

IN PLANNING PANELS VICTORIA**MELTON PLANNING SCHEME AMENDMENT C232MELT****TOOLERN DEVELOPMENT CONTRIBUTIONS PLAN REVIEW AND PRECINCT STRUCTURE PLAN REFRESH****PART B SUBMISSIONS ON BEHALF OF MELTON CITY COUNCIL****INTRODUCTION**

1. These Part B Submissions are made on behalf of Melton City Council (**Council**), the planning authority for Amendment C232melt (**Amendment**) to the Melton Planning Scheme (**Planning Scheme**). The Amendment seeks to implement Council's review of the Toolern Precinct Structure Plan¹ (**PSP**) and Toolern Development Contributions Plan² (**DCP**).
2. The Panel's directions dated 2 August 2024 require this submission to address the following matters:
 - 2.1. an overview of the DCP methodology including how:
 - a. the need for infrastructure items was justified;
 - b. net developable area and demand units were calculated;
 - c. contribution charges were calculated, including external use and cost apportionment.
 - 2.2. its response to submissions and evidence.
 - 2.3. its final position on the Amendment.
3. The matters listed at paragraph 2.1 were addressed in Council's Part A submission. An extensive response to submissions was also provided in tabular form in the Part A submission.
4. It is also noted that this submission has been prepared prior to the filing of the minutes of the expert conclaves on:
 - 4.1. Development contributions;
 - 4.2. Engineering and infrastructure costings.

¹ The current version of the PSP incorporated into the Planning Scheme is the *Toolern Precinct Structure Plan (including Toolern Native Vegetation Precinct Plan), July 2011 (Amended February 2019)*.

² The current version of the DCP incorporated into the Planning Scheme is the *Toolern Development Contributions Plan (Victorian Planning Authority, December 2023)*.

5. This submission therefore focuses on:
 - 5.1. The issues raised in submission of parties who have chosen to be heard in this proceeding, and the expert evidence. This is addressed thematically with a view to contextualising the Council position alongside the issues as raised in the original submissions and the expert evidence filed with the Panel.
 - 5.2. The responding to the key recommendations of witnesses called by submitter parties.
 - 5.3. Council's Day 1 Version of the Amendment.
6. In addition, a tabular response is provided to the recommendations of Council's experts.

SUBMISSIONS

Introductory remarks

7. The Part A sets out the history of the Toolern Precinct Structure Plan (**PSP**) and Development Contributions Plan (**DCP**) area and the need to review these documents, especially the DCP.
8. In undertaking this review, Council has chosen to be conservative in its ambition and scope. This led to Council seeking to draw on existing precedents such as:
 - 8.1. The VPA ICP benchmark designs and costings³;
 - 8.2. Work completed in existing PSPs and DCPs.
9. This approach continues today. Where as it would be open for Council to adopt the higher costs set out in the evidence of Sian McKenna, Council proposes through the Day 1 Version of the Amendment, that the exhibited (2022 financial year) DCP project costs and levies would be indexed to 2024 dollars.
10. Given the extensive tabular response to submissions included in the Part A submission, this Part B submission focuses on the issues raised by the following submitters who have requested to be heard and participate in the Panel hearing:
 - 10.1. Atherstone Estate - LendLease – Submission #28
 - 10.2. Australian Unity – Submission #17; #37.
 - 10.3. Department of Transport and Planning – Submission #35;
 - 10.4. Exford Waters Pty Ltd – Submission #19;
 - 10.5. Growland Pty Ltd – Submission #1;
 - 10.6. Melbourne Water Corporation – Submission #34;
 - 10.7. Miravor Property Group – Submission #12, #18; #36;
 - 10.8. Roman Catholic Trust Corporation – Submission #16;
 - 10.9. Thornhill Gardens Development Corporation – Submission #20.
11. Expressed thematically, the key issues raised in submissions may be addressed under the following headings:

³ [Benchmark Infrastructure Report \(Cardno\)](#) April 2019.

- 11.1. Are the proposed project designs (in particular cross sections) appropriate?
- 11.2. Are 'new projects' appropriately apportioned to the DCP?
- 11.3. Are the projects appropriately costed and proposed levies reasonable?
- 11.4. Development/site specific issues.

