



Planning Panels Victoria

Department of Environment, Land, Water and Planning

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21 September 2020

As addressed

Dear Party,

Priority Projects Standing Advisory Committee – Referral No. 4 Call in of VCAT proceeding P950/2020 – 375 Swansea Road, Lilydale Roundtable submissions

Thank you for your responsiveness to the Priority Projects Standing Advisory Committee (SAC) in providing relevant information, including plans, support documents, objections and without prejudice draft conditions contained in the applicants Share Point folder and Council's Drop Box folder.

The SAC advised on 17 September 2020 that:

- Clause 16 of the Terms of Reference provides that the Committee is not expected to carry out a public hearing but may do so if it is deemed necessary
- the Committee considered a Hearing may not be required in this case and proposed round table discussions.

The SAC asked parties to advise if they had procedural matters that they wished to raise as soon as possible. None were raised. The SAC has reviewed the information provided and is confident the matters raised by parties can be adequately ventilated on the 1 October 2020. The SAC has also reserved time on the 2 October 2020 if required.

Roundtable process

The SAC proposes to structure the proceedings and hear focused submissions on the key issues associated with the permit application. The SAC proposes to deal with each issue in turn and parties will be given an opportunity to address the Committee briefly on each issue, addressing consistency with the Rural Living Zone, Land Subject to Inundation Overlay, policy and any particular provisions with respect to that issue. The SAC may ask questions after each issue submission to clarify positions or ask other parties for particular responses. Parties may provide a written summary of their position for each issue if they wish (in Microsoft Word format).

The roundtable submission process will be conducted generally in accordance with the attached Timetable in the following running order for each issue (as appropriate):

- Yarra Ranges Shire Council (Council)
- Applicant (Lilydale Management Services Pty Ltd)
- Melbourne Water
- Mr Brett Daniel.

Privacy Statement

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Issues

The Committee has identified the following issues based on its initial review of the VCAT file:

1. Whether the proposal is an appropriate planning outcome within the Rural Living Zone
2. Whether the proposal is consistent with State and Local Planning Policy Regional and the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan?
3. Whether the s.173 Agreement stipulation by Melbourne Water is satisfied in the draft Permit Conditions
4. Whether flooding and stormwater impacts can be adequately addressed
5. Whether the environmental impacts on Olinda Creek (habitat and its riparian zone) can be adequately addressed
6. Whether the built form, scale and density, layout and design:
 - a) is an appropriate response to neighbourhood character and site context?
 - b) provides for appropriate fencing and landscaping outcomes?
 - c) provides sufficient carparking?
 - d) garage dimensions are appropriate?
 - e) provides for an appropriate internal circulation network to safely accommodate pedestrian, bicycle and mobility scooter movement?
 - f) provides suitable emergency access particularly during flood events?
 - g) provides for appropriate waste management outcomes for a medium density development?
 - h) minimises the removal of native vegetation?
7. Without prejudice permit conditions (including Melbourne Water conditions, and the public use of the communal wetland open space).

It would assist the SAC if parties advise it of other issues, they have identified that are not listed above. A final list of agreed issues will be circulated by the SAC by 24 September 2020 if required.

The SAC has reviewed the Council Report, submission support documents and Melbourne Water's referral response. In addition to the above matters it would assist the SAC if parties are prepared to respond specifically to the SAC questions set out below. These preliminary questions do not reflect a position of the SAC but are provided to assist in the preparation of the parties and to maximise the value of the focused roundtable session.

Issues	Party	Question
1	Council	<ul style="list-style-type: none"> • What is the strategic intent for the site and RLZ area? • Why did the s96A combined rezoning and permit proposal not progress? • Why would a NRZ with a smaller scale development be a more appropriate strategic outcome? <p><i>Context: The Council officer's report infers that the site is effectively a Green Wedge Zone (within the UGB). However, it was not zoned GWAZ in 2004, and remains a rural zone. The report also notes that when was presented to Council's Priority Investment Panel in 2017, it was given in-principle support by planning officers on the basis of a possible rezoning to the Neighbourhood Residential Zone (NRZ) however, the application for rezoning was withdrawn in June 2019. The report further states that if the site was located within the NRZ and proposing a more appropriate design outcome ("approximately 60 residential village dwellings in addition to the community building"), the level of support would be strong as a result of its alignment with the (RZ) zone. This is based upon the current development area. (SAC Note: unclear whether this is referring to total site area or the proposed footprint)</i></p>
2	Council Applicant	How does the proposal particularly address Clause 15.01-2S, Clause 21.03-1, Clause 21.06 (Objective 6) and Clause 51.03?
3, 7	Melbourne Water	<ul style="list-style-type: none"> • What is Melbourne Water's response to the response to the draft conditions? <i>Note: the draft conditions treat Melbourne Water's indemnity separately to the s173 agreement condition</i> • What is the probable impact of earthworks on the performance of the floodway? • Have Council's concerns regarding flooding and stormwater been addressed in the draft permit conditions? • How will the communal wetland and community open space area be managed (including potential access by residents or the public)?
5	Applicant	Has the Platypus Conservation Plan 2009 referred to by Council but not identified in the Biodiversity Assessment been taken into account?

