Planning and Environment Act 1987

Panel Report

Wyndham Planning Scheme Amendment C194 and Permit Application WYP7759/14
Lincoln Heath South Precinct Structure Plan

24 August 2015
Planning and Environment Act 1987
Panel Report pursuant to Section 25 of the Act
Wyndham Planning Scheme Amendment C194 and Permit Application WYP7759/14

Lincoln Heath South Precinct Structure Plan

24 August 2015

Kathy Mitchell, Chair

John Hartigan, Member
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Executive Summary</strong></td>
<td>i</td>
</tr>
<tr>
<td><strong>1 Introduction</strong></td>
<td>1</td>
</tr>
<tr>
<td>1.1 Context</td>
<td>1</td>
</tr>
<tr>
<td>1.2 Background to the PSP</td>
<td>2</td>
</tr>
<tr>
<td>1.3 State and Local Policy</td>
<td>3</td>
</tr>
<tr>
<td>1.4 Issues dealt with in this report</td>
<td>5</td>
</tr>
<tr>
<td><strong>2 Land Supply and Housing</strong></td>
<td>7</td>
</tr>
<tr>
<td>2.1 Key Issues</td>
<td>7</td>
</tr>
<tr>
<td>2.2 Submissions</td>
<td>7</td>
</tr>
<tr>
<td>2.3 Discussion</td>
<td>9</td>
</tr>
<tr>
<td>2.4 Conclusions and Recommendations</td>
<td>9</td>
</tr>
<tr>
<td><strong>3 Economic Considerations</strong></td>
<td>10</td>
</tr>
<tr>
<td>3.1 Key Issues</td>
<td>10</td>
</tr>
<tr>
<td>3.2 Submissions</td>
<td>10</td>
</tr>
<tr>
<td>3.3 Discussion</td>
<td>11</td>
</tr>
<tr>
<td>3.4 Conclusions</td>
<td>11</td>
</tr>
<tr>
<td><strong>4 Community Infrastructure and Open Space</strong></td>
<td>12</td>
</tr>
<tr>
<td>4.1 Key Issues</td>
<td>12</td>
</tr>
<tr>
<td>4.2 Submissions</td>
<td>12</td>
</tr>
<tr>
<td>4.3 Discussion</td>
<td>14</td>
</tr>
<tr>
<td>4.4 Conclusions</td>
<td>16</td>
</tr>
<tr>
<td><strong>5 Transport, Traffic and Access</strong></td>
<td>17</td>
</tr>
<tr>
<td>5.1 Key Issues</td>
<td>17</td>
</tr>
<tr>
<td>5.2 Submissions and Evidence</td>
<td>17</td>
</tr>
<tr>
<td>5.3 Discussion</td>
<td>23</td>
</tr>
<tr>
<td>5.4 Conclusions</td>
<td>25</td>
</tr>
<tr>
<td><strong>6 Point Cook Airfield</strong></td>
<td>26</td>
</tr>
<tr>
<td>6.1 Key Issues</td>
<td>26</td>
</tr>
<tr>
<td>6.2 Submissions and Evidence</td>
<td>26</td>
</tr>
<tr>
<td>6.3 Discussion</td>
<td>28</td>
</tr>
<tr>
<td>6.4 Conclusions and Recommendations</td>
<td>30</td>
</tr>
<tr>
<td><strong>7 Resolution of the Amendment and Application</strong></td>
<td>32</td>
</tr>
<tr>
<td>7.1 Amendment C194</td>
<td>32</td>
</tr>
<tr>
<td>7.2 Planning Permit Application WYP7759/14</td>
<td>33</td>
</tr>
</tbody>
</table>
Appendix A  List of Submitters
Appendix B  Hearing Document List

List of Figures

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Figure 1</td>
<td>Subject site and surrounds</td>
<td>1</td>
</tr>
<tr>
<td>Figure 2</td>
<td>Zoning of subject land and immediate surrounds</td>
<td>5</td>
</tr>
<tr>
<td>Figure 3</td>
<td>Future urban structure of Lincoln Heath South</td>
<td>8</td>
</tr>
</tbody>
</table>

List of Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANEF</td>
<td>Australian Noise Exposure Forecast</td>
</tr>
<tr>
<td>ANO</td>
<td>Australian Noise Ombudsman</td>
</tr>
<tr>
<td>DELWP</td>
<td>Department of Environment, Land, Water and Planning</td>
</tr>
<tr>
<td>EPA</td>
<td>Environment Protection Authority</td>
</tr>
<tr>
<td>GAA</td>
<td>Growth Areas Authority</td>
</tr>
<tr>
<td>MPA</td>
<td>Metropolitan Planning Authority</td>
</tr>
<tr>
<td>PSP</td>
<td>Precinct Structure Plan</td>
</tr>
<tr>
<td>PTV</td>
<td>Public Transport Victoria</td>
</tr>
<tr>
<td>RAAF</td>
<td>Royal Australian Air Force</td>
</tr>
<tr>
<td>UGB</td>
<td>Urban Growth Boundary</td>
</tr>
</tbody>
</table>
# Overview

## Summary

<table>
<thead>
<tr>
<th>The Amendment and Planning Permit</th>
<th>Wyndham Planning Scheme Amendment C194 and Permit Application WYP7759/14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Name</td>
<td>Lincoln Heath South Precinct Structure Plan</td>
</tr>
<tr>
<td>Subject Site</td>
<td>Area of 43.33 hectares, bound by Lincoln Heath residential area to the north, Point Cook Road to the east, vacant land to the south and the Alamanda residential estate to the west</td>
</tr>
<tr>
<td>The Proponent</td>
<td>Australand Property Group</td>
</tr>
<tr>
<td>Planning Authority</td>
<td>Metropolitan Planning Authority</td>
</tr>
<tr>
<td>Authorisation</td>
<td>Group authorisation AO1217 (2009)</td>
</tr>
<tr>
<td>Exhibition</td>
<td>23 April to 25 May 2015</td>
</tr>
<tr>
<td>Submissions</td>
<td>10 Agencies/Authorities</td>
</tr>
<tr>
<td></td>
<td>13 landholders and residents</td>
</tr>
<tr>
<td></td>
<td>1 proponent (Australand)</td>
</tr>
<tr>
<td></td>
<td>See full list of submitters at Appendix A</td>
</tr>
<tr>
<td>Referred Submissions</td>
<td>12 submissions referred, these being Submission Nos 2, 3, 4, 5, 6, 7, 8, 10, 12, 15, 16, 17</td>
</tr>
<tr>
<td></td>
<td>Submission 22 was resolved prior to the Hearing</td>
</tr>
<tr>
<td>Key Issues raised</td>
<td>Land supply and housing</td>
</tr>
<tr>
<td></td>
<td>Economic considerations</td>
</tr>
<tr>
<td></td>
<td>Transport, traffic and access</td>
</tr>
<tr>
<td></td>
<td>Community infrastructure</td>
</tr>
<tr>
<td></td>
<td>Point Cook Airfield</td>
</tr>
</tbody>
</table>
## The Panel Process

<table>
<thead>
<tr>
<th>The Panel</th>
<th>Kathy Mitchell (Chair) and John Hartigan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Appointment</td>
<td>16 June 2015, under provisions of s 96B, 153 and 155 of Planning and Environment Act 1987</td>
</tr>
<tr>
<td>Directions Hearing</td>
<td>30 June 2015 at Planning Panels Victoria</td>
</tr>
<tr>
<td>Panel Hearing</td>
<td>13, 14, 15 July 2015 at Planning Panels Victoria</td>
</tr>
<tr>
<td>Site Inspections</td>
<td>Unaccompanied by members prior to and post the Hearing</td>
</tr>
<tr>
<td>Appearances</td>
<td>Metropolitan Planning Authority, represented by Tim Peggie and Nat Anson</td>
</tr>
<tr>
<td></td>
<td>Wyndham City Council, represented by Elio Comello and Sam Freeman-Moir</td>
</tr>
<tr>
<td></td>
<td>Australand Property Group, represented by Ian Pitt SC of Best Hooper Lawyers, who called evidence from:</td>
</tr>
<tr>
<td></td>
<td>- Rob Milner of 10 Consulting in planning</td>
</tr>
<tr>
<td></td>
<td>- Charmaine Dunstan of Traffix Group in traffic</td>
</tr>
<tr>
<td></td>
<td>Kylee Brealey</td>
</tr>
<tr>
<td></td>
<td>Tony Hooper, represented by Kylee Brealey</td>
</tr>
<tr>
<td></td>
<td>Paul Harder, represented by Harry van Moorst</td>
</tr>
</tbody>
</table>

**Date of this Report** 24 August 2015
Executive Summary

The Lincoln Heath South Precinct Structure Plan relates to an infill area of land in Point Cook previously identified through the Logical Inclusions Advisory Committee process as being suitable to be included in the Urban Growth Boundary. The proposal is for development of 43.33 hectares of land of which approximately 23% or 10 hectares will be retained as encumbered and unencumbered open space. The net developable area is 33.16 hectares and it will realise approximately 497 dwellings at 15 dwellings per hectare.

A Panel was appointed to consider the Amendment and a concurrent planning permit application for the first stage of subdivision.

In summary, referred submissions to exhibition of the amendment and planning permit application related to land supply and housing; economic considerations; community infrastructure and open space; transport, traffic and access; and the Point Cook Airfield.

While the submissions from the community expressed significant concerns about the traffic implications of the Amendment, the Panel notes the ongoing work in the Wyndham area to help alleviate some of the recognised traffic issues. Many of the issues raised by the community related to not just this Precinct Structure Plan, but to matters affecting the whole of the region.

The Lincoln Heath South Precinct Structure Plan could be seen as an infill area for residential development and due to its size and projected population, does not warrant basic services such as a primary school, medical centre and active open space areas. The structure of the proposed development contributions through a section 173 Agreement will ensure that neighbouring facilities are upgraded for use by the Lincoln Heath South community, and others.