12. These groupings are adopted in the submissions that follow.

Are the proposed project designs (in particular cross sections) appropriate?

Requirement for remaining development to contribute at higher levies

What is the issue?

13. The Exford Waters submission (Submission #19) raises concerns with the fairness of remaining development contributing at higher levy rates compared to existing development.
14. Similar concerns are raised in the Thornhill Gardens submission (Submission #20) which queries how the DIL has been costed, and expresses concerns about development variability, housing affordability and diversity.
15. The Australian Unity primary submission (Submission #17) raises concerns regarding the impacts of increased levies on the viability and timing of development.

Discussion

16. In the response to submissions table, Council stated as follows in respect of the Exford Waters submission:

Council has prepared Functional Layout Plans, Concept Plans and Project Cost Sheets for projects that still need to be delivered in the Toolern PSP area. Land valuations have been undertaken based on the revised land take associated with transport and community projects.

The project cost sheets have identified that there is an approximate \$232 million funding shortfall between what the DIL is currently collecting, and the revised construction / land acquisition costs identified in the amended PSP / DCP documents.

The new construction and land acquisition values have been applied to land that has been developed and land that is still to be developed. Where land has already been developed and DIL paid, Council will miss out receiving money from the DIL uplift. Based on current DIL receipts it is estimated that Council will not be able to recover approximately \$47 million of this shortfall.

It is not intended by this amendment to recover all \$232 million, which would have increased the DIL significantly for land yet to be developed.

17. In the response to submissions table, Council stated as follows in respect of the Thornhill Gardens submission:

This amendment seeks to increase the Development Infrastructure Levy for the following reasons:

- *When the Toolern PSP and DCP was prepared it was not informed by the preparation of Functional Layout Plans, Project Concept Plans, or Project Cost Sheets. This has resulted in inadequate land being reserved for infrastructure projects, and inadequate money being collected to construct the infrastructure.*

- *When the Rockbank PSP and DCP was prepared it identified road, intersection and bridge projects that need to be constructed along Paynes Road and apportioned 50% of the construction costs to the Toolern DCP. The Toolern DCP is not currently collecting money for their construction.*
- *When the Paynes Road PSP was prepared it identified additional bridge projects that need to be constructed on Mount Cottrell Road, which are missing from the Toolern DCP.*
- *When the Cobblebank Metropolitan Activity Centre Urban Design Framework was prepared it identified two rail overpasses and one intersection project that should be included in the Toolern DCP.*

Council commissioned Cardno (now trading as Stantec) to prepared FLPs and Project Cost Sheets for transport projects, and Council has used the concept plans and project cost sheets from the VPA's Benchmark Infrastructure Costing project for community centres, pavilions, and community centres.

Council has estimated that there is an approximate shortfall in funding of \$232 million to construct the infrastructure identified in PSPs, DCPs and UDFs that apply to the Toolern PSP area. This is in part due to a change in methodology in how contemporary PSPs / DCPs are prepared, and in part problems created when the Paynes Road and Rockbank PSPs were prepared.

The increase to the DIL is required to ensure infrastructure identified for delivery in the DCP can be delivered at the size required to support the growing community and can be delivered in a timely manner. It is acknowledged that increased development costs may impact land sale prices; however this infrastructure is strategically justified to support residents and businesses in the Toolern PSP area.

Council acknowledges that the increase to the DIL will increase the development cost for developers in the Toolern DCP area. is acknowledged that increased development costs may impact land sale prices; however this infrastructure is strategically justified to support residents and businesses in the Toolern PSP areas.

Council acknowledges that some developers may seek to increase the density of housing to defray the increased DIL. Traditionally developers in the Toolern DCP area have provided three and four bedroom stock. If increased densities are provided it may result in the provision of two bedroom housing, which would improve housing diversity.

18. Council maintains these positions, noting in particular that all relevant background technical reports were exhibited with the Amendment. This includes the *Review and Refresh Report* which highlighted the rational for the review and explained why changes were proposed to the PSP and DCP.
19. In Council's submission, the projects included in the DCP are strategically justified and appropriately (albeit if on the witness statement of Ms McKenna conservatively) costed. This general approach is supported by the witness statements of Mr De Silva and Mr Ainsaar.
20. Council has through the Day 1 version indexed the proposed levies. This indexation exercise reflects the application of the indexation principles from the current DCP to bring the exhibited costings and levies (in 2022 dollars) in to 2024 dollars. As a part of this exercise, Council:
 - 20.1. Applied the Building Price Index (Rawlinsons Australian Construction Handbook);
 - 20.2. Obtained revised land valuations from Charter Keck Cramer.

