

**Hume Planning Scheme Amendment C274hume  
Somerton Road Precinct Structure Plan**

**Panel Report**

*Planning and Environment Act 1987*

**28 February 2025**

### How will this report be used?

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

The planning authority must consider this report before deciding whether to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

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

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

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

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

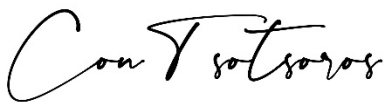
### *Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

Hume Planning Scheme Amendment C274hume

Somerton Road Precinct Structure Plan

**28 February 2025**



Con Tsotsoros, Chair



Dan Biggs, Member

## Contents

|                                                                                                | Page      |
|------------------------------------------------------------------------------------------------|-----------|
| <b>Executive summary .....</b>                                                                 | <b>7</b>  |
| <b>1 Introduction.....</b>                                                                     | <b>11</b> |
| 1.1 The Amendment.....                                                                         | 11        |
| 1.2 Background .....                                                                           | 12        |
| 1.3 The Panel’s approach .....                                                                 | 13        |
| <b>2 Strategic issues .....</b>                                                                | <b>14</b> |
| 2.1 Planning context .....                                                                     | 14        |
| 2.2 Strategic justification.....                                                               | 15        |
| <b>3 Issues .....</b>                                                                          | <b>17</b> |
| 3.1 Amenities, services and development contributions .....                                    | 17        |
| 3.2 Bushfire management .....                                                                  | 18        |
| 3.3 Potentially contaminated land.....                                                         | 20        |
| 3.4 Affordable housing .....                                                                   | 22        |
| 3.5 Housing and density .....                                                                  | 23        |
| 3.6 Green wedge interface .....                                                                | 26        |
| 3.7 Native vegetation and open space .....                                                     | 31        |
| 3.8 Traffic and transport.....                                                                 | 33        |
| 3.9 Road noise .....                                                                           | 38        |
| 3.10 Other issues.....                                                                         | 40        |
| 3.11 Drafting .....                                                                            | 40        |
| <b>Appendix A Document list.....</b>                                                           | <b>42</b> |
| <b>Appendix B Panel recommended changes to the Somerton Road Precinct Structure Plan .....</b> | <b>44</b> |
| <b>Appendix C Panel recommended version of Urban Growth Zone Schedule 14 .....</b>             | <b>47</b> |

## List of Tables

|                                                                                     | Page |
|-------------------------------------------------------------------------------------|------|
| Table 1 Planning context .....                                                      | 14   |
| Table 2 PSP Table 2 (Dwelling yield / Density) .....                                | 23   |
| Table 3 Panel recommended changes to the Somerton Road Precinct Structure Plan..... | 44   |

## List of Figures

|                                                                                     | Page |
|-------------------------------------------------------------------------------------|------|
| Figure 1 Subject land .....                                                         | 11   |
| Figure 2 Indicative interface examples shown in the PSP (Proponent Version 1) ..... | 28   |

|          |                                                                        |    |
|----------|------------------------------------------------------------------------|----|
| Figure 3 | DTP requested changes to the PSP Transport and Movement Plan .....     | 35 |
| Figure 4 | Mr Furness recommended indicative southern road access alignment ..... | 35 |
| Figure 5 | Proponent recommended southern road access alignment .....             | 36 |

## Glossary and abbreviations

|                       |                                                    |
|-----------------------|----------------------------------------------------|
| Council               | Hume City Council                                  |
| DTP                   | Department of Transport and Planning               |
| EPA                   | Environment Protection Authority Victoria          |
| PE Act                | <i>Planning and Environment Act 1987</i>           |
| Planning Scheme       | Hume Planning Scheme                               |
| PRSA                  | Preliminary Risk Screen Assessment                 |
| PSP                   | Somerton Road Precinct Structure Plan (April 2024) |
| section 173 agreement | an agreement enabled by PE Act section 173         |
| UGZ14                 | Urban Growth Zone Schedule 14                      |

## Overview

### Amendment summary

|                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Amendment      | Hume Planning Scheme Amendment C274hume                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Common name        | Somerton Road Precinct Structure Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Brief description  | Implements the ' <i>Somerton Road Precinct Structure Plan</i> ' by introducing Urban Growth Zone Schedule 14 and making associated changes to the Hume Planning Scheme to enable residential development on the subject land                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Subject land       | 800, 820 and 870 Somerton Road, Greenvale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| The Proponent      | Resmon Greenvale Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Planning Authority | Hume City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Authorisation      | 4 June 2024 with conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Exhibition         | 26 June to 29 July 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Submissions        | <ol style="list-style-type: none"> <li>1. Binita Manandhar</li> <li>2. James Pantalone</li> <li>3. Abdul Masood</li> <li>4. Dr Ebonnie Forster</li> <li>5. Darren Woodvine</li> <li>6. Claudia Rawlins</li> <li>7. Corrine Bravo</li> <li>8. Khana Haddad</li> <li>9. PB Land Holdings Pty Ltd</li> <li>10. Victorian Planning Authority</li> <li>11. Australia Pacific Airports (Melbourne) Pty Ltd</li> <li>12. Resmon Pty Ltd (Proponent)</li> <li>13. Tamara Nolan</li> <li>14. Kevin Azzopardi</li> <li>15. Liz Tektonopoulos</li> <li>16. Anne Cilia</li> <li>17. Leslie Pascoe</li> <li>18. Pinar Ibrahim</li> <li>19. Department of Energy, Environment and Climate Action</li> <li>20. Department of Transport and Planning (Transport)</li> <li>21. Country Fire Authority</li> <li>22. Melbourne Water</li> <li>23. Environment Protection Authority (Victoria)</li> </ol> |

**Panel process**

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Panel              | Con Tsotsoros (Chair), Dan Biggs                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Supported by           | Laura Agius, Panel Coordinator, Planning Panels Victoria                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Directions Hearing     | Planning Panels Victoria, with online video access, 28 October 2024                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Panel Hearing          | Planning Panels Victoria, with online video access, 28 and 31 January 2025                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Site inspections       | Unaccompanied, 23 January 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Parties to the Hearing | <p>Hume City Council represented by Kim Piskuric of Harwood Andrews</p> <p>Resmon Greenvale Pty Ltd (Proponent) represented by Tania Cincotta of Best Hooper Lawyers, who called expertise on:</p> <ul style="list-style-type: none"> <li>- traffic engineering from Leigh Furness of Traffix Group</li> <li>- planning from Mark Woodland of Echelon Planning</li> <li>- acoustics from Darren Tardio of Enfield Acoustics</li> </ul> <p>PB Land Holdings Pty Ltd represented by Paul Chiappi of Counsel</p> |
| Citation               | Hume PSA C274hume [2024] PPV                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Date of this report    | 28 February 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## Executive summary

About 16.3 hectares of land at 800, 820 and 870 Somerton Road, Greenvale (subject land) is located approximately 22 kilometres northwest of Melbourne's Central City and abuts Green Wedge land along its western boundary.

Hume Planning Scheme Amendment C274hume (the Amendment) seeks to implement the Somerton Road Precinct Structure Plan to enable residential development of about 300 dwellings on the subject land. Specifically, it proposes to:

- apply a new Urban Growth Zone Schedule 14 to the subject land
- revise the Clause 52.16 (Native Vegetation Precinct Plan) Schedule to reference the Somerton Road Native Vegetation Precinct Plan (Nature Advisory, April 2024)
- revise the Clause 53.01 (Public Open Space Contribution) Schedule to specify open space contributions for the subject land
- incorporate the Somerton Road Precinct Structure Plan (Tract, April 2024) and the Somerton Road Native Vegetation Precinct Plan (Nature Advisory, April 2024) into the Hume Planning Scheme.

The Amendment was exhibited from 26 June to 29 July 2024 and received 23 submissions. Key issues raised in submissions include amenities, services, development contributions, bushfire management, contamination, affordable housing, green wedge interface, housing and density, native vegetation, open space, traffic and transport, and road noise.

The Panel considered submissions, expert reports and information provided at the Hearing to reach its conclusions and recommendations.

### Strategic issues

The Amendment is strategically justified and should proceed subject to addressing the specific issues raised in submissions as discussed in this report. The Amendment is:

- supported by, and implements, the relevant sections of the Planning Policy Framework
- consistent with the relevant Ministerial Directions and Practice Notes
- well founded and strategically justified.

### Amenities, services and development contributions

As there is agreement between Hume City Council (Council) and Resmon Greenvale Pty Ltd (the Proponent), a section 173 agreement is appropriate to collect funds for community and transport projects in the local area, and Council and the landowner are best placed to decide its contents.

There is no justification to require a community facility on the subject land. There is also no justification to require the developer to contribute to a community garden or off-leash enclosed dog park and agility course at Greenvale Gardens Park because there is no apparent nexus between these and demand generated by future development on the subject land.

Infrastructure contributions should not apply to the relatively narrow strip of land at 870 Somerton Road because no developable lots are proposed.

### Bushfire management and potential land contamination

While the Amendment has appropriately considered bushfire management, there is no evident need to specify a 20-metre-wide road reserve to defend future residents on the subject land from

potential bushfire issues. Relevant plans and tables in the Somerton Road Precinct Structure Plan and Urban Growth Zone Schedule 14 should be revised to specify bushfire setback of 19 metres, consistent with advice in the Bushfire Planning Report (Nature Advisory, February 2024).

The Amendment, with proposed changes, appropriately addresses potentially contaminated land.

### **Affordable housing, housing and density**

The Somerton Road Precinct Structure Plan should include an objective for affordable and social housing, as exhibited.

An average dwelling density of 20 dwellings per hectare is appropriate for the Somerton Road Precinct Structure Plan and is consistent with the Precinct Structure Plan Guidelines. For more specific areas, it should specify:

- 25 dwellings per hectare in the Residential – Park Interface area, though Council should consider increasing this to 30 dwellings per hectare, consistent with the Precinct Structure Plan Guidelines
- 20 dwellings per hectare in the Residential – Green Wedge Interface area.

Somerton Road Precinct Structure Plan Requirement R2 should refer to Plan 5 (Housing Diversity Plan) rather than Plan 3 (Future Urban Structure) because it provides a more logical structure to assessing housing densities in future planning permit applications.

Properties in the existing neighbouring residential area will not be unfairly impacted by development on the subject land because the subject land's applied zone is the same as that area, and there are existing Hume Planning Scheme provisions which require a permit to consider such potential impacts.

There is no justification to reduce the extent of townhouses to reduce urban heat from hard surfaces.

### **Green wedge interface**

The Somerton Road Precinct Structure Plan:

- would benefit from Requirement R4 clarifying the area forming the green wedge interface and from new associated guidelines that will help guide future subdivision proposals
- should not include examples of interface responses, though such designs could be considered by Hume City Council through a future permit application
- replace the note in Figure 1 with 'a 1.5 metre visually permeable fence' because a solid 2-metre-high fire resistant Colourbond fence is not appropriate along the Green Wedge interface.

### **Native vegetation and open space**

The Native Vegetation Precinct Plan and the Somerton Road Precinct Structure Plan should be revised to address inconsistencies with the tree retention maps between the two documents. Old trees should be retained on the subject land consistent with what is proposed through the Native Vegetation Precinct Plan and the Somerton Road Precinct Structure Plan.

Plan 6 of the Somerton Road Precinct Structure Plan should be revised to correct the canopy coverage of trees 102 and 103.

The Clause 53.01 Schedule should specify a public open space contribution of 12.6 per cent rather than 15.8 per cent for the subject land.

### **Traffic and transport**

Speed restriction along Somerton Road is managed through legislation separate to the *Planning and Environment Act 1987* and is beyond the scope of the Amendment.

The Somerton Road Precinct Structure Plan:

- does not have to specify safety signage and lighting along Somerton Road because they will be considered through a separate process by the relevant road authority
- should show Intersection IN-01 with right-and-left in and left out with Somerton Road
- would benefit from showing the southern access street connecting with the main entry road, consistent with the alignment in Figure 4
- appropriately shows the 'Potential connection' in Plan 7 (Transport and movement plan) between Jonquil Place and the subject land.

Noise from Somerton Road in its existing and future duplicated form is unlikely to result in unacceptable human health and amenity impacts if the proposed acoustic permit conditions are included in Urban Growth Zone Schedule 14.

### **Other issues and drafting**

Crime and anti-social behaviour are not within the scope of the Amendment and cannot be addressed through the Hume Planning Scheme.

There is no information to support the claim that there is insufficient infrastructure to support the future population on the subject land.

Requirement R16 should be revised to replace 'are to be' with 'must be' to clarify its intent and improve its enforceability.

### **Recommendations**

Based on the reasons set out in this Report, the Panel recommends that Hume Planning Scheme Amendment C274hume be adopted as exhibited subject to the following:

1. **Amend the Somerton Road Precinct Structure Plan, as referred to in Appendix B of this report, to:**
  - a) revise Plans 3, 5, 7 and 9 to show a bushfire defendable space with a width of 19 metres
  - b) revise Table 1 to revise the Bushfire Defendable Space Area based on a width of 19 metres and revise the overall Net Developable Area accordingly
  - c) revise Requirement R2 to refer to Plan 5 (Housing Diversity Plan) rather than Plan 3 (Future Urban Structure)
  - d) revise Table 3: Dwelling Yield/Density to specify an average of 20 dwellings per hectare for 'standard residential' development and for development in the 'Residential - Green Wedge Interface' areas
  - e) revise Requirement R4 to remove the qualitative description and clarify that it applies to land designated 'Residential – Green Wedge Interface'
  - f) include new guidelines associated with Requirement R4 regarding the green wedge interface

- g) replace the requirement in Figure 1 for a 2 metre high colourbond fence with '1.5 metre visually permeable fence'
  - h) revise Plan 6 to correct the canopy coverage of trees 102 and 103
  - i) revise Plan 8 to clarify that trees 109, 115, 116, 117 and 123 are proposed to be retained
  - j) revise Plans 3, 5, 7 and 10 to replace the double circle around tree 124 with a single circle
  - k) revise Table 06 (Precinct Infrastructure Plan) to specify Intersection IN-01 as 'Construction of right-and-left in and left out intersection with Somerton Road' with an indicative cost (\$2023) of \$550,710
  - l) revise Plans 3, 5, 7, 8 and 10 to show the southern access street connecting with the main entry road, consistent with the alignment shown in Plan 1 of the Urban Growth Zone Schedule 14 shown in Appendix C
  - m) revise Plan 7 to extend the southern east-west shared path to the western boundary
  - n) revise Requirement R16 to replace 'are to be designed' with 'must be designed'.
2. Amend Urban Growth Zone Schedule 14, as shown in Appendix C, to:
  - a) limit the permit condition related to affordable housing and development contributions to a permit to subdivide land that includes Net Developable Area as defined in the Somerton Road Precinct Structure Plan
  - b) confirm that any requirement for a contribution does not apply to land with no Net Developable Area as identified in the Somerton Road Precinct Structure Plan
  - c) revise Plan 1 to show a bushfire defendable space with a width of 19 metres
  - d) revise Clause 2.3 to add specific requirements for 870 Somerton Road, Greenvale to address potentially contaminated land for using the land for sensitive uses
  - e) revise Clause 3.0 to delete the PRSA requirements and the application requirement relating to acoustic assessments
  - f) revise the conditions in Clause 4.0 to specify the environmental audit conditions only relate to the land at 870 Somerton Road, Greenvale
  - g) revise Plan 1 to:
    - show the southern access street connecting with the main entry road
    - extend the southern east-west shared path to the western boundary
  - h) revise Clause 4.0 to introduce acoustic requirement permit conditions
  - i) make drafting changes that improve its consistency, clarity and operation.
3. Amend the Clause 53.01 Schedule to reduce the public open space contribution for *Land shown as UGZ14 on the planning scheme map (Somerton Road Precinct Structure Plan)* from 15.8 per cent to 12.6 per cent.
4. Amend the Somerton Road Native Vegetation Precinct Plan (Nature Advisory, April 2024) to revise Map 2 to clarify that trees 109, 115, 116, 117 and 123 are proposed to be retained.