Overall, and based on the reasons in this report, the Panel considers that Amendment C194 to the Wyndham Planning Scheme should be adopted as exhibited, and planning permit application WYP7759/14 should be issued in accordance with Draft Planning Permit Version 3, subject to the following modifications:

1. Amend the Lincoln Heath South Precinct Structure Plan to incorporate the recommendations of the ‘Document changes matrix Version 0.1 July 2015’.
2. Amend Urban Growth Zone Schedule 15 (Document 7) to ensure all spelling mistakes are corrected (see for example, Clauses 4.4, 4.5 and 4.6) and that reference to the Clause 3.5 in Clause 3.0 is corrected.
3. Adopt Planning Permit WYP7759/14 (Document 34) and amend Conditions 7 and 8 to ensure consistency in the alphabetical ‘numbering’.
4. Review Table 1 in the Lincoln Heath South Precinct Structure Plan to remove reference to dual occupancy, consistent with the intention for the precinct as articulated in the draft Design and Siting Guidelines (June 2015).
5. Amend the Precinct Structure Plan through the Document changes matrix by substituting the text at 3.1.2 with:
Before Statement of Compliance, any lot within the 13-20 ANEF must include a restriction on title in the form of a Memorandum of Common Provisions or similar, that identifies the following requirements:

Identify that the land may be subject to aircraft noise associated with the air base and that it is the responsibility of the purchaser to enquire about potential aircraft noise and to noise attenuate the property

Any external lighting at the Lot must not be directed above the horizontal plane

All external roof cladding and roof materials must be of low reflectance

All buildings and development at the Lot must be not more than 15 metres in height above Natural Ground Level.

6. Insert the following additional bullet point under Clause 3.1 Subdivision – residential development

In addition to any requirement in 56.01-2, a subdivision design response must include:

• ... 

• The 13-20 ANEF (Australian Noise Exposure Forecast) contour as shown in the 2007 ANEF Contours RAAF Base Williams Point Cook Plan or any subsequent aircraft noise investigation undertaken in accordance with Australian Standard AS2021-2000 Acoustics – Aircraft noise intrusion – Building siting and construction (or later version).

It should be noted that the recommendation for approval of this Amendment and the planning permit does not provide endorsement for the proposed development of Point Cook South. That is a much larger area and the required planning and research must be undertaken as part of a forthcoming Precinct Structure Plan process for this area.
1 Introduction

1.1 Context

The Amendment applies to 43.33 hectares of land at 360-438 Point Cook Road and is referred to as Lincoln Heath South. The subject land is located in Point Cook and is bound by the Lincoln Heath residential area to the north, Point Cook Road to the east, vacant land to the south and the Alamanda residential estate to the west as shown in the Figure 1.

![Figure 1 Subject site and surrounds](image-url)

As exhibited, the Amendment changes the Wyndham Planning Scheme by:
- Incorporating the Lincoln Heath South Precinct Structure Plan 2014 (PSP 1207.1) in Clause 81
- Rezoning the land from Urban Growth Zone to Urban Growth Zone Schedule 15, noting there is a small portion of land zoned General Residential Zone along the northern boundary which is a cadastral mapping error
- Removing Development Plan Overlay Schedule 2
- Introducing Development Contributions Plan Overlay Schedule 16
- Requiring public open space contributions by amending the Schedule to Clause 52.01.

Additionally, the concurrent planning permit seeks to subdivide 12.36 hectares of the land in four stages on the north east corner of the site. This subdivision proposal will realise in the order of 145 lots ranging in size from 300 to 700 square metres. The planning permit application under section 96A of the Planning and Environment Act 1987 was accompanied by a detailed report by The Planning Group, plans by Calibre Consulting and other supporting material.
1.2 Background to the PSP

Mr Milner provided a very detailed overview of the history of the strategic planning imperatives relating to Wyndham and Point Cook as part of his evidence, which the Panel found useful. The key aspects of these are discussed further.

(i) Amendments C11, C12 and C16

Together, Amendments C11, C12 and C16 established a strategic and zoning framework for future urban development in the Point Cook region. Due to the nature of issues to be resolved, these amendments were heard together by the same Panel, with a combined report being produced in April 2001. Amendment C11 sought to rezone 53 hectares at 363 – 379 Point Cook Road from Rural Zone to Residential 1 Zone. Amendment C12 sought to rezone 110 hectares at 360 – 438 Point Cook Road from Rural Zone to part Residential 1 Zone in the north and part Rural Living Zone in the south. The southern portion of this land is the subject of this Amendment and now known as Lincoln Heath South.

Amendment C16 sought to update the Local Policy Planning Framework by replacing references to the 1996 Point Cook Concept Plan with the Point Cook Concept Plan 2000.

The Panel recommended Amendments C11 and C12 be adopted as generally exhibited and for Amendment C16 to be adopted subject to specified modifications.

(ii) Amendment C48

Amendment C48 sought to reduce the minimum lot size in Rural Living Zone Schedule for the subject land from 1 hectare to 0.4 hectare. Although the land was outside the growth area identified by Melbourne 2030, such a change to minimum lot size was considered by the Planning Authority to be consistent with the low-density residential development approved by Amendment C12.

The Panel recommended Amendment C48 be adopted subject to:
- a minimum lot size of 0.6 hectares being applied on the southern boundary
- acoustic treatments to ameliorate aircraft noise from the adjacent Point Cook Airfield being applied to any lots within 200 metres of Point Cook Road
- setbacks from Point Cook Road on any lots less than one hectare.

Following adoption by the Planning Authority, the Minister for Planning refused the Amendment in November 2006. The reason for this refusal is unknown.

(iii) Logical Inclusions Process

The logical inclusions process considered the suitability of land proposed for inclusion within the Urban Growth Boundary (UGB) and followed an earlier review in 2009 of the extent of the UGB. The then Minister for Planning tasked the Growth Areas Authority (GAA) with reviewing and assessing the merits of submissions made as part of the 2009 UGB review process, and any submissions made by Councils in the Growth Area during and since 2009 for additional land to be included in the UGB. In addition to location, eligible projects had to meet set standards and decision criteria outlined by the Minister for Planning.
The GAA referred the submissions and an assessment report for each of the four Growth Area corridors to the Logical Inclusions Advisory Committee appointed “to advise the Minister for Planning on the suitability of properties proposed for inclusion within the UGB”. That Advisory Committee made recommendations as to whether or not specific areas should be included in the UGB.

Land in Point Cook considered as part of this process was referred to as ‘Wyndham Area 1’ which comprised approximately 450 hectares. The Advisory Committee accepted that the whole of Wyndham Area 1 should be included in the UGB. Lincoln Heath South (360 Point Cook Rd) comprised approximately 43 hectares in the northern part of Wyndham Area 1.

The Chair of this Panel was the Chair of the Logical Inclusions Advisory Committee, and this fact was declared and noted at the Directions Hearing and at the commencement of this Panel Hearing.

Whilst supporting the inclusion of Lincoln Heath South for residential purposes, the Advisory Committee identified a number of threshold issues requiring resolution. It supported the position of Council and the GAA for a Precinct Structure Plan (PSP) and a Development Contributions Plan to be prepared for the site in order to resolve these issues with adequate opportunity for community input. The Advisory Committee therefore recommended it be included by applying the Urban Growth Zone allowing for a future PSP and Development Contributions Plan to be developed in due course.

The remainder of Wyndham Area 1 was also supported to be included in the UGB, but it was recommended this be zoned Farming Zone to enable existing use rights to be retained until precinct planning is complete for the wider precinct.

As Mr Pitt noted in his submission:

_Australand submits that the use and development of the Subject Land for urban development, and in particular residential development, was determined by the analysis by the Logical Inclusions Advisory Committee and the subsequent amendment to the Urban Growth Boundary to include the land the subject matter of the Amendment within the urban area of metropolitan Melbourne._

The Panel agrees with Mr Pitt that the debate has already been had about the suitability of the subject land being included in the UGB and that the rezoning of the land to Urban Growth Zone has already occurred.

### 1.3 State and Local Policy

The Melbourne Planning Authority (MPA) submitted that the Amendment is well supported by the relevant clauses in the State Planning Policy Framework:

- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 18 Transport
- Clause 19 Infrastructure.
Key planning influences identified in the Municipal Profile at Clause 21.01 which are relevant to the Amendment include:

- *Rapid population growth*
- *Growth area planning*
- *Housing diversity*
- *Liveability.*

Key planning issues identified in the Municipal Profile at Clause 21.01 which are relevant to the Amendment include:

- *Population growth creates the critical mass to support a wider range of businesses, services and jobs*
- *Population growth creates heavy demands on all forms of infrastructure and services*
- *Residential growth should align with the delivery of key infrastructure items and the delivery of economic and employment growth*
- *There will need to be the provision of at least 15 years’ land supply, to maintain availability of land*
- *The rapid growth of the City requires more attention to housing diversity, as well as housing density, to ensure that housing is sustainable and reflects community needs.*

The Panel considers that the impetus and rationale for the Lincoln Heath South PSP is well articulated through State and local policy and it concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework. There are no changes to State or local policy as a result of this Amendment.

The land is zoned Urban Growth Zone and is generally surrounded by General Residential Zone 1 to the west and north, Public Park and Recreation Zone and Green Wedge Zone to the east and Farming Zone to the south, as shown in Figure 2. It is also covered by Development Plan Overlay Schedule 2 which is proposed to be removed through this Amendment.
1.4 Issues dealt with in this report

There were 24 submissions made in response to the formal exhibition of the PSP, of which 10 were from agencies and authorities, and 13 from local landholders and residents. One submission was made by the proponent.

The Panel was advised that all issues raised in the agency and authority submissions have been resolved and no further action or discussion is required. Likewise, the submission from WGB Investments was resolved after the Directions Hearing, and the Panel was provided with an email from the submitter confirming this on Day 1 of the Hearing (Document 10). The MPA noted in its closing submission that it “presents the Amendment to the Panel as a ‘whole of Government’ response and with the support of Council and the landowner and developer, Australand”.

The Panel notes that Council established a community reference group to take the planning of the Logical Inclusions areas forward. In this regard, the Point Cook South Logical Inclusions Working Party was formed that comprised representatives of landowners, the community and Council (but not the MPA). While the Panel was informed that the group did not agree on various outcomes, it did work well together and was kept fully informed of progress of the PSP. Council’s submission noted:
The Working Party has met on 14 occasions. Representatives of the MPA and Australand have been in attendance at various meetings to present and discuss development of the Lincoln Heath South Precinct Structure Plan and the associated subdivision plan...

The Panel commends this process and concludes that it clearly has been productive and informative.

The MPA provided the Panel with a copy of PSP document changes prior to the Hearing which included the various modifications to the PSP as a result of further review of the issues raised in submissions and communication with agencies. This document is known as the 'Document changes matrix – Version 0.1 July 2015’, and it is the base document that the Panel has used for reference in this report. The MPA also provided a revised Urban Growth Zone (Clause 37.07) Schedule 15, a revised Schedule to Clause 52.17 (although this appears not to have been exhibited), and a revised draft permit (Documents 33 and 43), all of which the Panel has accepted and used as the base documents for review and consideration.