Issues	Party	Question
6	Applicant	<ul style="list-style-type: none"> • Has an amended proposal been considered that reduces site development (building footprint and number or arrangement of dwellings) to address Council's and the objector party concerns? These include: <ul style="list-style-type: none"> • greater separation between the buildings • internal vehicle thoroughfares >5.5m wide (allowing for pedestrians, bicycles and mobility scooters) • a dedicated pedestrian path network throughout the site (and connecting with the external shared paths network) • satisfying Clauses 56.06-1 and 56.06-2 (noting Clause 52.34 does not provide for a statutory requirement for bicycle and mobility scooter parking) • enlarged garage dimensions • additional landscaping to address interface concerns • provision of more on-site carparking • alternative fencing treatments to provide for greater transparency • minimise native vegetation removal in the road reserve • a direct access to Swansea Road (in addition to, or instead of Akarana Road) that would minimise trees removals, improve access during local flooding, and enhance emergency and service vehicle access. • What would be the affect/impacts of the principal entrance accessing Swansea Road (instead of Akarana Road)?
7	Council Applicant	<ul style="list-style-type: none"> • Does Council support the without prejudice conditions or propose additional or amended conditions? <i>Note: please provide any proposed changes in a tracked change format)</i> • Does Council and the applicant support Melbourne Water's other conditions? <p><i>Context: Melbourne Water's referral response provides conditional support but seeks amendments to the Stormwater Management Plan, Landscaping, stormwater connection to Olinda Creek drainage (to address nitrogen and phosphorus pollutants).</i></p> <ul style="list-style-type: none"> • How are vegetation offsets managed through the permit conditions. This includes the ongoing management of the proposed Swamp Gums forest planting to achieve their offset and nitrogen/phosphorous management functions?

Directions

To assist in the roundtable submission session, the SAC makes the following directions:

Time	Date	Direction
12.00pm	Wednesday, 23 September 2020	Council to provide its drop box file with the applicant who shall consolidate any additional information into a single Share Point folder which is to be shared with all parties. The proponents draft conditions must be clearly identified along with the most recent set of application drawings
12.00pm	Thursday, 24 September 2020	Parties to advise the Committee if there are any additional issues not covered by its list and if they intend to call evidence or have permit application report authors (related to agreed issues) in attendance to respond to questions
12.00pm	Tuesday, 29 September 2020	Council to provide a tracked change version (if required) to the applicants draft conditions. Written evidence circulated (if any). <i>Note: The provision of Evidence in Chief has not been provided for within the Timetable, rather parties will be provided an opportunity to put questions to an expert. The applicant may have authors of permit application support reports present to answer questions of the Committee or other parties where related to the agreed issues</i>
4.00pm	Wednesday, 30 September 2020	Any party who will be relying on additional written statements must circulate these. The applicant should prepare a track changes version of any changes it seeks to Council's response to its initial draft conditions and be in a position to articulate the reasons for the changes at the roundtable

Please find attached:

- Distribution List
- Roundtable submissions Timetable.

As noted, the SAC will be using MS Teams to conduct this roundtable and the access details are as follows:

10.00am

[Join Microsoft Teams Meeting](#)

Thursday, 1 October 2020

If you have any queries, please contact Ms Georgia Thomas, Project Officer at Planning Panels Victoria on (03) 8624 5717 or planning.panels@delwp.vic.gov.au.



Yours sincerely,

Tim Hellsten

Chair, Priority Projects Standing Advisory Committee

Timetable

Roundtable submissions

Timetable Version 1

Day 1: Thursday 1 October 2020

Video conference session – [Microsoft Teams Meeting](#)

Time	Party	Allocated
10.00am – 10.15am	Introductions and overview of Priority Projects Standing Advisory Committee and roundtable submission format	15 mins
10.15am – 10.45am	Issue 1 – Is the proposal an appropriate outcome in a Rural Living Zone?	30 mins
10.45am – 11.15am	Issue 2 - Consistency with State and Local Planning Policy Regional	30 mins
11.15am – 11.30am	Break	15 mins
11.30am – 11.50pm	Issue 3 - s.173 Agreement	20 mins
11.50am – 12.10pm	Issue 4 - Flooding and stormwater impacts	20 mins
12.100pm – 12.30pm	Issue 5 - Environmental impacts on Olinda Creek	20 mins
12.30pm – 1.30pm	Lunch	1 hour
1.30pm – 3.00pm	Issue 6 – Built form and site design	1.5 hours
3.00pm – 3.15pm	Break	15 mins
3.15pm – 4.30pm	Issue 8 – Without prejudice permit conditions	1 hour 15 mins
4.30pm	Close Further Committee Directions (as required)	

Roundtable Discussion Notes:

1. Please log on to the video conference sessions at least 15 minutes before the scheduled commencement time.
2. If you are unable to be present at your scheduled time, or if you have any questions about the timetable, please contact Georgia Thomas at planning.panels@delwp.vic.gov.au.