

**Cardinia Planning Scheme Amendment C238card
Glismann Road, Beaconsfield**

Correction to the Panel Report

Planning and Environment Act 1987

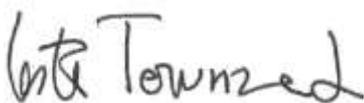
25 January 2022

Planning and Environment Act 1987

Correction to the Panel Report pursuant to section 25 of the PE Act

Cardinia Planning Scheme Amendment C238card

25 January 2022



Lester Townsend, Chair



Ian Gibson, Member

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Overview

Amendment summary	
The Amendment	Cardinia Planning Scheme Amendment C238card
Common name	Glismann Road, Beaconsfield
Brief description	<p>The Amendment seeks to:</p> <ul style="list-style-type: none"> - rezone the land from Rural Living Zone Schedule 1 (RLZ1) and General Residential Zone Schedule 1 (GRZ1) to Neighbourhood Residential Zone Schedule 2 (NRZ2) - apply Development Plan Overlay Schedule 19 (DPO19) - apply Development Contribution Plan Overlay Schedule 5 (DCPO5) - amend the Schedule to Clause 53.01 Public Open Space Contribution and Subdivision to exempt the subject land from paying public open space contribution as it is to be provided in accordance with the Glismann Road Development Contributions Plan
Subject land	<ul style="list-style-type: none"> - 1 to 16 Glismann Road, Beaconsfield - 111 to 123 Old Princes Highway, Beaconsfield - 11 Mahon Avenue, Beaconsfield
The Proponent	Cardinia Shire Council
Planning Authority	Cardinia Shire Council
Authorisation	The Amendment was authorised on the third attempt on 23 April 2020 subject to conditions
Exhibition	9 July to 14 September 2020
Submissions	<p>Number of Submissions: 16</p> <ul style="list-style-type: none"> - Five were from public authorities, all supportive of the Amendment - Five were from landowners from outside the Amendment area, four of which objected to the Amendment and one supported the Amendment - Seven were from landowners and consultants on behalf of landowners. Of these, two objected and five supported the Amendment in principle but raised objection to detail within the Amendment

Panel process

The Panel	Lester Townsend (Chair) and Ian Gibson
Directions Hearing	Video conference, 26 March 2021
Panel Hearing	4, 5, 6 and 7 May 2021; reconvened in a workshop format on 11 October 2021
Citation	Cardinia PSA C238card [2021] PPV
Date of Panel Report	4 January 2022
Date of Corrected Panel Report	25 January 2022

1 Correction

This report is to be read in conjunction with the Cardinia Planning Scheme Amendment C238card (Corrected) Panel Report dated 25 January 2022.

1.1 Issues Raised

After the Panel Report was submitted to Cardinia Shire Council on 4 January 2022, Planning Panels Victoria and Cardinia Shire Council have discovered the following issues:

- In the 'Parties to the Hearing' section of the Overview table:
 - Lorna Lablache of Council should be listed as Principal Strategic Planner, not Senior Strategic Planner
 - Fred and Liza Li represented by Anna Greening of Axiom Planning & Design is not listed
- In the 'The Amendment' section of the Overview table and in the 'Executive summary' section on page 8:
 - the Amendment number is referred to as C238cardcard, instead of C238card
- In Appendix B - Document List:
 - reference is made to two Tabled documents 7 – one from Ms Lablache and the other from Ms Greening
 - two submissions are listed (Documents 7 and 17) as being presented by Anna Greening of Axiom Planning & Design.

1.2 Panel Response

The Panel appointed to consider Cardinia Planning Scheme Amendment C238card has reviewed these issues and offers the following response:

- The title of Senior Strategic Planner attributed to Lorna Lablache is incorrect
- Fred and Liza Li were represented by Anna Greening at the Hearing
- The Amendment number should be referred to as C238card
- The Document 7 listed as being presented by Ms Lablache is correct
- The Document 7 listed as being presented by Ms Greening should be deleted
- The description previously used in the Document 7 presented by Ms Greening should replace the description for Document 17.

1.3 Revisions

Having considered the above, the Panel considers that the Panel Report dated 4 January 2022 should be changed to:

- 1. Amend the Parties to the Hearing section of the Overview Table to:**
 - a) replace the title of Lorna Lablache as Senior Strategic Planner with Principal Strategic Planner**
 - b) add Fred and Liza Li represented by Anna Greening of Axiom Planning & Design to the list of parties**
- 2. Amend any reference to the Amendment number as C238cardcard with C238card**
- 3. Amend the Document List to**

- a) **delete the document number 7 as presented by Anna Greening**
- b) **amend the description of document number 17 with the description from the deleted document number 7**

The Panel has prepared the Cardinia Planning Scheme Amendment C238card (Corrected) Panel Report dated 25 January 2022 that incorporates these changes.

1.4 Notice to Submitters

As Council has made the Cardinia Planning Scheme Amendment C238card Panel Report dated 4 January 2022 available to the Public, they are to write to all submitters and advise them of the Cardinia Planning Scheme Amendment C238card (Corrected) Panel Report dated 25 January 2022.

**Cardinia Planning Scheme Amendment C238card
Glismann Road, Beaconsfield**

Corrected Panel Report

Planning and Environment Act 1987

25 January 2022

How will this report be used?

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

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

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

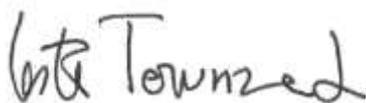
If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Corrected Panel Report pursuant to section 25 of the PE Act

Cardinia Planning Scheme Amendment C238card

25 January 2022



Lester Townsend, Chair



Ian Gibson, Member

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Glossary and abbreviations

AHD	Australian Height Datum
Council	Cardinia Shire Council
DCPO	Development Contributions Plan Overlay
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
EPA	Environment Protection Authority
ESO	Environmental Significance Overlay
FLP	Functional Layout Plan
GRZ	General Residential Zone
MSS	Municipal Strategic Statement
NRZ	Neighbourhood Residential Zone
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
VCAT	Victorian Civil and Administrative Tribunal

Overview

Amendment summary

The Amendment	Cardinia Planning Scheme Amendment C238card
Common name	Glismann Road, Beaconsfield
Brief description	<p>The Amendment seeks to:</p> <ul style="list-style-type: none"> - rezone the land from Rural Living Zone Schedule 1 (RLZ1) and General Residential Zone Schedule 1 (GRZ1) to Neighbourhood Residential Zone Schedule 2 (NRZ2) - apply Development Plan Overlay Schedule 19 (DPO19) - apply Development Contribution Plan Overlay Schedule 5 (DCPO5) - amend the Schedule to Clause 53.01 Public Open Space Contribution and Subdivision to exempt the subject land from paying public open space contribution as it is to be provided in accordance with the Glismann Road Development Contributions Plan.
Subject land	<ul style="list-style-type: none"> - 1 to 16 Glismann Road, Beaconsfield - 111 to 123 Old Princes Highway, Beaconsfield - 11 Mahon Avenue, Beaconsfield
The Proponent	Cardinia Shire Council
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Authorisation	The Amendment was authorised on the third attempt on 23 April 2020 subject to conditions
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Panel process

The Panel	Lester Townsend (Chair) and Ian Gibson
Directions Hearing	Video conference, 26 March 2021
Panel Hearing	4, 5, 6 and 7 May 2021; reconvened in a workshop format on 11 October 2021
Further information	29 October 2021. Documentation of the changes proposed by Council
Site inspections	Accompanied, 3 May 2021
Parties to the Hearing	<p>Cardinia Shire Council represented by Lorna Lablache, Senior Principal Strategic Planner, calling the following expert evidence:</p> <ul style="list-style-type: none"> - Traffic from Ali Abdou of Traffic Works - Development contributions from Paul Shipp of Urban Enterprise <p>Pandeli Halamandaris Lynn Williams Marie Collins Alan Poulton</p> <p>Glismann Road residents represented by Stephen Davis of Urbis, calling the following expert evidence:</p> <ul style="list-style-type: none"> - Traffic from John-Paul Maina of Impact Traffic Engineering Pty Ltd <p>Richard and Leanne Spalding represented by Stephen O'Brien of Universal Planning</p> <p>Fred and Liza Li represented by Anna Greening of Axiom Planning & Design</p>
Citation	Cardinia PSA C238card [2022] PPV
Date of this report	25 January 2022

Executive summary

Cardinia Planning Scheme Amendment C238card (the Amendment) affects 21 hectares of land in Beaconsfield. Beaconsfield is in the Urban Growth Boundary and approximately 46 kilometres south-east of Melbourne.

The purpose of the Amendment is to allow the more intense development of the Glismann Road rural living area. The Amendment as exhibited proposed to:

- Rezone land within the 'Glismann Road Area' from the Rural Living Zone (RLZ1) and General Residential Zone (GRZ1) to the Neighbourhood Residential Zone (NRZ2) recognising the natural topography, visual sensitivity, and landscape features of the area.
- Apply a Development Plan Overlay (DPO19) to facilitate an integrated design within an area of fragmented ownership and facilitate best practice planning initiatives in relation to subdivision layout, urban design, service provision and environmental considerations.
- Apply a Development Contributions Plan Overlay (DCPO5) that shares the cost of key infrastructure items triggered by the new development in a fair and reasonable manner.
- Facilitate the provision of local open space through the Development Contributions Plan (DCP) (that would otherwise be collected under Clause 53.01 of the Cardinia Planning Scheme).
- Incorporate the Glismann Road DCP into the Cardinia Planning Scheme.

The Amendment has had a long gestation, and has to deal with facilitating development in a physically challenging area in multiple ownerships. The area has been identified as a priority area for urban development. Glismann Road remains the largest single tract of land where infill residential development can occur in the area.

While the Amendment is focussed primarily on Glismann Road it also included an adjacent parcel of residentially zoned land at 11 Mahon Street. Given the distinctly different planning and physical circumstances of this land, 11 Mahon Avenue should be excluded from the Amendment, with the exception that it should be retained in DPO19 to ensure pedestrian connection to the Glismann Road area.

In terms of the Glismann Road area the Panel supports:

- the use of the Neighbourhood Residential Zone
- the use of the Development Plan Overlay
- the proposal for Council to prepare the Development Plan.

Lot size and density should be addressed by removing references to specified average lot sizes and densities as proposed in the exhibited Amendment, and relying on other controls to provide better design and development outcomes.

While there will be some vegetation loss and changes in landscape when Glismann Road is developed the requirements of the proposed Development Plan Overlay, in association with Environmental Significance Overlay, provide the most effective planning tools to support biodiversity and landscape values.

Flooding and drainage issues have been addressed in the background reports, and the Amendment generally incorporates their recommendations appropriately.

The traffic network has sufficient capacity to cope with traffic generated. In respect of specific network issues, the Panel concludes:

- the western loop road is an important element of the road network design
- the classification of the roads within the site, the removal of the crest of the hill to enhance sight lines, restrictions on access and parking north of the roundabout, and inclusion of traffic calming within the area are all appropriate
- driveway access at the crest of Glismann Road can be maintained through planning permit conditions
- access to the Old Princes Highway lots should be in accordance with the exhibited Development Plan due to traffic safety issues
- road plans should include a parking lane adjacent to the park, and kerbside parking along the property frontages.

The ability to consider alternatives to the proposed roundabout in Glismann Road with a reverse-priority controlled T-intersection was subject to discussion and submission at the hearing. This option should be maintained.

The Panel considers that pedestrian linkages within the site, and between the area and surrounding areas, have not been adequately addressed. In particular, a pedestrian link is required between 11 Mahon Avenue and the Glismann Road area.

The Panel broadly supports the Development Contribution Plan as proposed but notes that it should be updated, based on removal of 11 Mahon Avenue.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Cardinia Planning Scheme Amendment C238card be adopted as exhibited subject to the following:

1. **Apply the changes documented by Council in its closing submission (and presented in Appendix C of this report for Development Plan Overlay, Schedule 19) subject to the following recommendations.**
2. **Remove 11 Mahon Avenue from the rezoning and Development Contributions Plan Overlay, but leave it in the Development Plan Overlay, and:**
 - a) **allow a permit to be issued for the development of 11 Mahon Avenue subject to a pedestrian link**
 - b) **include a notation “Pedestrian connection required” to 11 Mahon Avenue in the Development Plan (masterplan) shown on the Development Plan Overlay schedule.**
3. **In Development Plan Overlay Schedule 19, Schedule 1:**
 - a) **remove the reference to splitting the development plan into two parts**
 - b) **modify the reference to the height of the levee bank to read ‘450 mm’**
 - c) **update the requirements referring to contaminated land to reflect updated legislation**
 - d) **in respect of the proposed roundabout in Glismann Road, provide for alternative treatments of the intersection.**
4. **Update *Glismann Road Residential Development – Traffic Impact Assessment Report (Trafficworks, June 2020)* to:**
 - a) **In respect of the proposed roundabout in Glismann Road, note that a reverse-priority controlled T-intersection in place of the proposed roundabout in Glismann Road may be appropriate.**

- b) In respect of pedestrian links, include a footpath that does not encroach on the property at 4 Glismann Road.
 - c) In respect of parking, include a parking lane adjacent to the park, and kerbside parking along the property frontages.
- 5. In the Development Contributions Plan, include \$70,000 in planning costs so that the Development Plan can be progressed by Council.
- 6. Update the Development Contributions Plan, based on:
 - a) the removal of 11 Mahon Avenue from the Plan
 - b) revision of the Community Infrastructure contribution and the Development Infrastructure contribution relating to the upgrade of O'Neil Recreation Reserve, based on an amended estimate of the area's lot yield and the percentage allocated to Glismann Road area
 - c) an updated Project RD-02 that includes the survey/design cost (line item 10.4 of Table 3: RD-02 Glismann Road part construction costs – Access Street Level 1.5) to provide for the cost of the Functional Layout Plan.
- 7. In Development Contributions Plan Overlay Schedule 5 amend the cost based on the cost estimates in the revised Development Contributions Plan.

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to allow the more intense development of the Glismann Road rural living area.

The Amendment as exhibited proposed to:

- Rezone land within the 'Glismann Road Area' from the Rural Living Zone Schedule 1 (RLZ1) and General Residential Zone Schedule 1 (GRZ1) to the Neighbourhood Residential Zone Schedule 2 (NRZ2) that recognises the natural topography, visual sensitivity, and landscape features of the area.
- Apply a Development Plan Overlay (DPO19) to facilitate an integrated design within an area of fragmented ownership and facilitate best practice planning initiatives in relation to subdivision layout, urban design, service provision and environmental considerations.
- Apply a Development Contributions Plan Overlay (DCPO5) that shares the cost of key infrastructure items triggered by the new development in a fair and reasonable manner.
- Facilitate the provision of local open space through the Development Contributions Plan (DCP) (that would otherwise be collected under Clause 53.01 of the Cardinia Planning Scheme).
- Incorporate the Glismann Road DCP into the Cardinia Planning Scheme (The Glismann Road DCP was exhibited alongside the Amendment).

(ii) The subject land

The Amendment affects 21 hectares of land in Beaconsfield. Beaconsfield is in the Urban Growth Boundary (UGB) and approximately 46 kilometres southeast of Melbourne. Nearby suburbs include Berwick (2.9 kilometres northwest of Beaconsfield in the City of Casey) and Officer (4.3 kilometres southeast of Beaconsfield).

Figure 1: The Glismann Road area



The Amendment area consists of large rural living style lots on Glismann Road, including four lots fronting the Old Princes Highway road reserve at the southern end of Glismann Road and an irregular shaped lot, which has a narrow frontage to Mahon Avenue.

The land is currently held in 21 individual title lots by 21 landowners. The properties are:

- 1 to 16 Glismann Road, Beaconsfield
- 111 to 123 Old Princes Highway, Beaconsfield
- 11 Mahon Avenue, Beaconsfield.

Figure 2 shows the affected land as , and the surrounding zoning.

Figure 2: Land affected by the Amendment



The Environmental Significance Overlay Schedule 1 (ESO1) currently applies to the land zoned RLZ1. The ESO1 does not apply to the surrounding residential land zoned GRZ1, including the land at 11 Mahon Road.

1.2 Background

The Glismann Road area is described in the background report on the Beaconsfield Structure Plan (BSP):

Located centrally to the Beaconsfield suburb, the Glismann Road Precinct is a low density cul-de-sac, comprising twenty residential properties. The street was subdivided prior to the surrounding residential area and now exists as an anomaly within the Beaconsfield residential area. Due to the precinct's size, subdivision pattern and the existence of only one pedestrian link to the surrounding neighbourhood and single vehicle access onto the Old Princes Highway it creates a significant barrier to movement, through and across the precinct.

The precinct has a rural character, due to its substantial (predominantly native) vegetation, generous building setbacks and unsealed nature of the road. The streetscape is dominated by large vegetation with open drains, broad grass verge and no footpaths.¹

The Glismann Road area was used for grazing, with a poultry farm off Mahon Avenue, until it was subdivided for rural residential purposes. A Meinhardt report on potential contamination describes an aerial image from 1963, with the majority of the properties within the site appearing to be rural residential or used as grazing farmland. Surrounding land use included *“rural or farmland adjoining the site as well as some crop farming to the east and heavily vegetated forest*

¹ Beaconsfield Structure Plan – Background Paper (December 2013), p. 75

areas to the north and north east”.² Later aerial images demonstrate significant residential subdivision surrounding the site.

Beaconsfield Township Strategy (2001)

The Beaconsfield Township Strategy was prepared in 2001, identifying the Glismann Road area in a list of “priority actions”. This included:

...support the progressive subdivision and development of land in Glismann Road to urban density residential development.

Beaconsfield Structure Plan (2013)

The BSP superseded the Beaconsfield Township Strategy. BSP was adopted by Council in December 2013 and sets out the strategic directions for Beaconsfield and provides a framework for change to guide built form, use and development outcomes for Beaconsfield for the next 10 to 15 years.

The BSP Background Paper includes the following summary of the development potential of Glismann Road:

Glismann Road remains the largest single tract of land where infill residential development can occur. It is clear that this precinct will probably see the greatest change of all precincts

The precinct has been identified by the State Government as a priority area for urban development. Cardinia Shire Council will guide change in this precinct with input from the community whilst taking into account all necessary expert information. Council will attempt to avoid the worst consequences of development that is unsympathetic to the place, context and its people.³

An action of the BSP is to rezone land in the Glismann Road area for residential use with a Development Plan (masterplan) and infrastructure plan.

Planning for Glismann Road

In its submission to the Panel, Council outlined the steps that have been taken to plan for the residential redevelopment of Glismann Road:

Glismann Road has a long planning history. Since the preparation of the Beaconsfield Township Strategy, there have been:

- numerous specialist reports
- various forms of correspondence and forums for community engagement
- several council reports advising of the consultation process and the feedback/submissions received
- several versions regarding the layout of the site, including distribution of open space, housing densities and road alignments
- conflicting opinions from the landowners as to whether the area should be developed and if it were developed, what form of development should take place
- discussion and debate about the content of the planning scheme amendment in particular:
 - the most appropriate residential zone (General Residential versus Neighbourhood Residential)

² Meinhardt, *Glismann Road Development Plan: Contaminated Land Study* (March 2015, updated May 2020), p. 13

³ Beaconsfield Structure Plan – Background Paper (December 2013), p. 61

- the deletion and insertion of overlays (the deletion of the ESO and the introduction of an EAO)
- the extent of text within the DPO schedule
- a significant change in planning legislation with regards to infrastructure contributions determining the most appropriate planning tool that could be used to fund and deliver infrastructure in the Glismann Road Development Plan area, and the potential liability for Council.

There have been three attempts to gain authorisation from the Minister for Planning to prepare and exhibit of the Amendment.