The Panel therefore is focussing its attention on the unresolved matters raised by the 12 landholder and resident submitters, three of which presented to the Panel. These outstanding matters are few and this report deals with these issues as under the following headings:

- Land supply and housing
- Economic considerations
- Community infrastructure and open space
- Transport, traffic and access
- Point Cook Airfield.

Overall, and based on the reasons in this report, the Panel considers that Amendment C194 to the Wyndham Planning Scheme should be adopted and planning permit application WYP7759/14 should be issued, subject to the following modifications:

1. Amend the Lincoln Heath South Precinct Structure Plan to incorporate the recommendations of the 'Document changes matrix Version 0.1 July 2015'.

2. Amend Urban Growth Zone Schedule 15 (Document 7) to ensure all spelling mistakes are corrected (see for example, Clauses 4.4, 4.5 and 4.6) and that reference to the Clause 3.5 in Clause 3.0 is corrected.

3. Adopt Planning Permit WYP7759/14 (Document 34) and amend Conditions 7 and 8 to ensure consistency in the alphabetical ‘numbering’.
2 Land Supply and Housing

2.1 Key Issues

The key issues raised in relation to land supply and housing are summarised as follows:

- There is already sufficient land supply in Point Cook
- Housing density should be at the upper end, and should preclude lots less than 300 square metres
- Housing in the precinct should be of a high quality.

2.2 Submissions

In relation to submissions that adequate housing stock is currently available, the MPA highlighted the extent and rate of recent population growth in the City of Wyndham which is expected to continue. The MPA emphasised the need to accommodate this growth with new dwellings as outlined in Plan Melbourne.

A number of submissions raised concerns relating to housing density, seeking a reduction in the proposed minimum density. One submission suggested the proposed rezoning should be to Neighbourhood Residential Zone which can encourage reduced density by setting a minimum subdivision area. A minimum subdivision area of 400 square metres was proposed (Submission 10).

In response to submissions seeking to reduce housing density, the MPA amended the PSP to require a minimum density of 15 dwellings per hectare, being a reduction from the average minimum of 16.5 dwellings per hectare. The effect of this will be a reduction in the total number of dwellings from almost 581 to 547 and at the Hearing, to 497.

Whilst supporting this reduction, Council’s submission described the lot mix as “comparable” to that found elsewhere in Point Cook with the average density being 16.5 dwellings per hectare. Council submitted this was consistent with the “minimum level required by State Planning Policy of 15 dwellings per hectare”. Mr Comello noted that dual occupancy and further subdivision which would ordinarily be supported in growth areas, will not be allowed under the draft Design and Siting Guidelines (June 2015) for this precinct and indicated this was considered appropriate, given the proximity to the Point Cook Airfield. Section 3.2 of this report notes:

One dwelling only is permitted per allotment. Dual occupancy and further subdivision is not allowed.

The Point Cook Action Group requested the MPA ensure a high quality of housing is delivered. Mr Anton of the MPA responded that quality would be assured through the standards set out in the PSP, Small Lot Housing Code, ResCode, Clause 56 of the Wyndham Planning Scheme, standard building regulations and the draft Design and Siting Guidelines prepared by Australand Property Group.

The future urban structure of Lincoln Heath South is shown as Figure 3.
Figure 3  Future urban structure of Lincoln Heath South
Source: Figure 9 of Mr Milner’s Expert Witness Statement
2.3 Discussion

The Panel accepts the proposed housing density is appropriate for the precinct and consistent with State Policy. Whilst the Neighbourhood Residential Zone can set a minimum subdivision size, the precinct does not demonstrate the established ‘neighbourhood character’ which would be necessary to support such a zone. The Panel considers the proposed minimum density an appropriate response to submissions and that the rezoning to residential land will help the municipality achieve the desired provision of “at least 15 years’ land supply” as expressed in the Municipal Profile at Clause 21.01.

The Panel notes the findings of the Logical Inclusions Advisory Committee that the land is suitable for residential purposes, and represents only a relatively small infill development which will not of itself create the need for any infrastructure as discussed in Chapter 4 of this report.

The Panel finds the PSP will provide a range of housing lot sizes which will deliver diversity in housing stock catering for different households which is consistent with State policy. The Panel accepts that quality of housing will be ensured through the range of mechanisms mentioned by the MPA and Council. The Panel notes that whilst the draft Design and Siting Guidelines prevent dual occupancy, they may be amended without consultation and the current PSP appears to allow dual occupancy (see Table 1 in the PSP).

2.4 Conclusions and Recommendations

The Panel concludes that the use of the land for residential purposes is supported and the proposed housing density is appropriate.

The Panel recommends that the MPA:

4. Review Table 1 in the Lincoln Heath South Precinct Structure Plan to remove reference to dual occupancy, consistent with the intention for the precinct as articulated in the draft Design and Siting Guidelines (June 2015).
3 Economic Considerations

3.1 Key Issues

The key issues raised in relation to economic considerations are the lack of employment opportunities and retail offerings included in the PSP.

3.2 Submissions

Individual submitters raised concerns that the precinct does not include any land for retail or other employment opportunities. In acknowledging this, the MPA referred the Panel to the close proximity of the precinct to emerging national employment clusters identified in Plan Melbourne located at East Werribee and Sunshine.

The East Werribee Employment Cluster, currently home to over 7,100 jobs, is intended to provide local residents with access to approximately 58,000 employment opportunities specifically encouraging research, technology, education, health and business services. The East Werribee Employment Precinct Structure Plan (September 2013) was incorporated into the Wyndham Planning Scheme as part of Amendment C179 to encourage new employment opportunities in this area.

The Sunshine Employment Cluster was recognised in Plan Melbourne as already providing 13,800 jobs and includes employment in tertiary education, health and retail. In addition to these employment clusters, the MPA noted that other employment opportunities exist in Werribee Principal Town Centre and the major town centres of Point Cook, Laverton and Hoppers Crossing.

In response to the lack of land for retail, the MPA provided a map illustrating walking times to the closest shops ranging from 1.5 kilometres to 2.9 kilometres in distance from the edge of the PSP area.

Mr Comello representing Council highlighted the closeness of the precinct to the East Werribee Employment Cluster and listed the following development commitments that had been made since the inclusion of Lincoln Heath South in the UGB:

- Wyndham Private Medical Centre – completed in 2013
- Wyndham Clinic Private Hospital – completed in 2013
- St Vincent’s Health Australia – to be completed in 2016
- Werribee Mercy Hospital Stage 1 expansion – planned for completion in 2016.

Mr Comello noted that the 2015-2016 State Budget had included investment commitments totalling $119.7 million for expansions of the Werribee Mercy Hospital. Council publications outlining projects that have commenced or planned to commence in due course were provided to the Panel (Documents 24 and 27).

The Point Cook Action Group pointed to the current unemployment rate and described the East Werribee Employment Cluster as a “30 year vision” which could not currently keep up with new housing approvals.

Mr van Moorst observed that apart from traffic, the “elephant in the room” was the opportunity for jobs in the region. He expressed scepticism that the East Werribee precinct
will provide for 58,000 jobs and said that even if half were ultimately provided, the traffic issues would be even greater.

3.3 Discussion

Council tendered the 2011 Census results for Point Cook (Document 36) which indicated the community did have a slightly higher unemployment rate at 6.0% as compared to Greater Melbourne at 5.5%. According to this, the Point Cook community has a higher labour force participation rate and higher median weekly wage when compared to Greater Melbourne. Overall, 21.1% of the Point Cook population earned a ‘high’ income and 29.1% earned a ‘low’ income. This is compared to 12.9% and 35.8% respectively for Greater Melbourne. Key employment industries for the community were: professional, scientific and technical services; manufacturing; retail; and health care and social assistance.

The Panel accepts the East Werribee Employment Cluster will continue to grow to reach its full potential in the coming years, and that this is well supported by Plan Melbourne and the Wyndham Planning Scheme. In addition, the Panel accepts submissions from Council that immediate funding commitments illustrate the immediate growth for this area which will result in additional jobs. Although 2011 Census data indicated the unemployment rate to be higher than Greater Melbourne, the Panel considers this to be marginal.

The Panel further considers there should be some alignment between the current skill base of the community and likely future jobs to be created in the East Werribee Employment Cluster. Whilst employment opportunities may also exist in Sunshine and nearby major town centres, the Panel notes that Laverton and Hoppers Crossing have marginally higher unemployment rates compared to Point Cook.

In terms of retail offerings, the Panel notes the PSP Guidelines define walkability as between 400 and 800 metres and that it would be desirable for some retail offerings to be closer to these residences. Having said that, the Panel notes the applied zone of General Residential will not exclude future minor retail offerings (such as a convenience store or food and drink premise) in the future and that this is a market decision. The Panel further notes that minor retail offerings in other PSPs are often associated with primary schools for which this PSP is not large enough.

3.4 Conclusions

The Panel concludes that the precinct will have sufficient access to employment opportunities in nearby employment clusters and that the minor population to reside in Lincoln Heath South will contribute to the growing critical mass for future employment growth in the area.
4 Community Infrastructure and Open Space

4.1 Key Issues

The key issues raised in submissions regarding open space and community infrastructure are summarised as follows:

- There is inadequate provision of public open space
- Precinct is not contributing to community infrastructure
- Point Cook already has an under provision of community facilities, including schools, hospitals and police
- PSP does not address community health and wellbeing.

4.2 Submissions

4.2.1 Open space

In relation to open space and natural systems, the PSP Guidelines provide the standard for approximately 10% of net the developable area to provide total public open space, at least 6% of which is to be active open space. In accordance with the PSP Guidelines, encumbered land, that is, land constrained for development purposes (for example by a wetland or power transmission easement) is not provided as a credit against public open space requirements, however it may be regarded in determining the open space requirement.

Of the 43.33 hectares of land in Lincoln Heath South, 33.16 hectares (or 76.5%) is net developable. The MPA provided that 3% of the land would deliver unencumbered open space in the form of local parks. There was regard to the Seasonal Herbaceous Wetland which, whilst encumbered, would also be available for residents for passive recreation.

Council advised that the amount of open space to be provided is 10% (7% active, 3% passive), and that “In the case of Lincoln Heath South, the passive element of 3% has been provided for in land, (not counting the conservation reserve) and the balance of 7% will be provided by way of a cash contribution towards active open space development in the surrounding Point Cook area. This will be secured as part of the Development Contributions via a Section 173 Agreement”. The Panel was advised of surrounding open space areas in close proximity to the subject land including the Saltwater Reserve sports facility, Point Cook Coast Park and Cheetham Wetlands.

