25 March 2021
Members	Con Tsotsoros (Chair), Geoffrey Carruthers
Description of referral	Use and develop 1789-1811 and 1813-1839 Western Highway, Truganina for a vehicle store and to create access to the Road Zone Category 1 (RDZ1)
Common name	Referral 12: Western Highway, Truganina
Municipality	Melton
Planning Authority	Melton City Council
Applicant	Bestsize Pty Ltd
Subject site	1789-1811 and 1813-1839 Western Highway, Truganina
Directions Hearing	Not required
Roundtable discussion	15 April 2021
Site inspection	Unaccompanied, 12 April 2021
Parties	<ul style="list-style-type: none"> <li>- Melton City Council represented by Barnaby McIlrath of PE Law</li> <li>- Bestsize Pty Ltd (the Applicant) represented by Peter O'Farrell of Counsel, instructed by James Lofting of HWL Ebsworth, and called evidence on:               <ul style="list-style-type: none"> <li>- traffic from Henry Turnbull of Traffix</li> <li>- planning from Justin Slater of Tract</li> </ul> </li> <li>- Head, Transport for Victoria represented by Andrew Walker of Counsel, instructed by Harwood Andrews, and called evidence on:               <ul style="list-style-type: none"> <li>- traffic from Hilary Marshall of Ratio</li> </ul> </li> <li>- Melbourne Water Corporation represented by Nikolas Karageorge</li> </ul>
Permit application	PA2019/6672/1
VCAT Reference No	54A/2020
Information relied on	VCAT file, Council reports, expert evidence, and submissions at the round table discussion
Citation	Priority Projects Standing Advisory Committee Referral 12 [2021] PPV
Date of this report	17 May 2021

**(ii) Findings**

The Committee finds that the proposal is:

- an as-of-right use in the current Industrial 1 Zone in the Melton Planning Scheme (the Committee does not question the use)
- generally consistent with the Planning Policy Framework except for the Clause 18.01 objective: *To create a safe and sustainable transport system by integrating land use and transport*
- inconsistent with the Mt Atkinson and Tarneit Precinct Structure Plan
- inconsistent with the AustRoad Guidelines because it seeks to integrate the property access with the adjacent BP Service Centre off-ramp within a designated freeway.

**(iii) Recommendation**

The Priority Projects Standing Advisory Committee recommends:

- 1. That the Minister for Planning not support the proposal and that Melton Permit Application PA2019/6672/1 not be issued.**

## 2 Introduction

### 2.1 Terms of Reference and letter of referral

The Priority Projects Standing Advisory Committee (the Committee) was appointed by the Minister for Planning on 14 June 2020. The purpose of the Committee is set out in its Terms of Reference (Appendix D) to:

... provide timely advice to the Minister for Planning on projects referred by the Building Victoria's Recovery Taskforce (BVRT), projects affected by Covid-19 and or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

On 28 February 2021, the Minister for Planning advised that he decided to call in Victorian Civil and Administrative Tribunal (VCAT) proceeding and referred it to the Committee (Appendix A). The letter requested the Committee provide:

...advice and recommendations on whether planning approval should be issued and, if so, the appropriate conditions that should be imposed. I ask the Priority Projects SAC to have particular regard to how the project aligns with planning policy relating to transport and its consistency with the Mt Atkinson and Tarneit Plains Precinct Structure Plan.

This is Referral 12 of the Committee.

The Committee convened a round table discussion with parties to the VCAT proceedings and focussed on the issues in dispute, which primarily related to:

- how the project aligns with transport related planning policy
- consistency with Mt Atkinson and Tarneit Plains Precinct Structure Plan
- access to the Western Highway
- built form and landscaping
- Melbourne Water requirements.

### 2.2 Procedural matters

#### (i) Referral 12 members

Due to the issues to be resolved, the members of the Committee considering Referral 12 comprised Con Tsotsoros (Chair) and Geoffrey Carruthers.

The Committee was assisted by Georgia Thomas, Project Officer and Andrea Harwood, Senior Project Manager from the Office of Planning Panels Victoria.

#### (ii) Member composition changes

David Merrett was originally nominated as the Referral 12 Chair but was subsequently unavailable for the scheduled round table date of 15 April 2021.

Mr Underwood was then nominated as Chair, and a notification letter was issued on 25 February 2021.

Head, Transport for Victoria (Head TfV) requested<sup>1</sup> that Mr Underwood recuse himself because it claimed that there was an apprehension of bias resulting from alleged direct discussions about the disputed conditions. Mr Underwood advised that Head TfV had misrepresented circumstances and his recollection of circumstances. He categorically refuted the claim that he “*expressed the view that the Department of Transport was unreasonable*”. Accordingly, he did not recuse himself. Mr Underwood decided to not continue as Chair to enable the process to progress without delay.<sup>2</sup>

The Committee considered this procedural matter to be resolved before the round table commenced. It provided Head TfV with an opportunity to correct any claims in its procedural submission. It opted not to.

### **(iii) Round table date**

On 7 April 2021, Head TfV requested the round table be adjourned until after 3 May 2021, on the grounds that no responsible officer would be available to attend the round table as scheduled. The Committee considered the request after providing parties with an opportunity to respond. The Applicant (Bestsize Pty Ltd) opposed an adjournment.

The Committee considered that the notification letter of 25 February 2021 had provided reasonable notice of the round table and for submissions to be made. It issued further Directions on 14 April 2021, advising that the round table would be convened as scheduled in the notification letter.

At the beginning of the round table, the Applicant sought to adjourn the round table for 6 or 7 weeks to enable it to negotiate on an undisclosed alternative proposal which may resolve the dispute. It considered that a one-day round table did not provide sufficient time to detail its case.

The Committee provided parties with an opportunity to respond to this request. Head TfV opposed an adjournment, noting that one of its officers had altered her leave plans to attend the round table. Melton City Council (Council) did not oppose an adjournment, but reserved its right to seek costs from the Applicant associated with any adjournment. Melbourne Water Corporation (Melbourne Water) had no comment.

After considering the request and associated responses, the Committee decided to proceed with the round table. It considered the notification letter and further Directions provided reasonable notice for parties to prepare for round table and to enable a fair process. The Committee noted the Referral 12 round table process was consistent with other Priority Projects Standing Advisory Committee processes and its Terms of Reference.

### **(iv) Round table approach**

The round table was conducted in one day, providing parties with an opportunity to present their submissions and call their expert witnesses.

The round table concluded with a ‘without prejudice’ discussion on draft permit conditions. The parties were given until 5 pm on 16 April 2021 to submit any ‘without prejudice’ responses to the Committee.

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<sup>1</sup> Documents 9 and 15

<sup>2</sup> Document 16

## 2.3 Background to the proposal

Bestsize lodged a permit application (PA2019/6672/1) to Council seeking to use and develop 1789-1811 and 1813-1839 Western Highway, Truganina for a vehicle store and to create access to the RDZ1.

VicRoads, now Head TfV, is a determining referral authority pursuant to section 55 of the PE Act. It objected to the permit application.

On 11 October 2019, after Council had not decided on the application within 60 statutory days of application lodgement, the Applicant sought to review the permit application<sup>3</sup> at VCAT. VCAT proceeding No 54A/2020 related to this review.

The Minister for Planning called in the matter and referred it to the Committee.

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<sup>3</sup> Pursuant to section 79 of the PE Act

## 3 Site and planning context

### 3.1 The subject land

- Address: 1789-1811 and 1813-1839 Western Highway, Truganina (see Figure 1)
- Zone: Urban Growth Zone Schedule 9
- Overlays: Infrastructure Contributions Overlay Schedule 3 (Mt Atkinson & Tarneit Plains Infrastructure Contributions Plan, January 2020)
- Public Acquisition Overlay 3 (Outer Metropolitan Ring Road /E6 Transport Corridor) (see Figure 2)
- Abutting properties: BP service centre (west) and recycling and concrete batching plant (east)

**Figure 1** Subject land



Source: [mapshare.vic.gov.au/vicplan/](http://mapshare.vic.gov.au/vicplan/) and Planning Panels Victoria

**Figure 2** Planning Scheme Overlays



Source: [mapshare.vic.gov.au/vicplan/](http://mapshare.vic.gov.au/vicplan/) and Planning Panels Victoria

## 3.2 Planning framework

### (i) State and local planning policy

Council and the Applicant agreed that the following planning policies and provisions were relevant to the permit application:

#### State policy

- Clause 11.01-1S – Settlement
- Clause 11.03-2S – Growth areas
- Clause 13.02-1S – Bushfire Planning
- Clause 13.07-1S – Land use compatibility
- Clause 15.03-2S – Aboriginal cultural heritage
- Clause 17.03-1S – Industrial land supply
- Clause 17.03-2S – Sustainable industry
- Clause 18.01-2S – Transport system
- Clause 18.02-3S – Road system

#### Local policy

- Clause 21.01 – Introduction
- Clause 21.02 – Settlement
- Clause 21.07 – Built environment and heritage
- Clause 21.10 – Transport
- Clause 21.11 – Infrastructure
- Clause 22.15 – Industrial design guidelines

### (ii) Zones and overlays

Zone: Urban Growth Zone Schedule 9

Abutting zone: Road Zone Category 1

Applied Zone: Industrial 1 Zone

*A permit is not required to use the land for Vehicle store (nestled under Warehouse) in the applied zone.*

Overlays: Public Acquisition Overlay Schedule 3 (PAO3)  
Infrastructure Contribution Overlay Schedule 3

### (iii) Other relevant matters

Other: Bushfire Prone Area and an Area of Cultural Heritage Sensitivity

Strategic Plans: Mt Atkinson & Tarneit Plains Precinct Structure Plan (the PSP).

## 4 The issues

After reviewing the VCAT file and information provided to it, the Committee considers the key issues to be resolved are:

- confirmation of the current plans for the proposed development
- whether the use of the land and its development for a vehicle store is consistent with the PSP
- whether the proposed access will detrimentally impact the operational efficiency and safety of the Western Freeway
- whether the screening and urban design of the proposed development is appropriate
- whether the Melbourne Water requirements have been met.

### 4.1 Confirmation of plans

The key issue to resolve is whether there have been any changes to the plans that were previously submitted to the VCAT proceeding.

#### (i) Evidence and submissions

The Applicant confirmed that the plans conveyed to the Committee on 14 April 2021 were the amended plans submitted to VCAT. This includes the alternative access design concept prepared by Traffix (Mr Turnbull) dated 22 February 2021.

Council confirmed that it relied on the plans submitted with the application (Melton PA2019/6672/1), the later alternative Traffix concept plan, and the without prejudice amended plans prepared by Niche Plan Studio for the Applicant dated 11 March 2020.

The plans amended by Niche Plan Studio addressed:

- PAO3 and Precinct Structure Plan design issues by:
  - removing proposed vehicle storage use from land identified in the PAO3
  - removing extensions of vehicular access on the southern side of the proposed vehicle storage areas
  - shortening vehicular access to identify access from only the north-west corner of the proposed vehicular storage areas.
- Areas of Cultural Heritage sensitivity by:
  - identifying areas of cultural sensitivity within and directly surrounding the subject site, sourced from the Aboriginal Cultural Heritage Register and Information System
  - including a 10-metre buffer extending outward from the identified areas of cultural sensitivity
  - removing proposed vehicle storage from areas identified as cultural sensitivity and within the proposed 10-metre buffer.

The amended plans included notations for vehicle storage surface areas to be of crushed rock, and ‘activity areas’ in the description. Additional notations include:

- balance of sites to be maintained as slashed grass
- all waste is to be privately collected and disposed of off-site
- detailed landscape subject to permit conditions
- road signage and road finishes to be as per engineering drawings.

## **(ii) Discussion and findings**

The notification letter to all parties dated 25 February 2021 requested that all plans, expert witness statements, and any addendums be filed with Planning Panels Victoria by 11 April 2021. Both Ms Marshall and Mr Turnbull submitted addendums to their evidence on 12 April and 13 April 2021 (respectively). No party objected to the Committee accepting these late documents.

The Committee finds that:

- there were no new development plans or related evidence from 14 April 2021
- the material submitted before the round table could be taken as read by all parties.