Following authorisation dated 23 April 2020, Amendment C238card was exhibited from 9 July 2020 to 14 September 2020. Submissions were considered by Council at its meeting of 15 February 2021, with a resolution to refer the submissions to a Panel with a number of changes to the exhibited Amendment:

- Amend Figure 1: Glismann Road Development Plan and text in DPO19 regarding residential density to focus on a design response for individual site features rather than average lot yield. The development density of properties located at the crest of the hill and/or contain clusters with substantial slope of 20 per cent and over is likely to remain low.
- Review what impact, if any, the changes proposed in (1) will have on the Glismann Road DCP.
- Amend DPO19 to state that the Development Plan will be facilitated and managed by Council.
- Amend the Glismann Road DCP to include a new item of \$70,000 for the cost of the preparation of the Development Plan.
- Remove the footpath shown on 4 Glismann Road.
- Amend text in DPO19 to include a provision to address the impact on adjoining lots regarding access management, the design/levels of Glismann Road and the impact with site boundaries regarding the use of cut/fill and retaining walls.
- Remove 11 Mahon Avenue from all of the documents relating to Amendment C238 and that the submitter be advised that Council maintains its position that the development of 11 Mahon Avenue will be affected by the compounding impact of significant site constraints which ultimately impact on the development potential of the site.
- Address any anomalies or errors provided that they do not change the intent of the suite of documents that form part of Amendment C238.

A late submission (submission 16) was received 24 March 2021 on behalf of the landowners of 15 Glismann Road. Council accepted the late submission and referred it to the Panel.

1.3 Procedural issues

At the last day of the hearing on 7 May 2021, Council requested an extension of time to attempt to resolve outstanding issues. Other parties to the Hearing were supported of the extension, and the Panel agreed to it.

After a number of postponements because two of the parties were unable to join an on-line format, the Hearing was reconvened on 11 October 2021.

1.4 Summary of issues raised in submissions

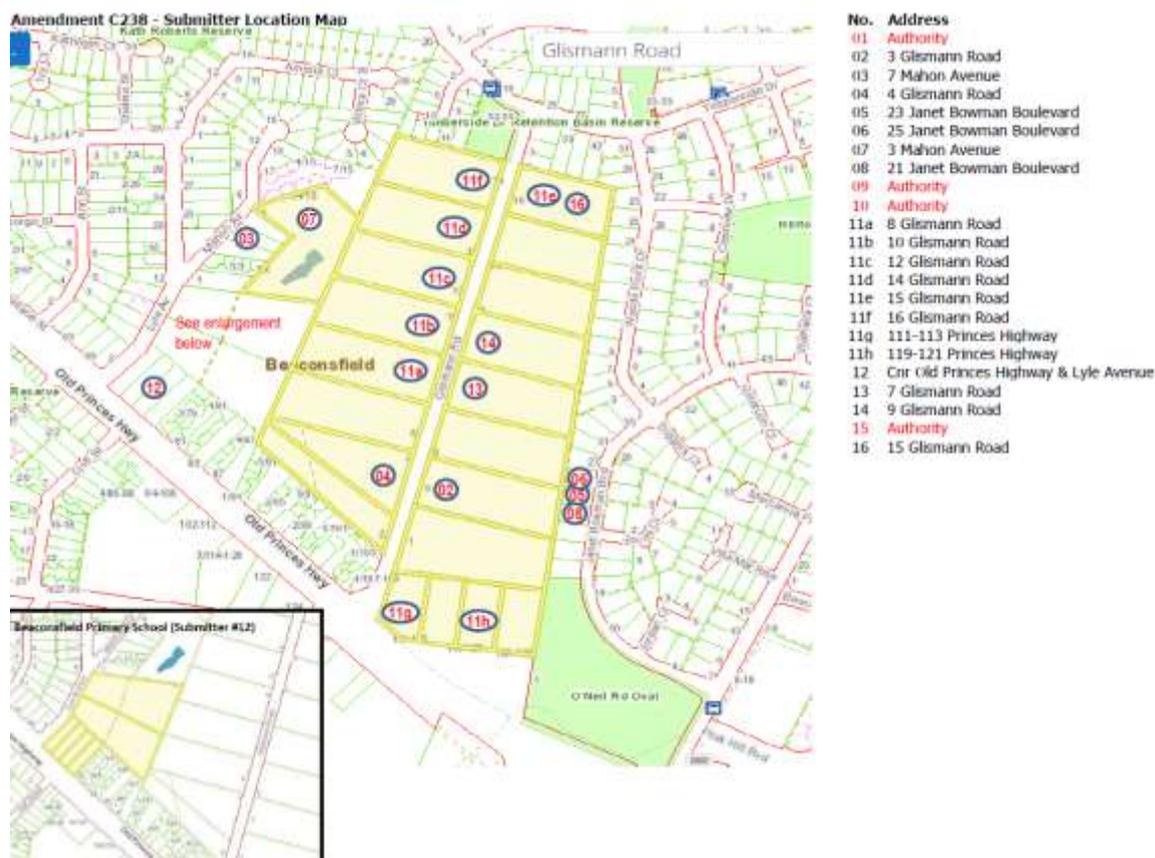
(i) Individual submitters or groups of submitters

The key issues by submitters are shown in Table 1.

Table 1: Key issues raised by submitters

Submissions	Issue
4, 5, 11	Contamination issues
3, 5, 11, 14	Vegetation loss and biodiversity issues
5	Servicing
14	Levee bank flows
8	Traffic at O'Neil Road
9	GRZ more suitable than NRZ
4	Use the Incorporated Plan Overlay (IPO) not the DPO
4	Consultation on the DPO
7	11 Mahon
3, 4, 6, 11, 13, 14	Road network
11, 13, 14	Glismann Road design
3, 7	Connecting Mahon Avenue to Glismann Road
14	Rear access to dwellings
2, 6, 8, 11, 13, 14	Lot size and housing density
4	Remove footpath
5, 11, 12	Open space size and location
2, 11	Development plan cost to be part of DCP
2, 11, 13, 14	Development feasibility and DCP issues

Figure 3: Location of submitters



(ii) Planning Authority

The key issues for Council were:

- request to exclude 11 Mahon Avenue from the Amendment
- use of the NRZ
- use of a DPO
- preparation of a Development Plan
- DPO Schedule 19 (DPO19):
 - residential density and slope management
 - contaminated land
 - public open space
 - traffic
- the Glismann Road DCP.

Council submitted that there should be changes made to the Amendment as shown in Table 2.

Table 2: Post-exhibition changes proposed by Council

Amendment C238card documentation as exhibited	Post-exhibition changes proposed by Council
Insert Schedule 2 to Clause 32.09 Neighbourhood Residential Zone.	No changes proposed
Rezone 1 to 16 Glismann Road and 111 to 123 Old Princes Highway, Beaconsfield from the RLZ1 to the NRZ2.	No changes proposed
Rezone 11 Mahon Avenue, Beaconsfield from GRZ1 to NRZ2.	Delete 11 Mahon Avenue, Beaconsfield
Apply DPO19 to the land at 1-16 Glismann Road, 111 to 123 Old Princes Highway, and 11 Mahon Avenue, Beaconsfield.	Amend DPO19 to remove 11 Mahon Avenue, Beaconsfield
Insert Schedule 19 to Clause 43.04 Development Plan Overlay.	Changes proposed to content, including Figure 1: Glismann Road Development Plan (masterplan)
Apply DCPO5 to land at 1-16 Glismann Road, 111 to 123 Old Princes Highway, and 11 Mahon Avenue, Beaconsfield.	Amend DCPO5 to remove 11 Mahon Avenue, Beaconsfield
Insert Schedule 5 to Clause 45.06 DCPO.	Update figures to reflect: <ul style="list-style-type: none"> - the removal of 11 Mahon Avenue, Beaconsfield from the DCP area - addition of costs associated with the preparation a Development Plan (\$70,000)
Amend Schedule to Clause 53.01 Public Open Space Contribution and Subdivision to exempt the subject land from paying public open space contribution as it is to be provided in accordance with the Glismann Road DCP.	No changes proposed
Amend Schedule to Clause 72.04 Documents incorporated in this planning scheme to list the Glismann Road DCP (Urban Enterprise, June 2020) as an incorporated document.	Document date to be updated as advised by the Minister for Planning.
Amend Planning Scheme Maps as follows: <ul style="list-style-type: none"> - Map No. 12 to include NRZ2 – Neighbourhood Residential 2 Zone - Map No. 12DPO to include DPO19 Development Plan Overlay – Schedule 19 - Map No. 12DCPO to include DCPO5 Development Contributions Plan Overlay – Schedule 5. 	Amend to exclude 11 Mahon Avenue, Beaconsfield from any map changes.

(iii) Relevant agencies

The key issues for the Authorities were:

- Melbourne Water noted the potential for flooding in the south of the site, and supported the recommendations of a Water Technology drainage report proposing a levee to manage flows
- the Environment Protection Authority (EPA) supported the Amendment on the basis that its previous advice regarding the assessment of potentially contaminated land have been adopted and included in the exhibited Amendment.

1.5 The Panel's approach

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

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

This Report deals with the issues under the following headings:

- Planning context
- Exclusion of 11 Mahon Avenue from the Amendment
- The Neighbourhood Residential Zone
- The Development Plan Overlay
- Content of the Development Plan
- The Development Contributions Plan.

The Panel generally supports the changes proposed by Council before the hearing and in response to specific issues. An updated version of the DPO was circulated after the Council's closing and this has been used as the basis of the Panel's recommendation.

Based on the reasons set out in this Report, the Panel recommends that Cardinia Planning Scheme Amendment C238card be adopted as exhibited subject to the following:

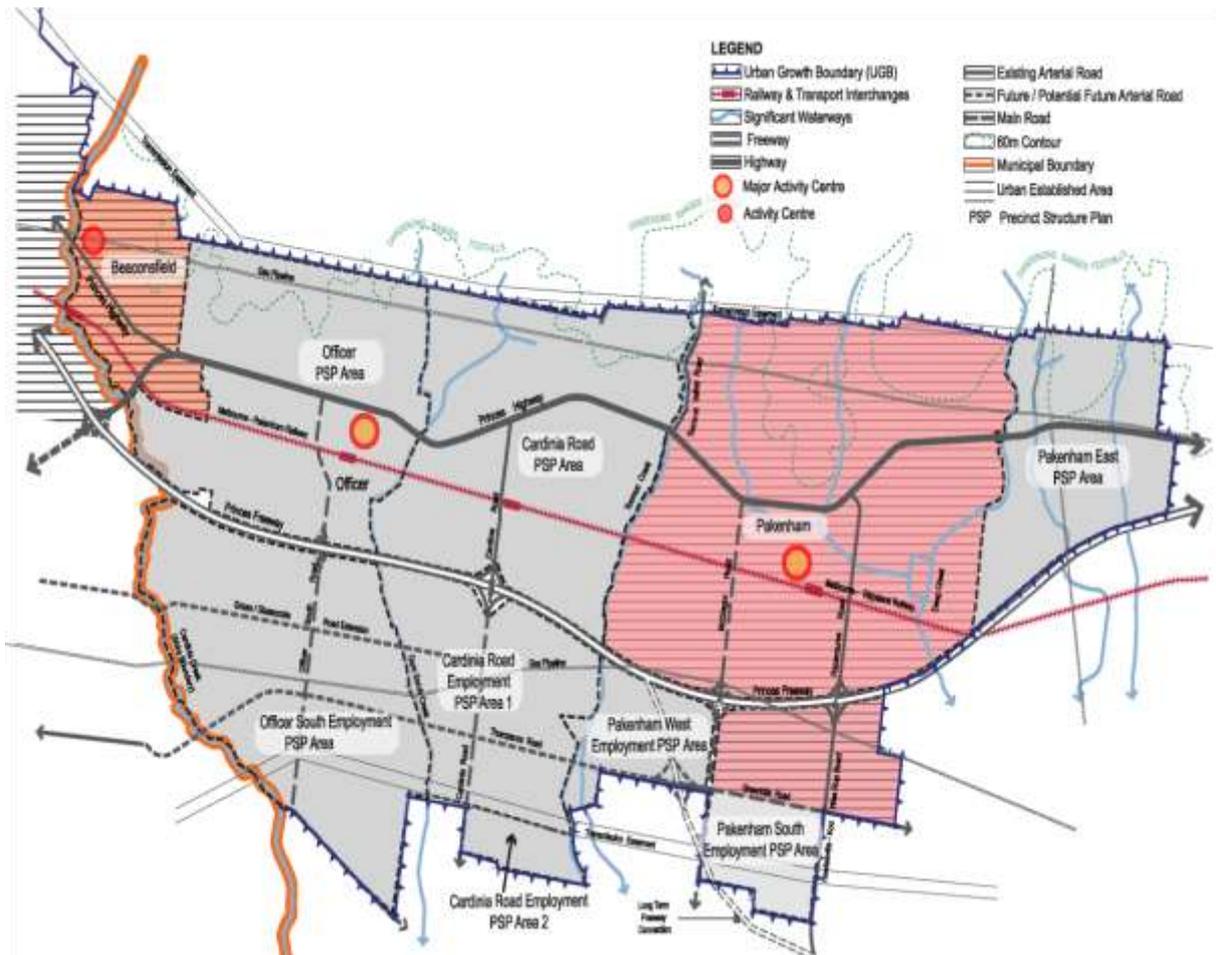
Apply the changes documented by Council in its closing submission (and presented in Appendix C of this report) subject to the recommendations in this report.

2 Planning context

Part of the Cardinia Shire, between Beaconsfield and Pakenham East, is located within the Casey-Cardinia Growth Area for metropolitan Melbourne, and has been recognised as part of a metropolitan growth corridor since 1971.

The Cardinia Shire urban area is divided into ten precincts. The Beaconsfield and Pakenham precincts represent the Urban Established Area of the Shire, as shown in Figure 4:.

Figure 4: Urban areas of Cardinia Shire



Clause 21.03-2 (Urban established area – Beaconsfield and Pakenham) of the Cardinia Planning Scheme includes the following:

Objective

To create a functional, attractive, safe and sustainable urban environment for the existing and future community of the Urban Established Area.

Strategies

- Provide for the development in the Urban Established Area in accordance with approved Development Plans, Structure Plans, Urban Design Frameworks, and Incorporated Provisions.
- Provide for Infrastructure Contributions or Development Contributions, as appropriate, to fund physical and community infrastructure associated with urban development.

- Protect areas of future urban development from inappropriate subdivision and development that limits the future orderly and efficient development of the land for urban purposes.
- Provide a distinct character and identity for urban areas through retention of existing vegetation, respect for topography, appropriate streetscaping and provision of adequate open space.

2.1 Planning policy framework

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

VPP 11 Settlement, particularly Clause 11.02-1S (Supply of urban land), supporting redevelopment and intensification of existing urban areas.

VPP 12 Environmental and Landscape Values, particularly Clause 12.05-2S (Landscapes) which ensures that sensitive landscape areas are protected.

VPP 15 Built Environment and Heritage, particularly Clause 15.01-1S (Urban design) and Clause 15.01-3S (Subdivision design), by responding to the area's context in terms of character, cultural identity, natural features and surrounding landscape, and ensuring that the subdivision design achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

VPP 16 Housing, particularly Clause 16.01-1S (Integrated housing), Clause 16.01-2S (Location of residential development) and Clause 16.01-3S (Housing density), by facilitating an increase of residential and housing supply in an existing urban area, providing for a diverse range of housing options and ensuring the provision of supporting infrastructure.

VPP 18 Transport, particularly Clause 18.01-1S (Land use and transport planning), by encouraging a permeable pedestrian network that encourages the use of walking and cycling by creating environments that are direct, safe and attractive for users.

VPP 19 Infrastructure, particularly Clause 19.03-1S (Development and infrastructure contribution plans), by including a DCP to share the cost of new infrastructure. The Amendment also addresses Clause 19.02-6S (Open space) through the provision of the local open space that abuts the local primary school and integrates with the O'Neil Road Recreation Reserve.

Council also submitted that the Amendment supports its Municipal Strategic Statement.

Clause 21.01 (Cardinia Shire Key Issues and Strategic Vision) identifies the need to encourage an attractive, functional and sustainable built form in existing and future development to meet the needs of the existing and future community.

Clause 21.02 (Environment) identifies in Clause 21.02-2 (Landscape) that key issues are:

- Protecting significant landscapes, including the protection of the specific features of each landscape.
- Acknowledging that ridgelines are particularly vulnerable to inappropriate development.
- Recognising the pressures to develop land in locations of high scenic value.

Council submitted that DPO19 has been drafted to ensure the sensitive siting of buildings and other structures having regard to the protection of prominent ridgelines, significant views and areas of remnant vegetation.

Clause 21.03 (Settlement and housing) includes Clause 21.03-2 (Urban Established Area – Beaconsfield and Pakenham), which identifies that the key principles for development in this area

include the coordination of the appropriate staging and development of land and ensuring greater diversity of housing types and size.

Clause 21.05 (Infrastructure), by providing a DCP for the Glismann Road area, which is essential to assist in the coordination of infrastructure provisions with fragmented land ownership.

Clause 21.06 (Particular use and development) by ensuring that all development considers the character and constraints of the site.

Council submitted that the amendment supports and implements these provisions:

The amendment will provide for greater housing choice that will create an attractive, functional, well-serviced and sustainable development that is consistent with the MSS. Varying dwelling densities and the use of building envelopes will ensure that the subdivision of the area has minimal impact to the unique environment, in particular the landscape and topographical site features.⁴

2.2 Other relevant planning strategies and policies

(i) Beaconsfield Structure Plan

The BSP and its predecessor, the Beaconsfield Township Strategy (2001), both identify the Glismann Road area as a location for residential redevelopment, as outlined in Chapter 1.2 above.

The BSP was included in the Cardinia Planning Scheme as an incorporated document through Amendment C198 in 2016. The Schedule to Clause 72.04 identifies that the BSP will expire as an incorporated document on 31 December 2021. It is also listed as a reference document under Clause 21.03 (Settlement and Housing).

The panel report for Amendment C198 included the following conclusions regarding Glismann Road:

... the rezoning of Glismann Road will be a separate process to the Structure Plan and will be tested as part of a future amendment. However, the Structure Plan is unequivocal in identifying the land for future growth and change, and so a strong policy position for change will guide the assessment of any future amendment.

The Glismann Road area is a low density pocket surrounded by conventional residential development in a growth corridor. Rezoning such land would generally be considered appropriate, unless the land has some special characteristics that meant conventional residential development was not practical or appropriate.

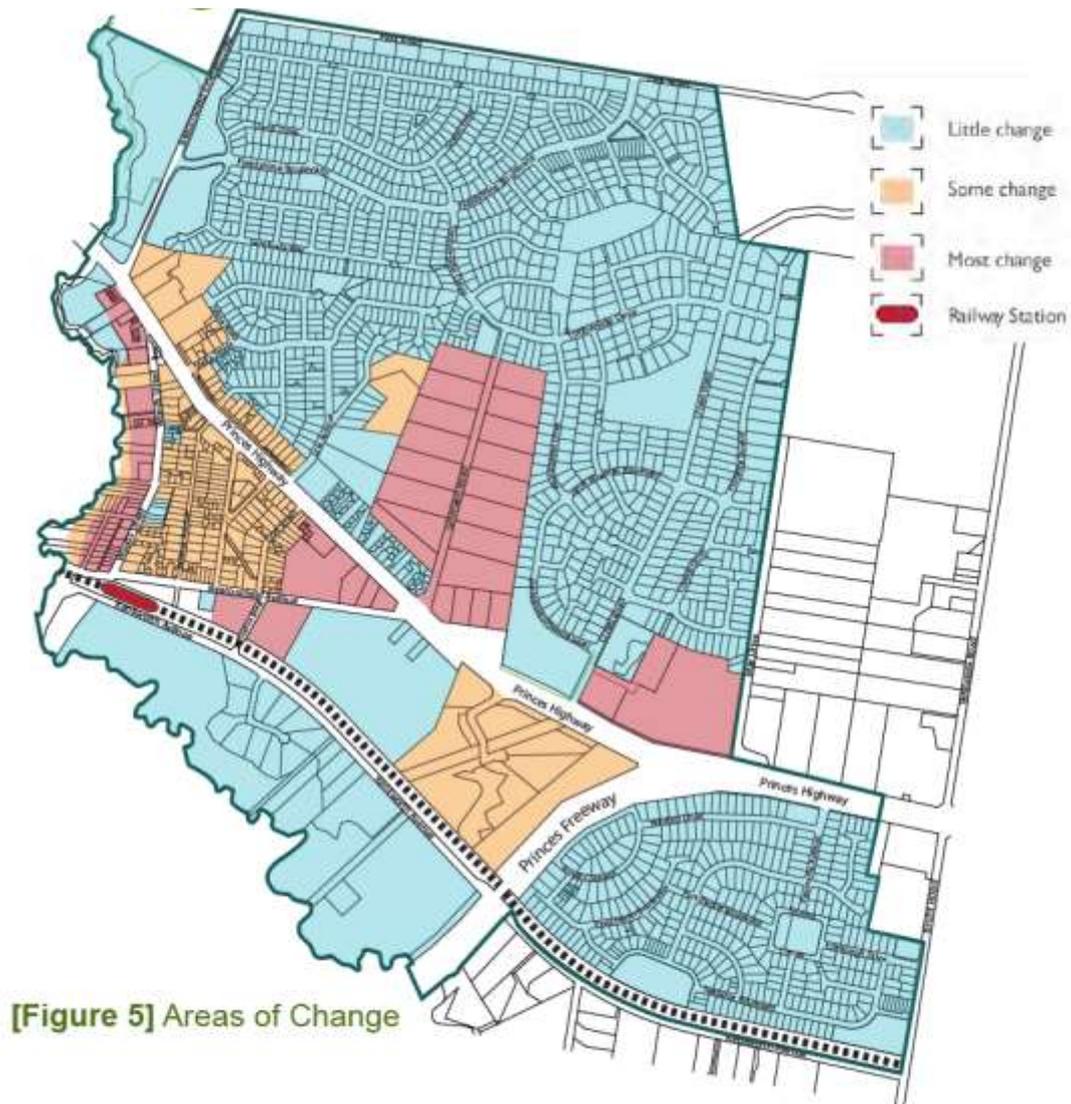
Council has carried out sufficient background work to know that development is possible and hence the policy settings in the Structure Plan are appropriate.