# 1 Introduction

## 1.1 The Amendment

| Subject land      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Address           | 800, 820 and 870 Somerton Road, Greenvale as shown in Figure 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Existing zone     | Urban Growth Zone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Property details  | About 16.3 hectares with a Somerton Road frontage of about 327 metres                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Context           | The subject land: <ul style="list-style-type: none"><li>- abuts the Urban Growth Boundary and Green Wedge land (west boundary)</li><li>- is about 22 kilometres northwest of Melbourne’s Central City</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| The Amendment     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Purpose           | Seeks to implement the Somerton Road Precinct Structure Plan to enable residential development of about 300 dwellings on the subject land                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Changes           | Proposes to: <ul style="list-style-type: none"><li>- apply a new Urban Growth Zone Schedule 14 to the subject land</li><li>- revise the Clause 52.16 (Native Vegetation Precinct Plan) Schedule to reference the Somerton Road Native Vegetation Precinct Plan (Nature Advisory, April 2024)</li><li>- revise the Clause 53.01 (Public Open Space Contribution) Schedule to specify open space contributions for the subject land</li><li>- incorporate the Somerton Road Precinct Structure Plan (Tract, April 2024) and the Somerton Road Native Vegetation Precinct Plan (Nature Advisory, April 2024) into the Planning Scheme through the Clause 72.04 Schedule</li></ul> |
| Other information | The Amendment is accompanied by a draft agreement made under section 173 of the <i>Planning and Environment Act 1987</i> (PE Act) (section 173 agreement) that provides monetary contributions towards community, recreation and transport projects and a contribution towards affordable housing                                                                                                                                                                                                                                                                                                                                                                              |

Figure 1 Subject land



Source: <https://mapshare.vic.gov.au/vicplan/> and Planning Panels Victoria

## 1.2 Background

|                    |                                                                                                                                                                                                                                                                                                            |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2017 – 2021</b> | Council, the Proponent and authorities discussed preliminary assessment and support for a planning scheme amendment to rezone the land to General Residential Zone and apply a new Development Plan Overlay Schedule                                                                                       |
| <b>2022</b>        |                                                                                                                                                                                                                                                                                                            |
| 19 and 22 Sep      | Country Fire Authority and Melbourne Water supported the proposed amendment                                                                                                                                                                                                                                |
| 8 Nov              | The Proponent submitted a request for a planning scheme amendment to rezone the subject land to General Residential Zone, apply a new Development Plan Overlay Schedule and incorporate a Native Vegetation Precinct Plan, supported by plans, technical reports and advice                                |
| 9 Dec              | Victorian Planning Authority confirmed support for Council to act as the planning authority for the amendment                                                                                                                                                                                              |
| Dec                | Council, the Proponent and DTP had ongoing discussions until Nov 2023 about proposed access to the subject land from Somerton Road and the application of the Public Acquisition Overlay to duplicate Somerton Road                                                                                        |
| <b>2023</b>        |                                                                                                                                                                                                                                                                                                            |
| 18 May             | The Proponent submitted revised amendment documents                                                                                                                                                                                                                                                        |
| 1 Nov              | DTP provided comments regarding Somerton Road                                                                                                                                                                                                                                                              |
| 3 Nov              | The Environment Protection Authority Victoria (EPA) requested further information about the proposed amendment, including noise assessments, contamination assessments and risk from the Green Wedge Interface road                                                                                        |
| 3 Dec              | Council supported revising the amendment to retain the Urban Growth Zone and prepare a Precinct Structure Plan and Urban Growth Zone Schedule, subject to other amendment changes                                                                                                                          |
| 21 Dec             | Proponent submitted revised amendment documents                                                                                                                                                                                                                                                            |
| <b>2023</b>        |                                                                                                                                                                                                                                                                                                            |
| 22 Feb             | Victoria Planning Authority (VPA) confirmed support for the revised amendment and Council as planning authority subject to resolving Growth Areas Infrastructure Contribution payment, a section 173 agreement to secure infrastructure contributions and consideration of appropriate access arrangements |
| <b>2024</b>        |                                                                                                                                                                                                                                                                                                            |
| 29 Apr             | Council resolved to request authorisation from the Minister for Planning, prepare and exhibit the amendment and request a Panel if required                                                                                                                                                                |
| 17 May             | VPA generally supported the amendment subject to recommended changes                                                                                                                                                                                                                                       |
| 4 Jun              | DTP authorised the Amendment under delegation from the Minister for Planning with conditions                                                                                                                                                                                                               |
| 26 Jun – 29 Jul    | Amendment was exhibited                                                                                                                                                                                                                                                                                    |
| 24 Sep             | DTP approved Council's exemption from section 4(3) of Ministerial Direction 15                                                                                                                                                                                                                             |

## 1.3 The Panel's approach

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

The Panel considered all written submissions made in response to exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic issues
- Issues
  - Amenities, services and development contributions
  - Bushfire management
  - Potential land contamination
  - Affordable housing
  - Housing and density
  - Green wedge interface
  - Native vegetation and open space
  - Traffic and transport
  - Road noise
  - Other issues
  - Drafting.

## 2 Strategic issues

### 2.1 Planning context

This chapter identifies planning context relevant to the Amendment.

**Table 1** Planning context

|                                               | Relevant references                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Victorian planning objectives</b>          | - section 4 of the PE Act                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Municipal Planning Strategy</b>            | - Clause 02.03-1 Settlement<br>- Clause 02.03-6 Housing<br>- Clause 2.04-2 Strategic Framework Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Planning Policy Framework</b>              | - Clauses 11 (Settlement)<br>- Clause 12 (Environmental and landscape values)<br>- Clause 13 (Environmental risks and amenity)<br>- Clause 15 (Built environment and heritage)<br>- Clause 16 (Housing)<br>- Clause 18 (Land use and transport)<br>- Clause 19 (Infrastructure)                                                                                                                                                                                                                                                                                                                        |
| <b>Other planning strategies and policies</b> | - Plan Melbourne Direction 4, Policies 4.1 and 4.2<br>- Northern Growth Corridor Plan<br>- Greenvale West Precinct Structure Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Planning scheme provisions</b>             | - Urban Growth Zone<br>- Public Acquisition Overlay<br>- Native Vegetation Precinct Plan<br>- Public Open Space Contribution and Subdivision<br>- Incorporated Documents                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Ministerial directions</b>                 | - Ministerial Direction on The form and content of planning schemes<br>- Ministerial Direction 1 (Potentially contaminated land)<br>- Ministerial Direction 9 (Metropolitan strategy)<br>- Ministerial Direction 11 (Strategic Assessment of Amendments)<br>- Ministerial Direction 12 (Urban growth areas)<br>- Ministerial Direction 15 (The planning scheme amendment process)<br>- Ministerial Direction 18 (Victorian Planning Authority advice on planning scheme amendments)<br>- Ministerial Direction 19 (Amendments that may result in impacts on the environment, amenity and human health) |
| <b>Planning practice notes</b>                | - Planning Practice Note 7: Vegetation protection in urban areas<br>- Planning Practice Note 30: Potentially contaminated land<br>- Planning Practice Note 46: Strategic assessment guidelines<br>- Planning Practice Note 47: Urban growth zone                                                                                                                                                                                                                                                                                                                                                       |

## 2.2 Strategic justification

### (i) Evidence and submissions

Council submitted that the amendment is strategically justified and complies with the relevant Ministerial Directions. The Explanatory Report states the Amendment:

- is consistent with the Ministerial Direction on The Form and Content of Planning Schemes under section 7(5) of the Act
- is prepared in accordance with the Ministerial Direction 1
- is consistent with Ministerial Direction 9 which requires amendments to have regard to *Metropolitan Planning Strategy – Plan Melbourne 2017-2050*, and which identifies the subject land in an ‘urban area’ in Melbourne’s northern growth area within the Urban Growth Boundary
- complies with Ministerial Direction 11 under section 12 of the PE Act
- is consistent with Ministerial Direction 12 and has been prepared to achieve the outcomes sought in:
  - Hume Strategic Framework Plan, North Growth Corridor Plan (Growth Areas Authority, June 2012)
  - Plan Melbourne 2017-2050 (Department of Environment, Land, Water and Planning, March 2017)
  - Growth Area Logical Inclusions Review Process (Growth Areas Authority, August 2011)
  - Precinct Structure Planning Guidelines: New Communities in Victoria (Victorian Planning Authority, October 2021).

The Explanatory Report also states the Amendment supports and implements the following objectives, strategies and policies in the Planning Policy Framework:

- Clause 11.01-1S (Settlement) and Clause 11.01-1R (Settlement – Metropolitan Melbourne) – supporting sustainable growth in Victoria by providing residential growth within the Urban Growth Boundary, while also delivering choice and opportunity in Hume
- Clause 11.03-2S (Growth areas) and Clause 11.02-1S (Supply of urban land) – contributing to a sufficient supply of residential land in an identified growth area to create sustainability benefits
- Clause 11.02-3S (Sequencing of development) and Clause 11.02-3L (Sequencing of development – Hume) – respecting the sequence of development to provide communities with access to local infrastructure and services in a timely manner
- Clause 12.01-1S (Protection of biodiversity), Clause 12.01-2S (Native vegetation management) and Clause 12.05-1S (Environmentally sensitive area) – supporting the protection of biodiversity and environmentally sensitive areas, while encouraging open spaces that contribute to character, identity and sustainable environments
- Clause 13.02-1S (Bushfire planning) – prioritising the protection of human life through bushfire mitigation strategies that will strengthen the future community’s resilience to impacts
- Clause 13.04-1S (Contaminated and potentially contaminated land) – ensuring that contaminated and potentially contaminated land is used and developed safely for the proposed uses
- Clause 15.01-1S (Urban design), Clause 15.01-2L-03 (Environmentally sustainable development – Hume), Clause 15.01-3S (Subdivision design) and Clause 15.01-4S (Healthy

neighbourhoods) – supporting a subdivision pattern and urban design outcome that is environmentally sustainable, safe, healthy, functional and enjoyable

- Clause 16.01-1S (Housing supply) and Clause 16.01-2S (Housing affordability) – facilitating diverse housing that meets community needs and provides affordable options connected to jobs, transport and services
- Clauses 19.02-6S (Open space), Clause 19.03-3S (Integrated water management) and Clause 19.03-2S (Infrastructure design and provision) – facilitating the delivery of a diverse network of public open space and infrastructure that meets the needs of the community. This includes an integrated water management approach with respect to water supply, water resources, wastewater, drainage and stormwater
- Clause 19.03-1S (Development and infrastructure contributions plan) – requiring a section 173 agreement to facilitate appropriate contributions to local infrastructure required to service the development area.

Council added the Amendment is also supported by its Housing Diversity Strategy adopted in June 2020 which seeks to facilitate housing diversity, affordability and growth directed to the most appropriate locations.

The Proponent submitted the Amendment is strategically justified and gives effect to the decision to include the subject land in the Urban Growth Boundary as part of the logical inclusions process.

## **(ii) Discussion**

The Amendment is strategically justified. Its strategic merit was not questioned in any submission or by any expert.

Incorporating the PSP into the Hume Planning Scheme and applying UGZ14 to the subject land will allow it to be developed for residential purposes and create approximately 250 additional lots in Greenvale. This is not a large number of lots compared to precinct structure plans that cater for up to 10,000 or more lots. However, incorporating the PSP will allow the subject land to be developed for its highest and best use and will meet the objectives of planning set out in section 4 of the PE Act.

The Amendment will provide a net community benefit by delivering additional housing opportunities, public spaces, protecting native vegetation and contributing towards affordable housing, community infrastructure and transport infrastructure.

## **(iii) Conclusions**

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

## 3 Issues

### 3.1 Amenities, services and development contributions

#### (i) The issues

The issues are:

- whether the developer of the subject land should provide community facilities or make a cash contribution to Council to provide the required facilities in the appropriate location
- whether the developer should contribute to a community garden and off-leash enclosed dog park and agility course at Greenvale Gardens Park
- whether 870 Somerton Road should be subject to development contributions.

#### (ii) Evidence and submissions

Eight submissions considered the broader area had inadequate amenities and services, including community facilities, shops, supermarkets and other amenities. Some submissions requested a community garden and off-leash dog park at Greenvale Gardens Park.

Several submissions sought to see some of the subject land set aside for a community facility or shops.

In response, Council submitted the:

- scale of development proposed on the subject land would not generate the need for a community facility on its own
- nexus principle would suggest that the developer make a cash contribution to Council, proportionate to the demand generated from the development
- land developer should make a financial contribution towards the provision of community and transport facilities in the area (but not within the subject PSP area), proportionate to the number of dwellings created.

Council explained that as there is no DCP or Infrastructure Contributions Plan proposed as part of the Amendment, a section 173 agreement will be used to ensure the payment of these funds to Council. The section 173 will apply a community infrastructure levy to contribute to the Greenvale Recreation Reserve and the Greenvale West Community Facility. It will also apply a transport levy to contribute to the Section Road/Somerton Road intersection. The section 173 agreement only applies to land at 800 and 820 Somerton Road (land owned by the Proponent), and does not apply to 870 Somerton Road (land owned by PB Land Holdings Pty Ltd).

The Proponent agreed with Council and has agreed to sign the section 173 agreement before the Amendment is submitted for approval.