A background report by IO Consulting Group on behalf of Australand added both encumbered and unencumbered open space, and concluded that 9.73 hectares of the total land (or 22.45% of the precinct) will be set aside for open space. In particular, the report pointed to the specific requirements in the PSP to provide for “flexible recreational opportunities and to maximise the amenity and value of encumbered open space”. In addition, this report commented on surrounding open space being “substantial and well appointed facilities that would be a direct benefit to Lincoln Heath South”.

Mr Hooper presented his submission to the Panel via a PowerPoint with a voice over, as he was unable to present in person. He argued that in the main, Wyndham is “lagging in open space compared to other Councils”, and he questioned at what point or threshold do developers have to provide open space. Other submitters argued similar points.
4.2.2 Community Infrastructure

The PSP Guidelines aim “to deliver accessible, integrated and adaptable community infrastructure” in the growth areas. The Guidelines provide a number of responses to achieve this, however note that “the exact amount of land to be allocated ... will depend on the local context and type of services needed by the new community”.

The MPA has developed a means to calculate community infrastructure requirements through a needs analysis, the basis for which is generated via consultation with Councils, agencies and stakeholders. The provision ratios developed from this process assess the population size required to generate the need for certain types of community infrastructure. For example, one multipurpose community centre is required per 8,000 residents.

MPA submitted that in this case, “the anticipated population of Lincoln Heath South does not generate a requirement for ‘stand-alone’ provision of community facilities”. Based on this, the MPA considered that “a development contributions plan is not an appropriate mechanism for securing development levies as part of this PSP”. Because of this, it is proposed the proponent will instead enter an agreement with Council under section 173 of the Planning and Environment Act 1987 to provide “a proportionate cash equivalent for the future provision of these facilities on land outside the precinct” (Document 6).

In response to specific submissions concerned with the need for a school in the area, the MPA referred to Government commitments to fund a senior secondary school in Point Cook, including initial work with Wyndham City Council to identify the most appropriate site. The MPA confirmed that Lincoln Heath South is not the favoured location for this school.

Council’s submission acknowledged concerns regarding specific community infrastructure inadequacies including education and policing. In relation to education, Council acknowledged the community’s concerns particularly in relation to the need for a senior school, and noted the Council’s advocacy program had supported this cause. Council submitted that some progress had been made with current State Budget funding including specific allocations to increase capacity in the municipality. Specific projects referred to included:

- Alamanda K-9 College Point Cook – upgrades and modernisation
- Werribee Secondary College – regeneration
- Technical schools program – planning and first stage construction, at sites across the State including Wyndham
- Western Region Autistic Facility – new facility
- Point Cook senior school – new facility
- Point Cook South P-9 – new facility.

Council noted that State government commitments indicated a new secondary school would be developed in Point Cook by the time the PSP is fully developed.

In relation to policing, Council noted this is a state-wide issue which is also being addressed by State government. Relevant budget allocations referred to in Council’s submission include state-wide recruitment of 400 custody officers and a new multi-disciplinary centre in the municipality.
In acknowledging the seriousness of the issue of increased domestic violence, Council refuted the suggestion there is a causal relationship with increased housing density.

The IO Consulting Group report acknowledged the PSP does not provide for “community infrastructure on the basis that it is considered the PSP area will generate an insufficient population and demand in its own right to warrant the same”. In terms of commentary on this issue, IO Consulting Group said:

*Expressions of concern about overdevelopment are an understandable short-term reaction to the delivery of services and the enhancement of road systems serving the area, which has not always occurred in the timely and coordinated manner that might have been hoped, planned or expected. The speed and scale of development on multiple fronts has been reflected in the level of performance.*

*As the majority of development at Point Cook comes to a conclusion, the provisions of services across the area would settle into a period of maturity within which adjustments and refinements to shortcomings can and would be addressed.*

*Any outstanding services and facilities required in the Point Cook South area will be addressed as part of that PSP.*

Ms Brealey presented at the Hearing and raised a number of concerns about community infrastructure provision, especially with regard to schools, community facilities and sporting reserves. She argued that the current schools in the area are all at or very close to maximum enrolments, and that the schools in Point Cook are all at capacity now.

In responding to the concerns of submitters at the Hearing, Mr Milner acknowledged that the Point Cook area has had significant growth in a short amount of time, and the community are “feeling the birth pains of a new growth area”. He added however, that the area is establishing well and with more time and money “the level of services will be vastly improved”. Mr Pitt noted that the whole of Lincoln Heath South will be built out within five years.

### 4.3 Discussion

The Panel acknowledges that approximately 23% of land will be provided as open space in Lincoln Heath South and that much of this will be encumbered land. However, the regional scale Saltwater Reserve is located directly adjacent to the land and the Point Cook Coastal park and Cheetham Wetlands are located in close proximity. Collectively, these areas are in the order of 860 hectares and are available for use by the community. The Panel is satisfied that there will be sufficient recreation and open space opportunities for the residents of Lincoln Heath South.

The Panel notes that the Amendment includes a Development Contributions Plan Overlay but no Development Contributions Plan. Rather, there is provision for a section 173 Agreement in Urban Growth Zone Schedule 15 at Clause 4.7 – Public Infrastructure Plan. This provision provides for the implementation of the Public Infrastructure Plan, the purchase and reimbursement of public open space, and the timing of payments.
Additionally, the Development Contributions Plan Overlay also provides for the section 173 agreement under Clause 2.0.

While no summary of costs was provided in either the Development Contributions Plan Overlay or the Urban Growth Zone, the schedule to Clause 52.01 provides for 3% of land and “Land and/or cash contributions must be in accordance with Requirement R14 of the Lincoln Heath South Precinct Structure Plan, April 2015”.

The Council advised that the amount of development contributions would be in the order of $268,000 per net developable hectare (not indexed), an amount equivalent to that proposed by the Standard Development Contributions Advisory Committee in its report of May 2013. This is made up of a contribution rate of $254,000 per net developable hectare and $900 per lot for community infrastructure. The Panel was advised that this should raise in the order of $8.9m. If the money collected exceeds this requirement, recompense will be provided back to the land developer (The Panel notes the final figure may vary slightly depending upon the final number of dwellings).

The Panel acknowledges the concerns raised by submitters, but notes that it is inherently difficult for a small pocket of residential development to provide a full range of community infrastructure. Population thresholds are required for various facilities, including primary schools, medical centres and local convenience facilities.

The Panel was advised that the Lincoln Heath South community will be able to use a range of facilities located in close proximity, as noted above.

The general comments made by submitters about the need for schools, hospitals and police stations cannot be resolved through this PSP process. Hospital and police station facilities require large population thresholds and need to be located with good access to private and public transport. In any event, these facilities are matters that involve key considerations and decisions made by State Government. In responding to the issue raised about the potential for increased domestic violence, Mr Pitt observed that domestic violence will occur in the municipality, including at Point Cook, as will any shortage of police. The development of Lincoln Heath South or any other area in the municipality will face similar issues. The Panel considers there is no correlation between an increase in domestic violence, a shortage of police and the proposed development of Lincoln Heath South.

The Panel notes that a number of major health facilities have recently been built or are in the planning and building stage in the Wyndham region (see Chapter 3.2), and it recognises concerns raised by submitters that many community facilities are not provided until there is sufficient population to support them. The most important issue is to ensure that land is set aside to provide such facilities as a community establishes and grows. In this PSP matter, Council, the MPA and Australand have undertaken work that demonstrates that no new facilities are required in Lincoln Heath South, rather, the residents in this pocket will be able to use those facilities located nearby.

The Department of Education has advised that there is no need for a primary or secondary school at Lincoln Heath South. There is a P-9 school located at Alamanda which will be within walking distance to much of the Lincoln Heath South area.
4.4 Conclusions

The Panel considers that the issues raised by submitters about the potential overdevelopment of the Point Cook area through this PSP process and the lack of community and open space facilities are generally unfounded. The Point Cook area has been designated for urban growth for some 20 years and it is a thriving and established community. This particular PSP could be regarded as an infill development and while it is true that it will not be able to provide the type of community facilities requested by the submitters, it will provide for enhancement and upgrades of other facilities in close proximity through its development contributions.

The Panel is satisfied that the section 173 agreement will provide appropriate contributions for infrastructure development contributions and the contributions to be made are fair and reasonable.

The Panel concludes that community services and infrastructure are well provided for in the neighbouring areas to Lincoln Heath South and that there is no mandate to provide for other services in this small precinct. In this case, this PSP is not able to be planned as a complete unit within itself, rather it is part of a much larger area. Mr van Moorst acknowledged such in his presentation on behalf of Mr Harder.

There is a significant area of public open space and encumbered wetlands that is part of the precinct, and these areas will not only be used by residents within Lincoln Heath South, but also those external to it. The encumbered open space areas of Lincoln Heath South will be developed in such a way that it will provide for walking and access trails and linkages to the open space networks in the Alamanda estate. The development of the Seasonal Herbaceous Wetlands will provide for enhanced public health and well being through the provision of a significant encumbered area that will allow for linkages within Lincoln Heath South and external to it – and not only for residents of Lincoln Heath South but for those outside it.

The Panel does make the observation however, that as Point Cook is almost at full development stage, Council could consider preparing an overall strategic plan for the area that takes stock of what has been developed, how that might change in the future and what long term planning is required to enhance Point Cook as an integrated and thriving area.
5 Transport, Traffic and Access

5.1 Key Issues
The key issues raised in relation to transport, traffic and access are summarised as follows:
- Development of the precinct will cause additional traffic congestion and have limited access to the Princes Freeway
- The precinct is removed from public transport and the area is under provided with public transport
- Housing will be undersupplied with car parking opportunities.

5.2 Submissions and Evidence

5.2.1 Traffic congestion and freeway access
The MPA acknowledged that the road network capacity in the Point Cook area was of concern to local residents, particularly the level of congestion during the peak period on Point Cook Road which provides the principle access to the Princes Freeway. The MPA noted that the Logical Inclusions Advisory Committee acknowledged the need for alternative access points to Point Cook. However, it pointed out that since that Committee’s report and inclusion of the Wyndham Area 1 in the UGB, there have been significant upgrades to the Point Cook area road network including the construction of a new full-diamond interchange at Sneydes Road and the Princes Freeway due for completion in late 2016.