I conclude that the identification of the Glismann Road area for rezoning is appropriate.

BSP provides strategic support for the development of Established Urban Areas within Cardinia Shire. It identifies the Glismann Road area as a locality for “*most change*” in the Beaconsfield urban area:

⁴ Cardinia Shire Council, Part A Submission, p. 31

Figure 5: Framework for Change, Beaconsfield



[Figure 5] Areas of Change

Source: Beaconsfield Structure Plan, 2013, p. 12

Council submitted that the Amendment is consistent with the objectives, strategies and actions identified in the BSP, specifically the 'Framework for Change Plan', 'Residential growth', 'Movement network' as well as 'Open Space and Environment'. It proposed that the Amendment facilitates the following actions identified in the BSP:

Land use planning

- Facilitate a variety of housing options that offer diverse lifestyle and lifecycle opportunities and cater to all members of the community.
- Rezone land in the Glismann Road area for residential use with a Development Plan (master plan) and infrastructure plan.

Open Space

- Require the provision of open space as part of the redevelopment of the Glismann Road area.

Movement

- Require the provision of pedestrian and cycling routes through new developments.
- Require the provision of traffic lights at Glismann Road/Princes Highway intersection to support residential development of the Glismann Road area. The

construction of the intersection of Glismann Road with Old Princes Highway and Beaconsfield Avenue is fully funded through the Federal Government '\$121 million to bust congestion in East and South-East Melbourne'.⁵

2.3 Planning scheme provisions

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

(i) Zones

The land is currently in the RLZ, with the exception of 11 Mahon Avenue which is currently GRZ. The purposes of the RLZ are:

To provide for residential use in a rural environment.

To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.

To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.

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

The purposes of the GRZ are:

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

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

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations. It is proposed to rezone the land to NRZ. The purposes of the Zone are:

To recognise areas of predominantly single and double storey residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

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

The proposed Schedule 2 does not change the default settings of zone, and includes:

Neighbourhood character objectives

To create a residential precinct that delivers high quality urban design outcomes through a variety of lot sizes which respond to the existing natural topography and landscape features of the development plan area.

To protect and maintain the visual prominence of vegetated hilltops and hillsides when viewed from within and outside of the development plan area.

To encourage a subdivision layout which maximises the retention of existing vegetation, minimises the overall disturbance to the terrain and ensures that buildings and structures are sited so that they do not visually dominate the landscape.

To guide an integrated and coordinated design approach to an area with fragmented land ownerships.

⁵ Cardinia Shire Council, Part A Submission, p. 32

(ii) Overlays and other provisions

The purposes of the ESO are:

To identify areas where the development of land may be affected by environmental constraints.

To ensure that development is compatible with identified environmental values.

ESO Schedule 1 – Northern Hills includes the following environmental objectives:

To protect and enhance the significant environmental and landscape values in the northern hills area including the retention and enhancement of indigenous vegetation.

To ensure that the siting and design of buildings and works does not adversely impact on environmental values including the diverse and interesting landscape, areas of remnant vegetation, hollow bearing trees, habitat of botanical and zoological significance and water quality and quantity.

To ensure that the siting and design of buildings and works addresses environmental hazards including slope, erosion and fire risk, the protection of view lines and maintenance of vegetation as the predominant feature of the landscape.

To protect and enhance biolinks across the landscape and ensure that vegetation is suitable for maintaining the health of species, communities and ecological processes, including the prevention of the incremental loss of vegetation.

It is proposed to apply the DPO. The purposes of the Overlay are:

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

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

It is proposed to apply the DCPO). The purposes of the Overlay include:

To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

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

Council submitted that the Amendment is consistent with the following Ministerial Directions:

- Ministerial Direction on the Form and Content of Planning Schemes, under Section 7(5) of the Act
- Ministerial Direction No. 1: Potentially contaminated land
- Ministerial Direction No. 9: Metropolitan Planning Strategy
- Ministerial Direction No. 11: Strategic Assessment of Amendments
- Ministerial Direction No. 19: Preparation and content of Amendments that may significantly impact the environment, amenity and human health
- Ministerial Direction on the preparation and content on Development Contribution Plans (*Planning and Environment Act 1987*, Sections 46M(1) and 46QD).

The Panel accepts that the Amendment is consistent with these Ministerial Directions.

Planning Practice Notes

Council submitted that the Amendment is consistent with the following Planning Practice Notes:

- PPN90 *Planning Practice Note 90 Planning for housing (2019)*, that provides guidance about how to:
 - plan for housing growth
 - protect neighbourhood character to ensure a balanced approach to managing residential development in planning schemes.
- PPN91 *Planning Practice Note 91 – Using the residential zones (2019)* that provides guidance about how to:
 - use the residential zones to implement strategic work
 - use local policies and overlays with the residential zones
 - make use of the key features of the residential zones.

PPN91 outlines the role and application of the residential zones:

- GRZ - Clause 32.08 applies to areas where housing development of three storeys exists or is planned for in locations offering good access to services and transport.
- NRZ Clause 32.09 applies to areas where there is no anticipated change to the predominantly single and double storey character. Also, to areas that have been identified as having specific neighbourhood, heritage, environmental or landscape character values that distinguish the land from other parts of the municipality or surrounding area.

2.5 Discussion and conclusion

Council's strategic assessment advised that the Amendment had been prepared in accordance with both the State and Local Policy Framework, and confirms that the Amendment is consistent with the provisions of PPN90 and PPN91.

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

3 Exclusion of 11 Mahon Avenue from the Amendment

(i) The issue

The issue is whether the property at 11 Mahon Avenue should be included within Amendment C238card as exhibited, or removed from the Amendment.

(ii) Submissions

Submission 7 requested the property at 11 Mahon Avenue be excluded from the Amendment.

Submission 7 raised concerns that:

- 11 Mahon Avenue is already zoned GRZ1 and has no physical connection to the 'Glismann Road Area' via pedestrian or vehicle links.
- Rezoning 11 Mahon Avenue to the NRZ is inconsistent with State Planning Policy as it reduces urban density in a location where increased density is encouraged, and underutilises land within walking distance of public transport, established infrastructure, community facilities and essential services.
- A planning permit application will be made under the current zoning regardless of whether the amendment proceeds as proposed. If the application is not supported by Council, this can be contested and heard at the Victorian Civil and Administrative Tribunal (VCAT).
- The site can be developed feasibly, in a visually, environmentally, and character sensitive manner, in its own right.

It included a planning report and formal submission prepared by Axiom Planning & Design, a civil engineering report and concept plans prepared by Civil Made and a traffic engineering report and assessment prepared by OneMile Grid. A 'concept development plan' was included, proposing a 21-lot subdivision with an average lot size of 500 sq m, a common property road reserve and six visitor car parks.

Council's response noted that 11 Mahon Avenue had been included in the Amendment and the early iterations of the draft Development Plans (masterplans) with the agreement of the former landowner. With the irregular shape of the lot, restricted frontage and significant slope of the site, inclusion of the site in the Development Plan (masterplan) provided it with an alternative access point through the loop road proposed in the west of the Glismann Road masterplan. However, the current landowner does not share the same opinion regarding the site's connection to the Glismann Road area.

When considering submissions, Cardinia Shire Council resolved to exclude it as requested, but reaffirmed concerns about significant site constraints, inconsistency of the current zone provisions (GRZ1) with the existing single and double storey character of the area, and a lack of Council support for the 'concept development plan' proposed in the submission.

Council's acceptance of the exclusion of the property from the Amendment meant that it did not consider that the Panel should consider the 'concept development plan' proposed in submission 7, and that a future planning permit application will deal with the merits of the proposal.

(iii) Discussion

11 Mahon Avenue is irregular in shape, with a total area of 1.3 hectares. The site has a 5.6 metre frontage to Mahon Avenue and falls from a maximum height of approximately 72 metres AHD at the northern most point, to approximately 51 metres AHD in the south eastern corner.

The Panel accepts the logic of including the site within the exhibited Amendment, with the support of the former landowner and Council. The site at 11 Mahon Avenue has challenging topography, a relatively narrow entrance from Mahon Avenue, and a lack of connectivity to surrounding areas. The residential development of this site in association with the properties along Glismann Road would facilitate an integrated approach to planning for the wider area.

However, it also accepts that, unlike the remainder of the Amendment area, it is zoned GRZ1; it currently lacks linkages to the Glismann Road area, and could feasibly be developed separately. The Panel also notes Council's support for the removal of the site from the Amendment.

The Panel considers that, at minimum, development of 11 Mahon Avenue should include a pedestrian link to the Glismann Road area. This would provide access from Mahon Avenue to the new public open space area in the Glismann Road area near Beaconsfield Primary School, and pedestrian connectivity between the areas.

An option is to exclude 11 Mahon Avenue from the rezoning to NRZ and the Development Contributions Plan, but retain it within the area covered by DPO19. Reference can be made in DPO19 to enable a permit to be issued for the development of 11 Mahon Avenue, subject to the inclusion of the pedestrian link to the Glismann Road area.

The solution results in an integrated approach to pedestrian connections between the areas.

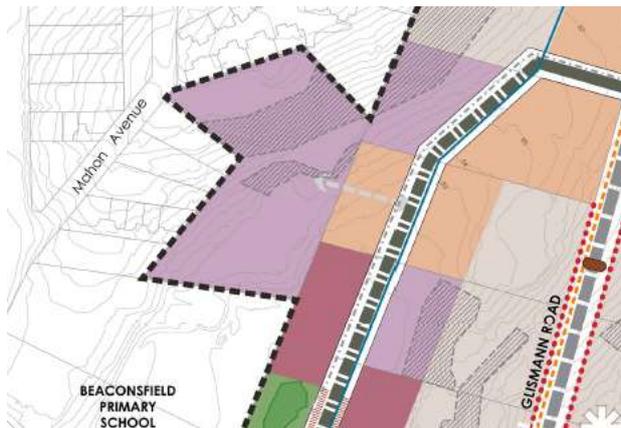
The option of a pedestrian connection was flagged at the Hearing by the Panel. On behalf of the owners, Ms Anna Greening from Axiom Planning supported the proposal:

Further to conversation had during the Panel Hearing regarding pedestrian connectivity between the Glismann Road Area and the subject site, we submit:

- With the exclusion of all other requirements of DPO19, including any requirements of the Development Contribution Plan, we would not object to a pedestrian/cyclist accessway connection from the subject site into the Glismann Road Area.
- We would not object to the aforementioned pedestrian/cyclist connection being required through incorporation into the Planning Scheme via the applicable Schedule to the Development Plan Overlay.

An implication of the removal of 11 Mahon Avenue from the Amendment is the treatment of the "Road connection" in the Development Plan (masterplan) exhibited in DPO19, shown in Figure 6.

Figure 6: Section of Development Plan (masterplan) showing road connection to 11 Mahon Avenue



(iv) Conclusion and recommendations

The Panel accepts that:

- 11 Mahon Avenue should be excluded from the Amendment, with the exception that it should be retained in DPO19 to ensure pedestrian connection to the Glismann Road area.

The Panel recommends:

Remove 11 Mahon Avenue from the rezoning and Development Contributions Plan Overlay, but leave it in the Development Plan Overlay, and

- a) allow a permit to be issued for the development of 11 Mahon Avenue subject to a pedestrian link**
- b) include a notation “*Pedestrian connection required*” to 11 Mahon Avenue in the Development Plan (masterplan) shown on the Development Plan Overlay schedule.**

4 The Neighbourhood Residential Zone

(i) The issue

The issue is whether rezoning to the NRZ is appropriate.

(ii) Relevant policies, strategies and studies

PPN91 outlines the role and application of the residential zones:

- GRZ applies to areas where housing development of three storeys exists or is planned for in locations offering good access to services and transport.
- NRZ applies to areas where there is no anticipated change to the predominantly single and double storey character. Also, to areas that have been identified as having specific neighbourhood, heritage, environmental or landscape character values that distinguish the land from other parts of the municipality or surrounding area.

(iii) Submissions

The use of the NRZ has been raised in submissions 2 and 11.

Submission 11, prepared by North Planning on behalf of eight Glismann Road landowners, opposed the application of the NRZ:

We say the application of the Neighbourhood Residential Zone (NRZ) is inappropriate and the General Residential Zone represents a more appropriate zone classification. We note there are no other lands within Beaconsfield of this zone classification.

The lands surrounding the subject area, and generally sited to the north side Old Princes Highway, are zoned General Residential Zone (GRZ). Many of these lands, and in particular those within the immediate local environs, exhibit the same topographical features of the subject site (i.e. slope), yet demonstrate a high degree of variation in lot averages and yields. This aligns with Council's settlement to *Encourage a range of lot sizes and housing types in new developments that satisfy the needs and aspirations of the community.*⁶

Mr Davis of Urbis Planning represented four of the eight landowners at the Hearing, and presented a different view:

We appreciate that Council previously proposed applying a GRZ to the land when authorisation was sought from the Minister for Planning to prepare and exhibit the Amendment.

Council received authorisation to prepare the amendment subject to conditions. Condition 1 states that Council must rezone the amendment area to NRZ, not the GRZ.

Additionally, Council's response on this matter states the application of the GRZ is an inappropriate zone on areas where a planning authority seeks to respect the existing single and double storey character of an area.

It is understood that as the application of an NRZ to the land stems from direction of the Minister at authorisation stage, and therefore, the proposed NRZ is accepted and considered resolved.

Submission 2 supported the NRZ stating:

⁶ Submission 11, p. 1

Although the surrounding residential subdivisions are in the General Residential Zone, our clients acknowledge that the NRZ is an appropriate zone for this precinct for the reasons set out in the documentation prepared in support of the Amendment.⁷

In response, Council noted that it intended to rezone the land to GRZ, and included this in the third of its requests for authorisation from the Minister to prepare and exhibit the amendment. This was reflected in the Council resolution of 19 August 2019 seeking authorisation. Authorisation to prepare the amendment was received on 23 April 2020, with conditions that included the requirement to *“Rezone the land affected by the amendment to the Neighbourhood Residential Zone, not the General Residential Zone”*, as well as other conditions relating to the content within the DPO, the removal of the request to delete ESO1 and a requirement to seek EPA advice.

Council cited PPN 90 and PPN91 to support the use of the NRZ. Principle 4 and Principle 5 in PPN91 are relevant:

Principle 4 – The General Residential Zone is a three-storey zone with a maximum building height of 11 m. The General Residential Zone should be applied to areas where housing development of three storeys exists or is planned for. It is inappropriate to apply the General Residential Zone to areas where a planning authority seeks to respect the existing single and double storey character of an area.

Principle 5 - The density or number of dwellings on a lot cannot be restricted in the Neighbourhood Residential Zone unless special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist.

Council submitted that:

Unlike the surrounding residential area that is in the GRZ, the amendment area (excluding the Mahon Ave property) is affected by the Environment Significance Overlay (ESO1) (Schedule 1 to Clause 42.01 Environmental Significance Overlay – Northern Hills) ...⁸

Council concluded that the NRZ is consistent with PPN90 and PPN91, the environmental objectives of ESO1 and the advice of DELWP.

(iv) Discussion

The Panel considers that either GRZ or NRZ could produce satisfactory results for Glismann Road. GRZ is appropriate for increased density, and development up to three storeys. NRZ is appropriate for areas where special neighbourhood character, heritage, environmental or landscape attributes, or other constraints and hazards exist. In this case, the continued application of ESO1 is evidence of relevant environmental and landscape attributes.

The Panel accepts that a condition applied as a result of the Minister’s authorisation of the Amendment was the use of the NRZ rather than the GRZ. If the Amendment is to proceed, NRZ is satisfactory as part of a package of controls.

(v) Conclusion

The Panel concludes that:

- The use of the NRZ is appropriate.

⁷ Submission 2, p. 2

⁸ DELWP (December 2019) Planning Practice Note 91 Using the residential zones, p. 3

5 The Development Plan Overlay

5.1 Use of the Incorporated Plan Overlay or DPO

(i) The issue

The issue is whether the IPO or DPO is more appropriate.

(ii) Relevant policies

(iii) Submissions

Submission 4 proposed the use of an Incorporated Plan Overlay (IPO) rather than or in addition to a DPO, largely on the basis that the DPO removed third party rights of appeal.

Submission 4 referred to Planning Practice Note 23 *Applying the Incorporated Plan and Development Plan Overlays* (November 2018), and proposed that:

...an IPO enables third parties to be involved in the process of making or changing the plan. For this reason, the IPO should normally be used for sites that are likely to affect third party interests and sites comprising multiple lots in different ownership. Would this not be a fairer process considering we are 21 landowners, not 1 or 2 developers?

My recommendation would be to use both a DPO and an IPO for democratic fairness. This would enable individuals to have a say on a plan that will directly affect them.

In response, Council cited Planning Practice Note 23, which explains the functions of an IPO and a DPO and provides advice about when and how to use these planning tools. It submitted that the main similarities between a DPO and IPO are that both overlays can include the requirements about the content of the plan and conditions and requirements for permits. An amendment is required to introduce or change a schedule in both overlays. Further:

- both prevent the granting of permits under the zone before a plan has been approved unless a schedule to the zone states that a permit may be granted
- once a plan is approved, both overlays require that all planning permits granted by the responsible authority must be 'generally in accordance' with the plan
- both overlays exempt permit applications that are 'generally in accordance' with the plan from notice and third- party review rights.

The main difference between the IPO and DPO is that, with an IPO, the plan will be an incorporated document which is part of the planning scheme, requiring a planning scheme amendment to introduce or change the plan. With a DPO, the plan will be a Development Plan which can be introduced or changed 'to the satisfaction of the responsible authority'.

Council did not support the use of an IPO, and submitted that the detail in DPO19 provides a comprehensive picture about development in the Glismann Road Area, specifically:

- The objectives of the Glismann Road Development Plan (Section 1.0)
- Conditions and requirements for future subdivision and development permit applications (Section 3.0)
- Requirements for a development plan, which includes Figure 1: Glismann Road Development Plan (masterplan) (Section 4.0)
- The DPO references to several specialist reports (all of which were made available during the exhibition period of this amendment).

(iv) Discussion

The strategic support for redevelopment of Glismann Road, the fragmentation of land ownership and complexity of the site means that the land needs to be master planned. In terms of permit applications, the rights of third parties are the same in the DPO and IPO. In terms of approving the 'master plan' the IPO would create an inordinate degree of inflexibility in planning because of its requirement for a planning scheme amendment each time the plan has to be modified. In this case, the complexity of planning for the site reinforces the need for some flexibility, while DPO19 is comprehensive about the material needed to ensure the Development Plan is appropriate.

The Panel does not consider that the application of both an IPO and DPO is feasible. The two overlays fundamentally differ in the way in which the plan can be amended, so one or the other is appropriate.