PB Land Holdings submitted that no development contributions should apply to 870 Somerton Road because it was not designated for residential development, only a local road and open space buffer for bushfire management.

#### (iii) Discussion

The Panel considers that in the absence of a Development Contribution Plan (DCP) or Infrastructure Contributions Plan, and in the case where the section 173 agreement will only apply

to the Proponent, a section 173 is appropriate and will provide an adequate contribution to the delivery of services and amenities in the local area. Given the section 173 identifies which projects the funds are to be allocated to, this should give enough certainty to the community on where funds will be spent.

Although the section 173 agreement was exhibited with the Amendment, it does not form part of the Amendment and therefore the Panel cannot make a formal recommendation about its content. As signatories to the agreement, Council and the landowner are best placed to determine which community facilities the cash contributions should be directed towards. There is no apparent nexus between demand generated by future development on the subject land and updates to Greenvale Garden Park to include a community garden and dog park. There is therefore no justification to require the subject land developer to pay for these upgrades.

The Panel agrees with PB Land Holdings that it is not appropriate to apply an infrastructure contribution on 870 Somerton Road because no developable lots are proposed on that land. By logic, this land cannot accommodate affordable housing. Any permit condition should recognise this.

#### **(iv) Conclusions and recommendation**

The Panel concludes:

- There is no justification to require a community facility on the subject land.
- As there is agreement between Council and the Proponent, a section 173 agreement is appropriate to collect funds for community and transport projects in the local area, and Hume City Council and the landowner are best placed to decide its contents.
- There is no justification to require the developer to contribute to a community garden or off-leash enclosed dog park and agility course at Greenvale Gardens Park because there is no apparent nexus between these and demand generated by future development on the subject land.
- 870 Somerton Road should not be subject to infrastructure contributions because no developable lots are proposed.

The Panel recommends:

**Amend Urban Growth Zone Schedule 14, as shown in Appendix C, to:**

- a) limit the permit condition related to affordable housing and development contributions to a permit to subdivide land that includes Net Developable Area as defined in the Somerton Road Precinct Structure Plan**
- b) confirm that any requirement for a contribution does not apply to land with no Net Developable Area as identified in the Somerton Road Precinct Structure Plan.**

## **3.2 Bushfire management**

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

The issue is whether the Amendment has appropriately considered bushfire management.

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

The Country Fire Authority supported the Amendment in its exhibited form, and noted the Bushfire Management Overlay does not apply to the subject land.

PB Land Holdings requested the PSP Figure 1 be revised to reduce the 20-metre-wide road reserve along the subject land's western boundary to 19 metres. It explained the Bushfire Planning Report (Nature Advisory, February 2024) prepared for the PSP identifies that only a 19-metre-wide defensible space is required. It referred to relevant sections of the report which state:

Grassland in the adjacent property to the west will remain a bushfire hazard as the adjacent property is not zoned for development. A defensible space of 19 metres must be maintained from lots facing this threat. As such, vegetation within the private road reserve on the western boundary of the subject property must be modified and managed to a low-threat state (ie. shrubs removed, and grass slashed to a maximum height of 10 centimetres) at the consent of the owners.

...

If any of the vegetation on the property within the development footprint is not cleared prior to the commencement of construction, interim defensible space will be required around lots facing Grassland or Woodland hazards on site. This is needed to protect workers and any early residents, and must be created and maintained in a low-fuel state [19 metres from the hazard], until these threats within the property are removed.

Council agreed to revise the relevant plans in the PSP and UGZ14 to show the bushfire defensible space as 19 metres rather than 20 metres.

### (iii) Discussion

The Amendment has appropriately considered bushfire management through its supporting Bushfire Planning Report, however there is no information to support why the proposed road reserve in the exhibited PSP needs to be at least 20 metres wide. The Bushfire Planning Report refers to a defensible space width of 19 metres. The Panel considers this would be a more justified road reserve width for protecting future residents on the subject land from potential direct flame, radiant heat or grassfire ember attack.

### (iv) Conclusion and recommendations

The Panel concludes:

- The Amendment generally has appropriately considered bushfire management.
- A 19 metre wide road reserve is justified and acceptable for bushfire defensible space purposes.
- Relevant plans and tables in the Somerton Road Precinct Structure Plan and Urban Growth Zone Schedule 14 should be revised to specify bushfire setback of 19 metres, consistent with advice in the Bushfire Planning Report (Nature Advisory, February 2024).

The Panel recommends:

**Amend the Somerton Road Precinct Structure Plan, as referred to in Appendix B, to:**

- a) revise Plans 3, 5, 7 and 9 to show a bushfire defensible space with a width of 19 metres**
- b) revise Table 1 to revise the Bushfire Defensible Space Area based on a width of 19 metres and revise the overall Net Developable Area accordingly.**

**Amend Urban Growth Zone Schedule 14, as shown in Appendix C, to revise Plan 1 to show a bushfire defensible space with a width of 19 metres.**

### 3.3 Potentially contaminated land

#### (i) The issue

The issue is whether the Amendment has appropriately considered potentially contaminated land.

#### (ii) Background

The exhibited version of the Amendment states that a Preliminary Risk Screen Assessment (PRSA) report has been undertaken for the land at 800 and 820 Somerton Road, Greenvale. The PRSA concluded that an environmental audit was not required for sensitive land uses to establish on the land. No PRSA has been prepared for 870 Somerton Road, Greenvale.

UGZ14 includes provisions related to land contamination at Clauses 2.3, 3.0 and 4.0 and Table 2.

#### (iii) Submissions

EPA highlighted that 870 Somerton Road had not been assessed for potential contamination and submitted the Amendment documents should address this issue. In response, Council updated UGZ14 noting the new version would apply requirements to 870 Somerton Road, if a sensitive use was proposed, regardless of whether a permit was required.

EPA noted that a PRSA is appropriate to address contamination issues in a precinct structure plan before adopting an amendment that incorporates the PSP into the relevant planning scheme. The PRSA identifies if land could be potentially contaminated, and makes recommendations on whether further testing or an environmental audit is required. This was the method undertaken for the 800 and 820 Somerton Road, and no PRSA was undertaken for 870 Somerton Road. EPA referred to Ministerial Direction 1 (Potentially Contaminated Land) which states:

5. In preparing an amendment which allows (whether or not subject to the grant of a permit) land to be used for a sensitive use, children's playground or secondary school a planning authority must:
  - a) satisfy itself whether or not the land, or parts of the land, are potentially contaminated;
  - b) where it has determined that the land is not potentially contaminated, state the determination in the Amendment Explanatory Report; and
  - c) where it has determined the land, or parts of the land, are potentially contaminated, must state the determination in the Amendment Explanatory Report and satisfy itself that the environmental conditions of that land are or will be suitable for that use.
6. In accordance with clause 5(c) a planning authority must comply with either sub-clause (1), (2) or (3):
  - (1) Before it gives a copy or notice of the Amendment under Section 17, 18 or 19 of the Act a planning authority must ensure that an environmental auditor has issued a preliminary risk screen assessment statement stating that an environmental audit is not required for sensitive uses, children's playgrounds and secondary schools allowed by the Amendment.
  - (2) Before it gives a copy or notice of the amendment under Section 17, 18 or 19 of the Act a planning authority must ensure that an environmental auditor has issued an environmental audit statement stating that the land is suitable for sensitive uses, children's playgrounds and secondary schools allowed by the amendment.
  - (3) Where a planning authority determines that complying with subclause (1) or (2) is difficult or inappropriate it may defer the requirements of those subclauses provided the requirements are included in the amendment through the application of an Environmental Audit Overlay or other appropriate measure.

EPA submitted:

- Council has chosen to use option 6(3), and specifically the last part of that clause “*or other appropriate measure*”
- it did not object to using the other appropriate measure, provided the Amendment adequately addressed risk to human health and the environment
- there were further measures that could be undertaken to align with the Ministerial Direction 1 requirements.

Regarding 800 and 820 Somerton Road, Council submitted the PRSA concluded that no environmental audit was required to establish sensitive uses on that land. In a letter dated 26 August 2024, the EPA confirmed support for the methodology of the PRSA and the findings.

As such, no further contamination issues were raised for 800 and 820 Somerton Road, Greenvale.

Regarding 870 Somerton Road, Council proposed post-exhibition changes to address EPA’s concerns. It explained the additional provision is based on the wording of the Environmental Audit Overlay, and specifies the requirements in the ‘Use’ section of UGZ14, rather than as ‘application requirements’.

Council submitted:

Provisions included under Section 2.3 to cover off assessment requirements for sensitive uses on 870 Somerton Road Greenvale. This will apply whether or not a permit is triggered.

The wording has been taken from the EAO<sup>1</sup> hence, covers off other EPA recommendations such as definition of sensitive uses and exemptions.

This approach was recommended by DTP Planning and has been reviewed by EPA.

On 23 October 2024, EPA advised it would not be participating in the Panel Hearing, noting its concerns had been addressed by Council in the post-exhibition changes.

The Proponent submitted:

- the PRSA correctly identifies that there are no outstanding contamination issues at 800 and 820 Somerton Road
- given the PRSA did not assess the land at 870 Somerton Road, it is appropriate to include UGZ14 Clause 2.3 provisions and Clause 4.0 Conditions to address any potential contamination issues specific to the land at 870 Somerton Road and not the rest of the subject land.

PB Land Holdings Pty Ltd did not make any submission in relation to contamination issues.

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

##### **800 and 820 Somerton Road**

The Panel considers the PRSA has been undertaken appropriately and has not identified the land as potentially contaminated. The Amendment has appropriately addressed contamination issues at 800 and 820 Somerton Road.

##### **870 Somerton Road**

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<sup>1</sup> Environmental Audit Overlay

The Panel is satisfied the post-exhibition version of UGZ14 appropriately addresses contamination issues at 870 Somerton Road.

Council's post-exhibition changes respond to the EPA's concerns and will require the appropriate tests and assessments should any sensitive use be proposed at 870 Somerton Road. This land is designated for a road and open space bushfire buffer in the PSP so a sensitive use is not likely. Nevertheless, the amended UGZ14 will provide the appropriate measures if a sensitive use is proposed.

Moving the potentially contaminated land requirements from the UGZ14 'Application requirements' to the 'Uses' section means that even if a permit is not required for a sensitive use, contamination issues will still be addressed as a use requirement. These requirements combined with appropriate conditions will ensure Council can satisfy itself the environmental conditions of that land are or will be suitable for a sensitive use.

#### **(v) Conclusion and recommendations**

The Panel concludes the Amendment has appropriately addressed potentially contaminated land.

The Panel recommends:

**Amend the Urban Growth Zone Schedule 14, as shown in Appendix C, to:**

- a) revise Clause 2.3 to add specific requirements for 870 Somerton Road, Greenvale to address potentially contaminated land for using the land for sensitive uses**
- b) revise Clause 3.0 to remove the PRSA requirements**
- c) revise the conditions in Clause 4.0 to specify the conditions only relate to the land at 870 Somerton Road, Greenvale.**

### **3.4 Affordable housing**

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

The issue is whether the affordable housing objective should be removed from the PSP.

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

Council referred to the Explanatory Report which states the Amendment will implement Objective 1(fa) of Section 4 of the PE Act *"to facilitate the provision of affordable housing in Victoria"*.

Council submitted that the proposed section 173 agreement between Council and the developer will require the provision of an affordable housing contribution to the satisfaction of a Registered Housing Agency.

Council's Affordable Housing Policy September 2021 seeks a contribution to affordable housing during any *"Proponent led amendment and the planning scheme amendment introduces a residential component or enables an increase in the amount of dwellings allowed on a site"*.

The Proponent agreed to the section 173 agreement and to pay the contributions outlined in it.

One submission requested the affordable housing component be removed from the PSP for social reasons.

**(iii) Discussion**

There is considerable policy for planning to provide more affordable housing. As referred to in the Explanatory Report, PE Act Section 4 Objective 1(fa) seeks “to facilitate the provision of affordable housing in Victoria”. Clause 16 (Housing) of the Planning Scheme states “Planning for housing should include the provision of land for affordable housing”. Council’s Affordable Housing Policy also seeks to provide more affordable housing across Hume.

Providing affordable housing on the subject land will deliver a net community benefit. The Panel was not provided with information to justify removing this requirement from the PSP.

**(iv) Conclusion**

The Panel concludes the Somerton Road Precinct Structure Plan should include an objective for affordable and social housing options, as exhibited.

**3.5 Housing and density****3.5.1 Dwelling densities****(i) The issues**

The issues are whether the average dwelling density:

- across the PSP area should be reduced from 22 to 20 dwellings per hectare
- in Residential – Park Interface areas should be reduced from 25 to 22 dwellings per hectare
- in the Residential – Green Wedge Interface area should be reduced from 20-22 to 20 dwellings per hectare.

**(ii) Background**

PSP Table 1 (Summary Land Use Budget) shows a lot yield breakdown of 300 lots for the PSP area with a density of 22 dwellings per hectare.

PSP Table 2 (Dwelling Yield/Density) is shown in Table 2.

**Table 2 PSP Table 2 (Dwelling yield / Density)**

| Development area                         | Planning neighbourhood character                                                                                                                                                                                                                       | DW/NDHA* |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Standard Residential                     | Development will have a traditional suburban neighbourhood character, characterised by buildings up to three storeys in height. Housing will generally comprise detached and semi-detached typologies.                                                 | 22       |
| Residential Abutting Open Space          | More intensive forms of development such as terraced homes and townhouses should be provided in proximity to areas of high amenity, or where it can be demonstrated that a positive contribution will be made to neighbourhood character and identity. | 25       |
| Residential at the Green Wedge Interface | Development will have lower density suburban neighbourhood character, characterised by builds of single or double storey in height. Housing will generally be detached typologies with wider lot frontage.                                             | 20-22    |

\* Dwellings per net developable hectare | Each number is a minimum density average

### **(iii) Evidence and submissions**

The Proponent submitted the exhibited densities should be reduced to be more consistent with contemporary precinct structure plans. Council agreed and revised PSP Tables 1 and 2 to reduce dwelling densities from:

- 22 to 20 dwellings per hectare across the PSP area
- 25 to 22 dwellings per hectare in areas adjacent to open space
- 20-22 to 20 dwellings per hectare in the Green Wedge Interface area.

The Proponent called Mark Woodland of Echelon Planning as a planning expert. Mr Woodland supported lower densities of 20 dwellings per hectare across the subject land and 22 dwellings per hectare around open space. One reason for supporting lower densities around open space was because the nearest activity centre was just over 800 metres away.

PSP (Version 1) Table 1 reduced the exhibited total indicative residential yield from 300 to 250 lots across the PSP area representing a reduced average density from 22 to 20 dwellings per hectare.