## **4.2 Consistency with the Planning Policy Framework and the Mt Atkinson and Tarneit Precinct Structure Plan**

The key issue is whether the proposed use is consistent with the Planning Policy Framework and the PSP.

### **(i) Evidence and submissions**

The Applicant called evidence on planning from Mr Slater of Tract. He had initially considered the proposal in January 2020 and subsequently recommended changes to the plans. He explained that the changes made the proposal consistent with the Planning Policy Framework, and generally consistent with the Mt Atkinson and Tarneit Precinct Structure Plan. His considered the proposal:

- is consistent with the zone and overlay provisions
- adequately considers the implications of creating new access to the Western Freeway
- will not prejudice the long-term vision for land use and development of the subject site in accordance with the PSP.

Mr Slater added that this area of Melbourne is a designated growth area with significant strategic planning completed in recent years.

Mr Slater stated the subject site is located:

- between Rockbank and Caroline Springs on the Western Freeway, a major transport route through the western suburbs of Melbourne connecting Melbourne and Ballarat
- in an identified industrial precinct between the rail reserve and the Western Freeway, with established industrial uses such as the abutting Aurora Construction Materials recycling and concrete batching facility (ACM facility)
- among agricultural properties and grass plains
- on the northern edge of the PSP area.

He noted that most of the land surrounding the subject site is yet to be redeveloped.

Mr Slater explained the industrial precinct extends south to Greigs Road before transitioning to residential land uses beyond. Mt Atkinson Estate, Grandview Estate, and Olivia Estate are three residential developments already progressing in planning and construction. These estates are approximately 430 metres south of the subject site (with the Grandview Estate being the closest).

Land north of Western Freeway is in the Kororoit PSP area and is designated for residential purposes. Planning application processes have commenced for their development.

Mr Slater stated that both the Kororoit PSP and the Mt Atkinson and Tarneit Plains PSP specify the future widening of the Western Freeway for a future interchange with the Outer Metropolitan Ring road (OMR).

Council noted that the Hopkins Road interchange at the Western Freeway is proposed to provide access in accordance with the PSP. The ACM development to the east of the subject site was granted a temporary permit by VCAT prior to the PSP being adopted in 2017. He submitted that the analysis by Mr Slater did not mention or address this.

Head TfV submitted that any permit granted in the PSP area should accord with the PSP Guidelines. It adopted the submission of Council.

The Applicant responded that the application was in accordance with the PSP Guidelines, particularly R34, R35, R58, and R108. The ACM facility operations were not temporary, and the permit did not require that the recycling and concrete batching plant close by 2026. The Applicant suggested that such operations would be relevant to the Precinct's construction needs in the near future.

Council called urban design evidence from Mr Czarny of Hansen Partnership. Mr Czarny noted that the land is in the Urban Growth Zone Schedule 9 and guided by the approved Mt Atkinson and Tarneit Plains PSP (as amended in January 2020). He referred to the PSP which sets out the Precinct's growth and planning and the future designation of the land for industrial purposes. Mr Czarny considered the Industrial 1 Zone designation invites functions such as that proposed through the permit application. He added the PSP incorporates ambitions for trunk infrastructure, drainage and public amenity facilities, future key road connections intended to support orderly and compatible development outcomes.

Mr Czarny opined that it is vital for any development at this stage of the PSP to have a high regard for future planned outcomes as set out in the PSP. Any such development should seek to be 'generally in accordance with' applicable directions of the Planning Scheme. He noted that the relatively 'raw' nature of the proposed development in this location was inconsistent with the particular Objectives, Requirement and Guidelines of the PSP at Part 3.2.3 *Employment Areas*.

Mr Czarny noted Requirements 29-31 relating to Industrial sites, and Guidelines 29-32 that refer to landscape and visual amenity matters, and set benchmarks that genuinely exceed the standard and format of the proposed development. He considered that a more advanced development concept would be more apt for important future urban land of this kind.

## **(ii) Discussion**

The Committee agrees with parties that the proposal is generally consistent with the Planning Policy Framework. However, the Committee does not agree with the Applicant or Mr Slater that the proposal is consistent with the intent of the PSP.

The Committee sought details from the Applicant regarding its involvement in the 2016 PSP process. The Applicant submitted a letter dated 15 April 2021 (Document 102) that:

- outlined, among other matters, its historic efforts to secure road access arrangements to the subject site
- stated a submission was made to the Victorian Planning Authority outlining the access issues.

The Applicant was represented by Niche Planning at the PSP Hearing for the Melton C162 amendment in 2016, and it made a submission to that Panel Hearing. Discussions ensued with the Victorian Planning Authority, and the approved PSP excluded the designated Connector Road from the Infrastructure Contributions Plan.

The letter also notes that Council had been aware through countless discussions of Bestsize's inability to gain access to the subject site since 2009. The permit issued by Council in 2016 for the ACM operations meant that the location of the concrete batching plant was likely to restrict access from the Connector Road designated in the Mt Atkinson and Tarneit Plains PSP.

It is evident that the Applicant was involved in the PSP drafting process, but was not satisfied by the outcome, or the ACM facility permit being granted by Council (as a result of VCAT Appeal in 2015<sup>4</sup>). It is clear to the Committee however that access from this part of the Precinct is planned to be from Hopkins Road, and not directly from the Western Freeway. A key Local Street at the southern boundary of the subject site, and a Connector Road to Hopkins Road, have been approved by the Minister for Planning in the PSP Road Network Plan 9 in 2017.

The PSP identifies that the subject site comprises these nearby relevant future uses:

- Public Acquisition Overlay (for the OMR)
- Industrial land
- Service open space (for drainage)
- Local park (Infrastructure Contributions Plan).

**Figure 3** Precinct Structure Plan extract



Source: Mr Czarny's evidence

The PSP identifies the provision of off-road shared paths:

- around the perimeter of the service (drainage) open space
- along the northern edge of the developable extent of the subject site
- along the southern edge, within the PAO3 area along the northern side of the rail corridor.

<sup>4</sup> Document 45

The amended without prejudice plan by Niche Plan Studio acknowledges these PSP requirements.

**Figure 4** Truck storage combined sites



The Committee agrees with Mr Czarny that the proposal does not contribute to or provide other designated planned works within the PSP. Sections 3.2.3 (Employments Areas) and 3.6 (Transport and Movement) should be addressed by a new development proposal within the PSP. This should include drainage management works (to the satisfaction of Melbourne Water Corporation), public open space (the subject site is noted as Future Local Park), and the Local Access Street to the Connector Road link to Hopkins Road.

The permit application relies on the implied Industrial Zone under the PSP, and the Committee is of the view that relevant associated infrastructure should be delivered at this time (as instructed in PSP Section 3.8.2 (Development Staging) Guideline G78), and not as a future possible initiative. The PSP seeks Employment and Industrial Operations in this part of the Precinct, and a vehicle store function could neutralise the capacity of the subject site to deliver upon its higher order role and function.

The Committee noted during the round table that the significant volume of fuel stored in tanks of 100 B-Double trucks on-site had yet to be considered in the proposal. This may potentially constitute the storage of dangerous goods / chemicals, and necessitate the provision of appropriate firefighting services, retention bunds, and water supplies. Should the permit be issued, fire related permit conditions, such as water storage for firefighting purposes, should be considered.

**(iii) Findings**

The Committee finds:

- The proposal is generally consistent the Planning Policy Framework.

- The proposal is inconsistent with the Mt Atkinson & Tarneit Plains Precinct Structure Plan, particularly Objective 24.
- The proposed use potentially constitutes the storage of dangerous goods / chemicals, and the provision of water for firefighting should be considered as a permit condition if the permit is issued.

### 4.3 Access to Western Freeway

The key issue to resolve is whether the proposed access will detrimentally impact the operational efficiency and safety of the Western Freeway.

#### (i) Evidence and submissions

The Applicant and Council submitted multiple historical documents and internal referral response reports, including Head TfV (then VicRoads) section 55 refusal of access to the Western Freeway, dated 31 October 2019. The undated internal analysis report by VicRoads was provided and recommended:

VicRoads support the option of an internal road accessing a reconfigured service carriageway to bypass the BP site. Provided that the entrance road to the site is clearly visible as well as finished to standard, there would be enough deceleration and acceleration space for an additional entrance and exit before and after the site.

Mr Slater found the proposal adequately considered the implications of creating new access to the Western Highway (at paragraph 125 of his evidence).

The Applicant called traffic evidence from Mr Turnbull of Traffix. Mr Turnbull provided evidence based upon the amended access arrangement plans which included a service road proposed from the freeway the BP service centre off-ramp, that would bypass the service centre, then re-join the freeway on-ramp. His assessment concluded that:

- the statutory car parking requirement is met and a variation is not sought
- the proposal will not cause vehicle queuing at the new access point or at the freeway off-ramp
- the proposed access arrangements will operate in a safe and efficient manner and there will not be any adverse off-site impacts on the surrounding road network, including Western Highway and the BP service centre off- and on-ramps
- the bypass lane past the BP service centre is an appropriate treatment but should be lengthened westward as shown on the plans at Appendix B of his evidence
- the amended deceleration lane design (which has been lengthened to meet the AustRoads Guide requirements for deceleration from 110km/h to 40km/h) is appropriate
- adequate sight distance is available for vehicles departing the subject site in accordance with the requirements specified in Australian Standard AS2890.1-2004
- the proposed access will not jeopardise the road network provided for in the PSP
- there are no traffic engineering reasons why a planning permit for the proposed vehicle store and creation of access to a road in the RDZ1 at 1789-1811 and 1813-1839 Western Highway, Truganina should not be granted.

Head TfV called traffic evidence from Ms Marshall of Ratio. She agreed with several of Mr Turnbull's traffic engineering opinions but concluded there are significant threshold grounds that make the amended proposal deficient.

Ms Marshall noted that the OMR is a future major arterial road providing a key transport link between Princes Freeway to the south and the Hume Freeway to the north, continuing to the south east to join the Metropolitan Ring Road. She stated:

The timing of the OMR is unknown at this stage. However, the recently released Draft 30 year Infrastructure Strategy, prepared by Infrastructure Victoria, calls for the construction of the outer metropolitan road and rail corridor. Infrastructure Victoria recommend that the staging of the OMR be determined in the next 2 years, clearly identifying it as a priority project.

Ms Marshall advised the Committee that the acquisition and compensation of the land required for the OMR in the vicinity of the subject site is currently occurring. Hopkins Road is a primary arterial to the east of the subject site, that currently provides the main north south corridor between Melton / Caroline Springs and the Princes Highway / Wyndham area. Hopkins Road is currently at capacity and will require duplication in the near future. There are significant constraints on increasing Hopkins Road beyond two lanes in each direction. This will result in a capacity limitation in the near future.

Ms Marshall considered the easiest way to provide additional north south capacity in this rapidly growing part of Melbourne will be to construct the OMR at least in part. She added:

Although the OMR project is not yet a committed road project, it is not unreasonable in my opinion, to take its design and proximity into consideration when considering access to the subject site.

Both Mr Turnbull and Ms Marshall provided addendums to their evidence before the round table, which primarily focussed on the safety of the egress B-Double trucks entering the BP service centre off-ramp. The issues in disagreement were traffic generation, queuing of trucks, sight and gap distances, PSP road network connections, and the BP bypass service road. Ms Marshall conducted case studies of similar vehicle store operations elsewhere and stated that the impacts of 100 B-Double trucks entering and departing the subject site through the existing off-ramp (particularly during peak traffic periods) would be unacceptable.

Council provided review documents<sup>5</sup> and Head TfV provided a round table submission. These documents provided additional background to the access request within the RDZ1, and the repeated refusal by Head TfV. Head TfV is the network manager and responsible road authority for the Western Freeway road reserve, pursuant to section 37(a) of the *Road Management Act 2004*.

During questioning of Ms Marshall, the Applicant highlighted that the authority of Head TfV under the *Road Management Act 2004* does not extend to deciding planning permit applications. Ms Marshall responded that it had been her experience that a planning application would be refused by the Responsible Authority if Head TfV, as a determining referral authority, opposed the application.