Requested outcome

21. Council respectfully requests the Panel find that the proposed approach to setting the revised levy rates is appropriate and recommend the Amendment be adopted subject to the changes out in the Day 1 Version.

Apportionment of transport projects across all charge areas

What is the issue?

22. The Exford Waters submission (Submission #19) raises concerns with the fairness of apportioning transport projects (especially the new road projects partly apportioned to the Toolern DCP from the Rockbank and Paynes Road DCPs) to charge area 1 on the west of the DCP area.

Discussion

23. In the response to submissions table, Council stated as follows in respect of the Exford Waters submission:

5. Noted. It is agreed that it would have been simpler for the VPA to amend the Toolern DCP when the Paynes Road and Rockbank PSPs were prepared, however they did not. This amendment is seeking to fix this identified problem.

6. When the Toolern DCP was prepared in 2010 all transport projects were shared across the four charge areas. Given that DIL has been collected from these charge areas it is difficult now to adopt a different methodology where some transport project charges are assigned to some charge areas and excluded from others.

7. All charge areas share the burden of transport project increases, which equates to an increase of \$103,656 per NDA (\$21/22).

The increase to the DIL in Charge Area 1 is \$169,029 (\$103,656 of which is for transport projects). \$65,373 of the DIL increase (\$21/22) is resultant from changes to land acquisition and construction costs associated with community and infrastructure.

Charge Areas 3 and 4 have smaller changes to their DIL as they have limited community and recreation infrastructure located within them.

24. The Toolern DCP was tested and gazetted on the basis that all transport projects are linked and shared across a single charge area.
25. Indeed, the C84 Panel report records the following consideration of similar submissions made in 2010:

6.3 Who pays for what

What is the issue?

A number of submitters [Sic] questioned the items that they would be required to contribute to.

What does the Amendment say?

A Development Contributions Plan charge area is an area to which the same infrastructure levies apply to all demand units. The Development Contributions Plan Guidelines give relatively little by way of guidance for the area that a charge area should cover. At page 76 the Development Contributions Plan Guidelines indicate:

A charge area

- *May align with the boundaries of an MCA or a smaller area such as an individual analysis area, and*
- *Should be free of major cross subsidies.*

The exhibited Structure Plan has four charge areas. These can be broadly described as:

- *the area west of the Toolern Creek,*
- *the area south of the railway line (east of the creek)'*
- *the employment area, and*
- *area near the Toolern Creek and the MAC north of the railway line.*

Many items in the Development Contributions Plan have been allocated to all charge areas. The difference in charge areas relates mostly to community infrastructure items.

Evidence and submissions

Harness Racing Victoria submitted that because the land for Community Hub 6 was already in public ownership the development contribution for their land (and by implication the catchment of Community Hub 6) should be reduced. This would mean introducing another charge area into the Development Contributions Plan.

Land Source and Wegg questioned their contribution to pedestrian bridges over the railway line.

Discussion

As the Panel has discussed earlier, it is considered that a broader approach to charge areas is to be preferred over a multiple of areas.

The Harness Racing Victoria submission implies a level of precision in allocation of charges that the Panel thinks is counter productive.

One of the principles of a Development Contributions Plan is that there should be a nexus between new development and the need for new infrastructure. This underpins the notion that charge area should be free of major cross subsidies. However, the Panel thinks that this needs to be balanced against the desirability of a level of consistency across the Structure Plan area indeed across the different PSPs and growth areas. Including more charge areas, rather than fewer, in Development Contributions Plans will not advance this approach

Conclusion

The Panel concludes:

The allocation of items to the four charge areas is appropriate.⁴

26. This is not a new DCP that is under preparation that can readily adopt a fundamentally different approach. The underlying driver of the changes to the DCP is to reduce the cost gap arising from currently underfunded projects prospectively, and include new projects that are strategically justified.