The Proponent submitted that the dwelling densities in PSP Tables 1 and 2 are appropriate given the context of the subject land.

Council supported the reduced dwelling density for land abutting open space areas but considered that medium density housing should still be encouraged in these areas. It revised PSP Requirement R2 (Version 1) to state:

Subdivision must provide a diverse neighbourhood character by providing a range of lot sizes and dwelling types in appropriate locations throughout the Precinct, including achieving minimum average densities and planned neighbourhood character as specified in Plan 3: Future Urban Structure Plan and Table 3: Dwelling Yield/Density Table.

### **(iv) Discussion**

#### **Average dwelling density**

The Panel agrees with Council and the Proponent that it is appropriate to reduce the average density from 22 to 20 dwellings per hectare across the PSP area. This density is consistent with the PSP Guidelines (2021). This should be reflected in the PSP Land Use Budget Table and the Dwelling Yield/Density Table.

#### **Dwelling density: residential – park interface**

The PSP Guidelines Target T1 states that 30 dwellings per hectare is appropriate within 50 metres of open space or 400 metres of an activity centre or train station. It does not qualify that there should be lower density in certain circumstances such as land further away from an activity centre.

Mr Woodland's reasons for supporting a lower density of 22 dwellings per hectare around open space is not supported by the PSP Guidelines that seek 30 dwellings per hectare in such areas.

The Panel was not presented with good planning reasons to lower the dwelling density figure from 25 to 22 dwellings per hectare for land around open space. The exhibited figure of 25 dwellings per hectare is already lower than the 30 dwellings specified in the PSP Guidelines. Local policy objectives seeking to encourage medium density housing typologies adjacent to open space areas would be better achieved through a higher density.

The PSP should be revised so that:

- Requirement R2 refers to Plan 5 (Housing Diversity Plan) rather than Plan 3 (Future Urban Structure) to provide a more logical structure to assessing housing densities in future planning permit applications
- Table 3 is made consistent with Plan 5 by referring to 'Residential - Park Interface' rather than 'Residential Abutting Open Space'.

### **Residential – green wedge interface**

The Panel supports reducing the dwelling density for Residential – Green Wedge Interface areas from 20-22 to 20 dwellings per hectare. This lower density would better achieve the Planned Neighbourhood Character described in Table 3.

PSP Table 3 should be consistent with Plan 5 by referring 'Residential – Green Wedge Interface' rather than 'Residential at the Green Wedge Interface'.

### **(v) Conclusions and recommendations**

The Panel concludes:

- An average dwelling density of 20 dwellings per hectare is appropriate for the Somerton Road Precinct Structure Plan and is consistent with the Precinct Structure Plan Guidelines.
- The Somerton Road Precinct Structure Plan should specify 25 dwellings per hectare in the Residential – Park Interface area, though Council should consider increasing this to 30 dwellings per hectare, consistent with the Precinct Structure Plan Guidelines.
- Density of 20 dwellings per hectare is appropriate in the Residential – Green Wedge Interface area.
- Somerton Road Precinct Structure Plan Requirement R2 should refer to Plan 5 (Housing Diversity Plan) rather than Plan 3 (Future Urban Structure) because it provides a more logical structure to assessing housing densities in future planning permit applications.

The Panel recommends:

**Amend the Somerton Road Precinct Structure Plan, as referred to in Appendix B, to:**

- revise Requirement R2 to refer to Plan 5 (Housing Diversity Plan) rather than Plan 3 (Future Urban Structure)**
- revise Table 3: Dwelling Yield/Density to specify an average of 20 dwellings per hectare for 'standard residential' development**
- revise Table 3: Dwelling Yield/Density to specify an average of 20 dwellings per hectare for development in the 'Residential - Green Wedge Interface' areas.**

### **3.5.2 Townhouses and more intense development**

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

The issues are:

- whether houses on neighbouring estates will be unfairly impacted by development on the subject land
- whether the extent of townhouses be minimised to reduce the extent of urban heat from hard surfaces.

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

Two submissions regarding Saffron Street properties were concerned about:

- privacy and natural light in the backyard if townhouses or double storey houses were built along the eastern edge of the subject land
- potential effects associated with the interface between the eastern edge of the subject land and dwellings on Saffron Street.

In response, Council submitted the proposed applied zone on the subject land, the General Residential Zone, is the same zone that applies to Saffron Street and that the provisions currently in the Planning Scheme around amenity impacts would be enough to ensure privacy and overlooking concerns can be addressed if needed. Council did not recommend any changes to the Amendment.

Four submissions requested that the number of townhouses on the subject land be minimised to reduce heat from hard surfaces. Council advised it is mindful of heat from hard surfaces and noted the PSP includes requirements and minimum targets for street trees which will reduce urban heat.

### **(iii) Discussion**

The houses on the northern half of Saffron Street that back onto the subject site will have a park interface to Local Park 02. While the houses on the southern half will interface with the Park Interface neighbourhood character typology, the Planning Scheme provisions will adequately address privacy and overlooking concerns.

With regard to hard surfaces and urban heat, the Planning Policy Framework at Clauses 02.03-5 and 15.01-2L-3 supports measures to reduce urban heat through building and landscape design. These policies, combined with the 30 per cent tree canopy target in the PSP, will help reduce urban heat.

Properties in the existing neighbouring residential area will not be unfairly impacted by development on the subject land because the subject land's applied zone is the same as that area, and there are existing Hume Planning Scheme provisions which require a permit to consider such potential impacts.

### **(iv) Conclusions**

The Panel concludes:

- Properties in the existing neighbouring residential area will not be unfairly impacted by development on the subject land.
- There is no justification to reduce the extent of townhouses to reduce urban heat from hard surfaces.

## **3.6 Green wedge interface**

### **3.6.1 PSP Requirement R4**

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

The issue is whether PSP Requirement R4 provides enough guidance to assess a subdivision proposal.

**(ii) Background – Requirement R4**

- Exhibited version: Development along the western boundary must provide a suitable green wedge interface through design treatments, which include a road and/or open space buffer between the row of housing as indicated by Figure 1.
- Council Version 1: Development along the western boundary must provide a green wedge interface, which includes a road with vehicular access to dwellings fronting that road and an open space buffer.

**(iii) Evidence and submissions**

Mr Woodland recommended two versions of PSP Requirement R4:

**R4** Development along the western boundary must provide a green wedge interface which is designed and developed generally in accordance with cross sections 1, 2, 2a or 3 unless otherwise agreed by the responsible authority.

**R4** Development along the western boundary must provide a green wedge interface, which should include a road with vehicular access to any dwellings which front the interface, and/or an open space buffer along the interface, unless otherwise agreed by the responsible authority.

He recommended new associated guidelines:

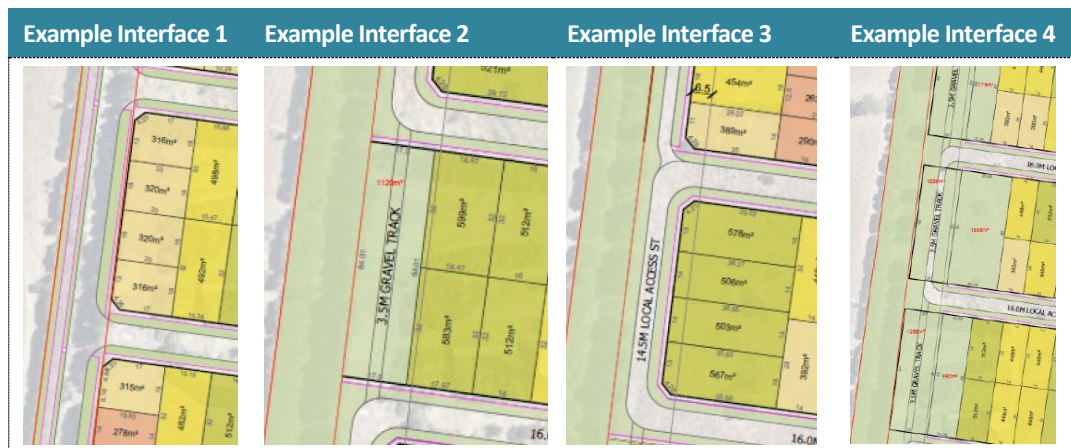
**GX** – Residential lots located along the Green Wedge interface should generally provide a frontage to that interface.

**GX** – Any residential lots located along the Green Wedge interface which side-on to the interface should make provision for building landscaping setbacks along their western boundary as shown on Cross sections 2 and 3.

**GX** – Any road constructed on 870 Somerton Road should be built in accordance with the layout shown in figure X, unless otherwise agreed with the responsible authority.

PSP (Proponent Version 1):

- generally reflected Mr Woodland’s recommended Requirement R4 and guidelines
- included alternative cross-sections and four indicative example interface plans (see Figure 2).

**Figure 2** Indicative interface examples shown in the PSP (Proponent Version 1)

Council preferred Requirement R4 as drafted in the PSP (Council Version 1) and submitted it *“provides the correct balance between providing flexibility to the proponent in the design response for the green wedge interface and the level of certainty appropriate for a PSP and consistent with orderly planning principles”*.

Council did not support the Proponent’s preferred version of the requirement, and associated guidelines, alternative cross sections and example subdivision layout concepts. It submitted the proposed changes appear to respond to concern about coordination of development between two different landowners rather than planning or design considerations. It considered the PSP (Council Version 1) green wedge interface concept and perimeter road:

- have long been a feature of the PSP
- appropriately address green wedge interface to the west, bushfire risk, high quality layout and design and traffic and pedestrian connectivity
- provides a logical, efficient and orderly use of land.

Council acknowledged the PSP should be relatively flexible and noted:

A PSP is a high level strategic plan that sets out the preferred spatial location of key land uses and infrastructure to guide decisions on staging of development, subdivision permits, building permits and infrastructure delivery.

PSPs are deliberately flexible – they cannot anticipate and control every challenge that may be encountered at detailed design and delivery phases. As a tool to guide subdivision and delivery of essential infrastructure, they provide certainty of intended outcomes and the flexibility for detailed design to respond to site specific requirements and solutions, and innovations.

Once prepared, PSPs are incorporated documents within the planning scheme. As such, they have a specific role to address matters within the scope of the planning system—ensuring they are consistent with the regulatory environment they operate in.

Council was concerned the Proponent’s proposed changes:

- include insufficiently justified alternative options that would create the expectation the interface treatment in Figure 1 is only an option rather than the preferred outcome
- would make it unnecessarily complex to implement the PSP and create uncertainty
- include alternative cross-sections:
  - without guidance on using and developing 870 Somerton Road beyond an extended open space area
  - that reduce vehicle connectivity by assuming no continuous north-south edge road along the western boundary of the subject land

- that have not assessed the ability to accommodate emergency vehicles, waste collection or parking in reduced carriageway widths.

Council submitted:

- the existing guidelines under the place-based objectives already provide some similar guidance
- it did not oppose including the suggested guidelines, which are more specific to the green wedge interface.

Council submitted that if the Panel was of the mind to support Mr Woodland's recommended Requirement 4 and three guidelines, it would not oppose a version that:

- in Requirement R4, deletes "*unless otherwise agreed by the responsible authority*" given the proposed requirement contemplates an alternative to a road and Requirement R5 provides discretion
- in the second guideline:
  - deletes any reference to alternative cross-sections
  - adds "*and public realm passive surveillance*" given Council wants to avoid blank high side fences at this interface.

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

Requirement R4 seeks an appropriate interface between new development on land identified as 'Residential – Green Wedge Interface' on relevant PSP plans and the green wedge land that abuts the western boundary of 870 Somerton Road. The exhibited version would not achieve this because it refers to development "*along the western boundary*". The Panel agrees with part of the exhibited version which seeks the ultimate design layout to be generally in accordance with the cross section in Figure 1.

It is not necessary to include a straight road along the entire length of 870 Somerton Road to be generally in accordance with Figure 1. Including new guidelines associated with Requirement 4 in the PSP will help guide alternative designs that are generally consistent with Figure 1. The Panel agrees with Council that the relevant guideline regarding side-on lots should also seek public realm passive surveillance. This design response will help avoid blank walls while maintaining a safer interface.

One or more of the example interface designs proposed by the Proponent may be such a design. However, the Panel does not support including these designs in the PSP because they have not been appropriately assessed and they may create the perception they are tested and approved concepts.

Excluding these examples does not preclude them from being considered through a future permit application process. This is when issues such as access for emergency vehicles and waste collection vehicles can be referred and assessed.

#### **(v) Conclusions and recommendations**

The Panel concludes the Somerton Road Precinct Structure Plan:

- would benefit from:
  - revising Requirement R4 to clarify it applies to the area forming the green wedge interface
  - adding new associated guidelines that will help guide future subdivision proposals

- should not include examples of interface responses, though such designs could be considered by Hume City Council through a future permit application.

The Panel recommends

**Amend the Somerton Road Precinct Structure Plan, as referred to in Appendix B, to:**

- revise Requirement 4 to remove the qualitative description and clarify which land it applies to**
- include new guidelines associated with Requirement 4 regarding the green wedge interface.**

### **3.6.2 Solid fence along the Green Wedge interface**

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

The issue is whether the PSP Figure 1 depiction of a solid 2-metre-high fire resistant Colourbond fence is appropriate along the Green Wedge interface.

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

PB Land Holdings requested:

- the 2-metre-high Colourbond fence shown in PSP Figure 1 be deleted because it considered it inappropriate given the physical and strategic contexts
- any fencing along the interface between the subject land and green wedge area reflect the rural/residential interface and enable an outlook.

It submitted the 2-metre-high Colourbond fence:

- is not required by the Bushfire Planning Report
- resembles a side or rear fence
- is contrary to PSP Outcome 2.1.3:
  - Ensuring that roads and lots front and are oriented towards the green wedge in order to reduce back and side fences to the green wedge.
  - Provide for a bushfire buffer including open space and/or an interface road to both ensure the safety of residents and to ensure that the green wedge land is not adversely affected by views into residential areas.

PB Land Holdings considered:

- views from new residential areas on the subject land would not negatively affect the green wedge land to the west
- green wedge areas are normally highly visible from adjoining public and private realms because they generally have low and transparent post and wire fencing
- overlooking farmland is not normally regarded as an adverse amenity impact
- farmland is not secluded private open space under the Hume Planning Scheme.

Council agreed with the PB Land Holdings submission and revised PSP (Version 1) Figure 1 to specify 'Visually permeable 1.5m fence'. The Proponent's version of the PSP retained that change.

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

The Panel considers the 'Visually permeable 1.5m fence' note in PSP (Version 1) Figure 1 would result in a better green wedge interface than a 2-metre-high Colourbond fence. The solid fence would have been more visually prominent when travelling from the west along Somerton Road. This would have negatively impacted the green wedge land interface.