The Panel agrees that the DPO is the appropriate tool for master planning the redevelopment of the area. This is a common approach to the development of infill areas in suburban locations.

(v) Conclusion

The Panel concludes that:

- The use of the DPO rather than the IPO is appropriate.

5.2 Preparation of the Development Plan**(i) The issue**

The issue is whether Council should facilitate preparation of the DCP.

(ii) Evidence and submissions

Submissions 2 and 11 suggested that the preparation of a Development Plan would be difficult because of the diversity of land ownership, and proposed that Cardinia Shire Council prepare the plan and include the cost in the DCP.

Submission 2 proposed that there were significant difficulties in preparing a Development Plan when there are multiple landowners:

It gives rise to the situation, which has occurred in other municipalities, where in the event that Council do not facilitate the Development Plan approval process, issues can arise that result in the ultimate approval of the Development Plan becoming extremely difficult and inequitable. Such issues can include:

- Some owners who want to proceed with Development Plan and some who do not, who may actively seek to frustrate the process
- In the event that those who want the Development Plan process to proceed, facilitate the process, these owners end up paying the lion's share of the costs associated with the process while others effectively "get a free ride"
- The difficulties in co-ordinating a group of separate owners who may have differing objectives and priorities as well as managing the consultation process required by the DPO19.

The submission suggested that Council facilitate the Development Plan and this cost be included in the DCP:

In terms of orderly planning, the Council must take the lead and facilitate the approval of the Development Plan, either "in-house" or via a consultant engaged by Council. If Council do not have the resources to undertake this work, then a cost item can be

added into the DCP to fund the subsequent Development Plan process, noting that there is already an allocation in the DCP to “*Planning*” costs.⁹

Mr Davis noted the fragmented nature of land ownership, and the associated challenges in delivering a comprehensive and holistic Development Plan. He submitted this would require “*the coordination of 21 separate landowners and assumes that all landowners would have the means to collectively raise the funds needed to achieve these outcomes*”.

Council supported the notion that it should facilitate the preparation of Development Plan, with cost reimbursed to Council via the DCP. It estimated that the cost of the Development Plan for the Glismann Road area would be about \$70,000, it would take around six months to complete, and that Council would need to fund the preparation of the Development Plan upfront.

In giving evidence on behalf of Council DCP, Mr Paul Shipp of Urban Enterprise confirmed that it is appropriate to include the Development Plan preparation costs in the DCP.¹⁰

(iii) Discussion

The exhibited DPO19 outlines the requirements for the staging and content of the Development Plan, but is silent on who should prepare it.

The Panel considers that the complexity of planning within the Glismann Road area is demonstrated by the challenges confronted in reaching this point of the process. Each property within the area has unique characteristics and owners have distinct interests, so a coordinated approach by the Council is likely to produce the best result for the whole precinct.

(iv) Conclusion and recommendation

The Panel supports the proposal for Council to prepare the Development Plan.

The Panel recommends that:

In the Development Contributions Plan, include \$70,000 in planning costs so that the Development Plan can be progressed by Council.

5.3 Splitting the Development Plan areas

(i) The issue

The issue is whether the option of splitting the development plan into two parts should be removed from DPO19.

(ii) Evidence and submissions

Submission 2, 11, 13 and 16 raise concern about the practical application of the requirement of a Development Plan, whether it be for the whole of the site or in two parts as directed by Section 4.0 of DPO19 given the fragmented landownership between 21 landowners.

⁹ Submission 2, pp. 4-5

¹⁰ Urban Enterprise (19 April 2021) Expert Evidence Statement page 19

(iii) Discussion

Section 4.0 of the exhibited DPO19 states that a development plan must be prepared for the whole site or prepared in two parts, including all lots on the west side of Glismann Road and all lots on the east side of Glismann Road.

Given the acceptance that Council should prepare the Development Plan, the need for retaining the option of splitting it into two parts is removed. Reference to it should be excluded from the DPO schedule.

(iv) Recommendation

The Panel recommends that:

In Development Plan Overlay Schedule 19 remove the reference to splitting the development plan into two parts.

5.4 Consultation in preparing the Development Plan**(i) The issue**

The issue is whether there are sufficient opportunities for consultation with landowners in the preparation of the Development Plan.

(ii) Submissions

Submission 4 expressed concern about the nature of consultation with landowners in the preparation of the Development Plan. It noted that the proposed DPO schedule does not 'mandate' developers to consult with adjoining owners when reviewing the development potential of their site.

... there is no text within the DPO19 that discusses consultation between landowners prior to Council considering the DP. On the contrary it states the opposite, that notice requirements and third party review rights will be removed from planning permit applications. We need clarification not contradiction. Please amend to allow third party review rights.

Further:

I would like to be consulted in the areas which will directly affect me when development occurs. The boundary fence between the front of my property and Glismann Road will require a cut or infill. Either way, a retaining wall of some sort is evident. I'd like to be involved in the decision making process as to the material used and height of the wall, as it will directly affect my property, privacy and visual image. The same applies to the boundary fence between my property and number 6 Glismann Road.

Council's responded that the relevant question is whether sufficient community consultation has been undertaken in relation to not only the Amendment, but also the evolution of the Development Plan (masterplan) that informed the content of the DPO schedule. It cited the level of information made available for the community to consider over the various versions of the Development Plan (masterplan) and the degree of detail in the DPO.

Further, Council submitted that it had ensured that the absence of future notification and review rights has been clearly communicated when providing notice of the Amendment. However,

despite the lack of formal requirements for consultation, Council submitted the preparation of the Development Plan could include informal landowner engagement. Also:

Text can be added to DPO19 to ensure input and discussion with adjoining/affected landowners is considered in the design process when addressing road design for Glismann Road, connecting roads, the roundabout or between site boundaries and the use of cut/fill and retaining walls. However, it should be noted that this is not a formal process and ultimately, the final decision on what is approved will lie with Council.¹¹

Council submitted that its practice is to consult and that the preparation of the Development Plan could include informal landowner engagement.

(iii) Discussion

The Panel is aware that the use of a DPO ensures that there are no formal mechanisms defined in the PE Act for exhibiting a Development Plan or making submissions on its preparation. The DPO cannot be modified to include notification requirements and third party review rights. The Schedule cannot be amended to alter this provision.

The Panel is also aware that councils commonly engage with their local communities in the development of plans and strategies, independent of these processes.

Cardinia Shire Council submitted that it would ensure that informal engagement with landowners would take place during the planning process. The Panel supports regular communication and engagement on this long running and complex matter. The refinements to the Amendment since its exhibition are indicative of the challenging nature of planning for the Glismann Road area, and the Panel anticipates that the preparation of the Development Plan may also be complicated. Effective consultation will be needed to achieve excellent outcomes.

An associated issue is the possibility of appeal rights for landowners who have significant disputes with the content of the Development Plan. Discussion at the hearing focused on the possibility of an application for a review under Section 149 of the PE Act. This enables a 'specified person' to apply to VCAT for the review of:

... a decision of a specified body in relation to a matter if a planning scheme specifies or a permit contains a condition that the matter must be done to the satisfaction, or must not be done without the consent or approval, of the specified body.

An application for review of a decision must be made within 28 days after the day on which the decision is made. In this case, the definitions of a "*specified body*" includes a municipal council (among others), while a "*specified person*" includes "*the owner, user or developer of the land directly affected by the matter*".

The Panel accepts that this option is available to landowners if they have grounds to be concerned about the content of the approved Development Plan.

¹¹ Council Part A submission, p. 34

(iv) Conclusions

The Panel concludes that:

- The use of a DPO means that formal exhibition and submission processes will not be possible in the preparation of the Development Plan.
- There are opportunities for Council to continue to engage with landowners and other key stakeholders on an informal basis; taking these opportunities will produce a planning outcome which is likely to be more effective and with stronger local ownership.
- Section 149 of the PE Act provides some basis for appeal on the content of the Development Plan for affected landowners.

6 Content of the Development Plan

6.1 Lot size, residential density and slope management

(i) The issue

The issues are whether the:

- proposed densities are appropriate
- densities should be specified as in the exhibited Amendment, or determined by design responses to each site within the Glismann Road area.

(ii) The proposed DPO Schedule

The exhibited DPO19 proposes four variations of residential density):

- 'Medium Density Residential' (average lot size: 400 square metres)
- 'Standard Density Residential' (average lot size: 650 square metres)
- 'Standard Density Residential' with envelopes (average lot size: 800 square metres)
- 'Low Density Residential' with envelopes (average lot size: 1,500 square metres).

(iii) Evidence and submissions

Issue regarding density were raised in several of submissions from landowners both within and outside of the amendment area. Some who live in neighbouring streets considered that the proposed densities were too high; others within the Glismann Road area submitted the densities proposed were too prescriptive, and proposed a design-led approach to density. The implication was that there may be an increase in lot numbers beyond those in the exhibited Amendment.

Residents of neighbouring streets (Submissions 3, 5, 6 and 8) expressed concern about the increase in density and its impact on the character of the neighbourhood, privacy, biodiversity, vistas, traffic and property values.

Submission 6 provided a list of concerns, including that the Amendment:

... enhances high density housing within a small area. High density housing is for inner metropolitan areas, in today's climate or current circumstances there is an abundance and an oversupply of high density housing that is currently available for occupancy and requires filling before land/housing does located 45 kilometres from the Melbourne CBD.

In contrast, Submissions 2, 11, 13, 14 and 16 objected to Council's approach to density and the distribution of the density within the Glismann Road Area. These submitters were seeking an increase in density and a design-led approach to density, supported by the proximity of some lots within the Glismann Road Area to Old Princes Highway and the services/facilities, as well as the presence of the medium density housing along the Highway. Submission 11 states that:

... greater emphasis should be based on site responsive design that will ultimately inform yields - the exhibited documents present a density led exercise...

... the provision of an average lot size of 1500 sqm to the east side of Glismann Road is creating semi-rural outcome within an established residential area and where

development to the immediate east show allotments equal to or less than 1000 sqm...¹²

Submission 2 related to 3 Glismann Road. It was generally supportive of the Amendment, with an exception being the density limits at the site:

In the explanatory documents, the justification for the varying lot density designations is that the Council considers that larger lots can accommodate the slope better than smaller lots. Although we acknowledge there is some logic in this analysis, the slope across this part of the site is not severe, being around 8.7 per cent, and this is well below the areas of “*substantial slope*”, above 20 per cent, which occur higher up in the precinct. As such it is submitted that the extent of slope on the site does not preclude the subdivision of lots of an *average* size of 400 sqm.

Submission 16 submitted a proposed plan of subdivision layout for 15 Glismann Road which showed nine lots serviced by a common property access.¹³

Council provided a detailed chronology of events¹⁴ leading up to the exhibition of this Amendment, documenting the various forms of consultation and engagement with the landowners, occupiers and the local community over the last 20 years. Council noted there were several differing views amongst those within and outside of the Glismann Road area, raising questions such as whether the land should be rezoned to allow for residential development and if the area was to be developed, what that development should look like:

There have been at least five versions of the development plan (masterplan) that have been circulated to the landowners/occupiers within and outside of the Glismann Road amendment area. The versions have looked at various options for the Glismann Road Area in terms of road network (both the internal network and connection to the surrounding area), density distribution, open space (extent and location) as well as the treatment for the highest point of Glismann Road.

In reviewing submissions regarding residential density and slope management, Council supported a design response for individual site features rather than average lot yield. It submitted that the provisions of ESO1 and the objectives of DPO19 will more than likely result in a lower density for the properties located at the crest of the hill or contain clusters with substantial slope of 20 per cent and over than sites that do not have a similar constraint.¹⁵

In response to the subdivision layout plan that forms part of Submission 16, Council acknowledged that this plan is of benefit as it shows a scenario of a subdivision layout that maintains the existing dwelling, but was unable to provide any specific comment about the proposed layout. Based on the Council preferred ‘tracked changes’ DPO19, the layout and lot yield would be influenced by a slope management plan which would be prepared in response to the slope management guidelines approved as part of the Development Plan.

Council did not support the additional text provided by Submitter 11 regarding natural topography on the basis that natural topography is different to topography created by earthworks. For managing development Council considered it is the final or created topography that matters, not the natural topography.

¹² Submission no. 11 page 2

¹³ On 10 April 2021 submitter no. 16 circulated background information that would be relied upon during the panel hearing

¹⁴ Cardinia Shire Council Part A Submission (19 April 2021) Section H.2 Chronology of events –) from page 45

¹⁵ Council Minutes 15 February 2021 – Attachment 4

Mr Abdou, giving traffic evidence for Council, identified the potential for increased lot yield based solely on the capacity of the road system concluding:

... the lot yield of the development plan area could reasonably be increased to accommodate an additional 80 lots (total of 330 lots) ...¹⁶

The estimate of “*up to 330 lots*” was referenced by Council at the hearing.

(iv) Discussion

For many years, Glismann Road has been identified as a locality for increased urban densities within Beaconsfield.

The Panel understands the desire of objecting submitters to protect the character of their neighbourhood. Given the strategic support for significant change, the key issues are the way in which development occurs and its impact on matters such as biodiversity, vistas and traffic. The package of existing and proposed planning controls (notably the proposed NRZ1 and DPO19, and the existing ESO1) will determine the outcomes, so their detail is critical.

The exhibited Amendment’s proposal to define four areas of different average lot sizes and densities attempted to provide direction for the development potential across the Glismann Road area. The Panel notes Council’s acceptance of the submissions that these were too prescriptive and that DPO19 should be modified to support a design-led approach to density. The Panel supports this approach, on the basis that a strengthened suite of controls including upgraded slope management guidelines can provide both clarity and flexibility, and support better design outcomes than the “*areas of average lot sizes and density*”.

The aggregate number of lots to be developed may increase using the design-led approach to density. The Panel does not accept that the traffic-related capacity of “*up to 330 lots*” has any status. This may provide a ceiling based solely on traffic capacity, but other factors such as protection of slopes, vegetation and landscapes will impact on the ultimate densities achieved.

(v) Conclusion

The Panel concludes that:

- The lot size and density should be addressed by removing references to specified average lot sizes and densities in the DPO19, and relying on other controls to provide better design outcomes.

6.2 Vegetation, landscape and views

(i) The issue

The issue is whether the amendment provides adequate protection for vegetation and biodiversity during the redevelopment of the area.

(ii) Background and the proposal

The objectives in DPO19 include:

¹⁶ Abdou, pp. 13-14

To create a residential precinct that delivers high quality urban design outcomes through a variety of lot sizes which respond to the existing natural topography and landscape features of the development plan area.

To protect and maintain the visual prominence of vegetated hilltops and hillsides when viewed from within and outside of the development plan area.

To encourage a subdivision layout which maximises the retention of existing vegetation, minimises the overall disturbance to the terrain and ensures that buildings and structures are sited so that they do not visually dominate the landscape.

DPO19 includes the following requirements prior to subdivision:

All proposals to subdivide land must be accompanied by the following:

- An assessment of how the proposal implements the vision, objectives, requirements and guidelines of the approved Development Plan, specifically:
 - existing physical, environmental and visual characteristics of the site and surrounding area, including the use of colours and materials that are sympathetic to the natural surrounds;
 - functional and safe subdivision which incorporates environmentally sensitive design;
 - subdivision layout and the distribution of lot sizes which respond to the visual sensitivity of the area, landscape character, topographical features and retention of significant vegetation and other identified characteristics;
 - site earthworks such as batters, cut and fill and retaining walls designed to have the least visual impact on the environment and landscape;
 - protection and, where necessary, rehabilitation of vegetation, particularly on prominent hill faces/ridgelines and roadsides;
 - strategically positioned building envelopes to respond to the landscape character, native vegetation and the significantly steep topographical features of the area;

The Development Plan itself is required to include a Site Analysis Plan that responds to the recommendations and mitigation measures outlined in the background report including Ecology Partners (2010) and Hansen Partnership (2014) reports.

The Hansen Partnership (June 2014) report concluded:

From the visual sensitivity analysis, a clear relationship between the more topographically defined areas with canopy vegetation coverage and higher relative levels of visual sensitivity can be seen. This is in part a result of the inherent higher level of visual exposure afforded to the more elevated terrain in the study area, in particular the central ridgeline. Undulating terrain was also a 'preferred landscape feature' in the landscape values assessment.¹⁷

The report also stressed the importance of established canopy vegetation, especially on small acreage areas near the central ridgeline. It noted areas of high visual sensitivity are on and near to the road easement land near the intersection of Glismann Road and Princes Highway.

The significance of the area's biodiversity was assessed in the Ecology Partners report, which concluded:

No threatened flora species were recorded within the study area during the assessment. The majority of native vegetation within the study area has been largely cleared as a result of previous land use activities (i.e. agriculture). Areas of remnant vegetation mainly occur in the northern half

¹⁷ Hansen Partnership, *Glismann Road, Beaconsfield: Landscape Assessment* (June 2014), p. 102

of the study area, consisting of modified examples of Sedge Wetland, Swampy Riparian Woodland and Grassy Woodland. Based on available information (i.e. the literature review, results of the field surveys), the likelihood of nationally and state significant flora species occurring within the study area is considered low.¹⁸

Figure 7: Glismann Road Landscape Assessment – Vegetation and Land Use



(iii) Submissions

Submissions 3, 5, 11, 14 are from landowners adjacent to the Glismann Road Area. Their concerns include the loss of vegetation and the impact on the biodiversity and 'vista' of the area.

Submission 3 provided a summary of concerns about vegetation loss:

I expect a greater effort to protect the large old growth trees in the valley that will be destroyed as part of the amendment. The current areas under protection do not take into consideration just how much biodiversity will be lost by their removal.

...I would also like to address the biodiversity impact issue that will arise due to the lack of restriction to removal of old growth trees.

I would also like to address the impact on the 'vista' due to a lack of trees and green space being preserved.

Part of the appeal of Beaconsfield is its rich flora and fauna, by only preserving small parcels of land, the amendments do not accurately reflect the level of impact the green space has on property appeal, and land and property value.

Submission 5 argued that the Glismann Road Area was 'Green Wedge' land and should not be rezoned.

¹⁸ Ecology Partners Pty Ltd, *Final Report: Biodiversity Assessment for Area 1, 'Beaconsfield'*, prepared for the Growth Areas Authority (October 2010), p. 7

Council responded that the Amendment had been drafted to protect and maintain the visual prominence of vegetated hilltops and hillsides, while ESO1 provided additional protection for vegetation.

Council submitted the area is not in a Green Wedge area but is within the UGB and is within the Urban Established Area at Clause 21.03-2 of the Planning Scheme.

(iv) Discussion

Source: Hansen Partnership, Glismann Road - Landscape Assessment (June 2014), p. 11

The Panel accepts that a substantial increase in residential density within the Glismann Road area will impact on landscapes, including vistas from outside and within the locality. There will be loss of vegetation, particularly in smaller lots.

The issue for the Panel is not whether there will be any change in landscape and biodiversity, but whether the proposed controls provide the best possible protection if a substantial number of new lots will be created. The Panel supports Council's approach to include several requirements in DPO19 to minimise loss of biodiversity and landscape values. Combined with the requirements of ESO1, this provides the best possible solution to retain the biodiversity values and character of Glismann Road and the surrounding neighbourhood.

The Panel agrees with Council that the area is not within Melbourne's green wedges, and is identified as a location for significantly increased residential density.

(v) Conclusions

The Panel concludes that:

- There will be some vegetation loss and changes in landscape when Glismann Road is developed.
- The requirements of the proposed DPO19, in association with ESO1, provide the most effective planning tools to support biodiversity and landscape values.

6.3 Public open space

(i) The issues

The issue is whether the proposed public open space is justified.

(ii) The proposed DPO Schedule

The DPO19 proposes that an area of 0.3 ha of public open space area is to be provided adjacent to Beaconsfield Primary School in the south-west corner of the Glismann Road area is identified in the Development Plan (masterplan). Costs associated with it are allocated in the DCP.

(iii) Submissions

Submission 11 stated that:

We say there is a lack of strategic justification for the provision of a local park adjacent the western title boundary, noting it is displacement within the subject area. With a clear lack of connectivity with the balance of the subject area, we question the rationale for the open space, as apart from potentially retaining some vegetation, it serves very limited purpose. In this instance, the site shares a boundary with the O'Neil Road Recreation Reserve, which is a high order recreational area that

accommodates a number of amenities. The DCP apportions a levy to the upgrade of facilities within the reserve, which further puts to question the need for an internal park.