Head TfV opposed the grant of a permit on the grounds that:

- There is strong strategic planning policy support for the following propositions:
  - The safe and efficient operation of the freeway network must not be compromised.
  - New connections to the freeway network, for the purposes of providing access to private land adjacent to a freeway reserve, are not permitted (subject to the

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<sup>5</sup> Documents 33 to 36

exception that a new access point may be provided to access a freeway service centre, in some circumstances).

- The proposal to add two new connection points to the freeway ramp is completely at odds with the thrust of this strategic planning policy.
- The proposal to create two new connections to the freeway ramp, near the entrance to the BP freeway service centre, will compromise the safe and efficient operation of the freeway network.

Head TfV relied on the expert evidence of Ms Marshall and submitted that her evidence should be preferred to the evidence of Mr Turnbull. Head TfV advised that the matter is of such significance, the Minister for Roads, as the responsible Minister, requested that the Minister for Planning call-in the permit application as a matter of state planning policy significance.

Head TfV (HTV) submitted that *“if, contrary to these submissions, a permit is granted for the use and development of the subject land, then Bestsize will have to obtain separate HTV consent under the RM Act to connect to the freeway, construct the by-pass road on the freeway reserve, and also enter into an access agreement with HTV”*.

Head TfV explained that it will not provide its consent to the access arrangements as currently proposed because:

It is contrary to the efficient and effective management of a declared freeway to permit a new private access point.

## **(ii) Discussion**

Access to the subject site is a dilemma resulting from historical decisions and actions by the landowners and government. Consideration of these past deliberations and conclusions is beyond the Referral to the Committee by the Minister for Planning, suffice that the Committee will recommend draft permit conditions should the Minister decide to issue an approval.

There are evidently different opinions between the traffic engineering experts and between the planning experts. Mr Slater concluded that *“the proposed access to the Western Freeway was highly logical, and in-keeping with the long term development vision of the PSP”*. However, the Committee must give weight to the relevant expert evidence of the two traffic engineers on the issue.

Whether or not the relevant AustRoads Design Guidelines would be met by the design solution proposed by Mr Turnbull is a matter for Head TfV to determine. Head TfV has clearly and repeatedly stated its refusal under the *Road Management Act 2004* of what is currently proposed.

The issues raised by Ms Marshall provide sufficient policy grounds for the Committee to recommend to the Minister for Planning that Head TfV position be supported, and direct freeway access through the off-ramp not be granted. The Committee is particularly concerned regarding the gap distance between vehicles entering the off-ramp at 100 kilometres per hour. A 27-metre-long B-Double truck entering this traffic stream from stationary could impact upon vehicle safety, especially in darkness devoid of overhead lighting. Queuing of trucks leaving the subject site during the morning peak periods could see truck drivers inclined to accept lesser gap distances when entering the off-ramp. The B-Double trucks would then be slow moving, at less than the advisory 40 kmph speed, while crossing the line of on-coming traffic to the bypass road.

This is a threshold issue and, on the basis of Head TfV’s refusal on traffic safety and efficiency within a freeway reserve, the application should fundamentally be dismissed on this ground alone.

Council advised the Committee that it had not engaged in discussion for new alternative access arrangements. Alternatives that may or may not provide solutions for this land-locked site in the context of the PSP have not adequately been presented to the Committee for it to make further recommendations.

It is apparent to the Committee that future access to the subject site is intended to be from the Western Freeway, through the Hopkins Road interchange. This should dismiss considerations of vehicles having to take circuitous ‘U-Turn’ routes from the east and west to access the subject site. This would provide an appropriate planning outcome, and produce a safer and more efficient traffic solution.

There appear to be several initiatives currently progressing, including the public acquisition of land for the future OMR, with the PAO3 in part applying to both the subject site and the BP service centre. Whether the Local Access Street along the southern boundary of the subject site (as designated in the PSP) can be constructed to connect east to Hopkins Road, or west to the OMR, should be considered cooperatively by the parties to the round table.

Head TfV is responsible for delivering the widening of Hopkins Road to the freeway interchange. This would deliver the required ‘*Development Staging*’ G78 within the PSP.

### **(iii) Findings**

The Committee finds:

- The proposed access would detrimentally impact the operational efficiency and safety of the Western Freeway.
- The Minister for Transport should support Head TfV’s refusal for access from the northern boundary of subject site to the Western Freeway.
- The subject site’s long-term access to the Western Freeway should be through the Hopkins Road interchange.

## **4.4 Built form and landscaping**

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

The issue is whether the screening and urban design of the proposed development is appropriate. The Committee has considered this issue should the Minister for Planning decide to grant the permit.

### **(ii) Evidence and submissions**

Mr Slater explained that the proposed works will consist of the ground works required to create appropriate road access to Western Freeway, and to grade the subject site in preparation for two new crushed rock vehicle store pads. Landscape planting will be undertaken along the northern edge of the land use area to create a 5-metre-wide landscape interface (to be shown on a detailed landscape plan which is envisaged to be required as a condition on permit).

There are no buildings proposed as part of the application.

Mr Slater noted that Planning Scheme Clause 52.33 Schedule does not require a planning permit for partial removal of an existing dry-stone wall required to facilitate the works.

Regarding the PSP, Mr Slater explained that:

- Plan 4 (Land Use Budget) designates the subject site as Property 4 and 5. Property 4 is the westernmost lot, and Property 5 is the easternmost lot. Plan 2 *Precinct Features* of the PSP does not identify any feature on the subject site other than the extent of the PAO3 mapping.
- Plan 3 (Future Urban Structure Plan) identifies the subject site:
  - as predominantly designated for Industrial land use purposes. The eastern Lot is also partially affected by Service Open Space (Drainage) and Local Park designations.
  - within the PAO3. This encompasses the on-ramps for the future Freeway / OMR interchange, as well as the proposed alternative vehicle access to the subject site along the northern edge of the railway line.
- Plan 7 (Open Space) identifies the Local Park on Property 5 as 'OS04', a 0.7 hectare creditable open space area for the purpose of a Local Park which abuts a waterway / wetland in accordance with Table 7 (Open Space) delivery guide. Within the gazetted Infrastructure Contributions Plan (July 2018), OS04 is listed to be delivered in the long-term, being defined as '10 years and beyond'.
- Plan 8 (Native Vegetation Retention and Removal) identifies existing areas of native vegetation which can be removed in accordance with the PSP. These occur across the Western Freeway frontage to Property 4 in the north-western corner and along the northern boundary, in addition to an area in the south-eastern quadrant of Property 5.
- Plan 10 (Public Transport and Trail Network) shows a shared path trail along the southern boundary of the PAO3 across the subject site.
- Plan 11 (Buffers, Railway Noise Amenity Area & Measurement Length) shows a 60-metre railway noise amenity buffer from the railway located along the southern boundary of the subject site.

A Council officer report (Mr Coate, Senior Urban Designer, dated 4 November 2020) was provided to the Committee. It stated that the Applicant sought to amend the permit application to a temporary use. The Applicant had amended the plans to change vehicle store areas, to include an area of cultural sensitivity, and change the surface of the vehicle store area from hardstand to crushed rock. Mr Coate's review of the revised information found no justification for the change to temporary use, or any clarity on expected timeframes, or detail on the ultimate development plans for the subject site. From an urban design perspective, Mr Coate considered that in absence of this information, the Applicant had failed to clearly demonstrate how the development will provide a cohesive and site responsive design outcome. He added:

The response appears to contain all the hallmarks leading to 'ad-hoc' development at highly visible gateway site.

Council's City Design Department did not support the proposed temporary use in its present arrangement, and requested that the following be addressed:

- Clarify if VicRoads support proposed access arrangements, if this is not the case it is unlikely that vehicle access to the subject site would be feasible.
- The Applicant to clarify the ultimate development for the subject site including staging plan with timeframes and proposed uses. This information must also provide justification on why a temporary use is now being pursued and provide detail on the exact timeframe that this temporary use will be required. The Applicant must also justify how both the design response for both the interim and ultimate development scenarios will provide outcomes that celebrate the subject site's gateway character and responds to its surrounding context, with particular attention given to surrounding interfaces.

- The Applicant must provide a set of detailed design guidelines accord with all relevant provisions of the PSP and Clause 22.15 (Industrial Design Guidelines) of the Planning Scheme to provide certainty for both interim and ultimate development outcomes.
- All interim and ultimate vehicular storage and car parking areas must be clearly defined from adjoining land uses and must include sealed surfaces, line marking and kerbing. All vehicular storage and car parking areas must accord with Council’s *Off-Street Car Parking Guidelines* ensuring 35 per cent canopy coverage and a minimum 15 per cent of these areas being used for landscaping.
- Minimum 5-metre landscape buffers containing canopy trees must be provided adjacent to all boundaries abutting vehicular storage and car parking areas to soften the visual impact from the surrounds.

Mr Czarny’s considered the Planning Scheme and relevant documents reinforce the need for careful design of the proposal’s functions and operations. He referred to Council’s relevant Off-Street Parking Guidelines which state that parking areas “*should make a positive contribution to their surrounds as well as serve a functional capacity*”.

Mr Czarny interpreted the proposed vehicle store pads as ‘parking areas’ within an Industrial context without mitigating landscape treatments, filters or softening effects that would be anticipated in such an exposed and visually prominent location. This issue is further noted at Clause 22.10: Stores and Outbuildings Policy, which seeks ‘*to ensure that the siting, design and scale of stores respects the character of the surrounding area and do not detrimentally impact upon the visual amenity and natural landscape*’.

Mr Czarny referred to:

- Clause 22.15 which seeks to “*ensure new industrial development is well designed and enhances the visual amenity*”
- the Industrial 1 Zone Section 1 condition: “*must not adversely affect the amenity of the neighbourhood*”.

Mr Czarny found the proposal as configured has not given due regard to such Planning Scheme provisions or the profile and presentation to the Western Freeway or the Rail Corridor to the south. He added that both transport conduits represent significant visual receptors.

Mr Czarny considered the importance of this location is heightened by the proposed alignment of the future junction between the Western Freeway and OMR Transport Corridor. The proposal has been broadly shaped around site features and identified future PSP elements, but little has advanced with respect to view and landscape management. The proposal has a notation to the subject site’s Western Freeway frontage (to the PAO3 area) for ‘*Detailed Landscape Subject to Permit Conditions*’. Mr Czarny stated that these matters are necessary inclusions in the evaluation of a proposed development of this location.

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

Landscaping and buffer setbacks were addressed briefly during the round table. Mr Turnbull referred to the amended bypass road design.

The Committee understands the concerns of parties related to the perceived minimal level of design detail available at this stage of the application being considered. However, the ‘*Detailed Landscape Subject to Permit Conditions*’ notation consequently focuses the Committee’s towards draft permit conditions only, should approval be granted.

The amended site layout has demonstrably sought to be consistent with the features adopted in the PSP, by separating the store area into two. The proposed crushed rock surfacing (rather than hardstand) indicates the use would be temporary, but no firm advice has been given regarding the term before a permit might expire. The guidance within the Infrastructure Contributions Plan appears to be 10 years for key infrastructure to be delivered, in this case by 2027. The proposal could then be reconsidered within this timeframe as a permanent industrial development (rather than a temporary use).

This leads to what might be reasonable permit conditions regarding landscaping outcomes to soften the interface with the Western Freeway. A 5-metre-wide buffer of landscaping was generally agreed to satisfy Council's requirements, but there would be a 'grow-in period', even if mature trees and shrubs were used.

A berm was discussed, that could visually shield the vehicle store of 100 B-Double trucks from the freeway. Construction of berm similar to that relied upon at the neighbouring ACM facility should be subject to engineering design, particularly in relation to any impacts upon surface stormwater drainage and pollutant runoff. The Committee regards such a solution, though immediate (but possibly temporary), to be a less desirable planning outcome than a 5-metre-wide landscape buffer.

The extent of either or both visual screening options should be considered within the planning aspirations for *Staged Development* in the PSP. Should the subject site be screened only along the northern boundary, or should 2 or 3 sides have treatments? A landscaped buffer along the northern boundary could grow into a valuable visual asset for this highly visible PSP gateway site. An earthen berm could be removed once a temporary use permit had expired.