#### **(iv) Conclusion and recommendation**

The Panel concludes the Somerton Road Precinct Structure Plan Figure 1 depiction of a solid 2-metre-high fire resistant Colourbond fence is not appropriate along the Green Wedge interface and should be revised to a more visually permeable fence treatment.

The Panel recommends:

**Amend the Somerton Road Precinct Structure Plan (April 2024), as shown in Appendix B, to replace the requirement in Figure 1 for a 2 metre high Colourbond fence with '1.5 metre visually permeable fence'.**

### **3.7 Native vegetation and open space**

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

The issues are:

- whether there are inconsistencies between the tree retention maps in the Native Vegetation Precinct Plan (NVPP) and the PSP
- whether Clause 53.01 should be changed from requiring a 15.8 per cent to 12.6 per cent open space contribution to match the PSP
- whether old trees should be retained on the subject land
- whether the PSP Henna Avenue Plan should be updated to include the correct canopy coverage of trees 102 and 103.

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

##### **Inconsistencies between NVPP and PSP**

The VPA identified minor inconsistencies between the PSP and NVPP, specifically regarding the identification and retention of certain trees (Trees 109, 115, 116, 117, 123, and 124). It requested the plans be revised to clarify the treatment of these trees. VPA supported the Amendment subject to these changes.

In response to a Panel question, Council advised that Plan 6 (Henna Avenue Plan) may incorrectly show the location of trees 102 and 103 (trees to be retained). Council acknowledged that Plan 6 may need be corrected.

Council submitted that trees 109, 115, 116, 117 and 123 were shown to be retained in PSP Plans 3, 5, 7, 10, however PSP Plan 9 and NVPP Map 2 did not show these trees. It also noted that tree 124 was shown with 2 circles around it instead of one. Council supported revising the PSP and NVPP to correctly identify the trees for retention and to show the double circle of tree 124 as a single circle.

**Open space contribution**

The Proponent submitted Clause 53.01 (Open Space Contribution) Schedule should be revised to require 12.6 per cent open space contribution for the PSP area rather than the exhibited 15.8 per cent. It explained this is the correct figure shown in the PSP. Council agreed.

Council noted the 12.6 per cent aligns with what is proposed in the PSP for Local Parks 01, 02 and 03 to be provided to Council as open space contributions.

**Old trees to be retained**

Three submissions requested that open spaces be retained to preserve old trees on the subject land.

Council submitted the open space network proposed on the subject land, as shown in the PSP, is intended to retain key areas of native vegetation, while providing some land for passive recreation, walking and cycling.

**(iii) Discussion****Inconsistencies between NVPP and PSP**

The Panel agrees with Council's proposed changes to:

- correct errors in PSP Plan 9 and NVPP Map 2
- revise Plan 6 (Henna Avenue Plan) to correctly show trees 102 and 103 and their canopies/tree protection zones.

The Panel notes that while trees 17, 35, 36, 109, 117, 123 are shown to be retained in the PSP and NVPP, there is no information about these trees in NVPP Table 7 (Information about trees to be retained).

**Open space contribution**

The Panel agrees with the Proponent and Council that Clause 53.01 Schedule should specify 12.6 per cent, consistent with the amount specified in the PSP. This is above the recommended 10 per cent suggested by PSP Guidelines Performance Target T11.

**Old trees to be retained**

The Panel agrees that the three local parks identified in the PSP are sited to retain nominated native trees. These parks will provide for both passive recreation and the retention of native vegetation, as well as some cycling and walking paths. However, the NVPP does not demonstrate why certain trees are to be removed or retained. Rather, it appears to start from an assumption about which vegetation will be removed. The NVPP would have benefitted this being explained.

**(iv) Conclusions and recommendations**

The Panel concludes:

- The Native Vegetation Precinct Plan and the Somerton Road Precinct Structure Plan should be revised to address inconsistencies with the tree retention maps between the two documents.
- Old trees should be retained on the subject land consistent with what is proposed through the Native Vegetation Precinct Plan and the Somerton Road Precinct Structure Plan.

- Plan 6 of the Somerton Road Precinct Structure Plan should be revised to correct the canopy coverage of trees 102 and 103.
- The Clause 53.01 Schedule should specify a public open space contribution of 12.6 per cent rather than 15.8 per cent for the subject land.

The Panel recommends to:

**Amend the Somerton Road Precinct Structure Plan, as referred to in Appendix B to:**

- revise Plan 6 to correct the canopy coverage of trees 102 and 103**
- revise Plan 8 to clarify that trees 109, 115, 116, 117 and 123 are proposed to be retained**
- revise Plans 3, 5, 7 and 10 to replace the double circle around tree 124 with a single circle.**

**Amend the Somerton Road Native Vegetation Precinct Plan (Nature Advisory, April 2024) to revise Map 2 to clarify that trees 109, 115, 116, 117 and 123 are proposed to be retained.**

**Amend the Clause 53.01 (Public Open Space Contribution and Subdivision) Schedule to reduce the public open space contribution for *Land shown as UGZ14 on the planning scheme map (Somerton Road Precinct Structure Plan)* from 15.8 per cent to 12.6 per cent.**

## 3.8 Traffic and transport

### 3.8.1 Somerton Road and Intersection IN-01

#### (i) The issues

The issues are whether it is appropriate and justified to revise the PSP to:

- include right-turn access from Somerton Road (Intersection IN-01) at the developer's cost and discretion
- redesign Intersection IN-01 so it can operate safely near the Bond Lane intersection
- duplicate Somerton Road to Oaklands Junction east of Mickleham Road
- apply speed restriction and safety signage and lighting along Somerton Road
- apply signals at the Section Road and Somerton Road intersection to avoid traffic accidents from illegal right-hand turns on Somerton Road.

#### (ii) Evidence and submissions

DTP submitted:

There are safety concerns about the interface between the proposed left in left out intersection on Somerton Road and the existing left in left out on Bonds Lane which has existing issues with illegal right-hand turns. This intersection will need to be relocated to be midway between Bonds Street and Section Road to improve safety outcomes.

The Proponent requested the PSP be revised to include right-turn access from Somerton Road (Intersection IN-01) at the developer's cost and discretion.

Other submissions considered:

- there should be an interim left in/left out intersection on Somerton Road

- drivers performing an illegal right hand turn at the Somerton Road and Bonds Lane intersection create problems
- Intersection IN-01 should be realigned to create a controlled intersection with the Somerton Road and Bonds Lane intersection to create a safer cross for pedestrians and vehicles
- if the developer cannot realign Intersection IN-01, Somerton Road should be widened from Mickleham Road to Section Road before the subject land is developed.

The Proponent called Leigh Furness of Traffix Group as a traffic engineering expert. Mr Furness was satisfied the Intersection IN-01 functional layout plan is appropriate and fit-for-purpose. He stated:

- the PSP details an interim right-in access layout, which is the most appropriate solution to avoid illegal traffic movements
- the interface between the two intersections will not allow right-in movements to Bonds Lane or and any cross intersection movements
- this potential issue is not relevant after Somerton Road is duplicated.

PSP Version 1 (Council and the Proponent) revised Intersection IN-01 in Table 06 (Precinct infrastructure plan) to specify 'Construction of right-and-left in and left out intersection with Somerton Road' with an indicative cost (\$2023) of \$550,710.

### **(iii) Discussion**

The Panel agrees that any Intersection IN-01 should be designed to operate safely near the Bond Lane intersection.

Speed restriction and safety signage along Somerton Road are managed through separate legislation and beyond the scope of the Amendment. Nonetheless, they are important issues that will be considered through a separate process by the relevant road authority. They should not be included the PSP.

### **(iv) Conclusions and recommendation**

The Panel concludes:

- Speed restriction along Somerton Road is managed through legislation separate to the *Planning and Environment Act 1987* and is beyond the scope of the Amendment.
- The Somerton Road Precinct Structure Plan does not have to specify safety signage and lighting along Somerton Road because they will be considered through a separate process by the relevant road authority.
- Somerton Road Precinct Structure Plan Intersection IN-01 should enable right-and-left in and left out with Somerton Road.

The Panel recommends:

**Amend the Somerton Road Precinct Structure Plan, as referred to in Appendix B, to revise Table 06 (Precinct infrastructure plan) to specify Intersection IN-01 as 'Construction of right-and-left in and left out intersection with Somerton Road' with an indicative cost (\$2023) of \$550,710.**

### 3.8.2 Southern access and shared path

#### (i) The issues

The issues are:

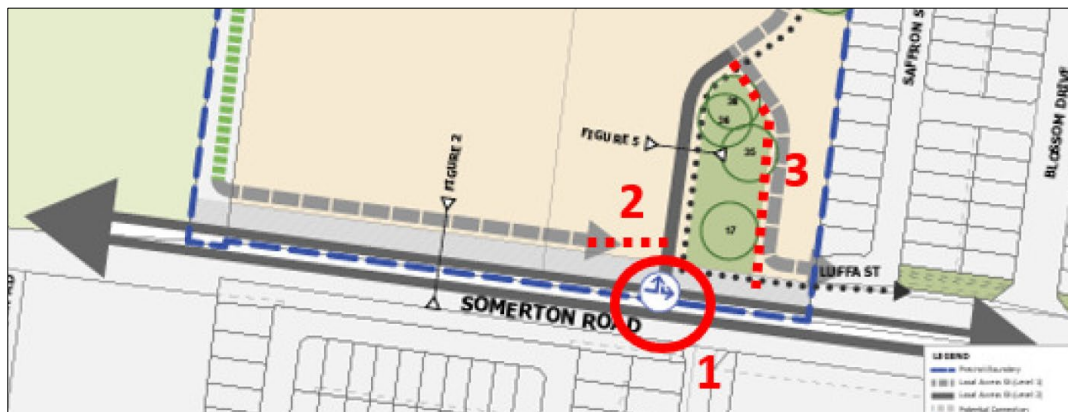
- whether the Southern access proposed in the PSP is appropriate
- whether the PSP should show a shared path along Luffa Street.

#### (ii) Evidence and submissions

DTP requested the PSP Transport and Movement Plan be revised to:

- show how the Level 1 access street adjoining Somerton Road will connect with the rest of the local street network (see change 2 in Figure 3)
- include a shared path along Luffa Street to provide a more intuitive route for cyclists, noting the current route may lead some to take short cuts through Luffa Street to the southern shared path (see change 3 in Figure 3).

**Figure 3** DTP requested changes to the PSP Transport and Movement Plan

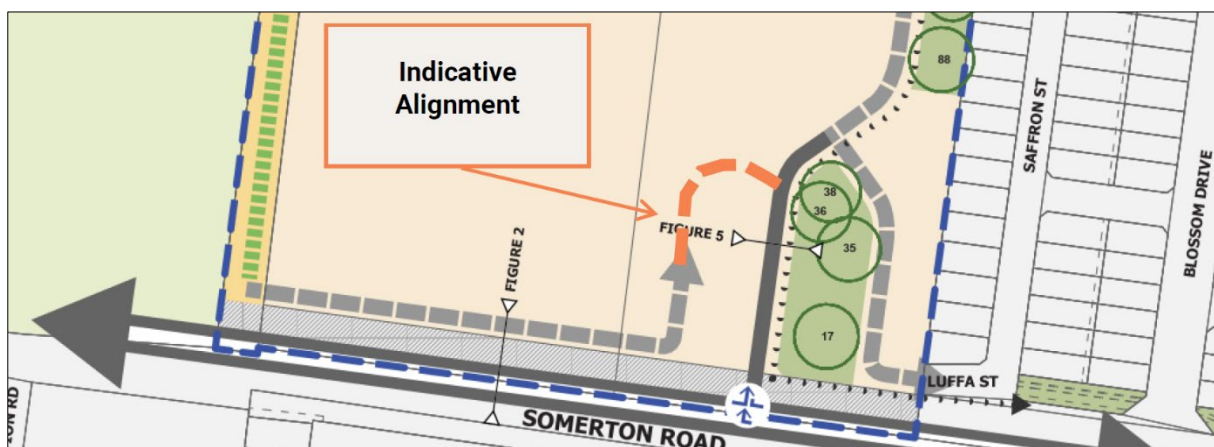


Source: DTP submission

Mr Furness stated the PSP does not show how it connects to the main entry road. He recommended the southern access street be bent so it can intersect with the main entry road at a more northerly location about 100 metres north of Somerton Road, as shown in Figure 4.

Mr Furness considered the proposed shared path alignment suitable, given its largely recreational purpose. He did not think DTP's requested relocation was critical.

**Figure 4** Mr Furness recommended indicative southern road access alignment



The Proponent included its own version of the indicative alignment in its PSP (Proponent Version 1) as shown in Figure 5.

**Figure 5** Proponent recommended southern road access alignment



Council did not oppose to the option in principle but considered the merits of this outcome should be subject to further detailed assessment at the permit application stage when the lot layout near this connection is better resolved. It considered other relevant considerations are:

- the separation distance of the proposed intersection with the extension of Luffa Street
- the safety and location of the proposed curve in the road.

Council preferred the southern access road to be depicted as shown in the PSP exhibited version to enable flexibility until this matter is further assessed.

Regarding the shared path, the Proponent's Version 1 of the PSP continued to show the shared path along the local north-south road west of the open space and extended the southern east-west shared path that will adjoin the widened Somerton Road, as shown in Figure 5. Council agreed to this change.

### (iii) Discussion

The Panel considers the relevant PSP plans should show the southern road with a connection to the north-south road. The permit application may show an alternative alignment and connection that is generally in accordance with that shown in the PSP after a further traffic assessment.

The Panel agrees with Council that the exhibited version of the internal road alignment does not preclude the option of extending it to connect to the north-south road if it is generally in accordance with the PSP. However, this depiction may infer the road is not intended to connect and it would be clear to show the connection upfront.

DTP prefers the shared path to go along the proposed eastern local road while Mr Furness and the Proponent prefer the western local road. There appears to be about 50 metres between the two. The Panel sees benefits in both alignments. The Panel agrees with DTP that it would be more intuitive to align the path with the most eastern road if most pedestrians and cyclists are heading east towards the more urban area. The Panel also agrees with Mr Furness that this path is likely to be used predominantly for recreational purposes, however this does not indicate that most users would be travelling west.

The Panel agrees with the shared path alignment proposed in the exhibited PSP because:

- future traffic volumes anticipated on the subject land, as shown in Mr Furness' expert report, is unlikely to result in safety or traffic concerns if cyclists opted to use a local street over a short distance
- a future permit application that aligns the north-south shared path with southern shared path at either of those local roads may be considered generally in accordance with what the PSP seeks to achieve.