We say it is not unreasonable to suggest that its intent is to provide secondary connectivity to the Beaconsfield Primary School. Both financial and infrastructure burden is being placed on the subject area, yet a high proportion of users will likely be external to the subject area.¹⁹

In contrast, Submission 12 supported the location of the open space and *“looks forward to the opportunity for Council to engage with Beaconsfield Primary School students in the design process”*.

Submission 5 and 6 were from landowners adjoining the Amendment area, stating that the amendment would result in a ‘loss of open space’.

Council submitted that the need and location of the open space area is justified. It cited an assessment based on 400 metre walkable catchments, which identified a shortfall in the western section of the Glismann Road area. The location has the additional advantage that it protects a small patch of Swampy Riparian Woodland that has been identified as high conservation significance.²⁰

(iv) Discussion

The Panel supports Council’s assessment of the value of the small area of public open space located near Beaconsfield Primary School. The O’Neil Road Recreation Reserve provides an active recreation space to the south of the site, but the proposed site close to the town centre provides an important link between the Primary School and the Glismann Road area.

The keys to the value of the public open are the quality of its assets including vegetation and infrastructure, its connectivity to surrounding areas, and the detail of its design aimed at crime prevention. A specific matter is the connection of the public open space to any residential development that occurs at 11 Mahon Avenue, as discussed in Chapter 3 of this report. While all of these are matters for the next steps of the planning process, there is a need to ensure that adequate public open space is made available.

The Panel considers that the public open space is justified. Development at Glismann Road would normally attract an open space contribution of up to 8 per cent, so any additional cost (if any) is minimal.

The Panel does not accept the argument that the loss of open space is a reason to constrain development at Glismann Road. There is currently no public open space at Glismann Road, but substantial amounts of private open space on large allotments. As noted above, the Panel supports increased densities on the site, subject to the range of controls aimed at minimising vegetation loss and protecting vistas and slopes.

¹⁹ Submission 11, p. 4

²⁰ Ecology Partners, *Biodiversity Assessment for Area 1 Beaconsfield* (Oct 2010), Figure ES3 and ES4

(v) Conclusion

The Panel concludes that:

- Inclusion of the area of 0.3 hectares in the south-west of the site as public open space is justified.

6.4 Flooding and drainage**(i) The issue**

The issue is whether flooding and drainage issues have been addressed satisfactorily within the Amendment.

(ii) Background and the proposal

The four lots along the Old Princes Highway have been identified as having potential to flood. This was assessed in a report by Water Technology, *Glismann Road Drainage Scheme* (July 2014) and a supporting memo, *Additional Flooding and Water Quality Assessments* (May 2016). The supporting memo proposed the construction of a levee to the south of the Old Princes Highway properties to manage flows.

Two levee alignments were considered, both of which provide flood protection to the properties. A levee alignment that crosses the table drain to the east will provide the greatest protection to the property at the eastern end (123-125 Princes Highway). This alignment will need include a structure to drain the local catchment upstream of the levee.

The 2016 memo also provides advice on proposed floor levels, should the existing four properties be developed in the future. Recommendations were provided that future floor levels are set with a designated freeboard above 49.44 metres AHD.

DPO19 addresses the flooding and drainage issues by requiring the Development Plan to respond to the recommendations and mitigation measures outlined in both of the Water Technology reports. It also requires an integrated water management plan which includes the levee bank of 0.45 m along the frontage of the four existing properties fronting Old Princes Highway.

DPO19 also requires the following prior to subdivision of any land:

- A Stormwater Management Strategy which provides for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water and the Responsible Authority.
- The first application to subdivide land must, in consultation with Melbourne Water and Cardinia Shire Council, address the timing of the delivery of the levee bank ..., unless otherwise agreed by the Responsible Authority.

(iii) Submissions

Submission 14 raised concerns that the proposed levee bank will dam up and flood the existing houses.

Submission 9 from Melbourne Water noted that the site is wholly located within a Council catchment, and drainage works must be to the satisfaction of Council. The pipeline must also be owned and maintained by Council. Melbourne Water also supported the recommendations of the Water Technology Report which proposes a levee to manage flows within the subject site.

(iv) Discussion

The Panel agrees that a levee to protect the four properties along Old Princes Highway from increased below floor flooding is a sensible solution. Alternative mechanisms and levee options have been considered, and the Panel agrees that the current proposal appears to be the best solution.

The reference in DPO19 under 'Integrated Water Management and Utilities' refers to inclusion in the Development Plan of 'a levee bank of 0.45m along the frontage of the four existing properties fronting Old Princes Highway'. This is clearly an error and should be corrected to read '0.45 metres'.

(v) Conclusion and recommendation

The Panel concludes that:

- Flooding and drainage issues have been addressed in the background reports, and that the Amendment generally incorporates their recommendations appropriately.

It recommends that:

In Development Plan Overlay Schedule 19 modify the reference to the height of the levee bank to read '450 mm'.

6.5 Soil contamination**(i) The issue**

The issue is whether potential soil contamination issues have been addressed appropriately in the Amendment.

(ii) Background and the proposal

A report on the potential for soil contamination at the Glismann Road area was prepared by Meinhardt, *Glismann Road Development Plan: Contaminated Land Study* (March 2015, updated May 2020). It identified five of the properties as having 'medium' potential contamination risk, because fill had been placed on them, or because of the historic farming operations including buildings potentially used for the storage of hydrocarbons, insecticides (sheep dips), fungicides, herbicides and pesticides.

The Development Plan outlines the requirement for a site analysis plan that responds to the recommendations and mitigation measures outlined in the Meinhardt report.

The DPO schedule identifies the four properties along Glismann Road and 11 Mahon Avenue that require assessment prior to any further subdivision of the land and the form of environmental assessment required:

- If a site assessment recommends an environmental audit of all or part of the land, then a permit must include the following condition:
 - Before the commencement of any use for a sensitive purpose; or before any buildings or works; or
 - before the certification of a plan of subdivision; whichever is the earlier in respect of all or that part of the land as the case may be, the following must be provided to the Responsible Authority:

- A Certificate of Environmental Audit issued for the relevant land in accordance with Part 1XD of the Environment Protection Act 1970; or
- A Statement of Environmental Audit issued for the relevant land in accordance with Part 1XD of the Environment Protection Act 1970 stating that the environmental conditions of the relevant land are suitable for a sensitive use (with or without conditions on the use of the site).

If a Statement of Environmental Audit is provided rather than a Certificate of Environmental Audit and the Statement of Environmental Audit indicates that the environmental conditions of the land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 before the construction of any building on the relevant land providing for the:

- Implementation and on-going compliance with all conditions in the Statement of Environmental Audit; and
- The payment of the Responsible Authority's legal costs and expenses of drafting/reviewing and registering the agreement by the owner of the land.

(iii) Evidence and submissions

Several submitters raised concerns about soil contamination:

- Submission 5 stated that any disturbance of the soil in the future would create health risks for the residents in the surrounding residential area
- Submission 4 noted that two of the properties in Glismann Road received the same fill but only one is rated as “*medium*” risk in the Meinhardt report
- Submission 11 raised questions about the accuracy of the contamination report and methods used to determine and ultimately inform policy.

Council advised that it sought the views of the EPA²¹ regarding the contaminated land study as well as the draft Amendment documents. EPA recommended that the planning controls include the following:

- the actual address of the sites requiring further assessment
- specify the form of further environmental assessment required
- require that further environmental assessment occur prior to any further subdivision of the land.

The EPA recommendations were included in the exhibited DPO schedule. In Submission 10, the EPA stated it:

... supports the proposed amendment and notes the inclusion of our previous advice (provided in correspondence dated 11 March 2020 (EPA Ref: 5010497) and 9 April 2020 (EPA Ref: 5010654).

EPA's previous recommendations regarding the assessment of potentially contaminated land have been adopted and included in the exhibited amendment, and therefore EPA has no further comments.

(iv) Discussion

The Panel considers that the assessment of five of the 21 properties as having ‘medium’ potential contamination risk justifies a conservative approach to their development for residential purposes.

²¹ As required by Minister Direction No. 19 – *Preparation and content of Amendments that may significantly impact the environment, amenity and human health*

It accepts the conclusions of the Meinhardt reports, and the responses of the EPA and Council to them.

DPO19 provides for comprehensive analysis of any risks associated with soil contamination on the five properties, prior to any subdivision and development. The Panel accepts that the contaminated land issue has been addressed to the satisfaction of EPA.

The Panel notes that the relevant legislation has changed and the relevant wording needs to be updated to reflect this. The Panel expects that Council will have a standard wording to address this.

(v) Conclusion and recommendation

The Panel concludes that:

- Potential soil contamination issues have been addressed appropriately in the Amendment.

The panel recommends:

In Development Plan Overlay Schedule 19 update requirements referring to contaminated land to reflect updated legislation.

6.6 Road network and movement

6.6.1 The proposed DPO Schedule

The proposed DPO19 includes the following requirements for the Development Plan:

Roads must be designed and constructed generally in accordance with Figure 1 [*the Development Plan (Masterplan)*] and a road network and movement plan must:

- respond to the recommendations and mitigation measures outlined in Trafficworks (June 2020) *Glismann Road Residential Development, Beaconsfield, Traffic Impact Assessment Report*;
- respond to the existing topography and encourages an integrated solution that will provide connected street access through the Glismann Road area;
- provide an efficient, legible and safe internal movement and ensure all properties are development to their maximum potential;
- locate roads to minimise the extent of cut and/or fill that is visible from areas outside the site;
- discourage culs-de-sacs gaining access from Glismann Road;
- provide a shared path along the top of the levee bank proposed along the south border of the development site (Old Princes Highway);
- ensure there is no vehicular connection through to Patrick Place or Timberside Drive;
- ensure that roads abutting the proposed local park and the O'Neil Recreation Reserve are designed to achieve slow vehicle speeds, provide on street parking and designated pedestrian crossing points;
- address how the road connection will be facilitated between the following properties:
 - 12 (Lot 23, LP 3783) Glismann Road, Beaconsfield and 11 Mahon Avenue (Pt Lot 13, LP2593 and Pt Lot 2 TP258025), Beaconsfield;
 - 111-113 (Lot 1, TP 627007), 115-117 (Lot 1, TP 579082), 119-121 (Lot 8, LP 3783), 123-125 (Lot 9, LP 3783) Old Princes Highway, Beaconsfield and 1 (Lot 10, LP 3783) Glismann Road, Beaconsfield.

6.6.2 Traffic generation

(i) The issues

The key issue is whether development of the area will generate amounts of traffic that inordinately impact on neighbouring residents.

(ii) Evidence and submissions

Several submissions raised concerns about the impact of an increase in traffic:

- Submission 3 expressed concern regarding an increase of traffic in Mahon Avenue, on the basis that 11 Mahon Avenue was included in the exhibited Amendment.
- Submission 6 argued that there will be a potential increase in traffic in Janet Bowman Boulevard area caused by Glismann Road residents driving to the parks and playgrounds in their estate.
- Submission 8 raised concern about the increase in traffic at both O'Neil Road and Glismann Road and the need for a signalised intersection at intersections of both roads with the Old Princes Highway.
- Submission 11 expressed concern that there will be an increase in external traffic in the Glismann Road Area created by the proposed 'back entrance' to Beaconsfield Primary School created by the location of the local public open space.

As noted above, Mr Abdou's gave evidence that current planning proposes to facilitate the development of approximately 250 residential lots, equivalent to a daily traffic generation of 2,250 vehicles per day. He considered that Glismann Road can carry up to 3,000 vehicles per day, or the daily traffic generated by an equivalent of 330 residential lots.

Council submitted that:

- It proposed to exclude 11 Mahon Avenue from the Amendment, so concern about the impact of traffic on Mahon Avenue is no longer relevant.
- The additional local public open space in the Glismann Road area near Beaconsfield Primary School would ameliorate any increase in traffic at O'Neil Recreation Reserve.
- Signalised intersections are currently being constructed at the Old Princes Highway at both Glismann Road and O'Neil Road.
- Regarding traffic linking to Beaconsfield Primary School via the new public open space, it noted that 'it is important that the layout of the urban development of Glismann Road encourages connectivity to the surrounding residential area'.

(iii) Discussion

The Panel considers that the traffic network within and surrounding Glismann Road will cope with the level of traffic generated by the development. The lack of connectivity between the Glismann Road area and surrounding residential areas ensures that there will be minor traffic impacts in the immediate areas outside the development. Further, the construction of traffic signals at the intersections of the Old Princes Highway with Glismann and O'Neil Roads will provide significant and necessary improvements to traffic flows, and will ensure that additional traffic generated will be able to be managed.

The capacity of the traffic network was covered in detail in *Trafficworks Glismann Road Residential Development - Traffic Impact Assessment Report* (June 2020). Its conclusion was that 'the

proposed development would not adversely impact on the safety or operation of the surrounding road network', subject to a number of mitigating works that have since been completed (the signalisation of the intersection of Glismann Road and Old Princes Highway) or included in the Development Plan requirements in DPO19.

(iv) Conclusion

The Panel concludes:

- The traffic network has sufficient capacity to cope with traffic generated.

6.6.3 Design of the road network

(i) The issues

The key issues are whether:

- road network within the area is designed to achieve efficient, legible and safe internal movement existing residents will be able to access their properties following construction or reconstruction of the streets.

(ii) Evidence and submissions

The road network

The design of the proposed road network was the focus of several submissions:

- Submissions 11, 13 and 14 expressed concern about 'restricted vehicle access to Glismann Road', the limited number of access streets onto Glismann Road and the lack of an access street network in the north eastern section of the Glismann Road area.
- Submissions 3 and 11 were concerned about the location of the 'road connections'.
- Submissions 4 and 11 objected to the location of the roundabout in Glismann Road.

Submission 4 noted:

I also object to the roundabout being built at the entrance of my property. This can only be a dangerous hazard caused by excess traffic. A roundabout built on an incline would result in an elevation of the left hand turn road into number 6 Glismann Road, creating a very high retaining wall on our boundary.

The evidence provided by Mr Abdou reviewed the *Glismann Road Residential Development - Traffic Impact Assessment Report* (Trafficworks, June 2020), focusing on design of the network and covering the following issues:

- Glismann Road vertical alignment
- Restricted access along Glismann Road, including locations of side road and driveways ...
- Traffic calming devices
- Glismann Road cross section and capacity
- North-south loop road.

Mr Abdou provided justification for removing 1.6 metres from the crest of Glismann Road, outlining the limits on access and parking necessary to ensure safety at the top of the hill. He identified Safe Intersection Sight Distances to allow support limits to access along Glismann Road; described the need for traffic calming devices (horizontal deflection devices) on the approaches to the crest; identified appropriate cross sections using the *Engineering Design Construction Manual for Subdivision in Growth Areas*; and justified the north-south loop road which provides 'a

consolidated, alternative access road to facilitate access to the properties on the western side of Glismann Road’.

Mr Abdou considered that a number of refinements should be included in the Traffic Impact Assessment (TIA) referred to in DPO19, including:

- include a new figure in the TIA that overlays the extent of the Glismann Road reservation over an aerial photo
- update the photos within the TIA to show the signalised intersection
- update the figure which shows the Development Plan (masterplan) once Amendment C238 has been approved by the Minister and gazetted
- ensure the text relating to the road hierarchy is consistent with the classification shown on the final approved Development Plan (masterplan) further information regarding the Glismann Road vertical alignment
- show location of the 30 m no access location on a figure within the TIA
- include indicative possible access points for driveways and/or side streets from Glismann Road
- update longitudinal section diagrams to show property numbers in relation to the chainage
- update Sheets (where applicable) to remove the roundabout and pedestrian path from 4 Glismann Road and any other updates
- provide the cross-section showing the on street parking (both sides of road) adjacent to open space.²²

Council supported Mr Abdou’s evidence, stressing the design differences in two distinct sections of Glismann Road either side of the proposed roundabout. It submitted that *“a significant amount of work has been undertaken to find the best solution for Glismann Road and access given its significant site constraints”*. However, it added that:

- Detailed plans will not be available until road construction plans are prepared and submitted to Council (as part of the subdivision permit application).
- Text can be added to DPO19 to ensure input and discussion with adjoining/affected landowners is considered in the design process when addressing road design for Glismann Road, connecting roads, the roundabout or between site boundaries and the use of cut/fill and retaining walls. However, it should be noted that this is not a formal process and ultimately, the final decision on what is approved will lie with Council.

Regarding the objection from Submission 4 about the location of a footpath on the site and location of the roundabout in Glismann Road, Council agreed that the property is an approved Offset Management Plan property bound by a S173 Agreement, and so it supported the removal of the footpath and any encroachment of the roundabout onto the site.

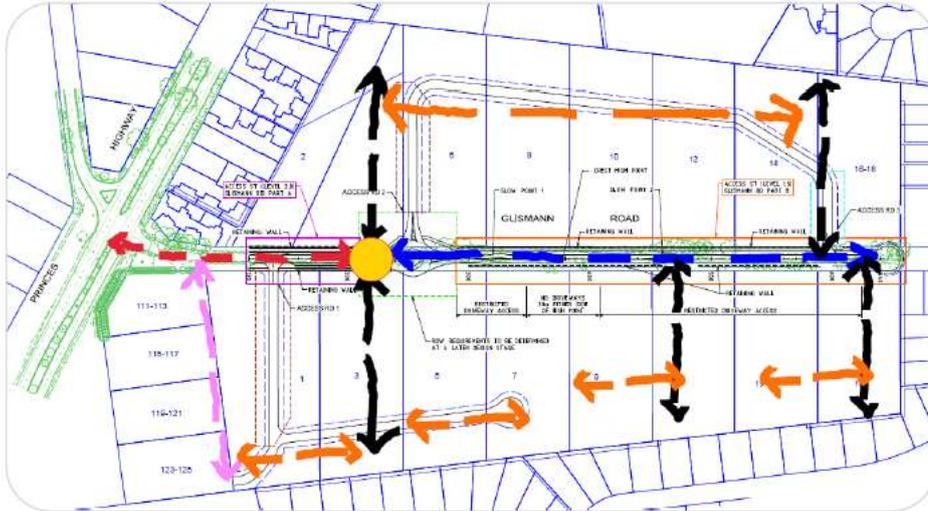
Mr Maina of Impact Traffic Engineering gave evidence on behalf of the Glismann Rd residents. He focused on the lack of permeability and resilience in the proposed road network, particularly east of Glismann Road. He submitted an alternative design (see proposed ‘optimised transport network’ Figure 8), with the roundabout on Glismann Road relocated to the west by about 30 to 50 metres, and the following changes east of Glismann Road:

- two new access roads where access is not constrained by retaining structures, and a new access road at the roundabout

²² Evidence of Mr Abdou, p. 20

- an access lane a direct connection to Glismann Road to the rear of the lots that have a frontage to Princes Highway
- short east - west local road cul-de-sacs to provide access to lots that are landlocked.

Figure 8: Optimised Transport Network proposed by Mr Maina



Source: John-Paul Maina, Cardinia Planning Scheme Amendment C238card - Glismann Road, Beaconsfield: Expert Evidence – Transport, 27 April 2021, p. 14

Council did not support Mr Maina’s proposal, arguing that the extent of the crest along Glismann Road, the fact that Glismann Road is an existing 20 metre road reservation, the requirements of the existing ESO, and the approved Offset Management Plan property bound by a S173 Agreement at 4 Glismann Road all preclude elements of the ‘optimised transport network’.

The proposed roundabout in Glismann Road

Mr Davis proposed to replace the roundabout with a reverse-priority controlled T-intersection, as shown in Figure 9 (with the original roundabout in blue, and the alternative T-intersection in red).

Figure 9: Alternative T-intersection design at proposed roundabout



Mr Davis submitted this alternative would be a cheaper option than the roundabout, required a reduced land take, and achieved satisfactory traffic safety outcomes.

In closing Council stated:²³

The roundabout construction (TM-01) and additional land for splays (LA-04a and LA-04b) are included in the Glismann Road DCP at a cost of \$816,414 (which is around 12 per cent of the total DCP figure). Attachment J shows the location of the proposed DCP items.