In balance, the Committee concludes that the 5-metre-wide landscape buffer along the northern boundary would be a reasonable control within a permit, and a detailed landscape plan incorporating mature plantings and irrigation should be compiled to the satisfaction of Council. No berm should be required.

Our site inspection informed the Committee of the functions of the freeway reserve where the bypass road would be routed. There appears to be a stormwater drainage retention basin along the frontage of the BP service centre, and several underground service utilities. Without detailed engineering design details the Committee is unable to form a conclusion regarding the practicality of constructing a bypass road from the off-ramp at grade. The ownership of this proposed road asset within the freeway reserve would ultimately vest with the government and be managed and maintained by Head TfV. The Applicant would have to enter into a Section 173 Agreement with Head TfV covering these built form matters as a condition of a permit being issued.

#### **(iv) Findings**

The Committee finds that should the Minister for Planning decided to issue the permit:

- The Applicant should provide a set of detailed design guidelines that accord with all relevant provisions of the Mt Atkinson & Tarneit Plains Precinct Structure Plan, and Clause 22.15 (Industrial Design Guidelines) of the Melton Planning Scheme.
- Permit conditions should not restrict the land use because it does not require a permit under the applied Industrial 1 Zone.
- A Detailed Landscape Design Plan showing a 5-metre-wide landscape buffer of mature plantings along the northern site boundary should be a permit condition.

- The design and construction of the bypass road should be to the satisfaction of the Department of Transport and the Applicant should enter into a section 173 agreement with Head, Transport for Victoria detaining the ownership and management of the road asset.

## 4.5 Melbourne Water requirements

### (i) The issue

The issue is whether the Melbourne Water requirements have been met. The Committee has considered this issue should the Minister for Planning decide to grant the permit.

### (ii) Evidence and submissions

Melbourne Water did not oppose to the proposal subject to the permit including the following conditions:

Prior to the commencement of works, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

Pollution and / or sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Prior to endorsement of the development layout plan associated with the application, a stormwater management strategy, including all associated modelling and calculations, must be submitted and approved by Melbourne Water and Melton City Council. The strategy must demonstrate, but not limit to, the following:

- This strategy should align with previous advice from Melbourne Water and generally be in accordance with the relevant Precinct Structure Plan and the Deanside Drive Development Services Scheme (DSS), including details on the proposed drainage infrastructure on the site according to the Deanside Drive DSS, to the satisfaction of Melbourne Water and Council;
- The proposed alignment for any 20% Annual Exceedance Probability (AEP) drainage infrastructure and any associated overland flow paths directions for the 1%AEP flood event;
- That the lot layout adequately accommodates the overland flows and the current layout and/or number of lots may need to change;
- The details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 1% AEP storm event within the property;
- The strategy must demonstrate that the stormwater discharge from the site will not cause additional flooding to the neighbouring properties;
- The strategy must demonstrate how the stormwater will be conveyed from the development area to the Melbourne Water outfall drains or proposed scheme assets. The strategy must demonstrate both short term and long term works;
- Include the design for any temporary outfall works from the site to the ultimate outfall location. If the temporary outfall works are located outside the property boundary, the strategy must include the written consent of the property owners whose lands are affected by the temporary outfall works. The consent must cover all proposed works upon and any alteration to the flow of stormwater through the downstream properties;
- Stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater.

Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.

Prior to the issue of a Certificate of Use and Occupancy, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.

Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.

Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined in section 8 of the Guidelines for Development in Flood Affected Areas (DELWP 2019).

Easements or reserves shall be created over existing and proposed Melbourne Water assets on a Plan of Subdivision to the satisfaction of Melbourne Water.

The developer is to negotiate with the downstream landowners to obtain a free draining outfall through their property. Approval is to be forwarded to Melbourne Water for our records prior to construction commencing.

Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).

Prior to the issue of a Certificate of Use and Occupancy, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

All parties agreed with these conditions at the round table.

### **(iii) Discussion**

Chapter 4.4 discusses the construction of the vehicle store pads with crushed rock altering the subject site characteristics in terms of stormwater runoff and drainage. Water for firefighting services could be incorporated into the planning components of the PSP Plan 7 (Open Space), and serve the dual purpose of a water feature / wetland. This could be determined at a later detailed design stage.

The irrigation of the plantings within the landscape buffer along the northern boundary (as a permit condition) could be sourced from an on-site water storage.

The Committee was not provided with information regarding the availability of treated grey water or recycled effluent in the future. This should be investigated as an alternative to rainwater tanks or Western Water Corporation water supplies.

A stormwater strategy would help address issues sought to be addressed through Melbourne Water's proposed permit conditions. Melbourne Water's permit conditions should be included if a permit is issued.

### **(iv) Finding**

The Committee finds that there should be a permit condition requiring a stormwater management strategy to the satisfaction of Melbourne Water Corporation, if a permit is issued.

## 5 Reasons and recommendation

### 5.1 Reasons

The Committee is satisfied that the refusal of Head, Transport for Victoria (as a determining referral authority) to allow direct access from the subject site to the Western Freeway is within its jurisdiction under the *Road Management Act 2004*. This is a threshold issue for the Responsible Authority to consider, and a planning permit should consequently not be issued.

The Precinct Structure Plan was approved and gazetted by the Minister for Planning in 2017. The current application is not consistent with the PSP, for the reasons outlined within this report. Importantly access from the subject site to the Western Freeway should be via the Hopkins Road interchange. This would require a Local Street and Connector Road access route being constructed to the east, that is B-Double truck capable (and bus capable for public transport connectivity).

Alternative access options were not presented to the Committee in sufficient detail to be included in the findings of this report.

Given the reported rapid growth in the Precinct, the guidance contained in the Infrastructure Contributions Plan (gazetted in 2018) for infrastructure delivery within 10 years should be adopted. The implication being that the proposed vehicle store use could be reconsidered if the Hopkins Road access route is delivered before 2027.

While the Committee finds that a planning permit should not be issued, it has identified permit conditions in Appendix C to this report if the Committee's primary recommendation is not accepted. The permit conditions:

- were drafted by the Committee after it considered written and oral 'without prejudice' comments from parties
- include changes associated with findings in this report
- include drafting related changes identified by parties which remove duplication, remove unnecessary conditions, make terminology more consistent and apply plain English.

### 5.2 Recommendation

The Priority Projects Standing Advisory Committee recommends:

- 1. That the Minister for Planning not support this proposal and that Melton Permit Application PA2019/6672/1 not be issued.**

## Appendix A Letter of referral



Hon Richard Wynne MP

Minister for Planning  
Minister for Housing

8 Nicholson Street  
East Melbourne, Victoria 3002

Ms Kathy Mitchell  
Chair (Lead), Priority Projects Standing Advisory Committee  
Planning Panels Victoria  
[planning.panels@delwp.vic.gov.au](mailto:planning.panels@delwp.vic.gov.au)

Ref: MBR044490



Dear Ms Mitchell

### **CALL IN OF VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL PROCEEDING P1990/2019 AT 1789-1811 AND 1813-1839 WESTERN HIGHWAY, TRUGANINA**

I refer to the above Victorian Civil and Administrative Tribunal (VCAT) proceeding, which relates to the proposed use and development of land at 1789-1811 and 1813-1839 Western Highway, Truganina, for a vehicle store and the creation of access to a Road Zone Category 1.

I advise that I have decided to call in the proceeding from VCAT under Clause 58(2)(a) of the *Victorian Civil and Administrative Tribunal Act 1998*. I have also decided to refer the matter to the Priority Projects Standing Advisory Committee (SAC) for advice and recommendations on whether planning approval should be issued and, if so, the appropriate conditions that should be imposed. I ask the Priority Projects SAC to have particular regard to how the project aligns with planning policy relating to transport and its consistency with the Mt Atkinson and Tarneit Plains Precinct Structure Plan.

I have asked the proponent, Bestsize Pty Ltd, to pay for the full costs of the advisory committee under section 151(8) of the *Planning and Environment Act 1987* (PE Act). If they decline to do so, the Victorian Government will cover the full costs of the Priority Projects SAC.

On 11 October 2019, the proponent lodged an appeal under section 79 of the PE Act after the Melton City Council failed to determine the permit application for the project within the prescribed time. A compulsory conference occurred on 3 April 2020, with a hearing scheduled to commence on 10 March 2021 for three days. There are understood to be three parties to the VCAT proceeding.

If you would like more information, please contact Dr Jane Homewood, Executive Director, Statutory Planning Services, Department of Environment, Land, Water and Planning, on (03) 8683 0975 or email [jane.homewood@delwp.vic.gov.au](mailto:jane.homewood@delwp.vic.gov.au).

Yours sincerely

**HON RICHARD WYNNE MP**  
Minister for Planning

28 / 02 / 2021

## Appendix B Document list

No.	Date	Description	Provided by
<b>2021</b>			
1	28 Feb	Letter of Referral	Minister for Planning
2	16 Mar	VCAT 54A/2020 file –including Orders; Statement of Grounds; Practice notes; Various correspondence; draft conditions for compulsory conference; and amended application plans	VCAT
3	18 Mar	Documents – From Council including plans; maps; application material; Referral authority responses	Mr Sedze, Council
4	25 Mar	Letter – Committee Notice, Directions and Timetable	Ms Thomas, PPV
5	1 Apr	Letter – Head, Transport for Victoria (Head TfV) adjournment request adjournment	Ms Tansley, Harwood Andrews
6	6 Apr	Email – Committee request to Head TfV to clarify adjournment request	Ms Harwood, PPV
7	6 Apr	Email and Letter – Melbourne Water response to Document 4	Mr Karageorge, Melbourne Water
8	7 Apr	Email – Head TfV clarification for adjournment request	Ms Tansley
9	7 Apr	Letter – Head TfV requesting Mr Underwood to recuse himself	Ms Tansley
10	7 Apr	Committee request for responses to adjournment and recusal request	Ms Harwood, PPV
11	7 Apr	Email – Bestsize response to Directions 2 and 3	Ms Richards, HWL Ebsworth
12	8 Apr	Email – Council response to Head TfV on adjournment and recusal requests	Mr McIlrath, PE Law
13	8 Apr	Email – Head TfV response to Directions 2 and 3	Ms Tansley
14	8 Apr	Letter – Bestsize response to Head TfV on adjournment and recusal requests	Ms Richards
15	8 Apr	Submission – Head TfV on adjournment and recusal requests	Ms Tansley
16	9 Apr	Letter – Committee Lead Chair on adjournment and recusal requests	Ms Harwood
17	9 Apr	Email – Bestsize response to Directions 4 and 5, Council files and submission issue	Ms Richards
18	9 Apr	Email – Bestsize advising of expert evidence	Mr Lofting
19	12 Apr	Email – filing of evidence and without prejudice draft conditions	Ms Tansley
20	12 Apr	Attachment to Doc 19 - Without prejudice draft permit conditions	Ms Tansley