⁴ *Melton C84 (PSA) [2010] PPV 64*

27. In respect of the Exford Waters submission, in particular, Council observes an inference that the Amendment proposes to unfairly impose increase project costs on just the remaining development, and that if the Amendment had been progressed sooner this cost could have been shared over a larger number of developers/greater NDA.
28. Council makes the following general observations on this point:
- 28.1. Firstly, the Amendment would have been brought to the present stage earlier, if that timing were within Council's control. The Toolern review was commenced in January 2020, with agency consultation completed in April 2022 and the amendment adopted by Council in August that year. The Amendment would have been exhibited in 2022 however the Minister did not provide conditional authorisation until December 2023.
- 28.2. Secondly, as discussed at paragraph 38-46 of the Part A submission, Council is responsible for meeting the 'gap' created by existing development having contributed at levy rates that were lower than they should have been to properly fund the required infrastructure. While it is true that amending the DCP earlier would have resulted in more development contributing at higher levy rates, this would not have reduced the levy rates payable by development, just the gap to be met by Council. If any unfairness is created by the timing of the amendment, that unfairness is to Council not remaining development.

Requested outcome

29. Council respectfully requests the Panel find that the proposed approach to setting the revised levy rates is appropriate and recommend the Amendment be adopted subject to the changes out in the Day 1 Version.

General concern with increased project costs

What is the issue?

30. The Exford Waters submission (Submission #19) raises concerns with the large percentage increases in the cost of DCP projects, questions how the cost increases are justified, and queries whether peer reviews have been conducted.
31. In his witness statement, Mr Turnbull surmises that the:

proposed supplementary levy figure for Toolern DCP is higher than all other DCP's in the surrounding area and accordingly, if the DCP is to be reviewed, in light of the significant additional cost proposed to be imposed on this land compared with surrounding areas, the need for all projects (including previously identified projects) should be reconsidered⁵

Discussion

32. In the response to submissions table, Council stated:

8. Functional Layout Plans, bridge designs, and community and recreation concept plans have been provided in appendices one to six in the Toolern DCP. It is noted that these plans are based on designs in the VPA's 'Benchmark Infrastructure Report'.

Detailed cost sheets have been prepared for the projects that are based on the VPA's 'Benchmark Infrastructure Report'.

9. The FLPs prepared by Cardno (now trading as Stantec) have taken the approved FLPs for RD04 and have shown these as blue linework on the Cardno FLPs.

⁵ Witness statement of Mr Turnbull, page 1.

It is noted that RD04 has been delivered in an interim standard only with large parts of the road not having been provided with kerb and channel, footpaths, bicycle infrastructure, nature strips or public lighting to date.

The exhibited Toolern DCP reflects revised costings by Cardno to ensure that all the RD04 infrastructure can be delivered

10. The transport project cost sheets have been reviewed by Council, the VPA, VicRoads and the Department of Transport and Planning (both planning and transport departments).

The community and recreation project cost sheets have been reviewed by Council, the VPA, and the Department of Transport and Planning (planning department).

The agency exhibition documents were peer reviewed by Chris DeSilva from Mesh and Matt Ainsaar from Urban Enterprise.

11. This amendment seeks to increase the Development Infrastructure Levy for the following reasons:

- When the Toolern PSP and DCP was prepared it was not informed by the preparation of Functional Layout Plans, Project Concept Plans, or Project Cost Sheets. This has resulted in inadequate land being reserved for infrastructure projects, and inadequate money being collected to construct the infrastructure.*

- When the Rockbank PSP and DCP was prepared it identified road, intersection and bridge projects that need to be constructed along Paynes Road and apportioned 50% of the construction costs to the Toolern DCP. The Toolern DCP is not currently collecting money for their construction.*

- When the Paynes Road PSP was prepared it identified additional bridge projects that need to be constructed on Mount Cottrell Road, which are missing from the Toolern DCP.*

- When the Cobblebank Metropolitan Activity Centre Urban Design Framework was prepared it identified two rail overpasses and one intersection project that should be included in the Toolern DCP.*

Council commissioned Cardno (now trading as Stantec) to prepared FLPs and Project Cost Sheets for transport projects, and Council has used the concept plans and project cost sheets from the VPA's Benchmark Infrastructure Costing project for community centres, pavilions, and community centres.