The MPA engaged Cardno to provide a traffic impact assessment of the proposed development of the Lincoln Heath South PSP area. The MPA noted in its submission that:

*The assessment (by Cardno) concluded that access to the precinct in an ultimate development scenario would be adequately catered for by the Point Cook Road intersection construction to an interim standard, prior to duplication of Point Cook Road.*

*The report acknowledged that the wider Point Cook network is currently constrained, but concluded that full development of the precinct did not create the need for augmentation of intersections at Sneydes Road and Malibu Boulevard or Point Cook Road and Dunnings Road.*

The MPA noted the completion of Fongeo Drive as part of the first stage of development in the PSP area along with an expanded, four-way signalised intersection at Point Cook Road (to an interim pre-duplication standard). It submitted this road provided a direct connection to the arterial road network for new residents and existing residents in the neighbouring Alamanda Estate, and would assist in distributing local traffic more evenly across the wider network.

The MPA submitted that the future preparation of a PSP for the Point Cook South area will of necessity include strategic transport modelling to identify additional transport infrastructure including the potential need for “... augmentations to the road network in the established areas of Point Cook” as a consequence of development of the Point Cook South PSP area.
The MPA concluded that:

Access to Point Cook has improved as the suburb has grown. The initial freeway access at Point Cook Road is now supported by access points at Palmers Road, Boardwalk Boulevard, Sneydes Road and Duncans Road. There is further capacity to improve the existing Duncans Road interchange to a Geelong-bound, full-diamond access in future.

The MPA is satisfied that the development of the precinct provides benefits to local traffic movements and is supported by significant road network upgrades being undertaken and planned by the State Government and Council to assist transport movements in the Point Cook area.

The Council referred to the Logical Inclusions Report 4, and acknowledged the need to resolve a number of outstanding issues identified in that report, including traffic and road network capacity constraints, through the structure planning process. The Council submitted that the traffic and network capacity constraints “… have been adequately considered and addressed by the precinct structure plan for the Lincoln Heath South.”

The Council outlined the upgrades to the transport network completed, underway or planned (and funded through State budget commitments) since the inclusion of Lincoln Heath South in the UGB. The improvements cited by Council included:

- Williams Landing Station with 500 car parking spaces and a Freeway pedestrian overpass
- upgrade of Point Cook bus services to coincide with the opening of Williams Landing Station and the Regional Rail Link
- Palmers Road overpass to Williams Landing Station
- new stations at Tarneit and Wyndham
- Sneydes Road/Princes Freeway interchange
- Palmers Road transit lane
- William Landing Station footpath access from Point Cook.

The Council put to the Panel that “… the Wyndham and Point Cook transport network has improved vastly since Lincoln Heath South was included inside the Urban Growth Boundary in 2012.” Council accepted the Cardno and Traffix traffic assessments on the capacity of the existing network to absorb traffic generated by the proposed development.

In conclusion, Council submitted that the Lincoln Heath South PSP and concurrent planning permit application should be supported as the PSP and subdivision plan are “… of such a scale of development that can be accommodated within the capacity of the existing transport network …. particularly given the completion of various projects since the inclusion of the PSP area into the UGB and financial commitments contained in the current state and local government budgets to further improve infrastructure in the time that the Lincoln Heath (South) PSP is fully developed.”

In his submission on behalf of Australand, Mr Pitt stated that Australand relied on the expert transport evidence of Ms Dunstan (Traffix Group) and the position adopted by the road authorities, VicRoads and the Wyndham City Council. He submitted that:

Whilst there is a high level of congestion at peak periods on and to the Westgate Freeway it is no worse than other parts of the arterial road network
serving growth areas such as Plenty Road or Monash Freeway and out of peak hours Point Cook has high levels of accessibility to the CBD and Geelong.

The Panel was provided with two transport assessment reports prepared by Cardno and a third report by Ms Dunstan (Traffic Group), who presented her evidence at the Panel Hearing.

The Cardno report dated 1 July 2015 provided a traffic impact assessment based on an upper limit of 580 dwellings being built in the PSP area over interim (2019) and ultimate (2046+) periods. In addition to the traffic generated by the development of Lincoln Heath South, the modelling allowed for additional growth in traffic in the area of 2% per annum over the next five years.

The Cardno modelling indicated that while the degree of saturation (as a measure of congestion) at the major intersections in the area will increase by 2019 and again by 2024, all intersections will still operate within acceptable levels in the morning and afternoon peak hours, albeit with some queuing as to be expected. The modelling indicated, however, that the Sneyd Road/Point Cook Road intersection would require signalisation and additional capacity in the form of an additional short through traffic lane, but that the need for signalisation was only partially attributed to the development of Lincoln Heath South.

The Cardno report stated that the proposed extension of Fongeo Drive to the Point Cook Road/Saltwater Promenade and the intersection design are expected to cater for the traffic generated in the Lincoln Heath South PSP area.

As to the longer term with potential development in the Point Cook South area, the Cardno report indicated that the Point Cook Road, Fongeo Drive, Saltwater Promenade intersection could cater for up to 800 additional dwellings in the Point Cook South PSP area with the intersection operating at close to capacity. Any further development of Point Cook South (above the 800 dwellings) would require an upgrade of Point Cook Road to include two through lanes in each direction.

Ms Dunstan peer reviewed the Cardno transport assessment. In her written evidence, she expressed the opinion that the traffic generation rate and traffic distribution adopted by Cardno was “acceptable”. At the hearing, Ms Dunstan confirmed that she considered the Cardno traffic analysis to be sound and that it provided an appropriate assessment of the traffic impacts of the Lincoln Heath South PSP development. She concluded in her written statement that the traffic likely to be generated by the PSP area “… can be accommodated by the surrounding road network, noting that a number of capacity improvements are currently proposed, have recently been completed or are under construction.”

Ms Dunstan concurred with the Cardno assessment that traffic signals at the Point Cook Road/Sneyd Road intersection will be necessary to accommodate the full development of the Lincoln Heath South PSP area, but that the need to upgrade this intersection can only be partially attributed to that development. She considered that given the declared arterial road status of Point Cook Road and other improvements on Sneyd Road to the west (associated with the East Werribee Employment Precinct), the upgrade and signalisation of this intersection is a matter for the responsible road authority (VicRoads) to consider in the near future.
She considered that Point Cook Road is currently at or close to capacity, and Council should continue to lobby for upgrading of the road. She indicated that the traffic generated by Lincoln Heath South would add about 6% to existing volumes on Point Cook Road. Ms Dunstan considered this was a relatively small increase and that upgrading Point Cook Road is not required as part of the Lincoln Heath South PSP. In her view the upgrade should not be the responsibility of the Lincoln Heath South PSP proponents to resolve or construct. Ms Dunstan noted that the Sneydes Road interchange and construction of Fongeo Drive through the precinct will be of significant benefit to Lincoln Heath South residents in providing a relatively direct alternative route to the Point Cook Road route to the Princes Freeway.

Ms Dunstan concluded that “(T)here are no traffic engineering reasons why Amendment C194 to the Wyndham Planning Scheme for the Lincoln Heath PSP should be refused.”

Seven of the 12 submissions from the Point Cook community raised concerns over the current levels of congestion on the road network in the area. Submitters argued that development of Lincoln Heath South precinct would add to the existing congestion. The delay experienced in accessing the Princes Freeway from Point Cook Road particularly during the morning peak period was a common issue for submitters.

Comments made in various submissions included:

_Point Cook Road, which is the primary exit arterial for Lincoln Heath, Sanctuary Lakes and other established estates is already overloaded to the extent it can take commuters up to 45 minutes in peak times to reach the freeway, and this will be worsened by the proposed additional 1532 residents in Lincoln Heath South._

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_In conclusion, Point Cook East’s two entry/exit roads are already at maximum capacity ... It makes absolutely no sense, therefore to approve another development of 547 homes, with possibly another 1,000 motor vehicles._

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_So now you have over capacity roads already that go in and around Point Cook. Also to get out of the suburb. You now want to another (sic) 547 approx new homes with generally 2 cars per house ... It just doesn’t add up!!!!!_

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_Traveling in and out of Point Cook is an absolute nightmare. It is so stressful to sit up to 45 minutes to travel a 3km road ... It’s simple maths, the more houses and people you put in Point Cook, the more traffic._

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_You can’t keep putting more and more people into this suburb without a genuine plan to alleviate any of the problems that exist her. A further increase in population can only have disastrous effects on road congestion ... First and foremost DO NOT allow further development which the current infrastructure simply cannot handle ..._
Submitters rejected the suggestion put by the MPA and others that the construction of Fongeo Drive and completion of the Sneydes Road freeway interchange would alleviate to some extent, the congestion on Point Cook Road by providing an alternative relatively direct route for Lincoln Heath South residents and others in existing estates to access the Princes Freeway. One submitter stated:

*The currently under construction Sneydes Rd Diamond Interchange will not alleviate traffic pressure in Point Cook East, because to use that facility, Melbourne bound Point Cook East motorists would have to drive over two kilometres in the opposite direction to their final destination.*

The point was made again at the Hearing by Ms Brealey who commented that traffic will not “snake” through the residential area to access the Sneydes Road interchange.

### 5.2.2 Public Transport

The MPA commented that investment in public transport is a priority in Melbourne’s West Growth Corridor. It cited the Regional Rail Link and improvements on the Werribee line as evidence of significant investment in rail services in the area.

The Authority provided a summary of existing bus services in direct proximity to Lincoln Heath South and noted that planned upgrades to Palmers Road and Dunnings Road include bus lanes and intersection treatments that will improve bus access to Williams Landing Station.

The MPA pointed out that the Lincoln Heath South precinct will be “bus capable” with the connector road network in the precinct designed to allow Public Transport Victoria to plan bus connections through the precinct and south into the Point Cook South PSP area. It stated that:

*New residents in the precinct will assist to establish a local population to support increased bus routes and frequency to key destinations in the surrounding area and provide a viable alternative to private vehicle use.*

*The MPA is confident that the precinct will be developed in a manner that promotes public transport patronage, and notes that the bicycle and pedestrian network also encourages alternative to private vehicle use.*

The Council acknowledged in its submission that “… Point Cook is more road dependent than Wyndham’s other growth fronts, given that many parts of the suburb are further from the railway network than the central, western and northern growth fronts.” It noted that Lincoln Heath South is approximately five kilometres from the nearest station (Williams Landing) compared to most of Wyndham’s urban area which will be within three kilometres when all the proposed stations on the Werribee and Regional Rail Link lines are built.