**(iv) Conclusion and recommendations**

The Panel concludes the Somerton Road Precinct Structure Plan should revise relevant plans to:

- show the southern access street connecting with the main entry road, consistent with the alignment in Figure 5
- extend the southern east-west shared path to the Precinct Structure Plan western boundary

The Panel recommends:

**Amend the Somerton Road Precinct Structure Plan, as referred to in Appendix B, to:**

- revise Plans 3, 5, 7, 8 and 10 to show the southern access street connecting with the main entry road, consistent with the alignment shown in Plan 1 of the Urban Growth Zone Schedule 14 shown in Appendix C**
- revise Plan 7 to extend the southern east-west shared path to the western boundary.**

**Amend Urban Growth Zone Schedule 14, as shown in Appendix C, to revise Plan 1 to:**

- show the southern access street connecting with the main entry road**
- extend the southern east-west shared path to the western boundary.**

### **3.8.3 Jonquil Place**

**(i) The issue**

The issue is whether the 'Potential connection' shown in PSP Plan 7 (Transport and movement plan) between Jonquil Place and the subject land is appropriate.

**(ii) Evidence and submissions**

The Proponent requested the PSP be revised to make the 'Potential connection' in Plan 7 (Transport and movement plan) to Jonquil Place a pedestrian only connection. Mr Furness recommended this change because he considered vehicle access is not essential at this location. He stated:

- the Greenvale West Precinct Structure Plan indicates Jonquil Place as a Local Access Street with a desired 14-metre road reserve and 5.5-metre carriageway which would have allowed a road link to the subject land
- the road has since been constructed with a 4-metre carriageway and 10-metre road reserve, which:
  - functionally behaves as a laneway
  - is too narrow to accommodate simultaneous two way traffic
  - has not been constructed to an appropriate standard to provide through-vehicle access to the subject land

- vehicle access is essential at this location as there is no strong desire line for car-based travel that would materially benefit the subject land.

Mr Furness considered future development on the subject site should continue to connect into the shared path on Jonquil Place to provide a pedestrian connection.

Council acknowledged the limitations associated with Jonquil Place, as recognised in Guideline G8 which states:

Limited vehicle access via Jonquil Place can be provided within existing road reserve, subject to Traffic Impact Assessment, and is to not impact the Blossom Drive Conservation Reserve.

Council sought to retain the opportunity to investigate the viability of a vehicle connection at this location. It noted that Jonquil Place:

- is the only northern connection to the subject land
- provides an alternative connection point to Henna Avenue.

### **(iii) Discussion**

PSP Plan 7 shows a potential connection without specifying whether it needs to be a vehicular or pedestrian-only connection. Guideline G8 reasonably acknowledges the connection will provide limited access subject to a traffic impact assessment and where it does not impact the abutting conservation reserve. The traffic assessment may conclude the connection is needed for reasons of traffic circulation rather than volume. Alternatively, it may find there is only a need for a pedestrian connection.

Until the traffic impact assessment findings are known, Plan 7 should enable all options to be considered. The Panel therefore supports the exhibited depiction of the potential connection at Jonquil Place.

### **(iv) Conclusion**

The Panel concludes the 'Potential connection' shown in Plan 7 (Transport and movement plan) of the Somerton Road Precinct Structure Plan between Jonquil Place and the subject land is appropriate.

## **3.9 Road noise**

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

The issue is whether noise from Somerton Road in its existing and future duplicated form will result in unacceptable human health and amenity impacts for future residents on the subject land.

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

EPA submitted that state policy in the Planning Scheme Clause 13.05-1L (Noise Management) aims to minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system.

Given the subject land fronts Somerton Road (a declared arterial road), EPA recommended an acoustic assessment be conducted to assess the risks to new sensitive uses that would be establishing on the subject land.

The Proponent engaged Enfield Acoustic to prepare an acoustic assessment for the subject land, and called Darren Tardio of Enfield Acoustic as an acoustic expert. The Enfield Report (2025) modelled noise impacts from Somerton Road across the PSP site, using the base case of no current development. This Enfield Report found that any dwelling within 60 metres of the Public Acquisition Overlay should be treated with upgraded glazing (Rw36) to habitable rooms, to reduce noise impacts.

Mr Tardio stated:

- houses constructed on the subject land would reduce noise levels to houses behind them so the 60-metre acoustic treatment area is considered to be conservative
- without knowing the subdivision layout and built form typology, it is not possible to undertake a more detailed noise model
- the permit conditions included UGZ14 (Version 1) are appropriate.

The UGZ14 (Version 1) included:

**Condition – Acoustic Requirements**

Any permit for the development along the Somerton Road boundary must contain the following conditions, (as relevant):

- Any lot within 15m of the future Somerton Road boundary must include a building envelope with no part of the building envelope within 15m from the future Somerton Road boundary.
- Design guidelines or a restriction on the plan of subdivision must be prepared to the satisfaction of the Responsible Authority for any lot within 60m of the future Somerton Road boundary; requiring that any dwelling within 60m of the future Somerton Road boundary must include Rw36 glazing to all habitable windows.

**(iii) Discussion**

Regarding noise from Somerton Road, the Panel acknowledges EPA's concern and the findings of the acoustic assessment undertaken by Enfield Acoustics. The assessment demonstrates that noise from Somerton Road, both in its current state and after future duplication, could pose a risk to human health and amenity for sensitive land uses on the subject land.

The Panel agrees with Mr Tardio that the conditions proposed in the UGZ14 are appropriate. The conditions will ensure that dwellings within 60 metres of the future Somerton Road boundary are adequately protected from noise impacts through upgraded glazing (Rw36) to habitable rooms. The requirement for a building envelope setback of 15 metres from the future Somerton Road boundary further mitigates noise impacts for dwellings closest to the road.

The Panel notes that the 60-metre acoustic treatment area is conservative, as future development within the PSP area will likely reduce noise levels for dwellings further from the road. The Panel considers that the proposed conditions provide a robust framework for managing noise impacts and are consistent with state policy under Clause 13.05-1L – Noise Management.

**(iv) Conclusion and recommendations**

The Panel concludes that noise from Somerton Road in its existing and future duplicated form is unlikely to result in unacceptable human health and amenity impacts if the revised acoustic permit conditions are included in Urban Growth Zone Schedule 14 (Version 1).

The Panel recommends to:

**Amend the Urban Growth Zone Schedule 14, as shown in Appendix C, to:**

- a) **revise Clause 3.0 to delete the application requirement relating to acoustic assessments**
- b) **revise Clause 4.0 to introduce acoustic requirement permit conditions.**

### 3.10 Other issues

#### (i) The issues

The issues are:

- whether crime and anti-social behaviour are within the scope of the Amendment and issues that can be considered through the Planning Scheme and *Planning and Environment Act 1987*
- whether there is insufficient infrastructure to support the future population on the subject land.

#### (ii) Evidence and submissions

One submission opposed the Amendment, citing inadequate infrastructure to support an additional 300 homes. The submitter raised concerns about increasing crime in the area, noting that their home has been broken into three times in 18 months. The submitter stated that Greenvale lacks a police station, and increasing the population without adequate services and infrastructure will worsen these problems, driving down property values.

Council appreciated the concerns raised about crime and anti-social behaviour but noted these issues cannot be addressed through the Amendment or the planning system. Crime prevention and community safety are matters for local law enforcement and other mechanisms outside the scope of the Planning Scheme.

#### (iii) Discussion

There is no information supporting the claim that there is insufficient infrastructure to support the future population on the subject land.

The Panel considers that crime and anti-social behaviour are not within the scope of the Amendment. These issues are not addressed through the Planning Scheme or the PE Act and are not addressed here.

#### (iv) Conclusions

The Panel concludes:

- Crime and anti-social behaviour are not within the scope of the Amendment and cannot be addressed through the Planning Scheme.
- There is no information to support the claim that there is insufficient infrastructure to support the future population on the subject land.

### 3.11 Drafting

#### (i) The issue

The issue is whether the PSP and UGZ14 would benefit from drafting changes to improve their clarity and operation.

## **(ii) Submissions**

Melbourne Water requested PSP Requirement R16 be revised to replace 'are to be delivered' with 'must be delivered' to ensure clarity and enforceability. Council agreed with Melbourne Water's request and included the revised wording in PSP (Version 1).

At the Hearing, Council provided PSP (Version 2) and UGZ14 (Version 4) that included drafting related changes.

## **(iii) Discussion**

The Panel agrees with the proposed Requirement R16 change to replace 'are to be' with 'must be' because it will clarify its intent and improve its operation and enforceability. The proposed terminology is consistent with similar terms elsewhere in the PSP and will improve its operation. The Panel also generally agrees with Council's drafting related changes proposed for the PSP (Version 2), as shown in Appendix B.

In addition to other PSP changes recommended earlier in this report, Council should consider revising plans to delete secondary plan numbers to avoid confusion. Specifically, the following should be deleted:

- 'Precinct Structure Plans – Completed' from Plan 1
- 'Map 2' from the bottom left of Plan 8
- 'Plan 9' the bottom right of Plan 10
- 'Plan 10' from the bottom right of Plan 11.

The Panel generally agrees with Council's proposed drafting related changes as shown in Appendix C. The Panel further recommends changes to UGZ14, as shown in Appendix C, to improve its consistency, clarity and operation by:

- applying consistent terminology where various forms of the same term exist
- aligning terminology with advice in the *Practitioner's Guide to Victoria's Planning Schemes* (Department of Transport and Planning)
- aligning terminology with advice in *Writing Planning Permits* (Department of Transport and Planning) for specified conditions in Clause 4.0
- delete the reference to Plan 3 in the bottom right corner of Plan 1.

## **(iv) Conclusion and recommendations**

The Panel concludes that Requirement R16 should be revised to replace 'are to be' with 'must be' to clarify its intent and improve its enforceability.

The Panel recommends to:

**Amend the Somerton Road Precinct Structure Plan, as referred to in Appendix B, to revise the Requirement R16 to replace 'are to be designed' with 'must be designed'.**

**Amend the Urban Growth Zone Schedule 14, as shown in Appendix C to make drafting changes that improve its consistency, clarity and operation.**

## Appendix A Document list

| No.         | Date   | Description                                                                                                                                                                                                                                                                                                                                           | Provided by                    |
|-------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| <b>2024</b> |        |                                                                                                                                                                                                                                                                                                                                                       |                                |
| 1           | 29 Oct | Panel Directions and Hearing Timetable (version 1)                                                                                                                                                                                                                                                                                                    | Planning Panels Victoria (PPV) |
| <b>2025</b> |        |                                                                                                                                                                                                                                                                                                                                                       |                                |
| 2           | 20 Jan | Council Part A submission with attachments (Documents 3 to 11)                                                                                                                                                                                                                                                                                        | Hume City Council (Council)    |
| 3           | 20 Jan | Hume Affordable Housing Policy (27 September 2021)                                                                                                                                                                                                                                                                                                    | Council                        |
| 4           | 20 Jan | Hume Urban Forest Principles (2020)                                                                                                                                                                                                                                                                                                                   | Council                        |
| 5           | 20 Jan | Hume Rural Strategy (March 2022)                                                                                                                                                                                                                                                                                                                      | Council                        |
| 6           | 20 Jan | Acoustic Report – 800-820 Somerton Road, Greenvale (Enfield, 24 October 2024)                                                                                                                                                                                                                                                                         | Council                        |
| 7           | 20 Jan | Traffic memo – 800-820 Somerton Road, Greenvale (One Mile Grid, 18 November 2024)                                                                                                                                                                                                                                                                     | Council                        |
| 8           | 20 Jan | Council officer response to submissions                                                                                                                                                                                                                                                                                                               | Council                        |
| 9           | 20 Jan | Council correspondence with submitters: <ul style="list-style-type: none"> <li>a. Council letters to submitters seeking changes</li> <li>b. Submitter responses to Council correspondence</li> <li>c. Withdrawn and resolved submissions</li> </ul>                                                                                                   | Council                        |
| 10          | 20 Jan | Victorian Planning Authority (VPA) response to Council (17 May 2024)                                                                                                                                                                                                                                                                                  | Council                        |
| 11          | 20 Jan | Proposed revised Explanatory Report                                                                                                                                                                                                                                                                                                                   | Council                        |
| 12          | 20 Jan | Amendment documents (Council Version 1) with Change Matrix: <ul style="list-style-type: none"> <li>a. Somerton Road Precinct Structure Plan (PSP)</li> <li>b. PSP Native Vegetation Precinct Plan</li> <li>c. Planning Scheme Map – Public Acquisition Overlay</li> <li>d. Clause 53.01 Schedule</li> <li>e. Urban Growth Zone Schedule 14</li> </ul> | Council                        |
| 13          | 22 Jan | Background submission                                                                                                                                                                                                                                                                                                                                 | Proponent                      |
| 14          | 22 Jan | Expert report – Darren Tardio (Acoustic)                                                                                                                                                                                                                                                                                                              | Proponent                      |
| 15          | 22 Jan | Expert report – Leigh Furness (Traffic)                                                                                                                                                                                                                                                                                                               | Proponent                      |
| 16          | 22 Jan | Expert report – Mark Woodland (Planning)                                                                                                                                                                                                                                                                                                              | Proponent                      |
| 17          | 23 Jan | Expert report – Mark Woodland (Planning) revised to include: <ul style="list-style-type: none"> <li>a. Appendix 1 – Letter of instruction</li> <li>b. Appendix 3 – Council proposed post-exhibition PSP changes</li> </ul>                                                                                                                            | Proponent                      |

| No.                                                                  | Date   | Description                                                                                                                     | Provided by      |
|----------------------------------------------------------------------|--------|---------------------------------------------------------------------------------------------------------------------------------|------------------|
| c. Appendix 4 – Correspondence: Tract to Council<br>20 December 2024 |        |                                                                                                                                 |                  |
| 18                                                                   | 24 Jan | Part B submission                                                                                                               | Council          |
| 19                                                                   | 24 Jan | Submission with attachments (Documents 20 to 23)                                                                                | Proponent        |
| 20                                                                   | 24 Jan | Truganina Precinct Structure Plan (VPA, amended May 2022)                                                                       | Proponent        |
| 21                                                                   | 24 Jan | Officer Structure Plan (Cardinia Shire Council, amended November 2029)                                                          | Proponent        |
| 22                                                                   | 24 Jan | Craigieburn West Precinct Structure Plan (VPA, amended August 2022)                                                             | Proponent        |
| 23                                                                   | 24 Jan | Ballan Road Precinct Structure Plan (Metropolitan Planning Authority, amended May 2022)                                         | Proponent        |
| 24                                                                   | 24 Jan | PSP (Proponent Version 1)                                                                                                       | Proponent        |
| 25                                                                   | 28 Jan | Letter – DTP to Chair confirming withdrawal from the Hearing                                                                    | DTP              |
| 26                                                                   | 29 Jan | Property title details – 870 Somerton Road:<br>a. Register Search Statement Volume 11989 Folio 229<br>b. Copy of Plan PS738866T | Proponent        |
| 27                                                                   | 29 Jan | Panel Directions and Hearing Timetable (version 2)                                                                              | PPV              |
| 28                                                                   | 30 Jan | Submission                                                                                                                      | PB Land Holdings |
| 29                                                                   | 30 Jan | Closing submission                                                                                                              | Proponent        |
| 30                                                                   | 30 Jan | Letter in response to Proponent proposed PSP changes                                                                            | Council          |
| 31                                                                   | 30 Jan | PSP (Council Version 2)                                                                                                         | Council          |
| 32                                                                   | 30 Jan | UGZ14 (Council Version 2)                                                                                                       | Council          |
| 33                                                                   | 30 Jan | Clause 53.01 Schedule (Council Version 2)                                                                                       | Council          |
| 34                                                                   | 30 Jan | Generally in accordance guidance note (VPA, April 2020)                                                                         | Council          |