Council has estimated that there is an approximate shortfall in funding of \$232 million to construct the infrastructure identified in PSPs, DCPs and UDFs that apply to the Toolern PSP area. This is in part due to a change in methodology in how contemporary PSPs / DCPs are prepared, and in part problems created when the Paynes Road and Rockbank PSPs were prepared.

The increase to the DIL is required to ensure infrastructure identified for delivery in the DCP can be delivered at the size required to support the growing community and can be delivered in a timely manner. It is acknowledged that increased development costs may impact land sale prices; however this infrastructure is strategically justified to support residents and businesses in the Toolern PSP area.

33. Council submits that the methodology supporting the Amendment is sound – a position that, in Council's view, is supported by the witness statements of Mr Ainsaar and Mr De Silva.

34. Mr Turnbull, however, express concern about the proposed levy rates, having regard to principles regarding the infrastructure contributions regime and standard levies.⁶
- 34.1. Whilst it is acknowledged that Council has sought to adopt the standard designs and costings approached used by the VPA to prepare ICPs, this Amendment does not propose the use of an ICP.
- 34.2. It follows that the authorities regarding ICPs and Mr Turnbull's analysis of how the proposed development infrastructure levy compared to a standard ICP levy and by extension a supplementary levy, is of little relevance to the proposed amended DCP.
- 34.3. A fundamental distinction between the ICP and DCP regimes is that the DIL rate under a DCP includes the cost of land acquisition projects, where as in an ICP the cost of land acquisition is included in the separate land component. This necessarily has the effect of reducing the monetary component of ICPs compared to DCPs.
35. A further distinction to the ICP regime is that the Toolern DCP was originally intended to be a full cost apportioned DCP. This is in clear contrast to the ICP regime which was designed to:
- 35.1. allow the application of standard levy;
- 35.2. reduce the time & cost to prepare plans, including by removing the need for detailed costings and strategic justification;
- 35.3. cap cost escalation;
- 35.4. require Council's to be 'responsible for prioritising the infrastructure needs of their community, within the 'budget' set by the standard levy'.⁷
36. Further, as set out at paragraph 75 of Council's Part A submission, the proposed levy once indexed to 2024-25 dollars:
- 36.1. In respect of Charge Area 1 and 2, is less than the equivalent for the incorporated Rockbank DCP and the adopted Paynes Road implemented through permit conditions & section 173 agreements;
- 36.2. In respect of Charge Area 3, less than the charges for the Rockbank, Paynes Road, Rockbank North DCP's and charge areas 1 and 3 in the Taylors Hill West DCP;
- 36.3. In respect of Charge Area 4, the third lowest DIL rate in the municipality.
37. In addition, the witness statement of Mr Lucioni generally supports the approach taken by Cardno to the design of transport projects, and the witness statement of Ms McKenna suggests that if anything, the Amendment understates project costs.

Requested outcome

38. Council respectfully requests the Panel recommend the Amendment be adopted subject to the changes out in the Day 1 Version.

Bridge BD04

What is the issue?

⁶ See page 1 and page 18 of the Witness Statement of Mr Turnbull.

⁷ Hansard, Legislative Assembly, Wednesday 10 June 2015, [Second Reading – Planning and Environment Amendment \(Infrastructure Contributions\) Bill 2015, page 1887](#)

39. The LendLease submission (Submission #28) seeks to delete the pedestrian bridge BD04 due to the steep gorge at the site of the proposed bridge.

Discussion

40. In the response to submissions table, Council stated:

9. There is some flexibility in the location of pedestrian bridge BD04. It does not need to be constructed in the exact location that it is shown on the plans in the Toolern DCP, as the generally in accordance principle applies to this piece of infrastructure.

This pedestrian bridge is required to connect the residents of Weir Views to the Toolern Creek Regional Park.

41. Council maintains this position that the bridge is a required part of the PSP transport network and may be appropriately sited through detailed design. In particular, while the creek is in a gorge Council considers there is potential to investigate the paths leading to the bridge over the waterway itself to be designed to transverse down the faces of the gorge down/up to the bridge, thereby avoiding the need for the bridge to span both sides of the gorge at surrounding surface level.

Requested outcome

42. Council respectfully requests the Panel recommend that BD04 is retained in the DCP.

Extension of Ferris Road South of IT05 (RD17)

What is the issue?