It submitted, however, that bus routes and timetables serving the Point Cook area have been upgraded to coincide with the opening of the Williams Landing Station and the Regional Rail Link. The Council made reference to the map of bus service routes provided by Ms Dunstan in her evidence, and advised the Panel that a review of recent changes to bus services reveals that Point Cook residents have the following services:

- routes 494 and 495 continue to operate around midnight on Friday and Saturday nights
• there are better than 20 minute peak frequencies on route 495 which has been updated with 11 minute services in the AM peak to increase capacity
• bus routes have been extended into growth areas and Route 496 provides bus services through Sanctuary Lakes Estate
• route 498 provides an additional east-west route between Laverton, Point Cook and Hoppers Crossing improving connections to Point Cook Town Centre and East Werribee Employment Precinct
• bus timetables have been optimised to coordinate with trains when possible.

The Council noted that the 2015/16 Victorian State Budget includes funding for new stations in growth areas, and new trains for commuters. Furthermore, Council and State funding has been committed in 2015/16 to provide a bus transit lane on the west side of Palmers Road as part of a larger project to increase road and bus capacity along Palmers Road and Dunnings Road.

The Council submitted that Lincoln Heath South and the planning permit application should be supported as, amongst other benefits, they “... provide for an important future potential bus route along Fongeo Drive, which will be constructed in the first stage of development.”

In his submission, Mr Pitt argued that Plan Melbourne makes it clear that public transport in the outer areas will be provided by bus services and enhancements to the rail network where there is sufficient demand. He added that after the recent improvements through the construction of the Regional Rail Link and with no suggestion that the rail network is to be extended south, “... (t)he necessarily follows that public transport is to be delivered by bus services, which historically have followed development and the consequential demand.” He stated that Australand relied on the evidence of Ms Dunstan that the proposed roads in Lincoln Heath South have the capacity to accommodate bus routes, and that the quality of existing bus services and routes serving the area have the ability to respond to increased demand.

In her evidence, Ms Dunstan stated that:

Public transport services within the suburb of Point Cook comprises a number of bus routes, which link to nearby railway stations on the Werribee suburban railway line. Bus services have recently been upgraded following the opening of the Williams Landing Railway Station in 2013 and the opening of the Regional Rail Project in June 2015.

She included details on local bus services in Point Cook and a map showing public transport services. Ms Dunstan suggested that Point Cook bus services will benefit from the recently funded project for a bus lane on Palmers Road to improve access to Williams Landing Station, and that the connector road network in Lincoln Heath will be “bus capable”. Importantly in her view, the road network being bus capable will enable PTV to plan for future bus routes to serve Lincoln Heath South (and ultimately Point Cook South). She added that the increased population stemming from the new dwellings in Lincoln Heath South “... provides greater opportunity for increased coverage and frequencies to key destinations.”
At the Hearing, Ms Dunstan reiterated her assessment that bus services in the area of the Lincoln Heath South PSP have been improved, particularly in terms of frequency since the opening of the Regional Rail Link. Further, the Palmers Road bus lane will improve bus links to Williams Landing Station and the construction of Fongeo Drive to a standard which allows for buses will enable PTV to again review bus routes. She stated that the Lincoln Heath South PSP area will be well served by the bus network and frequency of services. Ms Dunstan cited the high frequency during peak periods and the direct routing of bus route 495 to the Williams Landing Station as evidence of a high level of service. She noted that an increase in the catchment population should lead to further improvements to bus services. In her experience, she commented that PTV was reasonably responsive in reviewing bus services when catchments and demand grow.

Three submitters stated that they considered the Lincoln Heath South precinct too far removed from public transport, and the Point Cook area under provided in terms of public transport services. They argued that bus services through Point Cook provide a poor service connection with the metropolitan rail line to the CBD, and to other areas of employment such as Deer Park. They countered the suggestion put by the MPA and others that bus routes link directly to the Williams Landing Station at 20 minute intervals. They submitted that their “on the ground experience” is that the services can become a 40 minute journey due to traffic congestion, and that the bus lane proposed for Palmers Road will do little to improve the service. Submitters argued that the suggestion by the MPA that increased residents in the area will lead to improvements in bus services cannot be considered relevant, as there was no evidence of any agreement with PTV that improvements to bus services would occur.

5.2.3 Car Parking

One submitter expressed concern about the impact the anticipated dwelling densities would have on car parking on the streets in the precinct, and suggested that high dwelling densities would lead to cars being parked on nature strips and across footpaths.

The MPA responded that:

The average minimum residential density of 15 dwellings per hectare will enable the majority of lots in the precinct to accommodate housing product that includes a two-car, double garage.

The precinct’s street network requires, at a minimum, one on-street car park for every two dwellings and additional car parking adjoining areas of open space on the non-development side, including the connector road network that frames the wetland area.

The MPA stated that the provision of car parking, as outlined in the PSP, was appropriate.

5.3 Discussion

The suitability of the road network proposed for the Lincoln Heath South PSP area, the proposed links to the surrounding roads and the intersection treatments required as a result of the PSP are not apparently in dispute. Rather, the crux of the issue in terms of the road network is the current level of congestion and the capacity of the existing roads in the
surrounding area, notably Point Cook Road, to cope with the additional traffic that would be generated by development of the PSP area.

Local submitters expressed strongly held views in this regard. They believed that traffic congestion is already at such a level as to preclude the development of more housing in the Point Cook area until such time as the capacity of the major roads in the area is increased, connections to the Princes Freeway are upgraded and public transport services are improved. The delay in accessing the Princes Freeway from Point Cook road was prominent in their concerns. They considered that refusal of Amendment C194 and the planning permit application on traffic grounds alone is justified.

The MPA, the Council and the proponent (Australand) all acknowledged the concerns of local residents regarding congestion on the road network in the Point Cook area. They noted that the Logical Inclusions Report 4 had identified traffic and road capacity constraints as an issue to be addressed as part of precinct structure planning for the Wyndham Area 1.

It was put to the Panel, however, that there have been significant improvements to the road network and public transport services since the inclusion of the Wyndham Area 1 in the UGB. Council suggested that the work undertaken on the Lincoln Heath South PSP had addressed transport issues relevant to the PSP area. The MPA and others argued that the Lincoln Heath South PSP area was small – bordering on infill development – and consequently the level of traffic expected to be generated by housing in the area was relatively low compared to existing traffic levels. They suggested that the expert transport analyses demonstrates that the surrounding road network could accommodate the traffic which would be generated by the proposed density of development in the PSP area.

The Panel had available to it assessments by two transport experts and had the opportunity to cross examine one of those experts, Ms Dunstan, at the Hearing. She endorsed the traffic analysis undertaken by Cardno. The evidence of Ms Dunstan was comprehensive and in the Panel’s opinion, reliable and persuasive. The Panel noted her view that Point Cook Road was near or at capacity during peak times and that VicRoads as the responsible road authority should be encouraged to upgrade Point Cook Road sooner rather than later. It was put to the Panel that a detailed transport assessment to identify future road network and public transport improvements will be crucial as part of the work to be undertaken in preparing the Point Cook South PSP.

The Panel agrees that further work on roads and public transport needs for the area will be essential in the planning for development in Point Cook South.

The Panel understands the concerns raised by local residents regarding existing traffic conditions and the impact that the proposed development of Lincoln Heath South may have on the Point Cook area. The Panel understands the community’s concerns. The rapid development of the Point Cook area and the City of Wyndham overall has no doubt put pressure on the infrastructure in the area.

The Panel heard, however, that there have been recent improvements in public transport serving the area as well as upgrades to the road network, including additional access points to the Princes Freeway. Further improvements to transport infrastructure is also being pursued by the Council. It was put to the Panel that the level of congestion during peak
times in the Point Cook area is no worse than the levels experienced in other growth areas. That may be so, but a comparison with other growth areas may be of little comfort to the Point Cook community.

The Panel was presented with evidence on the level of public transport serving the area including the bus network and rail, albeit at some distance from Lincoln Heath South. The Lincoln Heath South precinct is, as noted by the Council and some of the local submitters, some five kilometres from the nearest railway station at Williams Landing. This means that residents of the Lincoln Heath South precinct seeking to use public transport will have to rely on the quality (route coverage, frequency and hours of operation) of the bus services in the area. In this regard, the Panel heard evidence that bus services in the area are of a reasonable standard, with direct and frequent peak period services to Williams Landing Station. Overall, Point Cook does seem relatively well served by public transport compared to some of the other growth areas of Melbourne.

There is some basis for the proposition put by the MPA, and endorsed by Ms Dunstan, that the increase in population resulting from new housing in the Lincoln Heath South precinct will add to the demand for public transport and could well lead to further improvements to bus services in the area. The community submitters were understandably sceptical of this suggestion and pointed out that there was no evidence of any commitment from PTV to review bus services during or post the development of Lincoln Heath South.

The adequacy of the car parking requirements in the PSP, is a matter of minor significance, and the Panel accepts the advice of the MPA that the car parking requirements set out in the PSP are appropriate.

5.4 Conclusions

The Panel concludes that the internal road network proposed for Lincoln Heath South in the PSP is appropriate, noting that the connector roads will be built to a standard to allow for buses. The traffic generated by the density of housing proposed for the Lincoln Heath South PSP area will have an impact on the surrounding road network, but this impact will be relatively minor and mitigated by current and planned road improvements.

The treatment proposed for the Fongeo Drive/Point Cook Road/Saltwater Promenade intersection will cater for traffic generated by housing in the PSP area. The Panel notes that this will be an interim treatment until such time as the Point Cook South PSP is prepared and in all likelihood, Point Cook Road is upgraded.

The need for signalisation and upgrading of the Sneydes Road/Point Cook Road intersection is only partly attributable to the Lincoln Heath South PSP and is a matter for the road authority (VicRoads) to pursue.

The car parking requirements as set out in the PSP are appropriate.

On the basis of the transport assessments and evidence presented to the Panel, there are no transport and traffic grounds to refuse the approval of Amendment C194 and the concurrent planning permit application.
6  Point Cook Airfield

6.1  Key Issues

The key issues raised in relation to the Point Cook RAAF Airfield are summarised as follows:

- Proximity to Point Cook RAAF Airfield and impact of aircraft noise
- Impact on aircraft safety and operation of the airfield.

6.2  Submissions and Evidence

6.2.1  Impact of Aircraft Noise

The Point Cook Airfield (RAAF Base Williams) is located approximately one kilometre south east of the Lincoln Heath South PSP area. The Airfield is a Defence establishment that supports military and civil aviation operations including a civilian flying school and RAAF flying displays. Aircraft using the Airfield will over fly the Lincoln Heath South PSP area.