Council maintains its position that roundabout 1 remain as shown in DPO19. As identified earlier in this submission, Council supports that DPO19 be amended to include 'unless otherwise approved by the Responsible Authority' regarding the recommendations and mitigation requirements outlined in the Glismann Road Traffic Impact Assessment. Should 111-113 Old Princes Highway not require the left in / left-out access onto Glismann Road, Council could consider an alternative traffic management solution in place of the roundabout.

Access to the Old Princes Highway lots

Submission 11 proposed the site's fully directional access to Glismann Road from the eastern access road should be retained.

Mr Davis expanded on the submission, stating that the Development Plan should not prejudice the ability to maintain existing access to the site at 111-113 Princes Highway, even if it is kept as an interim solution. He considered that access to this site is limited due to the levee bank along the front of the property, and is subject to the delivery of the east-west access street and the delivery of the southern road connection by various landowners. He submitted 'there is a potential to explore direct access to Glismann Road, or the ability to gain temporary access off Glismann Road until the east-west local access street and connecting road is constructed to the east of the property boundary'.

The Department of Transport was asked to comment on the proposal, particularly the location of proposed access point, and whether the access would be an interim or permanent solution. It responded in a letter to Council dated 28 May 2021 that the distance of the proposed access to the Princes Highway/Glismann Road intersection is insufficient; full directional access at this location if allowed has potential to adversely affect the intersection's operation and safety; and 'Keep Clear' linemarking is used as a last resort and is very rarely accepted for private access points. It concluded that:

... full directional access onto Glismann Road should not be permitted at this location. Should a long-term access point be provided for 111-113 Old Princes Highway onto Glismann Road, it should be based on a left-in/left-out arrangement only, and located as far away from the Princes Highway/Glismann Road intersection as possible (towards the northern boundary).

In closing Council stated:²⁴

Council notes that access for 111-113 Old Princes Highway could be from any of the following three scenarios:

- a left in/left out access onto Glismann Road – however, this would be subject to access to the first roundabout (as shown in exhibited DPO19 Figure 1) to facilitate a u-turn for vehicles to enter the site; or

²³ Council Closing paras 63 and 64

²⁴ Council Closing paras 51 and 52

- the loop road provided to the east – however, this would be subject to the construction of the access street on #1 Glismann Road and subject to the development of all lots on Old Princes Highway to the east to provide a connection; or
- possibly integrate into the development of #1 Glismann Road – however, this would be subject to negotiations with the property owner.

To clarify access options for 111-113 Old Princes Highway, Council supports that DPO19 Figure 1 be amended to:

- show 'restricted vehicle access' within 80m of the signalised intersection
- a notation be added regarding a left-in / left-out access for the site (subject to the satisfaction of the Responsible Authority)
- remove the 'arrow' on the 'road connection' within the Old Princes Highway properties (no through access onto Glismann Road).

Council did not support additional text provided by Submitter 11 regarding access for 111-113 Old Princes Highway commenting that Department of Transport and Council have:

- considered access options outlined in submission 11 as discussed in Section C of Council's closing submission and
- re-confirmed that they do not support full-turning access (interim or permanently) from Glismann Road to 111-113 Old Princes Highway.

Council does not support additional text provided by Submitter 11 regarding an alternative road and movement network saying wording to this effect has already been added to the schedule, that is the road layout must be 'generally in accordance' with Figure 1 and the TIA prepared by Trafficworks.

Driveway access at the crest of Glismann Road

Submissions 13 and 14 expressed concern that the removal of 1.6 m from the crest of Glismann Road would limit driveway access to their properties.

Regarding access to these properties, Council submitted that the design for Glismann Road:

... achieves the mandatory road safety requirements, prevents the need for further road widening and reduces the required height of retaining walls as part of the road construction. Traffic calming devices are also proposed on the approaches to the crest to ensure speeds of less than 40 km/h will be maintained.

Site specific factors will be addressed through planning permit conditions, for example:

- access management to ensure existing lots/dwellings that may be affected by the construction of Glismann Road maintain safe and adequate road access at the cost of the developer ...

(iii) Discussion

The road network

The Panel accepts that a considerable amount of work has been conducted in developing the conceptual road network within the Glismann Road area. The area lacks connectivity to the east because of the existing residential development of Janet Bowman Boulevard and Woods Point Drive, to the north because of the closure of Patrick Place and to the west if any connection to Mahon Avenue is deleted. This means that the flow of traffic on Glismann Road, the western loop road and any other minor connections within the development will eventually flow to the intersection of the Old Princes Highway and Glismann Road.

The Panel regards the western loop road as a critical element of the road network design, by providing an alternative access to parts of Glismann Road north of the proposed roundabout. The loop road is the only option to achieve the relatively limited connectivity and accessibility, so is central to the design of the road network. This means that it is critical for traffic reasons, and by implication is an important element of the Development Contributions Plan, as discussed in Chapter 7.

Similarly, the Panel considers that the section of Glismann Road north of the proposed roundabout is a critical part of the road network design, even if access to it is constrained and parking is limited at the crest of the hill. The implication is that it should also be included in the DCP.

The Panel considers that many aspects of the design are determined largely by the topography of the site and the limited connections outside the site. These include:

- the classification of the roads within the site
- the removal of the crest of the hill to enhance sight lines
- restrictions on access and parking north of the roundabout, particularly at the crest of the hill
- inclusion of traffic calming within the area.

The Panel supports references to these aspects in the Amendment, either in their inclusion in the Development Plan (Masterplan) in DPO19, or in references to an updated TIA.

The Panel notes Mr Maina's 'optimised transport network'. However, the limits imposed by the physical nature of the site, the fragmentation and constraints of current property ownerships and therefore the potential for differences in times of development mean that it is not possible to achieve this outcome.

Access to the Old Princes Highway lots

The Panel supports any approach that improves connectivity within the Glismann Road area, but notes that the need for safety is paramount. It therefore accepts the advice of the Department of Transport regarding access to the Old Princes Highway lots and the eastern section of the Glismann Road area, and supports the approach in locating the eastern link road and its 'left-in, left-out' status.

The proposed roundabout in Glismann Road

The Panel accepts that the reverse-priority T-intersection would provide access and safety equivalent to the proposed roundabout. If the construction and land cost is less than the original proposal, there would be merit in pursuing it, but it does not provide for U-turns which to deal with the restricted access to the Old Princes Highway lots. Providing flexibility to further explore this issue is supported.

Driveway access at the crest of Glismann Road

The Panel accepts that the property owners at the crest of Glismann Road have genuine concerns about driveway access following the removal of 1.6 m from the crest, thus increasing the slope from the driveways to Glismann Road. However, it agrees with Council that this access can be addressed through planning permit conditions, ensuring that safe and adequate road access to existing dwellings will be provided at the developer's cost.

(iv) Conclusions and recommendations

The Panel concludes:

- The western loop road is an important element of the road network design
- The classification of the roads within the site, the removal of the crest of the hill to enhance sight lines, restrictions on access and parking north of the roundabout, and inclusion of traffic calming within the area are all appropriate
- The ability to consider alternatives to the proposed roundabout in Glismann Road with a reverse-priority controlled T-intersection is supported
- Access to the Old Princes Highway lots should be in accordance with the exhibited Development Plan (masterplan)
- Driveway access at the crest of Glismann Road can be maintained through Planning Permit conditions.

The Panel recommends that:

In respect of the proposed roundabout in Glismann Road:

- a) **Update *Glismann Road Residential Development – Traffic Impact Assessment Report* (Trafficworks, June 2020) to note that a reverse-priority controlled T-intersection in place of the proposed roundabout in Glismann Road may be appropriate**
- b) **In Development Plan Overlay Schedule 19 provide for alternative treatments of the intersection.**

6.6.4 Design of the pedestrian network**(i) The issue**

The key issue is

- whether the pedestrian network within the area is designed to achieve efficient, legible and safe movement.

(ii) Evidence and submissions

Regarding pedestrian connectivity, Council submitted the following:

DPO19 shows pedestrian connectivity to the north (via Patrick Place) and to the east (through O'Neil Recreation Reserve). The O'Neil Road Recreation Reserve is located along the eastern boundary of the Glismann Road Area. The masterplan for the reserve identifies a potential new indented car park (5 spaces) adjacent to a road in the Glismann Road DP area and a new indented car park (18 spaces) adjacent to Janel Bowman Boulevard. There is no vehicle connection from the Glismann Road Area to the surrounding area.

DPO19 provides for a local park in the western section of the Glismann Road area that abuts the Beaconsfield Primary School. ... [T]he location of the park was chosen as it falls within the shortfall area (of a 400m walkable catchment for local open space) and protects the small patch of Swampy Riparian Woodland that has been identified as high conservation significance. A pedestrian access point from Beaconsfield Primary School to the local park may be possible, however this is an issue that requires further discussion.²⁵

²⁵ Council Part B submission, p. 20

Submission 4 objected to the Amendment, requesting removal of a footpath which ‘is clearly marked on my property’ on page 67 of the traffic report.

Council submitted that it supported the request in Submission 4 to remove the footpath (as well as ‘any encroachment of the roundabout onto their site’), on the basis that it is an approved Offset Management Plan property bound by a section 173 Agreement.

(iii) Discussion

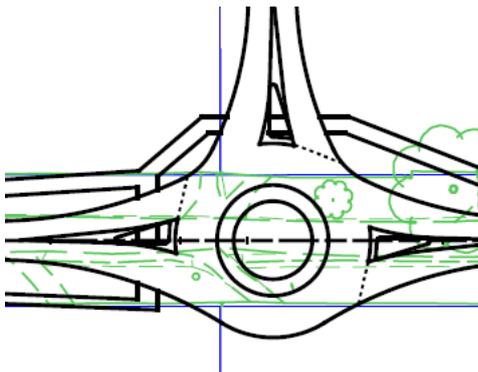
The Panel accepts that some pedestrian access is planned, including to O’Neil Recreation Reserve in the west, Patrick Place in the north and to Beaconsfield Primary School through the proposed new public open space on the south-west. However, it considers that pedestrian linkages within the site, and between the area and surrounding areas, have not been adequately addressed.

As noted in Chapter 3, the Panel considers that there should be adequate pedestrian links between the 11 Mahon Avenue site and the Glismann Road area. At minimum, there should be pedestrian connectivity between the lots proposed in the south and east of the 11 Mahon Avenue site and the nearby public open space near Beaconsfield Primary School within the Glismann Road area.

Clause 21.05 (Infrastructure) in the Planning Scheme identifies the importance of pedestrian networks in the Shire, with one of its Strategies to “*Ensure connectivity between new and existing development including pedestrian and bicycle paths*”. The current lack of footpaths in Glismann Road reflects its unmade nature and the small number of residences in the area. However, significant increases in population following the residential development of the area warrants a much higher priority given to the pedestrian network.

The Panel notes that the proposed footpath to the west of the roundabout in Glismann Road in the TIA encroaches on the property referred to in Submission 4.

Figure 10: Detail of Traffic Impact Assessment design of roundabout



Source: Trafficworks, Glismann Road Residential Development - Traffic Impact Assessment Report (June 2020), p. 67

Redesign of the roundabout, or its replacement with a reverse-priority T-intersection, should include a footpath that does not encroach on the site.

(iv) Conclusions and recommendation

The Panel concludes:

- Pedestrian linkages within the site, and between the area and surrounding areas, have not been adequately addressed.
- Pedestrian links are required between 11 Mahon Avenue and the Glismann Road area.

- A footpath should be included in a redesign of the roundabout in Glismann Road, or its replacement reverse-priority T-intersection.

The Panel recommends that:

In respect of pedestrian links:

- **Update *Glismann Road Residential Development – Traffic Impact Assessment Report* (Trafficworks, June 2020) to include a footpath that does not encroach on the property at 4 Glismann Road.**

6.6.5 Parking

(i) The issue

The key issue is whether parking is adequately catered for in the Amendment.

(ii) Evidence and submissions

Submission 11 objected to the provision of on-street parking near the proposed public open space area near Beaconsfield Primary School:

... on-street parking is proposed outside the proposed park, whilst a *shared* path is shown to connect to this school. In this, we strongly oppose:

- a. The increased external traffic being brought into the subject area.
- b. The subject area being required to address the traffic congestions associated with the school.
- c. O'Neil Road Recreational Reserve is not provided with any on-street parking, and we therefore question the purpose for its requirement here. If the purpose of the park is to service the subject area, all allotments are within readable walking distance and car parking is not required.

Mr Abdou proposed a design solution for the parking issue near the proposed public open space near Beaconsfield Primary School:

As per the development plan (masterplan), on-street car parking has been proposed to service the local park. It is acknowledged that this may also service a potential future pedestrian school connection adjacent to the local park. It is noted that a standard Access Street (Level 1) has a 7.3 m wide carriageway, with unmarked parking available on both sides. This arrangement results in shuttle flow if parking occurs on both sides. Due to the 20 m road reserve width required to accommodate the water easement, there is adequate space to provide a parking lane adjacent to the park, with kerbside parking available along the property frontages. This would improve two-way traffic flow and remove any shuttle flow arrangement.²⁶

Submission 13 raised concern about a lack of on-street parking in the northern section of Glismann Road.

Mr Abdou's evidence identified the need to restrict car parking in Glismann Road:

Glismann Road cross section to the north of the roundabout is proposed to be an "Access Street (Level 1.5)" which provides the capacity and carriageway of an Access Street (Level 2) without the provision of on-street car parking.

Parking in this section of Glismann Road has been restricted to reduce the carriageway footprint and subsequently reduce the quantity of required earthworks

²⁶ Abdou, p. 17

and the height and extent of retaining walls. It is expected that residential car parking requirements will be met off-street within individual lots.

Should on-street car parking be provided along the full length of Glismann Road, a wider carriageway would be required, resulting in additional formation works and a greater reliance on retaining walls within the road reserve. Hence, this is not considered to be a viable option due to the topographical constraints of the site.²⁷

Council supported Mr Abdou's evidence.

(iii) Discussion

The Panel has accepted the need for 0.3 hectares of public open space near Beaconsfield Primary School. While many of the users of this public open space will come from within the development and therefore may be within walking distance, the Panel considers it is appropriate to include car parking as part of the planning for the space.

The Panel supports Mr Abdou's proposal to include a parking lane adjacent to the park, and kerbside parking along the property frontages. This provides appropriate parking opportunities while allowing traffic flow.

The Panel also supports the need to restrict parking on the northern section of Glismann Road. Road safety is clearly a priority, and limits on parking are a superior outcome compared with an engineered solution with wider carriageways and higher retaining walls.

(iv) Conclusions and recommendation

The Panel concludes:

- Parking has been adequately catered for in the Amendment.
- The TIA should include a parking lane adjacent to the park, and kerbside parking along the property frontages.

The Panel recommends that:

In respect of parking:

- **Update *Glismann Road Residential Development – Traffic Impact Assessment Report* (Trafficworks, June 2020) to include a parking lane adjacent to the park, and kerbside parking along the property frontages.**

²⁷ Abdou, p. 12

7 The Development Contributions Plan

7.1 Introduction

(i) Background

The allocation of planning and infrastructure costs between the landowners has been a vexed issue for the Glismann Road area. In the initial stages of planning, Council proposed the use of an Infrastructure Contributions Plan and not a DCP. However, following negotiations between 2018 and 2020 and advice from DELWP, Council agreed to include a DCPO in the Amendment, and prepare and exhibit an associated DCP.

Initially, the DCP was planned to include a share of the cost of a signalised intersection at the corner of at Glismann Road / Old Princes Highway and Beaconsfield Avenue. However, in February 2019 the Commonwealth Government announced funding aimed at reducing congestion in east and south-east Melbourne, and \$17.8 million was allocated for eight intersection upgrades in Cardinia Shire along the Princes Highway. The intersection of Glismann Road with Old Princes Highway and Beaconsfield Avenue was included in this funding, and was therefore excluded from the Glismann Road DCP.

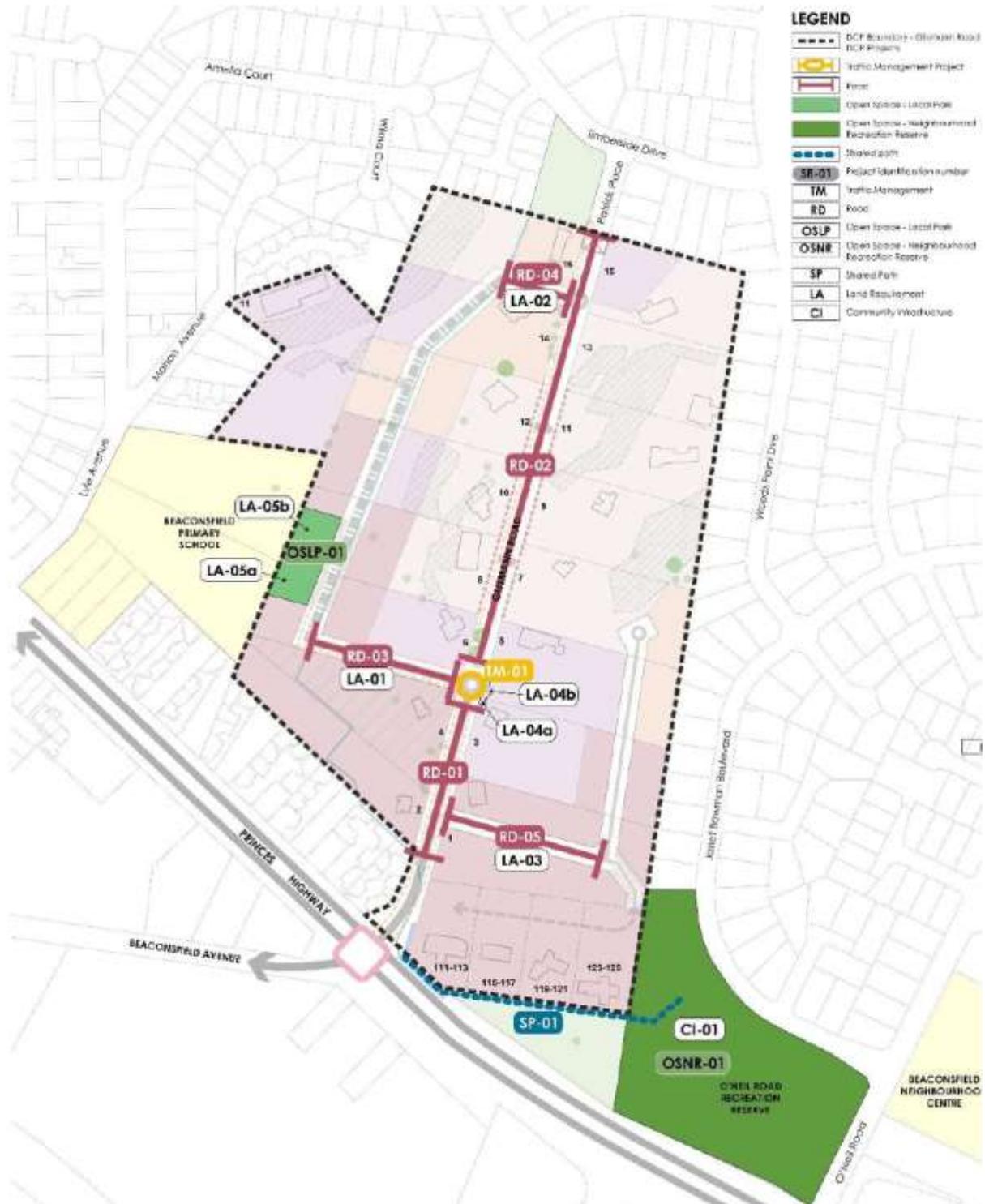
The *Glismann Road Development Contributions Plan – Draft for Exhibition* (June 2020) was prepared by Urban Enterprise and exhibited as part of the Amendment. It includes:

- A contribution to Community Infrastructure through a share of the expansion of the O’Neil Road Recreation Reserve pavilion (C1-01 on Figure 10)
- Distribution of the costs of development infrastructure:
 - local roads (RD-01, RD-02, RD-03, RD-04 and RD-05)
 - traffic management (TM-01)
 - public open space (OSLP-01)
 - shared path (SP-01).
- Distribution of the costs of preparing plans
 - Development Contributions Plan.