43. The LendLease submission (Submission #28) seeks to include RD17 (Ferris Road) between IT05 to the boundary of the PSP as a DCP construction project.

Discussion

44. In the exhibited (and current) DCP, Ferris Road is shown as a connector road between the southern leg of IT05 and the southern PSP boundary. This is shown in the following excerpt from Plan 4 of the exhibited DCP:



45. In the response to submission table, Council stated:

The exclusion of this section of road from the Toolern DCP is consistent with the road network in the Toolern PSP and DCP dating from 2010.

Council considers the strategic justification has not been established to include the section of Ferris Road south of IT05 as a DCP project.

The section of Ferris Road located between IT05 and the southern boundary of the Toolern PSP is identified as a connector road in the Toolern PSP and DCP documents.

It is reasonable for this street to be delivered by the landowner / developer as part of their subdivision works. It would be unusual for this to be included in a DCP given its designation as a connector road.

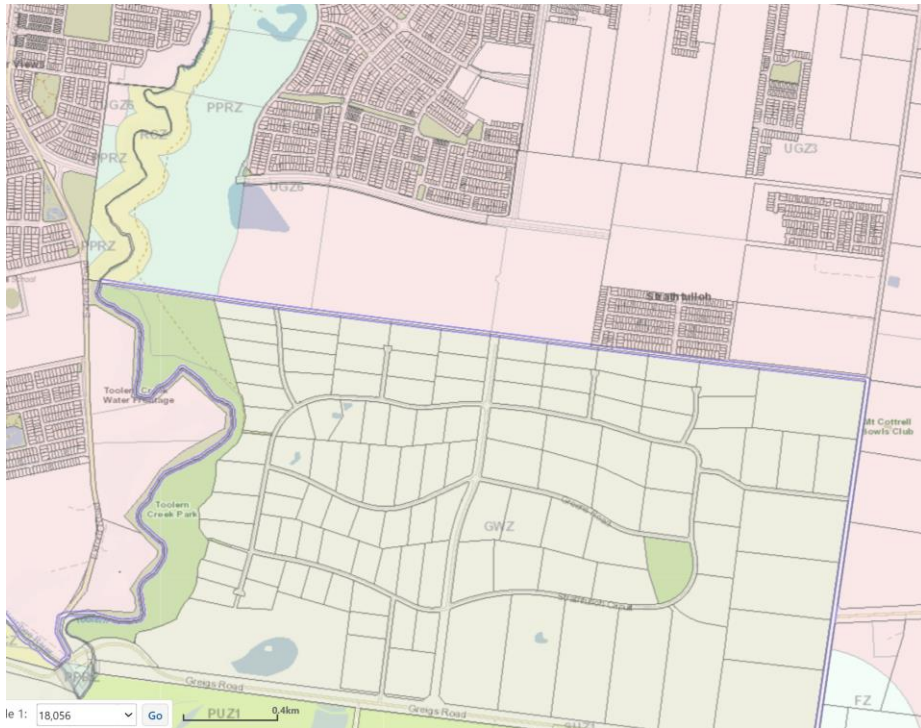
46. Council observes there is split support for DCP funding for this project amongst the expert witness statements filed with the Panel. While it is supported by the witness statement of Mr Lucioni⁸, and Mr De Silva⁹, Mr Ainsaar¹⁰ observes in his witness statement that the exhibited scope of RD17 is consistent with the established principle that connector roads are typically only funded by DCPs in the event of fragmented land ownership.
47. Council submits that this stretch of road is appropriately expressed in the exhibited Amendment as a connector road that is not funded by the DCP.
48. In forming this position, Council is mindful of:
- 48.1. The general growth areas principle that connector roads are usually delivered by the developer, and are only funded by a DCP where necessary due to factors such as land fragmentation;¹¹
- 48.2. That Ferris Road, south of the PSP is not a road to an adjoining growth area or PSP. Indeed, as highlighted by the below VicPlan image, Ferris Road south of IT05 will serve as a connection from the southern part of Atherstone Estate to Strathtulloh estate – a green wedge zoned estate outside the Urban Growth Boundary. It may therefore be distinguished from other examples where the arterial road is constructed by each PSP to the boundary of that PSP to form a cohesive network once all PSPs are developed.