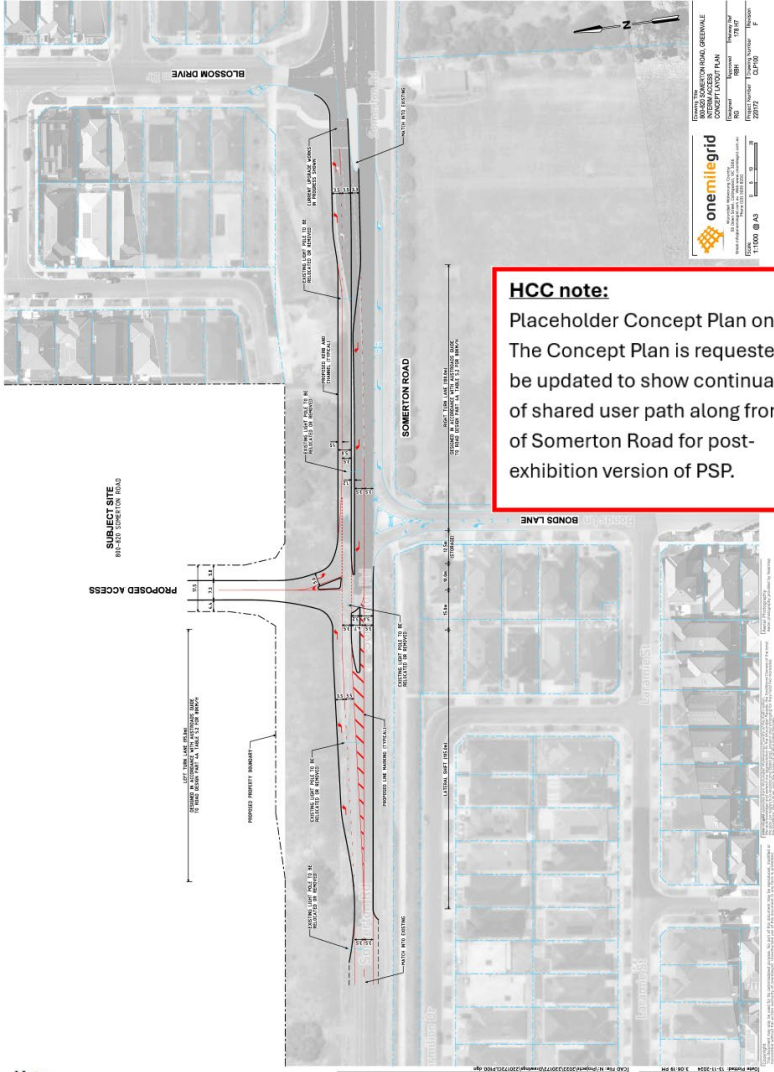
## Appendix B Panel recommended changes to the Somerton Road Precinct Structure Plan

Any reference to a table, plan, figure or requirement numbers in Table 3 refers to revised numbers shown in post-exhibition versions of the PSP.

**Table 3 Panel recommended changes to the Somerton Road Precinct Structure Plan**

| Section                         | Change                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Front cover                     | - Revise date to January 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Contents                        | - Reference the new IN01 Intersection Concept Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 1.5 (Development contributions) | - Developer contributions are only required to be paid on land that forms part of the Net Developable Area (NDA) of the PSP as outlined in Tables 1 and 2 and the Land Use Budget Plan at Plan 4                                                                                                                                                                                                                                                                                                                              |
| Table 01                        | - Revise the Bushfire Defendable Space Area based on a width of 19 metres and revise the overall NDA accordingly                                                                                                                                                                                                                                                                                                                                                                                                              |
| Plan 1                          | - Extend the southern access road to connect with the north-south road<br>- Add a key shared path near the southern boundary of the subject land                                                                                                                                                                                                                                                                                                                                                                              |
| new Table 02                    | - Specify a property-specific land budget                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Requirement R2                  | - Refer to Plan 5 (Housing Diversity Plan) rather than Plan 3 (Future Urban Structure)                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Requirement R4                  | - Replace with – Development on land identified as ‘Residential – Green Wedge Interface’ must respond to the green wedge interface generally in accordance with the cross section in Figure 1                                                                                                                                                                                                                                                                                                                                 |
| Plan 3                          | - Show a bushfire defendable space with a width of 19 metres<br>- Replace the double circle around tree 124 with a single circle                                                                                                                                                                                                                                                                                                                                                                                              |
| Plan 4 (Land use budget)        | - The bushfire defendable space legend specifies a width of 19 metres<br>- The bushfire defendable space is corrected by extending it into part of Property 2                                                                                                                                                                                                                                                                                                                                                                 |
| Guideline G3                    | - Replace ‘Plan 4: Vegetation Retention Plan’ with ‘Plan 8: Native Vegetation Precinct Plan’                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Guideline G5                    | - Replace reference to the old ‘Table 2’ with the new ‘Table 3’                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| new guidelines                  | - Add the following guidelines after Guideline G7 –<br>GX – Residential lots located along the Green Wedge interface should generally provide a frontage to the interface.<br>- GX – Any residential lots located along the Green Wedge interface which side-on to the interface should provide building landscaping setbacks and public realm passive surveillance along their western boundary.<br>- GX – Any road constructed on 870 Somerton Road should be built in accordance with the cross section shown in Figure 1. |
| Plan 5                          | - Show a bushfire defendable space with a width of 19 metres<br>- Replace the double circle around tree 124 with a single circle                                                                                                                                                                                                                                                                                                                                                                                              |

| Section                                            | Change                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Table 03 (Dwelling yield / density)                | <ul style="list-style-type: none"> <li>- Reduce the Standard Residential minimum dwelling density average from 22 to 20</li> <li>- Reduce the 'Residential at the Green Wedge Interface' minimum dwelling density average from 20-22 to 20</li> </ul>                                                                                                                                                                                                                                                                                                 |
| Figure 1 (GWZ cross section)                       | <ul style="list-style-type: none"> <li>- Replace '2 metre high Colourbond fence' with 'visually permeable 1.5 metre high fence'</li> <li>- Reduce the setback to Residential Lots from 20 metres to 19 metres</li> <li>- Reduce the Vegetated Nature Strip from 7.7 to 6.7 metres</li> </ul>                                                                                                                                                                                                                                                          |
| Requirement R7                                     | <ul style="list-style-type: none"> <li>- Refer to Plan 7 rather than Plan 9</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Requirement R8                                     | <ul style="list-style-type: none"> <li>- Require Henna Avenue to be designed generally in accordance with Plan 6</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Plan 6 (Henna Avenue)                              | <ul style="list-style-type: none"> <li>- Specify 3 metres to Shared Use Path</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Plan 7 (Transport and movement)                    | <ul style="list-style-type: none"> <li>- Show a bushfire defendable space with a width of 19 metres</li> <li>- Replace the double circle around tree 124 with a single circle</li> </ul>                                                                                                                                                                                                                                                                                                                                                              |
| Requirement R13                                    | <ul style="list-style-type: none"> <li>- Add 'October 2024' to Somerton Road Native Vegetation Precinct Plan reference</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Requirement R16                                    | <ul style="list-style-type: none"> <li>- Replace 'are to be' with 'must be'</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| new Requirement R18                                | <ul style="list-style-type: none"> <li>- Development adjoining bushfire hazard areas shown on Plan 9 – Bushfire Hazard Management must be setback in accordance with Table 5 to the satisfaction of the Responsible Authority</li> </ul>                                                                                                                                                                                                                                                                                                              |
| Requirement R19                                    | <ul style="list-style-type: none"> <li>- Refer to Plan 8 rather than Plan 9</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Table 05 (Bushfire buffer distance and management) | <ul style="list-style-type: none"> <li>- Replace mitigation method for Land Adjacent to Bushfire Hazard Level 3 with – <ul style="list-style-type: none"> <li>- Defendable Space of 19m to be maintained through a road reserve and any other land adjacent to Bushfire Hazard Level 3 and bushfire proof vegetation to be maintained in lots</li> </ul> </li> </ul>                                                                                                                                                                                  |
| Requirement R21                                    | <ul style="list-style-type: none"> <li>- Refer to Plan 9 rather than Plan 10</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Requirement R22                                    | <ul style="list-style-type: none"> <li>- Refer to Plan 11 rather than Plan 10</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| new Requirement R27                                | <ul style="list-style-type: none"> <li>- Add new requirement – <ul style="list-style-type: none"> <li>- The design and construction of infrastructure item IN01 - Somerton Road Intersection must be in accordance with the Intersection Concept Plan in Appendix 1, and incorporate the continuation of shared user path along Somerton Road. The detailed design of the intersection is subject to consideration and formal approvals to the satisfaction of the responsible authority and the Head, Transport for Victoria.</li> </ul> </li> </ul> |
| Table 06 (Precinct infrastructure plan)            | <ul style="list-style-type: none"> <li>- Replace Project Description for Item 1 with 'Construction of right-and-left in and left out intersection with Somerton Road' and include indicative cost</li> <li>- Delete Item 2</li> </ul>                                                                                                                                                                                                                                                                                                                 |
| Plan 8 (Native Vegetation Precinct Plan)           | <ul style="list-style-type: none"> <li>- Identify trees 109, 115, 116, 117 and 123 as 'to be retained'</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| Section                                         | Change                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Plan 9 (Bushfire hazard area)                   | <div>- Show a larger legend in the top left-hand corner, consistent with other changes identified elsewhere in this report</div> <div>- Show an interface road along the western boundary and add to the legend</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Plan 10                                         | <div>- Replace the double circle around tree 124 with a single circle</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| new Appendix 1 (IN01 Intersection concept plan) | <div>- Add:</div> <div><div>Appendix 1 - IN01 Intersection Concept Plan</div><div></div><div><p>Note:</p><ul style="list-style-type: none"><li>• Concept layout plan is subject to detailed design consideration and formal approvals to the satisfaction of the Head, Transport for Victoria.</li><li>• The future configuration of the intersection may change subject to possible future duplication works.</li></ul><p>Source: Transafe 800-820 Somerton Road, Greenvale Propose Unsignalised Intersection Concept Design Stage Road Safety Audit, November 2024</p></div></div> |

## Appendix C Panel recommended version of Urban Growth Zone Schedule 14

Tracked Added

~~Tracked Deleted~~

### SCHEDULE 14 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ14**.

### SOMERTON ROAD PRECINCT STRUCTURE PLAN

#### 1.0 The Plan

Plan 1 shows the future urban structure proposed in the Somerton Road Precinct Structure Plan ([Tract, January 2025](#)) ([the Somerton Road PSP](#)).

#### Plan 1 to Schedule 14 of Clause 37.07



2.0 Use and development

2.1 The Land

The use and development provisions specified in this schedule apply to 800, 820 and 870 Somerton Road, Greenvale shown as the Precinct Structure Plan area on Plan 1 to this schedule.

*Note: If land shown in Plan 1 is not zoned UGZ14, the provisions of this zone do not apply.*

2.2 Applied zone provisions

Table 1 allocates the land use/development shown on Plan 1 of this schedule with a corresponding zone from this scheme.

Where the use/development in the left column is carried out or proposed generally in accordance with the incorporated Somerton Road [PSPrecinct Structure Plan \(Tract, April 2024\)](#) the use, subdivision, construction of a building and construction and carrying out of works provisions of the corresponding zone in the right column apply.

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

*For example: The Commercial 2 Zone specifies ‘Shop’ as a Section 1 Use with the condition, ‘The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.’ In this instance the condition should be read as, ‘The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land.’*

Table 1: Applied zone provisions

| <a href="#">All</a> <del>Land</del> shown on plan 1 of this schedule | Applied zone provisions                   |
|----------------------------------------------------------------------|-------------------------------------------|
| Residential                                                          | Clause 32.08 – General Residential 1 Zone |

2.3 Specific provisions – Use of land

~~None-specified.~~

Sensitive uses – 870 Somerton Road, Greenvale

Before a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences at 870 Somerton Road Greenvale, or before the construction or carrying out of buildings and works in association with these uses commences:

- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use, or
- An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, or

- A statement of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the use or proposed use.

#### **Exemption from requirement**

The requirement for a preliminary risk screen assessment statement, an environmental audit statement, a certificate of environmental audit or a statement of environmental audit in this provision does not apply to the construction or carrying out of buildings and works if:

- The buildings and works are associated with an existing sensitive use, secondary school or children's playground, included in Clause 62.02-1 or 62.02-2, and the soil is not disturbed, or
- The buildings and works are required by the Environment Protection Authority or an environmental auditor appointed under the *Environment Protection Act 2017* to make the site suitable for use, or
- The buildings and works are reasonably required by environmental auditor appointed under the *Environment Protection Act 2017* or the *Environment Protection Act 1970* to undertake a preliminary risk screen assessment or environmental audit.

## **2.4 Specific provisions - Subdivision**

None specified.

## **2.5 Specific provisions - Buildings and works**

### **Dwellings on a lot less than 300 square metres**

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated in the Hume Planning Scheme.

### **Bulk Earthworks**

A permit is required for bulk earthworks, unless a report has been prepared to the satisfaction of the responsible authority demonstrating that sodic and/or dispersive soils are not present in the works area.

## **3.0 Application requirements**

The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority.

### **Public Infrastructure Plan**

For an application to use or subdivide land or construct a building or construct or carry out works, a Public Infrastructure Plan which addresses the following:

- What land may be affected or required for the provision of infrastructure works. ~~and~~
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment. ~~and~~

- The provision of public open space; ~~and~~
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

### Subdivision – Residential Development

For a residential subdivision, a site and context description and design response as required in Clause 56.