The DCP includes the cost of development of infrastructure, as well as an estimate of the cost of land contributions for roads (LA-01, LA-02, LA-03, LA-04a and LA04b) and public open space (LA-05a and LA-05b).

The items included in the exhibited DCP are shown in Figure 11.

Figure 11: Development Contributions Plan Infrastructure items



(ii) The issues

The complexity of the Glismann Road area, including multiple ownerships, results in the need for the Development Plan. Consequently, a means for equitably funding development and social infrastructure a DCP is essential. The Panel notes that there have not been submissions opposing the concept of a DCP, although there are several submissions on the details of the exhibited DCP.

There are several issues relating to the use of the DCPO and the preparation of the DCP:

- As described in Chapter 5, Submissions 2 and 11 proposed that Council prepare the Development Plan and include the cost in the DCP. The Panel supports this approach.
- Submission 7 proposed that 11 Mahon Avenue should be removed from the Amendment. As discussed in Chapter 3 the Panel supports this. This will result in the costs within the DCP being distributed over a reduced number of properties.

The remaining issues are:

- The need for a DCP
- The estimation of contributions including the exclusion of 11 Mahon Avenue be addressed?
- Are the contributions in the exhibited DCP justified? In particular:
 - Is the allocation of the cost of the proposed public open space in the south-west of the area justified?
 - Is the road and pedestrian network within the area designed in a way that minimises costs which are to be recovered in the DCP?

7.2 Estimation of contributions

(i) Background

The DCP proposes development infrastructure charges for roads and intersections, public open space and planning be allocated per net developable hectare. The full costs of all proposed development infrastructure are allocated to the DCP, with the exception of O'Neil Road Recreation Reserve works, 11 per cent of which are allocated to the DCP. The figure of 11 per cent represents the proportion of all existing and future residents in the suburb, based on an estimated 244 new lots in Glismann Road.

The figure of 11 per cent is also used to estimate the contribution to Community Infrastructure (a share of the expansion of the O'Neil Road Recreation Reserve pavilion).

(ii) The issues

Two issues relate to the estimation of contributions in the DCP:

- The consequence of excluding 11 Mahon Avenue, requiring a review of the DCP.
- A potential increase in density from a design-led approach to controlling density (as discussed in Chapter 6.1 of this report means the open space contribution for O'Neil Recreation Reserve works and the community contribution for the O'Neil Recreation Reserve pavilion upgrade is likely to be an under-estimate.

(iii) Submissions

Submission 7 relating to 11 Mahon Avenue stated that *"the decision to include the subject site within the proposed amendment does not provide a fair and equitable outcome"*, with one of the reasons being:

The subject site will be required to contribute financially to infrastructure items and upgrades it has absolutely no requirement for. This is undeniably unwarranted and

excessive. The subject site is already provided with all services, road access, and other infrastructure it requires to be developed at 'urban densities'.²⁸

On behalf of the owners of 11 Mahon Avenue, Ms Anna Greening submitted at the hearing that any requirements of the DCP should be excluded from the Amendment.

As a consequence of its acceptance of the case to remove the site from the Amendment, Council also supported the removal of DCPO5 from 11 Mahon Avenue.

(iv) Discussion

The exhibited DCPO and DCP do not include any development infrastructure items within 11 Mahon Avenue, so its removal implies a spread of development infrastructure costs over a smaller number of hectares, therefore increasing the cost per hectare of remaining landowners. The exhibited DCP shows the net developable area of the total area to be 16.71 hectares, of which 0.99 hectares is at 11 Mahon Avenue. With no other changes to the DCP, the cost per hectare of developable land for remaining landowners would therefore increase in the order of 6.3 per cent if 11 Mahon Avenue is removed.

The Panel supports the use of the DCPO and a DCP as part of the development of the Glismann Road area. The reduction in net developable area as a result of removal of 11 Mahon Avenue means that other landowners will be required to pay more per developable hectare.

The second issue relates to the number of lots that share the allocation of 11 per cent of the costs of the O'Neil Recreation Reserve works within development infrastructure and the community infrastructure contribution for the O'Neil Recreation Reserve pavilion upgrade. If 11 Mahon Avenue is excluded from the DCP, the percentage of the costs of the O'Neil Road pavilion to be allocated to the remaining Glismann Road area would decline slightly but be offset by the reduction of 12 in the number of lots.

A more significant matter is the number of lots in the remaining Glismann Road area. The change in density requirements may lead to some increase in lot yield up to 330 lots. The Panel does not accept that the figure of 330 is a forecast of yield, because this would depend on other factors such as the Slope Management Guidelines.

Given the changes, the Panel has not identified an accurate percentage to be allocated to the Glismann Road area, nor the number of lots that share the allocation, which may be between 244 and 330. This should be carried out in a revision of the DCP.

(v) Conclusions and recommendations

The Panel concludes that:

- The DCP should be updated, based on removal of 11 Mahon Avenue from the DCPO and adjustment of the Community Infrastructure contribution and the Development Infrastructure contribution relating to the upgrade of O'Neil Recreation Reserve works
- DCPO5 should be updated, based on the revised cost estimates in the DCP.

²⁸ Submission 7, p. 36

The Panel recommends:

Update the Development Contributions Plan, based on:

- a) **The removal of 11 Mahon Avenue from the Plan**
- b) **Revision of the Community Infrastructure contribution and the Development Infrastructure contribution relating to the upgrade of O’Neil Recreation Reserve, based on an amended estimate of the area’s lot yield and the percentage allocated to Glismann Road area.**

In Development Contributions Plan Overlay Schedule 5 amend the cost based on the cost estimates in the revised Development Contributions Plan.

7.3 Public Open Space

(i) Background

Aspects of public open space are included in three sections of the DCP:

- Construction of the shared path at the south of the site, linking to O’Neil Recreation Reserve, valued at \$69,000
- 0.3 hectares of land in the south-west of the area near Beaconsfield Primary School is included as public open space, and the land and development costs are included in the DCP. The land cost is valued at \$810,000 and the improvements at \$250,000
- 11 per cent of works on an upgrade of O’Neil Recreation Reserve (including oval works, lighting, fencing, drainage, footpaths, landscaping and carpark) are allocated to the area, adding \$147,750 to DCP costs.
- In addition, 11 per cent of the cost of a pavilion at O’Neil Recreation Reserve have been added as a contribution to Community Infrastructure, at an amount of \$217,800 to the DCP or \$892.62 per lot from an estimated 244 lots.

(ii) The issue

The issue is whether the cost of the public open space has been appropriately assessed as part of the DCP.

(iii) Evidence and submissions

Mr Paul Shipp gave evidence that the inclusion of public open space in the DCP was justified by citing:

- references to the need for provision of public open space in the Victoria Planning Provisions
- the action in the BSP to *“Require the provision of open space as part of the redevelopment of the Glismann Road area”*
- The default requirement under Schedule to Clause 53.01 of the Planning Scheme to require public open space contributions from all subdivisions for ‘urban residential purposes’ at a rate of 8 per cent.

He concluded:

- The need for and provision of open space within the Amendment area is well supported by State planning policy, local planning policy and the relevant local structure plan;

- There is a strong nexus between the provision of item OSLP-01 and the development of land in the Amendment area, particularly given that the majority of land will be within 400 metres of the reserve and that O’Neil Recreation Reserve primarily performs an active open space function; and
- The inclusion of local open space land and improvements in the DCP is a practical and equitable way of facilitating the provision of open space to meet local needs in lieu of public open space contributions under Clause 53.01 of the Planning Scheme.²⁹

(iv) Discussion

The Panel accepts the principle that the public open space will be of benefit to the residents of the Glismann Road area, and so the costs should be shared across the whole development.

(v) Conclusion

The Panel concludes that:

- Public open space should form part of the DCP, and the shared path, 0.3 hectares of public open space in the south-west of the area and the contribution to the upgrade of O’Neil Recreation Reserve are justified.

7.4 Roads and traffic management

(i) The issue

The issues are whether the estimated costs of roads and traffic management devices are appropriate, and whether they have been allocated in a fair way. There are four specific issues:

- Should the local roads linking to the proposed western loop road (RD-03 and RD-04) be included in the DCP?
- Should the cost of reconstructing Glismann Road north of the proposed roundabout be included?
- Should the proposed roundabout in Glismann Road be replaced with a less expensive reverse-priority T-intersection?
- Should the costs of the functional layout plan be allocated to the first application to subdivide land with access to Glismann Road, or included within the DCP?

(ii) Evidence and submissions

Local roads linking to the western loop

Submission 16 expressed concern about the level of costs in the DCP is ‘sizeable’, impacting the feasibility of subdivision. It proposed that ‘the Roadways other than Glismann Road should be financed by the properties using those particular other Roadways’.

Submission 11 proposed that the local roads linking to the western loop should be excluded from the DCP:

We hereby object to the excessive amount of infrastructure required (i.e. roadways) and state that there is a clear lack of nexus presented between this and the forecasted yields. In short, the capacity of the road network has the ability to cater for a much greater volume of traffic and in turn, a greater density across the subject area.

²⁹ Paul Shipp, Urban Enterprise, , *Expert Evidence Statement*, 19 April 2021, p. 21

We have a fundamental concern and strongly oppose the proposition that the primary throughfare through the site (i.e. Glismann Road), for which significant DCP funding is apportioned, is not being utilised to its full capacity. We say its utilisation is even more critical when dealing with the fragmented nature and limited size (21ha) of the subject area. Glismann Road represents the common, connecting element within the subject area, yet Council's approach looks to steer traffic to a second 'collector road' which is required to be delivered through a number of landholdings and self-funded. We say this represents an impractical solution for the site.³⁰

Mr Davis submitted that it was reasonable to include the construction costs of the local roads in the DCP, but not the land costs:

We make this assertion on the basis that the future subdivision of land with a direct frontage to RD-03, 04 and 05 (i.e. properties 3, 16 and 1 (6, 16 and 1 Glismann Road), as identified in the Glismann Road DCP Land Budget) will benefit from the ability to gain direct property access to these key local access streets. It is submitted that a key principle for including land for a road project in a DCP usually limited to circumstances where properties are unable to gain direct access to it. To this end, the land required for a restricted access road does not form part of the NDA of a given area on the basis that development would need to build a secondary road to service the lots.

We argue that this is not the situation here in Glismann Road. We submit that the imposition of these segments of the loop road on the particular parcels is not unreasonable and amounts to works normal to a subdivision because there are no limitations of direct property access. Furthermore, any subdivision of land proposing the creation of lots would be expected to deliver the local street network.

We therefore argue that the inclusion of the land component is an unnecessary indulgence and imposes an unnecessary cost on the DCP and we note that removing the land component specifically for RD-03, 04 and 05 from the DCP reduces the overall cost of the DCP by \$1,290,000.00 or \$77,199.28 per hectare NDA.³¹

In his evidence, Mr Paul Shipp supported the inclusion of the construction and land costs for the access streets:

An important principle underpinning the approach to cost apportionment of local roads is that the local roads have been designed as an overall 'network' to provide access and circulation of traffic within the Amendment area.

An example of the 'network' approach is that due to topography and subsequent sight-line restrictions on Glismann Road, the north-south access road has been included in the proposed Development Plan to provide alternative road access to the western sections of properties on the western side of Glismann Road – these sections contain the majority of Net Developable Area within those properties.

All properties in the Amendment area benefit from the upgrades to Glismann Road because all properties rely to some extent on frontage and possible access to the road and/or access to Old Princes Highway via Glismann Road. Therefore, in my view it is equitable for the Glismann Road upgrades to be included in the DCP.

The alternative to including local roads (such as Glismann Road) in the DCP is to impose planning permit conditions for individual applications requiring road upgrades within and to individual developments. Given the fragmented landownership, in my view this is highly unlikely to result in a practical or equitable infrastructure delivery program.

The other access roads, being the north-south access road in the western section of the Amendment area, and the access roads to the east of Glismann Road, are of

³⁰ Submission 11, p. 3

³¹ Stephen Davis, Glismann Road Residents, 5 May 2021, p. 5

lesser benefit to other properties across the Amendment area - this is why these road are not included in the DCP. The only exceptions are the sections of these roads which provide critical access points back to Glismann Road and which would impose a greater construction and land cost on the affected landowner if the sections were not included in the DCP – therefore, RD-03, RD-04 and RD-05 are included in the DCP to ensure equity.³²

Glismann Road north of the proposed roundabout

Submission 11 accepted the principle of development contributions, but opposed inclusion of the cost of reconstructing Glismann Road north of the proposed roundabout (RD-02), on the basis that *“the DPO looks to restrict access to this road”*.

In his evidence, Mr Paul Shipp stated that Glismann Road needs to be sealed and upgraded to meet design guidelines. Further:

...this requirement will fall on the first subdivision requiring access to the road. If the upgrade is not included in the DCP, it would be inequitable for the first developer to be required to construct the upgrade without being able to recoup some of this cost from other landowners on an equitable basis.³³

Council responded that the best solution for Glismann Road was included in the Amendment, given its significant site constraints.

Replacement of the proposed roundabout

Mr Davis submitted that the replacement of the proposed roundabout with a reverse-priority T-intersection would reduce the construction cost and land take, and therefore lead to a reduced cost to the DCP.

Cost of functional layout plan

Mr Davis submitted that it was appropriate to require a functional design for the whole of Glismann Road:

However, we consider that the requirement for the first planning permit application to prepare a Functional Layout Plan (FLP) for the entire length of Glismann Road is an onerous requirement and has the potential to unintentionally prejudice later development sites along Glismann Road by locking in the outcomes before site specific analysis and design response can be prepared for future applications.

It is our submission that given there will be limited opportunities for third party notice and review, that greater transparency of the approvals process for the FLP is required and we ask that Council provide information on this matter. Furthermore, we seek confirmation from Council that the cost of producing the FLP is covered within the construction cost for RD-02 of the Glismann Road DCP.³⁴

In its closing submission, Council proposed:

- DPO19 be amended so that the FLP need not be developed for all the road length
- Project RD-02 of the Glismann Road DCP be amended to:

... include the survey/design cost (line item 10.4 of Table 3: RD-02 Glismann Road part construction costs – Access Street Level 1.5 page 7 of Glismann Road Development Contributions Plan Project Sheets). This will increase the DCP project

³² Paul Shipp, Expert Evidence Statement, 19 April 2021, p. 22

³³ Paul Shipp, Expert Evidence Statement, 19 April 2021, p. 12

³⁴ Stephen Davis, Glismann Road Residents, 5 May 2021, p. 5

cost from \$1,085,275 to \$1,213,442 (which is an increase of \$128,167 to the Glismann Road DCP), the 'marked up' project sheet is provided in Attachment D.³⁵

(iii) Discussion

Local roads linking to the western loop

The Panel considers that the western loop road provides strategic benefit to the network, beyond the provision of access to properties along the proposed new road (as discussed in Chapter 6.6 of this report). It also accepts the principle outlined in Mr Shipp's evidence – roads that provide critical access points back to Glismann Road should be included in the DCP to ensure equity. On this basis, it accepts the proposition that land and construction costs should be included in the DCP.

Glismann Road north of the proposed roundabout

The Panel also accepts that Glismann Road will remain a significant part of the road network as the development proceeds. Its role will change as the area's population increases and the western loop road is constructed, but it remains an important element of an area with limited connectivity.

Replacement of the proposed roundabout

As discussed in Section 6.6 of this report, the Panel accepts that the reverse-priority T-intersection may provide satisfactory safety outcomes, and its cost may be lower than the proposed roundabout.

Cost of functional layout plan

The Panel supports Council's approach to the FLP. It is appropriate that there is funding for this in the DCP and some flexibility over its design length to allow relevant land owners to have input when they have progressed thinking of the access needs of their sites.

(iv) Recommendation

The Panel recommends:

Update the Development Contributions Plan based on:

- **an updated Project RD-02 that includes the survey/design cost (line item 10.4 of Table 3: RD-02 Glismann Road part construction costs – Access Street Level 1.5) to provide for the cost of the Functional Layout Plan.**

³⁵ Council closing paragraph 42

Appendix A Submitters to the Amendment

No.	Submitter
1	South East Water
2	Gray Kinnane
3	Peter Hynes
4	Lynn Williams
5a & b	Pandeli Halamandaris
6	Sue and Ken Grigg
7a & b	Axiom Planning and Design
8	Kerry Messina-Griffiths
9	Melbourne Water
10	Environment Protection Authority
11	The North Planning
12	Beaconsfield Primary School
13	Marie Collins
14	Allan Poulton
15	Country Fire Authority
16	Peile Lesleigh
Letter	Department of Education and Training

Appendix B Document list

No.	Date	Description	Provided by
1	19/4/2021	Cardinia Shire Council Part A submission, 19 April 2021	Ms Lablache
2	19/4/2021	Ali Abdou, Trafficworks, – Traffic Matters: Expert Witness Statement	Mr Abdou
3	19/4/2021	Paul Shipp, Urban Enterprise, - Expert Evidence Statement	Mr Shipp
4	27/4/2021	John-Paul Maina, Impact Traffic Engineering Pty Ltd, : Expert Evidence - Transport	Mr Maina
5	30/4/2021	Cardinia Shire Council, Part B submission	Ms Lablache
6	3/5/2021	Marked up plan used during site visit	Ms Lablache
7	4/5/2021	Schedule 19 To Clause 43.04 Development Plan Overlay: marked up copy of post-Exhibition changes	Ms Lablache
7	5/5/2021	Axiom Planning and Design: Submission on Behalf of Fred & Liza Li, 11 Mahon Avenue, Beaconsfield	Ms Greening
8	5/5/2021	Urbis Pty Ltd, Submission: Glismann Road Residents	Mr Davis
9	5/5/2021	John-Paul Maina, Technical Note 01: Alternate Intersection Design & Access Arrangements	Mr Davis
10	5/5/2021	Impact Traffic Engineering Pty Ltd, Traffic Addendum Plan No. 1, Drawing Number IMP2104040-DG-01-01	Mr Davis
11	5/5/2021	Impact Traffic Engineering Pty Ltd, Traffic Addendum Plan No. 2, Drawing Number IMP2104040-DG-01-02	Mr Davis
12	7/5/2021	Universal Planning, : Submission on behalf of Leanne and Richard Spalding (with Appendices)	Mr O'Brien
13	7/5/2021	15 Glismann Road, Level and Feature Survey	Mr O'Brien
14	7/5/2021	Preliminary Plan of Subdivision at 15 Glismann Road	Mr O'Brien
15	7/5/2021	Council Talking Notes – Closing submission	Ms Lablache
16	10/5/2021	Urbis Pty Ltd, Glismann Road Residents Supplementary Comments	Mr Davis
17	13/5/21	Axiom Planning and Design: Submission on Behalf of Fred & Liza Li, 11 Mahon Avenue, Beaconsfield Submission	Ms Greening
18	14/5/21	Panel Direction for additional Hearing day on 2 June 2021	PPV
19	7/7/21	Further direction on closing submissions	PPV
20	26/7/21	Department of Transport response to Council RE full-turning access to 111-113 Princes Highway Beaconsfield	Ms Hazendonk
21	22/9/21	Further direction on closing submissions	PPV
22	29/10/21	Council Closing submission including: - Attachment A.1 –Cardinia Shire Talking Notes for scheduled time for Council’s closing submission 7 May 2021 (‘talking notes	Ms Lablache

No.	Date	Description	Provided by
		<p>7 May')</p> <ul style="list-style-type: none"> - Attachment A.2 –Cardinia Shire Talking Notes used during the Part B submission presented on the 4 May 2021 ('taking notes 4 May') - Attachment B – 'Tracked changes' DPO19 (Version 3) (includes Council suggested changes for the Panel's consideration and the 'tracked changes' of (DPO19 (Version 2) which was provided to the Panel in Council's Part B submission) ('DPO19 (Version 3)') - Attachment C – Restricted Vehicle Access Options table prepared by Trafficworks - Attachment D – 'Marked up' RD-02 Glismann Road part construction costs – Access Street Level 1.5 (page 7 of Glismann Road DCP Project Sheets) - Attachment E.1 – Council email sent to Department of Transport (DoT) on 11 May 2021 regarding proximity of an access road to the new signalised intersection at Glismann Road - Attachment E.2 – Department of Transport response dated 28 May 2021 - Attachment F – Council Report 16 July 2016 (Connection of Glismann Road to Patrick Place shown) - Attachment G – Council Report 18 February 2018 (Connection of Glismann Road to Patrick Place deleted) - Attachment H – Amended Offset Management Plan for 4 Glismann Road - Attachment I – Summary of Council's submitted changes - Attachment J – Location of proposed DCP items (p 10 exhibited GRDCP) 	
23	11/10/21	Traffic Technical Note (on behalf of Glismann Road Residents)	Cherish Lee
24	20/10/21	Further submission from Marie Collins 20 October 2021	Ms Collins
25	29/10/21	Final versions of documentation	Ms Lablache

Appendix C Panel preferred version of the Development Plan Overlay Schedule 19

~~Tracked Added by Council Part B~~

~~Tracked Deleted by Council Part B~~

~~Tracked Added by Council closing~~

~~Tracked Deleted by Council closing~~

~~Tracked Added by Panel~~

~~Tracked Deleted by Panel~~

SCHEDULE 19 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO19**.