No.	Date	Description	Provided by
21	12 Apr	Attachment to Doc 19 - Addendum to witness statement of Ms Marshall	Ms Tansley
22	12 Apr	Submission – Melton City Council	Mr McClrath
23	12 Apr	Expert witness statement Mr Czarny	Mr McClrath
24	12 Apr	Map of 1789 -1811 Western Highway, Truganina Planning Property Report	Mr McClrath
25	12 Apr	Industrial Design Guidelines 2016	Mr McClrath
26	12 Apr	Melton City Council Off-Street Car Parking Guidelines	Mr McClrath
27	12 Apr	Mt Atkinson & Tarneit Plains PSP, June 2017 (amended Jan 2020)	Mr McClrath
28	12 Apr	City of Melton Store and Outbuildings Policy and Guidelines	Mr McClrath
29	12 Apr	Landscape referral response – Melton City Council	Mr McClrath
30	12 Apr	Melbourne Water response, 6 April 2021	Mr McClrath
31	12 Apr	Melbourne Water response, 9 April 2020	Mr McClrath
32	12 Apr	Melton City Council environment and sustainability response 13 February 2020	Mr McClrath
33	12 Apr	Melton City Council design comments, 11 October 2020	Mr McClrath
34	12 Apr	Melton City Council engineering response, 29 July 2019	Mr McClrath
35	12 Apr	Melton City Council engineering response, 13 February 2020	Mr McClrath
36	12 Apr	Melton City Council traffic response, 23 July 2019	Mr McClrath
37	12 Apr	VicRoads response, 31 October 2019	Mr McClrath
38	12 Apr	Letter – Melton City Council response to Western Water Authority letter, 12 November 2020	Mr McClrath
39	12 Apr	QLD Department of Main Roads – different types of roads and their purpose	Mr McClrath
40	12 Apr	Permit application 0081894 – Rock Crushing Plant at 2-50 Meskos Road, Rockbank	Mr McClrath
41	12 Apr	Signed Planning Permit PA2014-4405 at 2-50 Meskos Road, Rockbank	Mr McClrath
42	12 Apr	Lynch v Kingston CC [2019] VCAT 1800	Mr McClrath
43	12 Apr	Maple Media Pty Ltd v Monash CC [2017] VCAT 1264	Mr McClrath
44	12 Apr	TAG-Doreen Pty Ltd v Whittlesea CC [2016] VCAT 1729	Mr McClrath
45	12 Apr	Aurora Construction Materials Pty Ltd v Melton SC [2015] VCAT 1151	Mr McClrath
46	12 Apr	CPG LR1 Pty Ltd v Wyndham CC [2019] VCAT 1054	Mr McClrath
47	12 Apr	Gormacile Pty Ltd v Kingston CC [2013] VCAT 1825	Mr McClrath
48	12 Apr	Grosvenor Lodge Pty Ltd v Mornington Peninsula SC [2018] VCAT	Mr McClrath

No.	Date	Description	Provided by
		1475	
49	12 Apr	Photos – Subject site	Mr McIlrath
50	12 Apr	Video – Subject site IMG_0844	Mr McIlrath
51	12 Apr	Video – Subject site IMG_0850	Mr McIlrath
52	12 Apr	Collated Victorian Planning Provisions and Melton City Council Planning Scheme extracts	Mr McIlrath
53	12 Apr	Without prejudice draft Permit Conditions	Mr McIlrath
54	9 Apr	Notice of an amendment to application P1990/2019	Mr McIlrath
55	9 Apr	Grounds to be relied upon by the Responsible Authority	Mr McIlrath
56	9 Apr	Statement of Grounds of Transport for Victoria - P1990/2019	Mr McIlrath
57	9 Apr	Letter from the Head, Transport for Victoria requesting to be heard - P1990/2019	Mr McIlrath
58	9 Apr	VicRoads referral response, 31 October 2019	Mr McIlrath
59	9 Apr	Niche Planning statement of changes to site plan at 1813 – 1839 Western Highway	Mr McIlrath
60	9 Apr	Melbourne Water response, 9 April 2020	Mr McIlrath
61	9 Apr	Site Plan – Truck Storage Combined Sites, Niche Planning	Mr McIlrath
62	9 Apr	Preliminary Site Plan – Traffix Group	Mr McIlrath
63	9 Apr	Evidence statement – Henry Turnbull	Mr McIlrath
64	9 Apr	Evidence statement – Justin Slater	Mr McIlrath
65	9 Apr	Evidence statement – Craig Czarny	Mr McIlrath
66	9 Apr	Evidence statement – Hillary Marshall	Mr McIlrath
67	9 Apr	Evidence presentation – Justin Slater	Mr McIlrath
68	9 Apr	VCAT Appeal P1590-2020: Barkers Road, Woodend North	Mr McIlrath
69	14 Apr	Index of attachments	Ms Tansley
70	14 Apr	Submission - Head TfV	Ms Tansley
71	14 Apr	Road Management Act 2004	Ms Tansley
72	14 Apr	Permit PA2014_4405 (as amended)	Ms Tansley
73	14 Apr	Permit PA2005_493 (as amended)	Ms Tansley
74	14 Apr	Section 173 agreement	Ms Tansley
75	14 Apr	Letter and the endorsed plans from the Council to WBCM Group dated 17 August 2007	Ms Tansley
76	14 Apr	Titles and plans – subject land	Ms Tansley
77	14 Apr	Title – Lot 1 on Title Plan 082900M (1841-1865 Western Highway)	Ms Tansley
78	14 Apr	Historical Search – Lot 1 on Title Plan 082900M (1841-1865 Western	Ms Tansley

No.	Date	Description	Provided by
		Highway)	
79	14 Apr	Title – Lot 1 on Title Plan 082886C (Unit 1 1841-1865 Western Highway)	Ms Tansley
80	14 Apr	Historical Search for Lot 1 on Title Plan 082886C (Unit 1 1841-1865 Western Highway)	Ms Tansley
81	14 Apr	Clause 53.05	Ms Tansley
82	14 Apr	AustRoads Guide Part 2 (Design Considerations)	Ms Tansley
83	14 Apr	AustRoads Guide Part 4C (Interchanges)	Ms Tansley
84	14 Apr	AustRoads Guide Part 6B (Roadside Environment)	Ms Tansley
85	14 Apr	VicRoads Access Management Policy (May 2006 Version 1.02)	Ms Tansley
86	14 Apr	Plan Melbourne extract	Ms Tansley
87	14 Apr	Aurora Construction Materials Pty Ltd v Melton SC [2015] VCAT 1151	Ms Tansley
88	14 Apr	Longwarry Pty Ltd v Cardinia SC [2008] VCAT 2469	Ms Tansley
89	14 Apr	Red Gem PL v Cardinia SC [2008] VCAT 1504	Ms Tansley
90	14 Apr	Anderson Nominees Pty Ltd v Greater Geelong CC [2007] VCAT 1204	Ms Tansley
91	14 Apr	Longwarry (Eastbound) Pty Ltd Ors v Cardinia SC Ors (Correction) [2011] VCAT 1851	Ms Tansley
92	14 Apr	Carwoode Pty Ltd v Cardinia SC (Red Dot) [2008] VCAT 1334	Ms Tansley
93	14 Apr	Shell Company of Australia v Hobsons Bay CC Ors (includes Summary) (Red Dot) [2012] VCAT 1184	Ms Tansley
94	14 Apr	Letter – foreshadowing adjournment request and filing submission documentation	Ms Richards
95	14 Apr	Submission – Bestsize Pty Ltd	Ms Richards
96	14 Apr	Supplementary evidence presentation – Justin Slater	Ms Richards
97	14 Apr	Proposed site layout plan with Mr Slater's recommendation	Ms Richards
98	14 Apr	Recommended scope approval report with attachments	Ms Richards
99	14 Apr	Supplementary evidence – Henry Turnbull	Ms Richards
100	14 Apr	Without prejudice draft permit conditions – The Applicant	Ms Richards
101	14 Apr	Map of declared roads extract	Ms Tansley
102	15 Apr	Instructions regarding Concrete Batching Plant	Ms Richards
103	16 Apr	Email – to parties directing without prejudice draft permit conditions	Ms Thomas
104	16 Apr	Letter – Head TfV to Committee	Ms Tansley
105	16 Apr	Without prejudice draft permit conditions – Head TfV	Ms Tansley
106	16 Apr	Email – filing comments on Applicants comments on without prejudice draft permit conditions	Mr McIlrath

No.	Date	Description	Provided by
107	16 Apr	Council's Response to Applicant's comments on without prejudice draft permit conditions	Mr McIlrath
108	16 Apr	Without prejudice draft permit conditions – The Applicant	Ms Richards

## Appendix C Committee preferred version of Permit Conditions

Legend: [Tracked Added](#) ~~Tracked Deleted~~

<b>PERMIT NUMBER</b>	PA2019/6672/1
<b>APPLICANT</b>	Bestsize Pty Ltd
<b>RESPONSIBLE AUTHORITY</b>	Melton City Council
<b>RESPONDENT</b>	Department of Transport

### Draft Permit Preamble

Use of the land ~~for a vehicle store~~ [in the Public Acquisition Overlay for accessway](#) and creation of access to a road in a Road Zone Category 1 in accordance with the endorsed plans.

### Draft Conditions

1. ~~Prior to the commencement of~~ [Before](#) works [start](#), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application plans but modified to show:
  - a) The land sizes set aside for the areas covered by the Public Acquisition Overlay, and the future drainage reserve and local park in accordance with the land use budget in the Mt Atkinson and Tarneit Plains Precinct Structure Plan.
  - b) Land with a minimum width of 6m along the eastern boundary set aside for a Connector Road between the future local park and the southern boundary excluding the area covered by the public acquisition overlay;
  - c) Vehicle storage/parking layout;
  - d) Internal access/egress arrangements;
  - e) Crossovers from the access streets where applicable;
  - f) The on-site detention system;
  - g) External fencing details, including the height materials and location of all fencing and the location of bin enclosures;
  - h) The 5m landscape buffer ~~in the future drainage reserve deleted~~ [as illustrated in the plan titled \[insert plan name\]](#)
  - ~~i) The proposed vehicle storage areas sealed with a concrete or asphalt surface and constructed to an urban standard; and~~
  - ~~j) Construction of the road network in accordance with the Mt Atkinson and Tarneit Plains Precinct Structure Plan that connects with the broader road network either to the east or west of the site.~~

- ~~k) A minimum 20m wide graded landscape buffer, comprising canopy trees and shrubs around pad sites;~~
  - ~~l) A 5m high earth berm (maximum 1 in 4 grade to 20m width) to conceal the stored vehicles;~~
  - ~~m) Landscape plantings (including canopy trees) plantings along the external boundaries of the earthen berms with a minimum width of 5m;~~
  - n) Provision for the off-road shared path to north edge of the allotment (outside of the PAO3) of the land;
  - o) Provision of a stormwater management strategy to demonstrate how stormwater is to be managed on-site;
  - p) Confirmation of any lighting or security treatments and its position/alignment;
  - q) Confirmation of any connection or vehicle access between the two pads;
  - r) Confirmation of the location of any on-site management functions and structures (including position of temporary structures), such as site office, amenities and waste bins. Floor plans, elevations, materials and colour (s) of any proposed structures must be provided for endorsement.
  - s) [The location of any other easements of carriageway as necessary.](#)
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables without the prior written consent of the relevant authority.
4. Before the development starts, a Waste Management Plan (WMP) with respect to the collection and disposal of waste and recyclables associated with the proposed use must be submitted to and approved to the satisfaction of the Responsible Authority. The WMP must provide for the following:
- a) The collection of waste associated with the use on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
  - b) Recognition that a private contractor (not Council) will be responsible for waste collection and that vehicles can collect waste in a safe manner without causing nuisance to surrounding properties;
  - c) Incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
  - d) Calculation of weekly waste and recyclable volumes;
  - e) Waste pick up days and hours for general rubbish and recyclables collection;
  - f) Provision for a dedicated area/s on the site for bin storage and waste collection to occur, which is easily accessible by private waste collection vehicles.

Once approved the WMP will be endorsed to form part of this permit and must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority. All waste collection must be collected by a private contractor to the satisfaction of the Responsible Authority.

### Public Infrastructure Plan (PIP)

5. Before the development starts, a Public Infrastructure Plan must be submitted to and approved by the Responsible Authority. The Public Infrastructure Plan should include the following:
  - a) What land may be affected and/or required for the provision of infrastructure works;
  - b) The provision, staging and timing of road works internal and external to the land, consistent with any relevant traffic report or assessment;
  - c) What, if any, infrastructure set out in the infrastructure contributions plan applying to the land is sought to be provided as "works in lieu", subject to the consent of the collecting agency;
  - d) The provision of public open space and land for any community facilities; and
  - e) Any other matter relevant to the provision of public infrastructure required by the responsible authority.
6. The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by the permit holder [unless otherwise dealt with in an ICP](#).
7. Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.
8. Salvage and translocation of threatened flora and fauna species and ecological communities must be undertaken in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

### Infrastructure Contribution Plan (ICP)

9. Before the development starts, or such other time as agreed, the owner must, if required by the Responsible Authority, enter into an agreement, or agreements, under Section 173 of the *Planning and Environment Act 1987* which specifies:
  - a) The infrastructure required to be provided as part of the development. The agreement must give effect to the approved Public Infrastructure Plan;
  - b) The infrastructure contribution to be paid in accordance with the Approved Infrastructure Contributions Plan and
  - c) The timing of the land to be vested to the Responsible Authority, the payment of the land equalisation amount, and the payment of any land credit amount in accordance with the Approved Infrastructure Contribution Plan.