⁸ At page 42.

⁹ At paragraph 110.

¹⁰ At page 25.

¹¹ See, for example *Hume C154 (PSA)* [\[2013\] PPV 16](#) [11.1]; *Wyndham C175, C176 and C177 (PSA)* [\[2014\] PPV 56](#) [7.6(iv)].



- 48.3. In addition, Council observes the practical constraints to the ‘upscaling’ of the road from a connector to a secondary arterial road that are posed by the road reserve and built form of IT05 which is under construction and due for completion by the end of 2024.¹²

Requested outcome

49. Council respectfully requests the Panel recommend the Amendment be adopted without upgrading Ferris Road south of IT05.

The Southern Leg of IT23

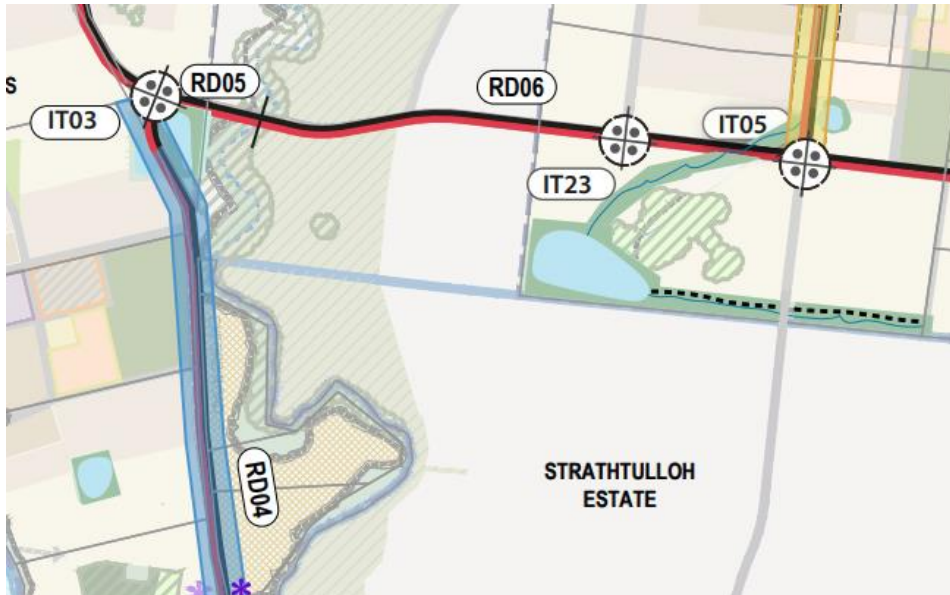
What is the issue?

50. The LendLease submission (Submission #28) seeks to include the southern leg of IT23 as a DCP project.

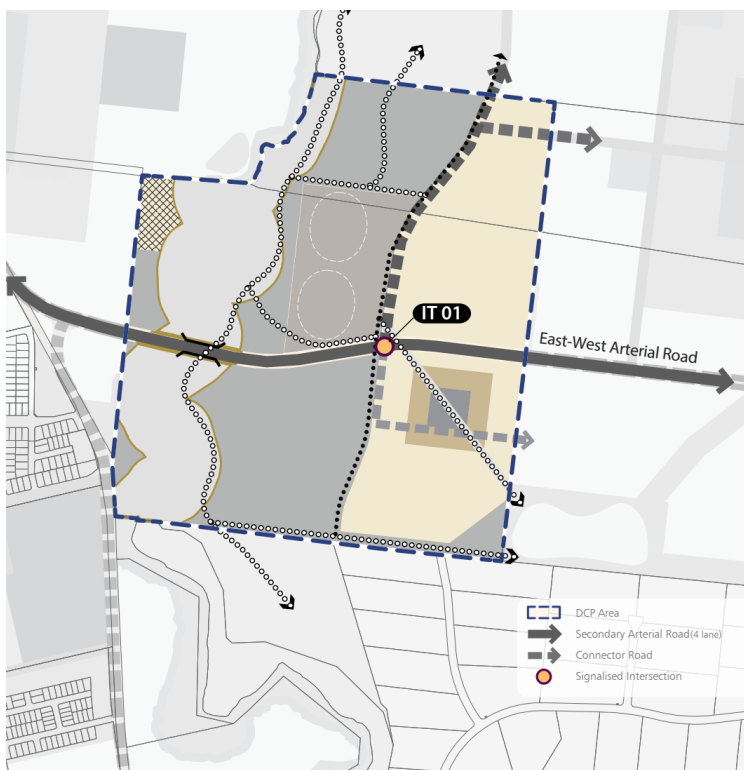
Discussion

51. The location of IT23 is set out in the extract from the exhibited, annotated background document of Plan 4 of the DCP showing project status:

¹² Witness statement of Mr Watters, page 18.