1.0 Objectives

- To create a residential precinct that delivers high quality urban design outcomes through a variety of lot sizes which respond to the existing natural topography and landscape features of the development plan area.
- To protect and maintain the visual prominence of vegetated hilltops and hillsides when viewed from within and outside of the development plan area.
- To encourage a subdivision layout which maximises the retention of existing vegetation, minimises the overall disturbance to the terrain and ensures that buildings and structures are sited so that they do not visually dominate the landscape.
- To guide an integrated and coordinated design approach to an area with fragmented land ownerships.

2.0 Requirement before a permit is granted

A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority for the following:

- A minor extension, minor addition or minor modification to an existing building.
- Minor drainage works.
- Minor earthworks.
- The use and development of land provided the use or buildings or works will not prejudice the future use or development of the land in an integrated manner.
- The use, development or subdivision of land by a public authority or utility provider.
- The re-subdivision of existing lots (boundary realignment), provided the number of lots is not increased.
- Development of 11 Mahon Road provided a pedestrian link is provided to its eastern boundary that is capable of extension in the balance of the DPO area.

A permit must not be granted to subdivide land until a development plan has been prepared to the satisfaction of the responsible authority.

3.0 Conditions and requirements for permits

Requirements

All proposals to use or construct a building or construct or carry out works before a development plan has been prepared must be accompanied by the following:

- A site analysis plan that identifies:
 - the key attributes of the land as well as its relationship with the surrounding area and the future use of adjoining land;
 - the topography of the site, including the location of slope exceeding 20% per cent and visually prominent hilltops/hillsides to be protected and enhanced (as identified in *Hansen Partnership (June 2014) Glismann Road, Beaconsfield Landscape Assessment* and *Hansen Partnership (August 2014) Glismann Road, Beaconsfield Landscape Management Framework*); and
 - the location of vegetation.
- A report demonstrating that:
 - The proposal will not have a detrimental impact on the amenity of the area or prejudice the future development of the land for residential purposes as identified in Figure 1 to this schedule.
 - The proposal responds to existing physical, environmental and visual characteristics of the site and surrounding area by:
 - protecting and enhancing areas of native vegetation;
 - protecting and maintaining the visual prominence of vegetated hilltops and hillsides when viewed from outside the Glismann Road area;
 - demonstrates use of colours and materials that are sympathetic of the natural surrounds;
 - details of proposed batters, cut and fill earthworks, retaining walls, and/or drainage solutions required for the use or development of land; and,
 - prevents development on areas with existing pre-development slope of over 20% per cent.

All proposals to subdivide land must be accompanied by the following:

- An assessment of how the proposal implements the vision, objectives, requirements and guidelines of the approved Development Plan, specifically:
 - existing physical, environmental and visual characteristics of the site and surrounding area, including the use of colours and materials that are sympathetic to the natural surrounds;
 - functional and safe subdivision which incorporates environmentally sensitive design;
 - subdivision layout and the distribution of lot sizes which respond to the visual sensitivity of the area, landscape character, topographical features and retention of significant vegetation and other identified characteristics;
 - site earthworks such as batters, cut and fill and retaining walls designed to have the least visual impact on the environment and landscape;
 - protection and, where necessary, rehabilitation of vegetation, particularly on prominent hill faces/ridgelines and roadsides;
 - strategically positioned building envelopes to respond to the landscape character, native vegetation and the significantly steep topographical features of the area;
 - active interfaces with adjacent streets, open space and key pedestrian locations to increase the sense of safety / surveillance within and surrounding the area; and
 - cohesive development that facilitates connectivity between adjoining lots and minimises court bowls.
- An overall masterplan for all land in contiguous ownership of the landowner demonstrating the:

- lot yield;
- density distribution;
- identify lots affected by a restriction/envelope; and,
- an indication of staging of subdivision and timing.

Documentation should clarify the purpose of the restriction/envelope and what buildings and/or works the restriction/envelope restrictions apply to.

- If the subdivision application includes land affected by the access streets located either side of Glismann Road as identified in Figure 1 of this schedule, a staging plan must be prepared that demonstrates the delivery of the access street connections in the first stage of development and that the access street is constructed to the title boundary of the adjoining property.
- A Transport Impact Assessment Report that responds to *Trafficworks (June 2020 updated document date) Glismann Road Residential Development, Beaconsfield, Traffic Impact Assessment Report* to the satisfaction of the relevant roads authority (be it VicRoads Department of Transport or Council). If the road network and movement is altered through the preparation of the Development Plan, a new Traffic Impact Assessment Report must be provided to the satisfaction of the relevant roads authority (be it Department of Transport or Council).
- An Infrastructure Plan which addresses the following:
 - what land may be affected or required for the provision of infrastructure works;
 - what, if any, infrastructure set out in the infrastructure contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency;
 - any relevant traffic report or assessment;
 - the provision, staging and timing of road works internal and external to the land;
 - the first application to subdivide land with access to Glismann Road (Access Street – Level 1.5) must be accompanied by a functional design for the entire length of the road, or a length of road to the satisfaction of Responsible Authority and include plans demonstrating the following:
 - a complete sight lines assessment along the roadway ~~with~~;
 - ~~limited no vehicle~~ access from individual properties along Glismann Road at the crest of the hill, and 30 m either side of the crest;
 - compliance with sight distance requirements as set out in Australian Standard AS2890.1 and Austroads Guide to Road Design;
 - a road pavement of 6.5 m;
 - no on-street parking at the crest and within the 30 m of the crest of the hill;
 - traffic calming devices as identified in Figure 1 of this Schedule; and,
 - a 3 m shared path on the western side only.
 - the landscaping of any land;
 - the provision of public open space ~~with~~ the first application to subdivide land containing public open space must be accompanied by an indicative concept master plan for the entire local park; and,
 - any other matter relevant to the provision of infrastructure required by the Responsible Authority.
- A Stormwater Management Strategy which provides for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water and the Responsible Authority.
- ~~The first~~An application to subdivide land must, in consultation with Melbourne Water and Cardinia Shire Council address the timing of the delivery of the levee bank shown in Figure 1, unless otherwise agreed by the Responsible Authority.

- An assessment by a suitably qualified cultural heritage professional that addresses the recommendations outlined in *Tardis Enterprises Pty Ltd (November 2010) The Glismann Road, Beaconsfield Structure Plan Cultural Heritage Management Plan (CHMP) 11452*.
- An assessment that responds to the *Meinhardt (March 2015) (updated May 2020), Glismann Road Development Plan Contaminated Land Study*:
 - A site assessment (*DELWP (June 2005), Potentially Contaminated Land General Practice Note (PPN30)*) is required to determine whether an Environmental Audit is required prior to the commencement of any development on the following properties:
 - 1 Glismann Road Lot 10 LP3783 Beaconsfield;
 - 2 Glismann Road Lot 2 LP64568 Beaconsfield;
 - 8 Glismann Road Lot 25 LP3783 Beaconsfield; and
 - 10 Glismann Road L24 LP3783 Beaconsfield; and
 - ~~11 Mahon Avenue PT Lot 13 LP2593 Beaconsfield.~~
- A flora and fauna assessment that responds to Ecology Partners Pty Ltd (October 2010) Biodiversity Assessment for Area 1, 'Beaconsfield', Beaconsfield, Victoria.
- A Native Vegetation Information Management (NVIM) report and establish the protection requirements for any vegetation to be retained.
- A Slope Management Plan be prepared by a suitably qualified person generally in accordance with the Slope Management Guidelines approved as part of the Development Plan. The Slope Management Plan must include an assessment of how the plan responds to the Slope Management Guidelines and include:
 - ~~A statement of how the application responds to the visual sensitivity of the area, topographical features and retention of areas with significant vegetation and other identified characteristics identified in the development plan, specifically:~~
 - ~~describing how any land with a pre-development slope over 10% will be subdivided and/or developed to complement adjacent land;~~
 - ~~no development of areas with existing pre-development slope of over 20%; and,~~
 - ~~a design response of how areas of slope over 20% will be managed through the implementation of the Slope Management Plan.~~
 - Identification of:
 - natural topography and any earthworks which may have occurred over time;
 - any fill which may have occurred over time; and
 - any works proposed to alter ground levels, where this can reduce areas of substantial slope.
 - Proposed road cross sections and long sections to demonstrate how slopes over 10% per cent are being responded to through the road design.
 - Details of all proposed batters, cut and fill earthworks, retaining walls, driveway crossover locations and drainage solutions required for the subdivision of land that includes an existing pre-development slope of greater than 10% per cent.
 - Detail of how the use of building envelopes (or an alternative design response) responds to the slope management methods utilised.
 - Detail of what works outlined in the Slope Management Plan will be undertaken by the developer prior to the issues of the Statement of Compliance.
- Building design guidelines and fencing controls which addresses the housing planning and design guidelines.
- A Landscape Masterplan which illustrates how the proposed development is responsive to the development including key themes, landscape principles and character that will define the subdivision and/or development.

If in the opinion of the Responsible Authority an application requirement listed is not relevant to the assessment of an application, the Responsible Authority may waive or reduce the requirement.

Conditions

A condition that requires either an envelope/notice of restriction or an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 on the certified plan of subdivision, and recorded on the Certificate of Title of the land be implemented for the following:

- A restriction/envelope to prevent development on areas within the ‘substantial area of slope 20% per cent and over’ as shown in Figure 1 to this Clause.
- A restriction/envelope to maintain landscape character, native vegetation and significantly steep topographical features of the site where applicable. for areas identified as ‘standard residential with envelopes’ and ‘low density residential with envelopes’ as shown in Figure 1 to this Clause.
- Allow only one (1) single dwelling on each lot and specify that lots may not be further subdivided for areas within the
 - ‘substantial area of slope 20% per cent and over’;
 - ~~‘standard residential with envelopes’; and,~~
 - ~~‘low density residential with envelopes’ as shown in Figure 1 to this Clause.~~
- Building design guidelines and fencing controls.

The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).

If a site assessment recommends an environmental audit of all or part of the land, then a permit must include the following condition:

Update to reflect new legislation

- Before the commencement of any use for a sensitive purpose; or before any buildings or works; or before the certification of a plan of subdivision; whichever is the earlier in respect of all or that part of the land as the case may be, the following must be provided to the Responsible Authority:
 - A Certificate of Environmental Audit issued for the relevant land in accordance with Part 1XD of the Environment Protection Act 1970; or
 - A Statement of Environmental Audit issued for the relevant land in accordance with Part 1XD of the Environment Protection Act 1970 stating that the environmental conditions of the relevant land are suitable for a sensitive use (with or without conditions on the use of the site).

If a Statement of Environmental Audit is provided rather than a Certificate of Environmental Audit and the Statement of Environmental Audit indicates that the environmental conditions of the land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 before the construction of any building on the relevant land providing for the:

- Implementation and on-going compliance with all conditions in the Statement of Environmental Audit; and
- The payment of the Responsible Authority's legal costs and expenses of drafting/reviewing and registering the agreement by the owner of the land.

4.0 Requirements for development plan

A development plan must be generally in accordance with Figure 1 of this Schedule and must be prepared to the satisfaction of the Responsible Authority for the whole ~~site or prepared in two parts as follows:~~

- ~~All lots on the west side of Glismann Road~~
- ~~All lots on the east side of Glismann Road~~

A development plan must include ~~the following~~: a vision statement, objectives, requirements and guidelines that will guide development in the development plan area.

- ~~▪ A requirement that a permit for subdivision must not be granted until the signalised intersection at the Old Princes Highway / Glismann Road / Beaconsfield Avenue has been constructed and controlled to the satisfaction of the Responsible Authority.~~

Site analysis plan

- A site analysis plan that:
 - responds to the recommendations and mitigation measures outlined in:
 - *Ecology Partners Pty Ltd (October 2010) Biodiversity Assessment for Area 1, 'Beaconsfield', Beaconsfield, Victoria*
 - *Hansen Partnership (June 2014) Glismann Road, Beaconsfield Landscape Assessment*
 - *Hansen Partnership (August 2014) Glismann Road, Beaconsfield Landscape Management Framework*
 - *Trafficworks (June 2020 updated document date) Glismann Road Residential Development, Beaconsfield, Traffic Impact Assessment Report;*
 - *Meinhardt, (March 2015)(updated May 2020) Glismann Road Development Plan Contaminated Land Study*
 - *Tardis Enterprises Pty Ltd (November 2010) Glismann Road, Beaconsfield Structure Plan Cultural Heritage Management Plan (CHMP) 11452*
 - *Water Technology (July 2014) Glismann Road Drainage Scheme*
 - *Water Technology (May 2016) Additional Flooding and Water Quality Assessments (Memo) (INC1633283).*
 - identifies key interface areas within the site as well as between the site and adjoining development, including Beaconsfield Primary School, open space areas, public transport, walking and cycling connections; and
 - identifies visually prominent hilltops and hillsides, including significant views of the site and views from the site, including:
 - the location of steep slopes of ~~20% per cent~~ or more; and,
 - the location of vegetation.

Slope Management Guidelines

- Slope Management Guidelines for the subdivision and/or development of land with a pre-development slope over ~~10% per cent~~ that provides clarity and consistency for subdivision and development applications.
- The Slope Management Guidelines must include a statement of how the guidelines respond to the visual sensitivity of the area, topographical features and retention of areas with significant vegetation and other identified characteristics identified in the development plan, and include:
 - Slope Management Design Principles for:
 - The road network, including typical road cross sections and long sections to demonstrate how slopes over ~~10% per cent~~ are to respond through the road design.
 - Batters, cut and fill earthworks, retaining walls, driveway crossover locations and drainage solutions.
 - Lot layout and design guidelines.
 - Buildable areas / building envelopes including detail of how the use of building envelopes (or an alternative design response) can be used to respond to slope management.
 - Areas of slope over ~~20% per cent~~ and options of how they could be managed through the implementation of a Slope Management Plan. No development is permitted on areas with existing pre-development slope of over ~~20% per cent~~.

- Engaging in discussion with adjoining landowners regarding the treatment of the change in grade between the property boundaries.
- A statement of what works outlined in the Slope Management Plan will need to be undertaken by the developer prior to the issues of the Statement of Compliance.

Staging

- Details on staging of the subdivision and/or development including the provision of the internal road network.

Housing requirements and subdivision

- An indicative lot layout that:
 - includes a diverse range of lot sizes generally in accordance with Figure 1;
 - responds to the landscape character, topographical features and visual sensitivity of the area;
 - retains native vegetation; and,
 - provides building envelopes to maintain landscape character, native vegetation and significantly steep topographical features ~~for areas identified as ‘standard residential with envelopes’ and ‘low density residential with envelopes’.~~
 - Acknowledgment that, based on the assessment of the road network capacity, the development plan lot yield is a total of 330 lots.
- Design guidelines for buildings and fencing to provide clarity and consistency for subdivision and development applications to ensure:
 - the siting, height, scale, materials, colours and form of proposed buildings and works will be designed to have the least visual impact on the environment and landscape;
 - dwellings and garages do not dominate the streetscape;
 - dwelling design provides for passive surveillance and attractive streetscapes;
 - topography is suitably addressed through dwelling, fencing and retaining wall design;
 - fencing visible from the public realm is minimised and provides for passive surveillance and attractive streetscapes; and
 - landscaping provides for passive surveillance and attractive streetscapes.
- A housing capacity analysis that assesses how affordable housing will be distributed throughout the site and how the proposed mix and type of housing responds to local housing needs.

Vegetation, landscape and views

- A landscape master plan that provides clarity and consistency for subdivision and development applications and:
 - responds to the recommendations and mitigation measures outlined in:
 - *Ecology Partners Pty Ltd (October 2010) Biodiversity Assessment for Area 1, ‘Beaconsfield’, Beaconsfield, Victoria*
 - *Hansen Partnership (June 2014) Glismann Road, Beaconsfield Landscape Assessment*
 - *Hansen Partnership (August 2014) Glismann Road, Beaconsfield Landscape Management Framework*
 - *Tardis Enterprises Pty Ltd (November 2010) Glismann Road, Beaconsfield Structure Plan Cultural Heritage Management Plan (CHMP) 11452*
 - enhances areas of native vegetation;
 - protects and maintains the visual prominence of vegetated hilltops and hillsides when viewed from outside the development plan area;
 - includes an indicative plant and materials schedule; and,

- continues adjoining approved landscape themes.

Public Open Space

- Provide for an area of 0.3 ha of public open space area generally in accordance with Figure 1.

Road Network and Movement

- Roads must be designed and constructed generally in accordance with Figure 1 and a road network and movement plan must:
 - respond to the recommendations and mitigation measures outlined in *Trafficworks (June 2020-updated document date) Glismann Road Residential Development, Beaconsfield, Traffic Impact Assessment Report; unless otherwise agreed by the Responsible Authority;*
 - respond to the existing topography and encourages an integrated solution that will provide connected street access through the Glismann Road area;
 - provide an efficient, legible and safe internal movement and ensure all properties are development to their maximum potential;
 - locate roads to minimise the extent of cut and/or fill that is visible from areas outside the site;
 - discourage cul-de-sacs gaining access from Glismann Road;
 - provide a shared path along the top of the levee bank proposed along the south border of the development site (Old Princes Highway);
 - ensure there is no vehicular connection through to Patrick Place or Timberside Drive;
 - ensure that roads abutting the proposed local park and the O'Neil Recreation Reserve are designed to achieve slow vehicle speeds, provide on street parking and designated pedestrian crossing points;
 - demonstrate how pedestrian links to the reserves can be provided through the future local street network;
 - show location of the 30 m no access location for Glismann Road;
 - include indicative possible access points for driveways and/or side streets from Glismann Road.
- address how the road connection will be facilitated between the following properties:
 - 12 (Lot 23, LP 3783) Glismann Road, Beaconsfield and 11 Mahon Avenue (Pt Lot 13, LP2593 and Pt Lot 2 TP258025), Beaconsfield;
 - 111-113 (Lot 1, TP 627007), 115-117 (Lot 1, TP 579082), 119-121 (Lot 8, LP 3783), 123-125 (Lot 9, LP 3783) Old Princes Highway, Beaconsfield and 1 (Lot 10, LP 3783) Glismann Road, Beaconsfield.

Integrated Water Management and Utilities

- An integrated water management plan that ensures residential developments provide an integrated water management system and:
 - responds to the recommendations and mitigation measures outlined in:
 - *Water Technology (July 2014) Glismann Road Drainage Scheme*
 - *Water Technology (May 2016) Additional Flooding and Water Quality Assessments (Memo) (INC1633283)*
 - includes a levee bank of ~~0.45~~450 mm along the frontage of the four existing properties fronting Old Princes Highway and designed to:
 - follow the existing shared path located on Crown land;
 - abut 111-113 (Lot 1, TP 627007), 115-117 (Lot 1, TP 579082), 119-121 (Lot 8, LP 3783), 123-125 (Lot 9, LP 3783) Old Princes Highway, Beaconsfield;

- allow ingress and egress for the existing residences located along Old Princes Highway;
 - cross the table drain to the east, and in order to provide the greatest protection to the property at the eastern end (123-125 (Lot 9, LP 3783) Old Princes Highway, Beaconsfield) the alignment will need to include a structure to drain the local catchment upstream of the levee. is in accordance with current best practice water quality initiatives.
- An infrastructure plan that ensures all lots have access to potable water, electricity, reticulated sewerage, drainage, gas and telecommunications infrastructure.

Figure 1: Glismann Road Development Plan