Application must be made to the Registrar of Titles to register the 173 Agreement on the title to the land under Section 181 of the Act.

The landowner under this permit must pay the reasonable costs of the preparation, execution, registration and any future amendments of the Section 173 agreement.

- ~~10. Before the development starts, or such other time which is agreed, a dealing number for the registration of the Section 173 Agreement must be provided to the Responsible Authority.~~
11. The monetary component and any land equalisation amount of the infrastructure contribution must be paid to the Responsible Authority in accordance with the provisions of the Approved Infrastructure Contributions Plan for the land within the following specified time, namely not more than 21 days prior to the issue of a Building Permit in relation to land within that plan.
12. Before the development starts, a Schedule of Infrastructure Contributions must be submitted to and approved by the Responsible Authority. The Schedule of Infrastructure Contributions must show the amount or area (as applicable) of infrastructure contributions to the satisfaction of the Responsible Authority.
13. At least 21 days before the development starts, a revised Schedule of Infrastructure Contributions must be submitted and approved by the Responsible Authority to reflect any changes to the levy rates.
14. Unless with the prior written consent of the Responsible Authority, if Infrastructure Contributions are paid after the applicable indexation period but indexation has not been calculated and applied prior to the payment of contributions, an adjustment will be made to the contributions to reflect any increased contribution that ought to have been paid had indexation been applied. Any adjustment must be paid prior to the Certificate of Occupancy.
15. All pedestrian access to buildings must be designed and constructed to comply with the Disability Discrimination Act.
16. No additional stormwater, sewerage or pollutant laded water to be discharged from the site to adjoining properties, or into any drain/watercourse. All drainage from the site to be retained within allotment boundaries and away from all buildings.
17. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be, [to the satisfaction of the Responsible Authority](#):
  - a) Constructed.
  - b) Properly formed to such levels that they can be used in accordance with the plans.
  - c) Sealed ~~with the pad with an concrete or~~ asphalt [and/or crushed rock](#) surface.
  - d) Drained.
  - ~~e) Line marked to indicate each car space and all access lanes.~~
  - f) Clearly marked to show the direction of traffic along access lanes and driveways ~~to the satisfaction of the Responsible Authority.~~

Car spaces, access lanes and driveways must be kept available for these purposes at all times.
- ~~18. Protective kerbs of a minimum height of 150mm must be provided to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.~~
19. All existing conditions affected by the development works must be reinstated at no cost and to the satisfaction of the Responsible Authority.

20. All works associated with the development that is retained as the responsibility of the owner of the site to upkeep must be maintained in perpetuity to a standard that is to the satisfaction of the Responsible Authority. Otherwise rectification works at the direction of and to the satisfaction of the Responsible Authority must be undertaken within a timeframe as directed by the Responsible Authority.

#### Conditions for the Construction of future Council Assets

21. ~~Prior to the commencement of~~ **Before** works start, a functional layout plan for the development must be submitted to and approved by the Responsible Authority. The plan must incorporate the following:
- a) A traffic management strategy and traffic engineering report identifying street classification, design traffic volumes, intersection treatments and any associated SIDRA electronic files, and traffic management devices to be incorporated into the development.
  - b) An integrated water management plan detailing drainage catchments both internal and external to the development, 1% AEP flow paths and flow volumes for the entire development. This strategy must include on-site stormwater quality improvement, and any stormwater and rainwater harvesting measures.
  - c) A Services Infrastructure report identifying how the development will be serviced by all utility services including but not limited to water reticulation (potable and recycled), electrical, sewer, gas, telecommunications and gas if required.
  - d) ~~A mobility plan detailing pedestrian access, bike & hike paths, public transport routes within the development and all interconnections to adjacent existing and future developments.~~
  - e) ~~Identification by survey of all trees or groups of trees existing on the site, including dead trees and those that overhang the site from adjoining land.~~
  - f) ~~Details of tree protection zones (TPZs) for all trees to be retained.~~
  - g) ~~All proposed works, and services (except pedestrian paths) must be clear of all TPZs.~~
  - h) ~~Identification of all trees to be removed from the site.~~
  - i) The location of carriageway easements as necessary.
22. ~~Prior to the commencement of~~ **Before** the use starts, road works and drainage works must be provided, in accordance with construction plans and specifications as approved by the Responsible Authority. Before any roads / drainage works associated with the development start, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.
- The construction plans will not be approved until the functional layout plan(s) has been approved by the Responsible Authority and landscape plans submitted, and the locations of other authorities' services have been provided to the satisfaction of the Responsible Authority.
23. The construction plans must be drawn to scale with dimensions and one copy (A1 sized plans and set of plans in pdf) must be provided in the initial submission and subsequent resubmissions. For the final submission, a set of A1 sized plans, two A3 sized plans and a ~~CD/DVD~~ digital set of plans in pdf and AutoCAD format shall be provided.

The construction plans must include:

- a) All necessary computations and supporting documentation, including a Form 13 for any structure, traffic data, road safety audit and geotechnical investigation report.
- b) All details of works consistent with the approved functional layout plan, submitted landscape plan and development plans.
- c) Design for full construction of streets and underground drainage, including measures to control / capture pollutants and silt.
- d) Provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan.
- e) All road reserve and pavement widths to be in accordance with the current Clause 56 of the Melton Planning Scheme, relevant Precinct Structure Plan or to the satisfaction of the Responsible Authority.
- f) All intersection treatments to comply with all turning movements of Council's waste collection vehicles. Turning templates will need to be submitted for verification.
- g) Verge widths around all bends, intersections and in court heads to be a minimum of that provided at the mid-block.
- h) Priority treatments shall be provided at intersections to the satisfaction of Responsible Authority. The priority treatment at intersections shall comprise of line-markings and raised reflective pavement markers (RRPMs) on the minor street.
- ~~i) Provision of concrete footpaths in all streets and reserves. All footpaths shall be a minimum 1.5 metres in width and be in accordance with Council Standards.~~
- ~~j) Shared hike and bike paths as required within streets and reserves. All shared paths and hike and bike paths to be a minimum 3.0m in width and be in accordance with Council Standards.~~
- ~~k) Provision of public lighting and underground electricity supply to all streets, footpaths, bus stops and to major pedestrian and bicycle links likely to be well used at night.~~
- ~~l) The public lighting shall be designed in accordance with the current AS 1158 and Council's current Public Lighting policy. The lighting category shall be sought from Council.~~
- ~~m) Access to all public properties, pathways and road crossings shall comply with the Disability Discrimination Act.~~
- ~~n) Provision of street name plates to the Council standard design including a schedule of individual signs and associated street numbers.~~
- ~~o) The location and provision of vehicle exclusion mechanisms abutting reserves.~~
- p) Details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves.
- q) Appropriate mechanisms for protecting [any](#) environmental and heritage assets during the construction phase of the development.
- r) Provision for the utilisation of any surplus topsoil from this stage.
- s) Permanent survey marks.
- ~~t) Survey details of the canopy trunk location and size of trees to be retained and associated tree protection zones.~~

- u) Details in relation to all filling on the site that must be compacted to specifications approved by the Responsible Authority.
- v) ~~The relocation underground of all existing aerial services, on the services layout plan.~~
- w) ~~The location of any earthworks (cut or fill) or service provision in a location outside the designated tree protection zone which does not adversely impact on the health and integrity of any trees to be retained.~~

#### **~~Drainage and stormwater management~~**

- 24. ~~The use and development must be carried out and maintained in accordance with a Stormwater Management Strategy approved by the Responsible Authority.~~
- 25. ~~The stormwater management system must be designed to ensure that flows downstream of the site are restricted to pre-development levels unless increased flows are approved by the Responsible Authority~~
- 26. ~~Underground drainage shall be provided and any other drainage works necessary for the transmission of drainage as required to the outfall.~~
- 27. ~~All drainage works shall be designed to meet the following current best practice performance objectives for stormwater quality as contained in the Urban Stormwater—Best Practice Environmental Management Guidelines (1999):~~
  - ~~80% retention of the typical annual load of total suspended solids;~~
  - ~~45% retention of the typical annual load of total phosphorus; and~~
  - ~~45% retention of the typical annual load of total nitrogen.~~

~~The amount of hydrocarbon and other oil based contaminants discharged to Council drains must not exceed 5 parts per million.~~

- 28. ~~Stormwater must not be discharged from the site other than by means of an underground pipe drain discharged to legal point of discharge.~~
- 29. ~~Except with the prior written approval of the Responsible Authority, an on-site stormwater detention system must be installed in accordance with the Stormwater Management Strategy. Prior to commencement of any works, the plans and specifications must be submitted to Council's Engineering Services Unit Att: Infrastructure Planning Coordinator for approval.~~
- 30. ~~Provision of underground drains of sufficient capacity to serve all lots being created to a legal point of discharge and the provision of an inlet on each such lot.~~
- 31. ~~Any proposed development abutting or adjoining a watercourse or water body shall have a minimum 600mm freeboard above the 1 in 100-year flood levels of the water course or water body.~~
- 32. ~~Roads are to be designed such that the allotments are protected with a minimum 150mm freeboard against the 1 in 100-year flood levels.~~

- ~~33. Melbourne Water approval shall be required for the connection of drainage discharge from this development into the current outfall.~~
- ~~34. Prior to the issue of the certificate of occupancy, the following must be submitted to the satisfaction of the Responsible Authority:~~
- ~~a) A complete set of 'as constructed plans' of site works, in digital file format AutoCAD and PDF. The digital files must have a naming convention to enable identification of Council assets listed.~~
  - ~~b) Asset information in digital format to include data as per "D-Spec" and "R-Spec".~~

### Construction management

35. ~~Prior to the commencement of~~ Before onsite works commence, a Construction Management Plan must be prepared and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The Construction Management Plan must include, but not limited to the following:
- a) Proposed working hours;
  - b) Haulage routes to the site;
  - c) Methods of dust suppression;
  - d) Sediment control and gross pollutant management;
  - e) Procedures to ensure that no significant adverse environmental impacts occur as a result of the development;
  - f) Earthworks (Consistent with Construction Techniques for Sediment Pollution Control (EPA, 1991);
  - g) Showing where stockpiling, machinery wash down, lay down, storage and personnel rest areas occur;
  - h) Vehicle exclusion areas; and
  - i) Weed management measures to be undertaken during and post construction.

In addition, the construction management plan must ensure:

- All machinery brought on site to be weed and pathogen free.
  - All machinery wash down, lay down and personnel rest areas to be clearly fenced and located in disturbed areas.
  - Contractors working on the site to be inducted into an environmental management program for construction work.
  - Best practice erosion and sediment control techniques to be used to protect any native flora and fauna.
36. Construction works must not be undertaken outside the development boundaries unless consent is given by the adjoining land owner and/or an easement is located over the works in favour of the service authority. A copy of the consent letter from the adjoining land owner must be provided to the Responsible Authority before any works commences on that land. Also any ensuing requirement for a creation of an easement must be undertaken and completed to the satisfaction of the Responsible Authority before any works commences on that land.
37. Unless there is written consent from the Responsible Authority, all existing infrastructure and assets affected by the development must be reinstated at no cost to and to the satisfaction of the Responsible Authority. Omission of existing infrastructure or assets on a plan cannot be taken as consent from the Responsible Authority.

### ~~Conditions for Private Works~~

~~38. Prior to the commencement of works, engineering plans and relevant design calculations for the proposed development must be submitted to the Responsible Authority. The engineering plans shall, as a minimum, comprise of the layout plan, the drainage plans, signage and line marking plans, pavement design plans and, where applicable, street lighting plans. All works within the site shall remain the property of the lot owner, except where it is located in an easement, and be maintained by the lot owner to the satisfaction of the Responsible Authority.~~

39. Before the development starts, a landscape ~~master~~ plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the Responsible Authority [to show the 5 metre landscape strip](#). When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) Location and identification of all proposed plants.
- b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- c) Street tree planting must be regular and generous. Services must be consolidated wherever possible to allow for trees.
- d) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- e) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
- f) Details of surface finishes of pathways and driveways.
- g) Details of paths to be DDA compliant and to Council standards and standard drawings.
- h) Details of boundary fencing to be provided.