The Australian Noise Exposure Forecast (ANEF) contours indicate the extent of noise exposure associated with the Point Cook Airfield. The 13-20 ANEF contours are shown on maps in the PSP (Plans 1 and 2) and Schedule to the UGZ (Map 1).

The MPA noted in its submission that:

*The Lincoln Heath South PSP is outside the 20 ANEF contour, the standardised boundary used to protect airports in Australia from residential development as outlined in Australian Standard AS 2021 - 2000 ‘Acoustics – Aircraft noise intrusion – Building siting and construction’. The standard provides a critical framework for managing land use and development outcomes in the vicinity of airports.*

*As such, mandatory attenuation of aircraft noise is not required in the precinct. Despite this, the MPA and Council have worked with Australand to ensure that development in the precinct exceeds the requirements of the Australian Standard on the basis that aircraft noise may be heard outside the 20 ANEF contour.*

The MPA submitted that the Department of Defence had requested that the design guidelines on noise attenuation be extended to apply to all lots within the 15 ANEF contour. However, following consultation between the MPA, Council, Defence, the Aircraft Noise Ombudsman (ANO) and Australand, an agreed approach was reached which the MPA considered to be “fair and reasonable” in addressing the precinct’s proximity to Point Cook Airfield.

The MPA outlined the agreed approach as follows:

- *The Lincoln Heath South PSP includes the 20, 17, 15 and 13 ANEF contour lines on Plan 2 (Future Urban Structure) and includes an objective and a guideline in relation to aircraft noise.*
- *The proposed Memorandum of Common Provisions (Clause 6.1), with regard to the lots within the 13-20 ANEF contours, requires that every contract of sale for the lot must include a special condition to the effect*
that the lot is within close proximity to the air base and that it is the responsibility of the purchaser to seek more information as to potential methods of noise attenuation.

- The Certificate of Title, on which the existence of MCP will remain attached in perpetuity via notification under Section 32 Vendor’s Statement.
- The Design and Siting Guidelines, in which construction is advised on construction techniques that respond to potential aircraft noise impacts associated with the air base (Clause 4.9).

The MPA observed that the use of the 13 ANEF exceeded the Department of Defence requirements, consequently it considered the matter resolved.

The Council confirmed that it supported the approach as outlined by the MPA, and that:

The approach pursued by Council and agreed by the MPA and supported by the developer is submitted to be a fair and responsible approach within the limitations of the current Australian Standard on aircraft noise, and the limitations of the current planning scheme and the policies that inform its implementation. It is important to note that a significant challenge is to maintain ongoing transparency beyond the development of the estate, in that, once the PSP is fully developed, the PSP and UGZ schedule evaporate from the Planning Scheme.

As the 20 ANEF does not extend over the Lincoln Heath PSP Area, it was considered important that the outer (lower) ANEF contours, i.e. the 17, 15, and 13 ANEF be shown across the PSP area so that an impression is not created that aircraft noise stops at the 20 ANEF.

The Council noted that Australand had gone “above and beyond any statutory requirement, and the request of the Department of Defence.” In its view, Australand should be “applauded” for facilitating a transparent approach to addressing the proximity of Point Cook Airbase and its willingness to participate in discussions with the ANO. The Panel was advised this was only the second time that a developer had approached the ANO for advice.

The Council informed the Panel that the ANO had suggested that Clause 6.1 of the proposed Memorandum of Common Provisions be applied to all lots within the PSP area but that this was not agreed to, as the preference of Australand was to relate the condition to a defined area which was most appropriately delineated by the 13 ANEF contour, the outer band of the ANEF contours.

The Council supported the recommendation made by Mr Milner in his expert evidence that the PSP should be amended to include the requirement that acoustic treatment of dwellings be applied to those within the 13 ANEF contour. Inclusion in the PSP would be in addition to statements in the Memorandum of Common Provisions, Design Guidelines, Urban Growth Zone Schedule and permit conditions.

At the Hearing, Mr Pitt confirmed that Australand supported the proposed approach as outlined by the MPA and the Council. He made no further submission on the matter of aircraft noise.
One submitter raised the proximity of the Point Cook Airfield and consequent aircraft noise to the subject land as an issue, and questioned the accuracy of the data used to establish the ANEF contours for the area. The Panel heard no evidence that called into question the accuracy of the ANEF contours.

6.2.2 Safety and Operation of Airfield

In its written submission, the Department of Defence indicated that the key aspects of the Lincoln Heath South PSP of concern regarding aircraft operational safety were:

- building height
- extraneous lighting
- reflections from roof materials
- wildlife hazards, notably bird strikes.

The MPA advised that controls over building height, extraneous lighting and roofing materials are dealt with in the Urban Growth Zone Schedule 15, the Memorandum of Common Provisions and the planning permit. It believed that these aspects had been resolved to the satisfaction of the Department of Defence. The Panel heard no further evidence on these aspects of aircraft operational safety.

The Department of Defence stated in its submission that birds on or around a Defence airfield are a potential hazard to aircraft safety. It expressed concern about developments near airfields that provide refuge, feeding or breeding habits for large numbers of birds. Further, Defence was opposed to the construction of permanent or semi-permanent water bodies within three kilometres of an airfield.

At the hearing, the MPA submitted that the area of Lincoln Heath South is typically grassland with a nationally significant area of Seasonal Herbaceous Wetland. This significant wetland area is to be retained, but the grassland vegetation was not being augmented. Indeed, the MPA suggested that arguably the extent of the bird habit was being reduced with approximately three quarters of the existing grassland area to be replaced with housing. The MPA noted that while the precinct would have some additional wetlands, the wider area around the airfield already had significant areas of wetlands, including on the Airbase itself. It noted that the RAAF already had operational procedures in place to manage bird strike risk and that it considered that these RAAF procedures should be adequate post the development of Lincoln Heath South.

Mr Pitt commented that the land in the precinct area was used for cropping and hence provided bird habitat. He noted that the Point Cook locality had large areas of wetlands including a lake on the RAAF base and the extensive RAMSAR wetlands. He suggested that there would be no additional bird habitat as a result of the Lincoln Heath South development and that there was therefore no need for the Panel to consider this matter further.

6.3 Discussion

The Point Cook Airfield is in the words of the Department of Defence “an enduring Defence establishment” and has continued to operate as housing in the Point Cook area has developed nearby. There is no doubt that the airfield will continue as an operating airbase into the future.
The Logical Inclusions Advisory Committee in its 2011 report identified aircraft noise as a ‘threshold’ issue to be dealt with, but that noise impacts should not preclude the Lincoln Heath South land from inclusion in the UGB (and by implication, development as a housing estate). The issues for the Lincoln Heath South PSP are:

- How best to ensure that development of the land does not affect the safe operations of the Point Cook Airfield, and
- Protecting the amenity of the housing affected by aircraft noise.

The PSP acknowledges the sensitive interface with the Airfield in its Vision, and identifies the need to protect the ongoing operation and safety of the Airfield and RAAF Base. The PSP, Urban Growth Zone Schedule 15, Memorandum of Common Provisions, Design Guidelines and the planning permit all contain conditions regarding building height, extraneous lighting and roofing materials aimed at protecting aircraft safety and operations at the Airfield. On the submissions presented to it, the Panel is satisfied that the Department of Defence considers that its concerns regarding aircraft safety have been resolved by the inclusion of these provisions.

The hazard of bird strike to aircraft operations were acknowledged by all parties. It was put to the Panel, however, that the Lincoln Heath South development would not add to the level of risk already present in the area for aircraft operations. The area around the Airfield already has extensive wetlands and if anything, development of Lincoln Heath South for housing would reduce the grassland bird habitat in the area. The Panel acknowledges the concerns of Defence over any changes in land use that could lead to an increase in the risk of bird strike. It agrees, however, with the MPA and Australand that the development as proposed, will not increase bird habitat in the area and consequently should not therefore elevate the level of bird strike risk.

The question of amenity and noise impact on future residents in Lincoln Heath South is a more difficult one. The Panel heard submissions regarding requirements that are set out in the PSP and associated documents to ensure potential property purchasers are made aware of the close proximity of the Point Cook Airfield and the likelihood of aircraft noise affecting the amenity of the precinct.

The approach set out in the PSP and related documents to alert potential purchasers to aircraft noise is based on the use of ANEF contours that cross the area.

The Panel was mindful of the views expressed by the ANO in his 2013 article entitled The Truth About Aircraft Noise regarding people’s perceptions of aircraft noise and the use of ANEF contours (Document 3). The ANO pointed out that the ANEF level comes from a complex formula, not easily understood and, in his view, it was impossible to convert an ANEF rating into a description of what the aircraft noise will actually be like at a location or at particular times of the day. The ANO went on to say that “(R)efences to the ‘ANEF ‘can make it seem as though the noise is acceptable, but the experience of noise is such a subjective and personal matter that there can be no standard of ‘acceptable’ (other than silence) that will meet every individual’s notion of acceptability.” He concluded by saying that if developments are to occur in high (aircraft) noise corridors, the possible impact of noise should be emphasised rather than downplayed so that buyers can make an informed decision.
Having noted these words of caution with respect to a reliance on ANEF contours, the Panel accepts nonetheless that the use of ANEF contours is probably the best approach currently available to raise the awareness of potential land purchasers to this issue of aircraft noise. The Panel notes that the Lincoln Heath South precinct is outside the 20 ANEF contour, and therefore under the Australian Standard mandatory noise attenuation measures are not required. As pointed out by the MPA and the Council, the approach adopted for the Lincoln Heath South PSP (to show 13-20 ANEF contours on relevant plans) exceeds the requirements of the Australian Standard. The proposed approach will ensure that requirements in the PSP about aircraft noise impacts endure beyond the life of the PSP and the planning permit so that future, subsequent purchasers of houses are made aware that aircraft noise will affect the area.

The suggestion by Mr Milner, and supported by the Council, that the requirements that acoustic treatment of dwellings be applied to those within the 13 ANEF contour should be included in the PSP in addition to the subordinate documents could be seen as a “belt and braces” approach. The inclusion of the requirement in the PSP appears to have no adverse consequences and is supported by the Panel.

The Panel is satisfied that the MPA and Australand have gone beyond the statutory requirements regarding aircraft noise and, in the words of the ANO, have taken measures “to emphasise rather than downplay the possible impacts of aircraft noise”.

6.4 Conclusions and Recommendations

The Panel concludes that the PSP, the Urban Growth Zone Schedule 15 and the Memorandum of Common Provisions include mechanisms to protect future operations of the Point Cook Airfield and guard against adverse impacts on the safety of aircraft.