For an application to subdivide ten or more lots, in addition to the above, or ~~for the to~~ construction ~~of~~ ten or more dwellings:

- A written statement that sets out how the application implements the incorporated ~~Somerton Road Precinct Structure Plan (Tract, April 2024)~~ (the Somerton Road PSP); ~~and~~
- A land use budget setting out the amount of land allocated to the proposed uses and expected population and dwelling yields; ~~and~~
- A plan showing access arrangements for properties adjacent to Somerton Road; ~~and~~
- A Stormwater Management Strategy that assesses the existing surface and subsurface drainage conditions on the site, addresses the provision, staging, potential density of the development and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Hume City Council and Melbourne Water; ~~and~~
- Details and cross sections of Henna Avenue and Blossom Drive must be provided as part of any residential subdivision in accordance with the Somerton Road PSP, including demonstration of how the internal road network facilitates use of the Somerton Road intersection over Henna Avenue; ~~and~~
- A landscape concept masterplan for the site prepared by a suitably qualified person(s); ~~and~~
- An Arboricultural Assessment is required to be submitted to the responsible authority. The report is to detail the height, width, diameter at breast height (DBH), Tree Protection Zone (TPZ), structure, health, works required to maximise tree longevity and public safety of trees shown to be retained on Plan 3 of the Somerton Road PSP; ~~and~~
- A Servicing Strategy demonstrating how the development plan area can be serviced for drainage, sewerage, gas, water supply and any other relevant connections; ~~and~~
- An Integrated Water Management (IWM) Plan which clearly identifies how development will contribute towards:
  - Outcomes applicable to the development identified in the ~~DEECA~~ Yarra Strategic Directions Statement ([Department of Energy, Environment and Climate Action](#), September 2018) and Yarra Catchment Scale IWM Plan (September 2022); ~~and~~
  - Potable water reduction targets applicable to the development outlined in the Greater Melbourne Urban Water and System Strategy; ~~and~~
  - Waterways and integrated water management outcomes which enable land to be used for multiple recreation and environmental purposes; ~~and~~
  - Supply and use of recycled water for residential and public realm purposes; ~~and~~
  - The highest possible Water Efficiency Labelling and Standards (WELS) rating achievable for all residential plumbing products in residential building.

To the satisfaction of Yarra Valley Water, Melbourne Water, and the responsible authority.

- A Subdivisions Sustainable Management Plan that includes:
  - A response to the Sustainable Subdivisions Framework; ~~and~~

- A summary of how the subdivision mitigates waste in the planning and managing construction processes and supports a carbon neutral neighbourhood, including an assessment using Infrastructure Sustainability Council Australia (ISCA) Materials Calculator 2.1 or another life cycle assessment tool such as eTool or similar (to the satisfaction of the Responsible Authority) and in accordance with the Somerton Road PSP ~~;-and~~
- Design Guidelines that demonstrate how Environmentally sustainable design (ESD) outcomes meet or exceed Nationwide House Energy Rating Scheme (NatHERS) rating 7 stars will be achieved within lots greater than 300 square metres, including consideration of the ESD standards outlined in the Somerton Road PSP.

### Subdivision – Bushfire Protection

For an application for residential subdivision or ~~for the~~to ~~construction of~~ ten or more dwellings:

- A Bushfire Management Plan that addresses bushfire risk during, and where necessary, after construction which is approved by the responsible authority. The plan must specify, amongst other things:
  - The staging of development and the likely bushfire risks at each stage;
  - The design and layout of the subdivision, including lot layout, road design and access points, both vehicular and pedestrian ~~;-and~~
  - The details of any vegetation management in any area of defendable space including, information on how vegetation will be managed and when the vegetation management will occur i.e. annually, quarterly, during the fire danger period ~~;-and~~
  - An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2018, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 construction standard in accordance with AS3959-2018 ~~;-and~~
  - The land management measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape to protect residents and property from the threat of grassfire and bushfire, including details on any agreements or arrangements in place with the landowners west of the Somerton Road PSP area ~~;-and~~
  - Provision of adequate access and egress for early subdivisions to minimise grass and bushfire risks to new residents ~~prior to the full completion of~~ before the Somerton Road PSP is fully completed.

All to the satisfaction of the responsible authority.

### Preliminary Risk Screen Assessment

~~An application to subdivide land or use or develop land noted in the table below, for a sensitive use (residential use, childcare centre, pre-school centre, primary school or children's playground) and ranked as 'Medium' Potential for Contamination and described in Table 2 must be accompanied by a Preliminary Risk Screen Assessment in accordance with the Environment Protection Act 2017. The assessment must be issued stating that an environmental audit is not required for the application.~~

### Table 2: Preliminary Risk Screen Assessment

| Address | Legal Description |
|---------|-------------------|
|---------|-------------------|

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**870 Somerton Road—Greenvale****NN\PS738866**

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**Acoustic Impact Assessment**

~~An application to subdivide land, use land or to construct a building or carry out works for sensitive uses on land immediately adjacent to or fronting Somerton Road or the interface with the Green Wedge must be accompanied by an acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority.~~

~~An assessment must include recommended standards for dwelling construction in order to alleviate any potential impacts to human health associated with the noise of Somerton Road or activities in the Green Wedge Zone and any such recommendations must be implemented prior to occupancy of a sensitive use commencing to the satisfaction of the responsible authority.~~

**Sodic and dispersive soils management plan**

For an application to subdivide land or construct or carry out bulk earthworks, a sodic and dispersive soils management plan must be prepared by a suitably qualified professional, that describes:

- The existing site conditions, including:
    - extent of sodic and dispersive soils based on topsoil and subsoil samples in the works area;~~and~~
    - land gradient;~~and~~
    - erosion risk mapping;~~and~~
    - the extent of any existing erosion, landslip or other land degradation.
  - Soils investigation, undertaken by a soil scientist;~~and~~
  - The extent of any proposed earthworks;~~and~~
  - Recommendations for soil management practices (including fill) with consideration of anticipated sodic and dispersive soil exposure;~~and~~
  - The management of drainage during all stages of development (including run-off)~~and~~  
The staging of development;~~and~~
  - Any training and supervisions processes proposed for construction contractors to ensure compliance with the sodic and dispersive soils management plan;~~and~~
  - Proposed document monitoring and reporting processes that ensure works are undertaken in accordance with the sodic and dispersive soils management plan;~~and~~
  - Any treatment of soil proposed to be removed from the site;~~and~~
  - Any post-construction monitoring and/or management requirements;~~and~~
- Recommendations that inform a site management plan including:
- The management, volume and location of any stockpiles; and Vehicle access and movement within the site area;~~and~~
  - Any treatment to manage the soil while works are undertaken;~~and~~
  - Treatments to rehabilitate areas that are disturbed during site works;~~and~~
  - Any soil treatment to manage the soil to reduce risk to existing or current infrastructure and dwellings.

### Traffic impact assessment

An application that proposes to create or change access to a primary or secondary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility/concept road safety audit (if required), must be to the satisfaction of the Head, Transport for Victoria and the Hume City Council, as required.

### Affordable Housing

An application to subdivide land must include a report detailing the provision of social and affordable housing, including:

- ~~Location~~ and number of social housing dwellings, including how the proposal contributes to delivering 10 percent of the total number of dwellings within the precinct as affordable housing. ~~and~~
- ~~Proposed~~ staging for construction and delivery of each dwelling. ~~and~~
- ~~Proposed~~ housing association/provider and ownership/management arrangements.

The report must be to the satisfaction of the responsible authority.

The provision of social and affordable housing are to be implemented via agreement between the permit holder and relevant social or affordable housing provider.

## 4.0 Conditions and requirements for permits

### Condition - subdivision permits that allow the creation of a lot of less than 300 square metres

Any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:

- ~~Prior to certification of~~ Before the Plan of Subdivision is certified for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provision of the Small Lot Housing Code incorporated in the Hume Planning Scheme. ~~and~~
- The Plan of Subdivision submitted for certification must identify whether type A or type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

### Condition - Tree Protection

Prior to the approval of civil plans, a tree management plan (TMP) must be prepared by a suitably qualified arborist and submitted to the responsible authority for approval. The TMP is to ensure a Project Arborist is appointed to ensure all trees to be retained are protected during the construction process.

Trees to be retained are to be mulched and fenced to 1m beyond the Tree Protection Zone (TPZ) or to an alignment allowing up to 10% encroachment of the TPZ. Fencing is to be with secured 1.8m high temporary fencing. The TMP must outline methodologies and recommendations for the protection of trees within future residential subdivision and during construction. If the tree cannot be fully protected during construction, all works must occur outside the TPZ.

Prior to Statement of Compliance the Project Arborist is to assess all trees to be retained and submit a final report to the responsible authority with evidence that the Tree Management Actions have been followed.

Prior to hand over of any open space including trees to be retained, all weeds within the TPZs are to be controlled and mulch applied to 1m beyond the Tree Protection Zones or to the amended. TPZ if encroachment has occurred, and pruning works carried out to maximise public safety and tree longevity to the satisfaction of the responsible authority.

### **Conditions - Kangaroo Management Plan**

Before the certification of the plan of subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Energy Environment and Climate Action. The approved plan will form part of the permit.

The submitted Kangaroo Management Plan must include:

- Strategies to avoid land locking kangaroos, including staging of subdivision; and Strategies to minimise animal and human welfare risks; and
- Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location; and
- Actions to address the containment of kangaroos to ensure adequate animal welfare.

The approved Kangaroo Management Plan must be implemented to the satisfaction of the Secretary to the Department of Energy Environment and Climate Action.

### **Permit note – Kangaroo and wildlife risk**

Any permit for the subdivision of land must contain the following note:

- Kangaroos occupy land within the Somerton Rd PSP boundary. Landowners are responsible for managing risks caused by wildlife on their land and for ensuring land use change (kangaroo habitat removal) does not contravene the *Wildlife Act 1975* and *Prevention of Cruelty to Animals Act 1986*.
- Landowners must undertake proper due diligence for kangaroo management and prior to the commencement of works determine whether kangaroos occupy their property or adjoining properties. If kangaroos are present, a plan to mitigate wildlife welfare risks during land use change should be developed.
- Authorisation from the Department of Energy Environment and Climate Action is required under the *Wildlife Act 1975* for any proposal to undertake lethal control, wilful disturbance or trapping of wildlife.

### **Condition – ~~Acoustic Assessment~~ Acoustic Requirements**

Any permit for the development along the Somerton Road boundary must contain the following conditions, (as relevant):

- Any lot within 15 metres of the future Somerton Road boundary must include a building envelope with no part of the building envelope within 15m from the future Somerton Road boundary.
- Design guidelines or a restriction on the plan of subdivision must be prepared to the satisfaction of the Responsible Authority for any lot within 60 metres of the future Somerton Road boundary; requiring that any dwelling within 60 metres of the future Somerton Road boundary must include Rw36 glazing to all habitable windows.

**Condition – Environmental Audit - 870 Somerton Road, Greenvale**

Any permit for the use and development of land for 870 Somerton Road, Greenvale for a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school (~~residential use, childcare centre, pre-school centre, primary school or children's playground~~) and where the Preliminary Risk Screen Assessment requires an environmental audit, must contain the following condition:

~~Prior to the commencement of the use or buildings and works associated with the use, an environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or development of the land allowed by this permit.~~

All the recommendations of the environmental audit statement must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the responsible authority.

Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

In the absence of a site management order and where there are recommendations on an environmental audit statement that require significant ongoing maintenance and/or monitoring, the following condition may be used:

The applicant must enter into a section 173 Agreement under the *Planning and Environment Act 1987*. The section 173 Agreement must be executed on the title of the relevant land prior to the commencement of the use and prior to the issue of a statement of compliance under the Subdivision Act 1988. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.

**Conditions – Affordable Housing and Development Contributions**

A permit to subdivide land that includes Net Developable Area as defined in the Somerton Road PSP, must include the following condition:

- ~~Prior to the issue of~~ Before a Statement of Compliance is issued for the stage that creates the 100th lot in the Somerton Road PSP, the Owner must enter into an agreement or alternative arrangement with a Registered Housing Agency under the *Housing Act 1983* that provides for the delivery of the Affordable Housing Contribution to the Registered Housing Agency at the cost of the Owner in accordance with the requirements of the Registered Housing Agency and to the satisfaction of Council.
- No more than 21 days ~~prior to~~ before the ~~issue of~~ Statement of Compliance is issued for each stage of the subdivision, the permit holder must pay to Council:
  - The Road and Transport Contribution; ~~and~~
  - The Community Infrastructure Contribution; ~~:-~~
 in respect of that stage.

Any requirement for a contribution does not apply to non-developable land as identified in the Somerton Road PSP.

### **Conditions – Environmentally sustainable design (ESD)**

A permit to subdivide land must include the following conditions:

- ~~prior to~~ ~~Before the certification of~~ a plan of subdivision is certified a Sustainability Management Plan must be approved that implements the recommendations identified in the Subdivisions Sustainable Management Plan for residential lots and includes Built Environment Sustainability Scorecard (BESS) assessment and implementation of best practice sustainability outcomes of the Council Alliance for a Sustainable Built Environment (CASBE) subdivision guidelines; ~~and~~
- ~~prior to~~ ~~Before the certification of~~ a plan of subdivision is certified, the permit holder must submit for approval Design Guidelines that implement the recommendations of the Subdivisions Sustainable Management Plan.

### **Condition – Sodic and dispersive soil site management plan**

A permit to subdivide land or to undertake earthworks must include a condition that requires a site management plan be prepared that implements the recommendations identified in the sodic and dispersive soil management plan, to the satisfaction of the Responsible Authority.

## **5.0 Exemption from notice and review**

None specified.

## **6.0 Decision guidelines**

The following decision guideline apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

### **Affordable Housing**

Before deciding on an application to develop or subdivide land for dwellings, the responsible authority must consider, as appropriate:

- Whether the proposed subdivision application contributes towards the provision of affordable housing.
- The Ministerial Notice under 3AA(2) of the Act, as amended from time to time.

## **7.0 Signs**

Sign requirements are at Clause 52.05. All land within the Somerton Road Precinct Structure Plan area is included in the category specified in its applied zone at Section 2.2 of this schedule.

### **Land and home sales signs**

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The display area for each sign does not exceed 10 square metres; ~~and~~

- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage. ~~and~~
- The sign is not animated, scrolling, electronic or internally illuminated sign. ~~and~~
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot. ~~and~~
- The sign is setback a minimum of 750 millimetres from the property boundary. ~~and~~
- No fittings or wiring are visible from adjacent streets or properties.

A permit may be granted to display a sign promoting the sale of land or homes on the land or adjoining land in the same ownership with an area greater than 10 square metres.