All species selected must be to the satisfaction of the Responsible Authority.

~~40. For landscape plans associated with streetscape works, a detailed landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the Responsible Authority prior to the commencement of works.~~

The landscape plan must be drawn to scale with dimensions and three copies must be provided. The plan must be consistent with any endorsed landscape master plan and must show:

- a) Location of landscape works.
- b) Location and identification of all proposed plants.
- c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
- d) Any existing street trees to be removed.

~~41. Prior to practical completion, or at such other time specified by the Responsible Authority, the following must be submitted to the satisfaction of the Responsible Authority:~~

- ~~a) A complete set of 'as constructed plans' of landscape works in hardcopy (2 x A3 size), softcopy (.pdf) and AutoCAD (.dwg) format. The digital files must have naming conventions to enable identification of Council assets listed.~~
- ~~b) Asset information in digital format to include data as per "A-Spec".~~

42. Prior to occupation of the development, the landscaping works shown on the approved landscape plan must be carried out and completed to the satisfaction of the Responsible Authority, or bonded (if agreed to in writing by the Responsible Authority). If the Responsible Authority agrees to bonding of outstanding works, a time by which the works must be completed will be specified by the Responsible Authority.
43. If the Responsible Authority agrees to bonding of the outstanding works, the works must be completed by the date specified on the letter of agreement. Where it is not completed by that date, the developer shall waive any rights to obstruct Council's claim on the bond to undertake the works and bill the developer for any above costs unless an extension of time is consented to by the Responsible Authority in writing.
44. Prior to the occupation of the development, a bond for maintenance of landscape works must be provided to and be to the satisfaction of the Responsible Authority.
45. Maintenance of landscape works, ~~including but not limited to planting, park furniture, paths, lighting and payment of utilities~~ must be undertaken by the developer for a period of 2 years plus additional time up to the next quarterly inspections for handover to Council (quarterly handover inspections conducted on 1 March, 1 June, 1 September, 1 December). The maintenance period must commence only after the issue of Practical Completion and end when the Final Completion (handover) letter is issued. Landscape maintenance works must be done to the satisfaction of the Responsible Authority. Otherwise rectification works must be undertaken by the developer and the maintenance period extended until it is to the satisfaction of the Responsible Authority.
46. Any maintenance works must be done on a regular basis or greater frequency as directed by the Responsible Authority.
47. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose, including that any dead, diseased or damaged plants are to be replaced.
48. ~~Prior to the commencement of~~ Before any works start, the permit holder must advise all persons undertaking the vegetation removal and works on site of all relevant conditions of this permit.
49. ~~Prior to the commencement of works, habitat compensation fees must be provided to the satisfaction of the Department of Environment, Land, Water and Planning.~~
50. ~~Salvage and translocation of threatened flora and fauna species and ecological communities must be undertaken in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.~~
51. ~~Prior to the commencement of works, proof of payment of habitat compensation fees must be provided to the Responsible Authority.~~
52. Construction stockpiles, fill, machinery, excavation and works or other activities associated with the buildings or works must:
  - a) be located not less than 15 metres from a waterway;
  - b) be located outside the vegetation protection fence;

- c) be constructed and designed to ensure that the conservation area, scattered tree or patches of native vegetation are protected from adverse impacts during construction;
  - d) not be undertaken if it presents a risk to any vegetation within a conservation area; and
  - e) Be carried out under the supervision of a suitably qualified ecologist or arborist.
53. ~~Drainage from storm water treatment infrastructure must be designed to minimise impacts on biodiversity values, particularly matters of national environmental significance.~~
54. ~~Planting in the open space network including conservation areas, waterways, streets, parks and utilities easements should make use of indigenous species to the satisfaction of the responsible authority (and Melbourne Water as relevant).~~
55. The layout and design of waterways, wetlands and retarding basins (including the design of paths, bridges and boardwalks and the stormwater drainage system) should integrate with biodiversity and natural systems to the satisfaction of the responsible authority and Melbourne Water as relevant.
56. Before works start, an Environmental Management Plan (EMP) must be prepared and the EMP must be endorsed by the Responsible Authority. The CEMP must be implemented to the satisfaction of the Responsible Authority. The EMP must include:
- A Weed Management Plan, which outlines measures to manage weeds to the satisfaction of the Responsible Authority. This plan must include (not limited to):
    - Protocols for management of weeds before, during and post construction works;
    - All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens;
    - Location of a designated washdown area to achieve the above;
    - All declared noxious weeds must be controlled; and
    - All weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material must be controlled.
  - All construction stockpiles and machinery must be placed away from areas supporting native vegetation to be retained, fill and watercourses/drainage lines to the satisfaction of the Responsible Authority.
  - Measures must be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the construction period.
  - All earthworks must be undertaken in a manner that will minimise soil erosion and adhere to *Construction Techniques for Sediment Pollution Control* (EPA 1991) and *Environmental Guidelines for Major Construction Sites* (EPA 1995).
  - Water run-off must be designed to ensure that native vegetation to be retained and protected and watercourses are not compromised.
  - Non-compliance must be rectified immediately to the satisfaction of the Responsible Authority and at no cost to Council.
57. No environmental weeds are to be planted (refer to Melton City Council's *Gardens for Wildlife Booklet* (2018) and the Department of Sustainability and Environments *Advisory list of Environmental Weeds of the Inland Plains bioregions of Victoria* (DSE 2009)).

58. ~~Before occupation of the development starts, external lighting within the truck parking area must be provided. All external lighting must be designed, baffled and located to the satisfaction of the Responsible Authority so that no direct light is emitted beyond the boundaries of the subject land to the extent of causing a nuisance.~~
59. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority
60. The site must at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter must be immediately removed from the site and surrounding area at the direction of the Responsible Authority.
61. All garbage and litter generated by activities on the site shall be collected and stored in an appropriate enclosure which is not visible from any road. The enclosure shall be regularly emptied and maintained such that no litter overflows onto adjoining land.

#### **Rehabilitation Plan**

62. ~~Before the use starts, a Rehabilitation Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must be prepared by a suitably qualified environmental consultant and must relate to that part of the land upon which the use is proposed. The plan must include (but is not limited to):~~
- ~~a) a description of measures to be taken to ensure that the land is rehabilitated so as to ensure it is suitable for appropriate after-use;~~
  - ~~b) removal of buildings, plant, equipment, bunds and other structures;~~
  - ~~c) dust and noise control measures to ensure no unreasonable amenity impacts are caused by the removal of the buildings, works and earthworks;~~
  - ~~d) works to ensure satisfactory stormwater run-off; and~~
  - ~~e) timeframes for all relevant stages of the rehabilitation process.~~

#### **Amenity**

63. ~~The use and development must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected, through:~~
- ~~a) Transport of materials, goods or commodities to or from the land.~~
  - ~~b) Appearance of any building, works or materials.~~
  - ~~c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.~~
  - ~~d) Presence of vermin.~~
  - ~~e) Any other way as determined by the Responsible Authority.~~
64. Construction activities must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) Transport of materials, goods or commodities to or from the land.
  - b) Inappropriate storage of any works or construction materials.

- c) Hours of construction activity.
- d) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
- e) Presence of vermin.
- f) Any other way as determined by the Responsible Authority.

## Melbourne Water

65. ~~Prior to the commencement~~Before of works start, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
66. Pollution and / or sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
67. Prior to endorsement of the development layout plan associated with the application, a stormwater management strategy, including all associated modelling and calculations, must be submitted and approved by Melbourne Water and Melton City Council. The strategy must demonstrate, but not limit to, the following:
- This strategy should align with previous advice from Melbourne Water and generally be in accordance with the relevant Precinct Structure Plan and the Deanside Drive Development Services Scheme (DSS), including details on the proposed drainage infrastructure on the site according to the Deanside Drive DSS, to the satisfaction of Melbourne Water and Council;
  - The proposed alignment for any 20% Annual Exceedance Probability (AEP) drainage infrastructure and any associated overland flow paths directions for the 1%AEP flood event;
  - That the lot layout adequately accommodates the overland flows and the current layout and/or number of lots may need to change;
  - The details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 1% AEP storm event within the property;
  - The strategy must demonstrate that the stormwater discharge from the site will not cause additional flooding to the neighbouring properties;
  - The strategy must demonstrate how the stormwater will be conveyed from the development area to the Melbourne Water outfall drains or proposed scheme assets. The strategy must demonstrate both short term and long term works;
  - Include the design for any temporary outfall works from the site to the ultimate outfall location. If the temporary outfall works are located outside the property boundary, the strategy must include the written consent of the property owners whose lands are affected by the temporary outfall works. The consent must cover all proposed works upon and any alteration to the flow of stormwater through the downstream properties;
  - Stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater.

68. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
69. ~~Prior to the issue of~~Before a Certificate of Use and Occupancy is issued, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.
70. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
71. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined in section 8 of the Guidelines for Development in Flood Affected Areas (DELWP 2019).
72. Easements or reserves shall be created over existing and proposed Melbourne Water assets on a Plan of Subdivision to the satisfaction of Melbourne Water.
73. The developer is to negotiate with the downstream landowners to obtain a free draining outfall through their property. Approval is to be forwarded to Melbourne Water for ~~our~~its records prior to construction commencing.  
  
Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).
74. ~~Prior to the issue of~~Before a Certificate of Use and Occupancy is issued, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

#### Department of Transport

75. ~~Prior to the commencement of~~Before any roadworks authorised by this permit start or endorsement of any plans under this permit are endorsed:
  - the landowner must obtain any relevant approval or consent for the roadworks from the Head, Transport for Victoria under the *Road Management Act 2004*.
  - the landowner must enter into agreement with the Head, Transport for Victoria for temporary access licensing fees for the use of the service road and any dilapidation/remediation resulting from the use.
76. ~~Prior to the commencement of~~Before any roadworks authorised by this permit start, the land owner must prepare a functional layout plan(s) for such works to the satisfaction of the responsible authority and Head, Transport for Victoria. When a functional layout plan(s) is to the satisfaction of responsible authority and Head, Transport for Victoria it will be endorsed by the responsible authority and will then form part of this permit. The functional layout plan must provide:
  - (a) A sight distance on the Western Freeway offramp which meets the Safe Intersection Sight Distance (SISD) requirements in Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.
77. A Road Safety Audit must be conducted in accordance with the functional layout plan, including the integration of the roadworks with the Western Freeway on and off-ramps. The Road Safety Audit must be conducted by an independent VicRoads pre-qualified road safety auditor in accordance with Austroads – Road Safety Audit (Second Edition, 2002) to the satisfaction of and at no cost to the Head, Transport of Victoria.

78. Pedestrian access must not be provided along the frontage of the site in the vicinity of the Western Freeway offramp and road reserve.

#### **Pedestrian Access**

~~79. Pedestrian access must not be provided along the frontage of the site in the vicinity of the Western Freeway offramp and road reserve.~~

#### **Sight Distance**

~~80. In the event the Western Freeway offramp requires lengthening for sight distance to meet the Safe Intersection Sight Distance (SISD) requirements in Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections, the design and construction of the extended offramp is at the cost of the land owner and to the satisfaction of the Head, Transport for Victoria.~~

81. Before development starts (including demolition and bulk excavation), a Traffic Management Plan must be submitted to and approved by Head, Transport for Victoria. The Traffic Management Plan must specify:

- (a) detailed engineering plans to the satisfaction of Head, Transport for Victoria. When the detailed engineering plans are to the satisfaction of Head, Transport for Victoria they will be endorsed by the Head, Transport for Victoria and will then form part of this permit. The detailed design plans must be prepared generally in accordance with the approved functional layout plan;
- (b) Safety mitigation measures identified in the Road Safety Audit;
- (c) how traffic will be managed during the demolition and construction; and
- (d) how any traffic impact to the Western Freeway and service centre associated with the demolition and construction will be mitigated.
- ~~(e) The location of signage to identify access arrangements as being temporary.~~

82. All mitigation works and management measures as recommended by the approved Traffic Management Plan must be implemented to the satisfaction of and at no cost to the Head, Transport for Victoria.