In so far as reasonably possible, the approach adopted through this PSP process deals with the aircraft noise impacts associated with the precinct’s close proximity to Point Cook Airfield.

The PSP, the Urban Growth Zone Schedule 15 and the Memorandum of Common Provisions include extensive provisions to raise the awareness of initial and future purchasers about the potential aircraft noise impacts, subject to the recommended modifications.

The Panel recommends:

5. Amend the Precinct Structure Plan through the Document changes matrix by substituting the text at 3.1.2 with:

Before Statement of Compliance, any lot within the 13-20 ANEF must include a restriction on title in the form of a Memorandum of Common Provisions or similar, that identifies the following requirements:

*Identify that the land may be subject to aircraft noise associated with the air base and that it is the responsibility of the purchaser to enquire about potential aircraft noise and to noise attenuate the property*

*Any external lighting at the Lot must not be directed above the horizontal plane*

*All external roof cladding and roof materials must be of low reflectance*
All buildings and development at the Lot must be not more than 15 metres in height above Natural Ground Level.

6. Insert the following additional bullet point under Clause 3.1 Subdivision – residential development

In addition to any requirement in 56.01-2, a subdivision design response must include:

- ... 
- The 13-20 ANEF (Australian Noise Exposure Forecast) contour as shown in the 2007 ANEF Contours RAAF Base Williams Point Cook Plan or any subsequent aircraft noise investigation undertaken in accordance with Australian Standard AS2021-2000 Acoustics – Aircraft noise intrusion – Building siting and construction (or later version).
7 Resolution of the Amendment and Application

7.1 Amendment C194

(i) Lincoln Heath South Precinct Structure Plan

The Lincoln Heath South PSP is appropriate to take the development of Lincoln Heath South forward. Prior to the Hearing, the MPA provided a list of changes to the PSP that it considered appropriate based on the issues raised in submissions and its further discussion with various agencies. These were presented in a table format ‘Document changes matrix’ dated July 2015. The Panel has used this as the basis of its considerations and recommendations, and generally adopts all changes.

After the Hearing, the MPA reviewed the new guideline it had proposed at 3.1.2 of the PSP relating to housing located within the RAAF Base at Point Cook. The Panel accepts this change and has recommended accordingly in Chapter 6. The Panel notes that the change was accepted by Council and Australand. In reviewing this change, the Panel notes that it was not provided to submitters on the distribution list, and while the Panel considers that the submitters would probably have no issue with it, it has allowed some time for any further comment from submitters. None was forthcoming.

The Panel supports the changes to the PSP and has recommended accordingly.

(ii) Urban Growth Zone Schedule 15

The Urban Growth Zone is the appropriate tool for this PSP. Schedule 15 specifically relates to Lincoln Heath South, and apart from multiple spelling errors in the schedule and reference to a clause that does not exist, the Panel supports its inclusion and recommends accordingly.

(iii) Development Contributions Plan Overlay Schedule 16

Given the comparatively small size of this PSP area, the Panel supports the use of the Development Contributions Plan Overlay Schedule 16 and a section 173 agreement under the provisions of the Planning and Environment Act 1987 to provide for development contributions, and recommends accordingly.

(iv) Clause 52.01 – Open Space

The Panel is satisfied that there is an appropriate amount of open space provided for Lincoln Heath South and that land and/or a cash contribution in accordance with Requirement R14 of the Lincoln Heath South PSP is appropriate. The Panel supports this provision and recommends accordingly.
7.2 Planning Permit Application WYP7759/14

The Panel has reviewed the report of The Planning Group, the Clause 56 Assessment, the Cultural Heritage Management Plan, other supporting and background documentation and the plans by Calibre Consulting in support of the planning permit application. It considers that these reports provide a thorough analysis and assessment of the proposal.

The Panel supports the granting of planning permit WYP7759/14 for subdivision of Stages 1-4 of Lincoln Heath South in accordance with the revised permit conditions in Documents 33 and 34.
## Appendix A  List of Submitters

<table>
<thead>
<tr>
<th>No.</th>
<th>Submitter</th>
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<tbody>
<tr>
<td>1</td>
<td>Western Water</td>
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<td>2</td>
<td>Michelle Baumann</td>
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<td>3</td>
<td>Point Cook Action Group</td>
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<td>4</td>
<td>Paul Harder</td>
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<td>5</td>
<td>Kylee Brealey</td>
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<td>6</td>
<td>John Frost</td>
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<td>Sandra Wilkinson</td>
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<td>8</td>
<td>Anthony Mancuso</td>
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<td>9</td>
<td>Department of Environment, Land, Water and Planning</td>
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<td>10</td>
<td>Nicole Watt</td>
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<td>11</td>
<td>Environment Protection Authority Victoria</td>
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<td>12</td>
<td>Joe Schembri</td>
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<td>13</td>
<td>Public Transport Victoria</td>
</tr>
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<td>14</td>
<td>Melbourne Water</td>
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<td>15</td>
<td>Jason Osborne</td>
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<td>Alice Osborne</td>
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<td>Nicole Durovic</td>
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<td>18</td>
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<td>19</td>
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<tr>
<td>21</td>
<td>Australand Property Group</td>
</tr>
<tr>
<td>22</td>
<td>WGB Investments</td>
</tr>
<tr>
<td>23</td>
<td>Country Fire Authority</td>
</tr>
<tr>
<td>24</td>
<td>Wyndham City Council</td>
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</tbody>
</table>
## Appendix B  Hearing Document List

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>30/06/15</td>
<td>Minutes of Ordinary Council meeting</td>
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<td>EPA Noise Control Guidelines</td>
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<td>3</td>
<td>&quot;</td>
<td>Article – The Truth about Aircraft Noise 2008</td>
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<td>&quot;</td>
<td>MPA Response to Submissions</td>
<td>Nat Anson</td>
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<td>6</td>
<td>13/07/15</td>
<td>Full submission on behalf of MPA</td>
<td>&quot;</td>
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<tr>
<td>7</td>
<td>&quot;</td>
<td>Appendices to MPA submission</td>
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<td>&quot;</td>
<td>PowerPoint slides</td>
<td>&quot;</td>
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<td>9</td>
<td>&quot;</td>
<td>Changes to Document table</td>
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<td>10</td>
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<td>Email re resolution of issues from WGB Investments</td>
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<tr>
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<td>&quot;</td>
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<td>&quot;</td>
<td>PowerPoint slides</td>
<td>&quot;</td>
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<td>13</td>
<td>&quot;</td>
<td>A3 Plan of West Growth Area</td>
<td>&quot;</td>
</tr>
<tr>
<td>14</td>
<td>&quot;</td>
<td>Landscape Context Guidelines</td>
<td>&quot;</td>
</tr>
<tr>
<td>15</td>
<td>&quot;</td>
<td>Revised Clause 21.03 Wyndham Planning Scheme</td>
<td>&quot;</td>
</tr>
<tr>
<td>16</td>
<td>&quot;</td>
<td>Estimates of PSP completions in Wyndham</td>
<td>&quot;</td>
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<tr>
<td>17</td>
<td>&quot;</td>
<td>Werribee South Green Wedge Policy Management Plan</td>
<td>&quot;</td>
</tr>
<tr>
<td>18</td>
<td>&quot;</td>
<td>‘Get Wyndham Moving’ News</td>
<td>&quot;</td>
</tr>
<tr>
<td>19</td>
<td>&quot;</td>
<td>Palmers Road Transit lane diagrams</td>
<td>&quot;</td>
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<tr>
<td>20</td>
<td>&quot;</td>
<td>West Gate Distributor – Northern Section Stage 1</td>
<td>&quot;</td>
</tr>
<tr>
<td>21</td>
<td>&quot;</td>
<td>Western Distributor newsletter</td>
<td>&quot;</td>
</tr>
<tr>
<td>22</td>
<td>&quot;</td>
<td>Point Cook 2007 ANEF Contours</td>
<td>&quot;</td>
</tr>
<tr>
<td>23</td>
<td>&quot;</td>
<td>Press Release from Jill Hennessey MP</td>
<td>&quot;</td>
</tr>
<tr>
<td>24</td>
<td>&quot;</td>
<td>Information re East Werribee Employment Cluster</td>
<td>&quot;</td>
</tr>
<tr>
<td>25</td>
<td>&quot;</td>
<td>Wyndham permit history</td>
<td>&quot;</td>
</tr>
<tr>
<td>26</td>
<td>&quot;</td>
<td>Dwellings granted by building permits</td>
<td>&quot;</td>
</tr>
<tr>
<td>27</td>
<td>&quot;</td>
<td>‘Grow with Us’ Council brochure</td>
<td>&quot;</td>
</tr>
<tr>
<td>28</td>
<td>&quot;</td>
<td>Point Cook suburb boundaries</td>
<td>Nat Anson</td>
</tr>
<tr>
<td>29</td>
<td>&quot;</td>
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<td>&quot;</td>
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<tr>
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<td></td>
<td>Distances to Point Cook from Melbourne</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td></td>
<td>Retail facilities in Point Cook</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td></td>
<td>Submission on behalf of Australand</td>
<td>Ian Pitt SC</td>
</tr>
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<td></td>
<td>Track change version of revised permit conditions</td>
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</tr>
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<td>34</td>
<td></td>
<td>Clean version of revised permit conditions</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>14/07/15</td>
<td>Planning issues of Point Cook and Police Resources</td>
<td>Tony Hooper</td>
</tr>
<tr>
<td>36</td>
<td></td>
<td>Wyndham Community Profile 2015</td>
<td>Elio Comello</td>
</tr>
<tr>
<td>37</td>
<td></td>
<td>Gazette Notice for Amendment C48</td>
<td>Tim Peggie</td>
</tr>
<tr>
<td>38</td>
<td>15/07/15</td>
<td>Council Report, 7 October 2002</td>
<td>Elio Comello</td>
</tr>
<tr>
<td>39</td>
<td></td>
<td>File Note re Amendment C48</td>
<td>Elio Comello</td>
</tr>
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<td>Written submission, with comments from MPA</td>
<td>Kylee Brealey</td>
</tr>
<tr>
<td>41</td>
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<td>Detailed written submission</td>
<td>Kylee Brealey</td>
</tr>
<tr>
<td>42</td>
<td></td>
<td>PowerPoint slides from Tony Hooper</td>
<td>Kylee Brealey</td>
</tr>
<tr>
<td>43</td>
<td></td>
<td>Update on Bayview Park</td>
<td>Elio Comello</td>
</tr>
<tr>
<td>44</td>
<td></td>
<td>MPA closing submission</td>
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