83. All costs associated with the preparation and implementation of the Traffic Management Plan will be at no cost to Head, Transport for Victoria.

84. The endorsed Traffic Management Plan must not be modified without the prior written consent of the Head, Transport for Victoria.

85. ~~Prior to the commencement of~~ Before the use authorised by this permit starts, all roadworks must be completed in accordance with the approved functional layout plan(s) and detailed design plans to the satisfaction of Head, Transport for Victoria and the responsible authority and at no cost to the Head, Transport for Victoria.

86. The landowner must engage an approved the Head, Transport for Victoria contractor (pre-qualified at the appropriate level or as otherwise approved) to undertake the roadworks authorised by this permit.

87. Before ~~the commencement of~~ any roadworks authorised by this permit starts, the land owner must provide the Head, Transport for Victoria:

- (a) A bank guarantee, without a termination date, to the Head, Transport for Victoria for the purpose of securing the satisfactory completion of the roadworks authorised by this permit. The amount of the bank guarantee must be equivalent to the estimated cost of the roadworks

authorised by this permit as agreed by the Head, Transport for Victoria. The amount of the bank guarantee must be indexed in accordance with the Rawlinsons Australian Construction Handbook index or such other index agreed by Head, Transport for Victoria.

- (b) A bank guarantee, without a termination date, to the Head, Transport for Victoria for the purpose of securing the satisfactory completion of the removal of the road access from the Western Freeway required under this permit. The amount of the bank guarantee must be equivalent to the estimated cost of the removal of the road access from Western Freeway to the subject site as agreed by the Head, Transport for Victoria. The amount of the bank guarantee must be indexed in accordance with the Rawlinsons Australian Construction Handbook index or such other index agreed by Head, Transport for Victoria.
- (c) The name, address, business and out-of-hours telephone numbers of the principal roadworks contractor;
- (d) Evidence that the contractor has a public liability insurance policy for at least \$10 million, effective for the duration of the works.

88. Before ~~the commencement of~~ any roadworks authorised by this permit ~~start~~, the land owner must enter into an agreement under section 173 of the *Planning and Environment Act 1987* with the responsible authority and Head, Transport for Victoria. The Agreement must provide that:

- (a) Within 6 months of the construction of access to the land from Hopkins Road, the land owner must at its cost and to the satisfaction of Head, Transport for Victoria:
  - i. not permit any vehicle to use the access from the frontage created pursuant to this permit;
  - ii. remove the roadworks authorised by this permit which connect the accessway way to the access ramp; and
  - iii. reinstate the land to its condition prior to the construction of the roadworks authorised by this permit to the satisfaction of Head, Transport for Victoria.
- (b) The landowner will provide to the Head, Transport Victoria, an estimate of the cost of undertaking the works referred to in conditions 11(a)(ii) – (iii), prepared by a suitably qualified engineer and/or quantity surveyor, to the satisfaction of the Head, Transport Victoria.
- (c) The landowner will provide a bank guarantee or bond, to the Head, Transport Victoria for the amount calculated in accordance with condition 11(b), plus a 20% contingency, with the amount indexed in accordance with the Rawlinsons construction index (or any other index to the satisfaction of the Head, Transport for Victoria) on 1 July each year, and the bank guarantee or bond maintained at the indexed amount.
- (d) The Head, Transport Victoria may call upon the bank guarantee or bond if the landowner is in default of its obligations under condition 11(a), and arrange for the works referred to in condition 11(a) to be undertaken by the Head, Transport Victoria or on its behalf.

The agreement must be registered on the title of the land pursuant to section 181 of the *Planning and Environment Act 1987*. The land owner must pay all reasonable costs and expenses incurred by

the Head, Transport for Victoria and the responsible authority for the preparation, execution, review and registration of the section 173 agreement.

89. ~~Prior to the commencement of~~ Before the use authorised by this permit starts, an existing conditions road pavement survey be undertaken for the service road only.
90. Within 12-18 months of the site operating an existing conditions road pavement survey be undertaken for the service road and provided to Head, Transport for Victoria.
91. The Responsible Authority considers the economical and efficient servicing of, and access to, the land covered by the permit requires the owner of land to acquire or an easement over other land in the vicinity and that the acquisition will not result in an unreasonable loss of amenity in the area affected by the acquisition consistent with section 36 of the *Subdivision Act 1988*.

#### ~~Cessation of the uses and removal of buildings and works~~

92. ~~The use authorised by this permit must cease at the earlier of:~~
- ~~(a) 5 August 2026; or~~
  - ~~(b) 3 months prior to the opening of a railway station; or~~
  - ~~(c) 3 months prior to the opening of a supermarket with a minimum floor area of 3,500sqm in the Mt Atkinson town centre; or~~
  - ~~(d) 3 months prior to the opening of a total of 5,000sqm of shop floorspace in the Mt Atkinson town centre. For the purposes of this condition, shop floor space does not include floor space occupied by any use falling within the definition of either Trade Supplies or Restricted Retail Premises under the Planning Scheme.~~
93. ~~Within 3 months of the use ceasing, all plant and equipment and buildings and works and earthworks installed or carried out under this permit shall be removed and the land reinstated to its condition prior to the grant of this permit in accordance with the Rehabilitation Plan required by this permit.~~
94. ~~Before the commencement of the approved use and development, the owner must enter into an agreement with the Responsible Authority under to provide for the following:~~
- ~~(a) On the cessation of the use permitted by the permit, thereafter the land must not be used to store vehicles;~~
  - ~~(b) No requests will be made for the extension of the permit or amendment of the permit to facilitate ongoing use;~~
  - ~~(c) Prior to 2035 no applications will be made to allow ongoing use of the land for vehicle storage.~~

#### **Expiry**

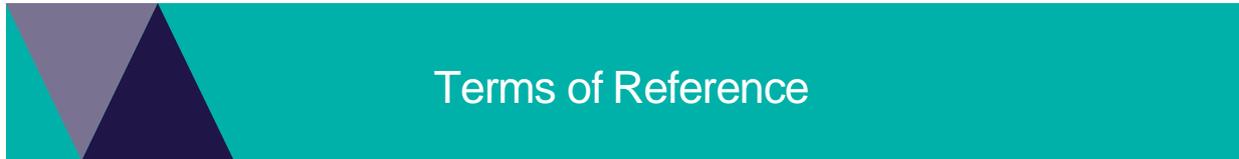
95. This permit will expire if one of the following circumstances applies:
- a) The use and development is not started within two years of the date of this permit.
  - b) The development is not completed within four years from the date of this permit.
  - c) The use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).

**NOTES:**

- All drains contained within the allotment, except in drainage easements, must remain the property of the landowners and must not be taken over by Council for future maintenance.
- All vehicle pathways contained within the allotment, other than stated in this permit, must remain the property of the landowners and must not be taken over by Council for future maintenance
- The development covered by the application is subject to the Final approval for urban development in three growth corridors under Melbourne urban growth program strategic assessment 5 September 2013 under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). All actions associated with urban development must be undertaken in accordance with the requirements of the Biodiversity Conservation Strategy for Melbourne’s Growth Corridors (DEPI 2013). Persons taking actions associated with urban development must comply with the habitat compensation arrangements and fees described in the Biodiversity Conservation Strategy and Habitat Compensation under the Biodiversity Conservation Strategy for Melbourne’s Growth Corridors (DEPI 2013)). The developer must contact DELWP to determine habitat compensation obligations applicable to the proposed development. Salvage and translocation of threatened flora and fauna species must be undertaken in the carrying out of development to the satisfaction of the Secretary of the Department of Environment, Land, Water and Planning. DELWP must be consulted to determine if any salvage and translocation applies to the proposed development.

## Appendix D Terms of Reference



### Priority Projects Standing Advisory Committee

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to advise the Minister for Planning on referred priority planning proposals.

#### Name

1. The Standing Advisory Committee is to be known as the 'Priority Projects Priority Projects Standing Advisory Committee' (the Committee).
2. The Committee is to have members with the following skills:
  - a. statutory and strategic land use planning
  - b. land development and property economics
  - c. urban design and architecture
  - d. heritage
  - e. civil engineering and transport planning
  - f. social impacts
  - g. environmental planning
  - h. planning law.
3. The Committee will include a lead Chair, Chairs, Deputy Chairs and not less than ten other appropriately qualified members.

#### Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning on projects referred by the Building Victoria's Recovery Taskforce (BVRT), projects affected by Covid-19 and or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

#### Background

5. The Victorian Government has identified Victoria's building and construction sector as a key mechanism to revitalise Victoria's economy during the coronavirus (COVID-19) pandemic.
6. The Government has committed to a fast-track assessment process for priority projects of state and regional significance that are shovel-ready and that will provide immediate benefits to Victoria's economy, keeping Victorians in work and priority infrastructure on track for completion.
7. The BVRT was formally announced on 26 April 2020. The Taskforce was established by the Minister for Planning and Treasurer to help keep Victoria's building and development industry running during the coronavirus crisis. The Taskforce will investigate planning and investment opportunities to boost Victoria's building and development industry over the short, medium and long term.

#### Method

8. The Minister for Planning or delegate will refer projects by letter to the Committee for advice on whether the project achieves acceptable planning outcomes.
9. The referral letter must specify:
  - a. the specific issues the Minister for Planning seeks advice about
  - b. the mechanism of intervention being considered
  - c. whether, or which previously collected, submissions are to be considered by the Committee
  - d. how the costs of the Committee will be met.

1. The letter of referral will be a public document.
2. In making a referral, the Minister for Planning or delegate must, either:
  - a. be satisfied that any proposed planning controls for the land make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes, or
  - b. seek advice from the Committee on the drafting of the planning controls or permit conditions.
3. The Committee may inform itself in anyway it sees fit, but must consider:
  - a. The referral letter from the Minister for Planning,
  - b. referred submissions,
  - c. the comments of any referral authority,
  - d. the views of the project proponent,
  - e. the views of the relevant Council,
  - f. The relevant planning scheme.
4. The Committee is not expected to carry out additional public notification or referral but may seek the views of any relevant referral authority, responsible authority or government agency.
5. The Department of Environment, Land, Water and Planning (DELWP) will be responsible for any further notification required. New submissions will be collected by DELWP.
6. The Committee may seek advice from other experts, including legal counsel where it considers this is necessary.
7. The Committee is not expected to carry out a public hearing but may do so if it is deemed necessary and meets its quorum.
8. The Committee may:
  - a. assess any matter 'on the papers'.
  - b. conduct discussions, forums, or video conferences when there is a quorum of:
    - i. a Chair or Deputy Chair, and
    - ii. at least one other member.
9. The Committee may apply to vary these Terms of Reference in any way it sees fit.

### **Submissions are public documents**

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

### **Outcomes**

12. The Committee must produce a concise written report to the Minister for Planning providing the following:
  - a. A short description of the project.
  - b. A short summary and assessment of issues raised in submissions.
  - c. A draft planning permit including relevant conditions from Section 55 referral authorities, or draft planning scheme control depending on the nature of the referral.
  - d. Any other relevant matters raised in the course of the Committee process.
  - e. Its recommendations and reasons for its recommendations.
  - f. A list of persons or authorities/agencies who made submissions considered by the Committee.
  - g. A list of persons consulted or heard, including via video conference.

1. Following the completion of a report, the Committee may deliver an oral briefing to the Minister for Planning and/or DELWP. The briefing may be by video conference or telephone.

### **Timing**

2. The Committee is required to submit its reports in writing as soon as practicable, depending upon the complexity of the referred project between 10 and 20 business days from either:
  - a. the date of receipt of referral, if no further submissions or information are to be sought, or
  - b. receipt of the final submission of material or final day of any public process in respect of a referral.

### **Fee**

3. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.

The costs of the Advisory Committee will be met by each relevant proponent.



**Richard Wynne MP**  
**Minister for Planning**

**Date:** 14 / 06 / 2020