52. The location of IT01 in the Toolern Park DCP is shown in the following excerpt from the Plan for to that DCP:



53. In the response to submissions table, Council stated:

The Functional Layout Plan that has been prepared for Amendment C232melt showing three legs to this intersection is consistent with the intersection design in the Toolern PSP and DCP dating from 2010.

Council considers the strategic justification has not been established for including the fourth leg of the intersection in the Toolern DCP.

Given the large number of submissions concerned about the increase to the Development Infrastructure Levy (DIL), Council would be reluctant to amend a project that further increases the DIL.

Access to the Billeroy estate can be facilitated through IT01 in the Toolern Park PSP and IT05 in the Toolern PSP.

54. The witness statement of Mr Watters expresses support for the LendLease position, but does so noting that:

36. In 2023, Lendlease entered into discussions with the Council regarding a planning permit application for the Billeroy precinct located just south of the East-West Arterial within Atherstone.

37. The development north of the East West Arterial had by this time caused Intersection IT23 (Atherstone Boulevard) to be moved westwards and closer to IT01 which in turn had allowed for an additional collector road opposite Palara Drive to be inserted into the East-West Arterial Road corridor. Moreover, IT01 (Basildon Crescent) was no longer a 4-way intersection (as per the requirements of the Toolern PSP (2015)), but rather an intersection T. Intersection IT23 was proposed to be upgraded to a 4-way intersection in lieu of the change to IT01 and supplemented by a newly proposed left in left out opposite Palara Drive.

38. None of these proposed changes are precisely in accordance with either the approved Toolern Park PSP or the Toolern PSP and have yet to be approved by Council.

55. These changes are usefully summarised by Figure 13 to Mr Watters witness statement.



56. In effect, through the design of their subdivision, LendLease has deprioritised IT01 in the Toolern Park PSP and seek to made IT23 a 4 legged intersection. While this may be possible from an engineering position at the detailed design stage, it does not provide a strategic justification for using the DCP to fund an additional leg on an intersection to connect a local road to the arterial network.

57. The changes sought by LendLease on this point are similar to other changes sought by developers of other sites for the 'tail to wag the dog', and for planning permits (or in this case, draft permit plans) to set the land use pattern of the PSP. Council's position on these matters is consistent across submissions.

58. Council maintains this position and considers that the concerns raised by LendLease and Mr Watters on this issue can be addressed through detailed design, and the flexibility of the concept of 'generally in accordance'.
59. To the extent that the submission and evidence is capable of being read as seeking an amendment to the Toolern Park PSP to 'swap' the southern leg of IT01 for the southern leg of IT23, Council notes that this change does not form part of the present amendment and would require exhibition of a new amendment to the Toolern Park PSP area.

Requested outcome

60. Council respectfully requests the Panel recommend the Amendment be adopted without including the 4th leg of IT23 as a DCP project.

Are the changes to community facilities appropriate and do they facilitate increased density?

What is the issue?

61. The Growland submission (Submission #1) questions the changes to community facilities and whether they create capacity to increase the proposed densities.

Discussion

62. In the response to submissions table, Council stated:

The work by ASR Research revealed that the VPA had assumed there would be 2.3 people per household. ASR Research have recommended that Council should assume a household size of 2.7 people (which is still less than the usual 2.8 or 3.1 people per household used in contemporary PSPs). This has increased the projected population by 13,000 people.

Using Council's and VPA's provision ratios for community centres an additional community centre would be triggered, which would have resulted in land acquisition and construction costs.

Council explored three options to meet the increased community need:

- Council builds an additional centre - \$19 million increase to DCP*
- Council builds slightly larger centres - \$12 million increase to DCP*
- Council builds ICP benchmark design community centres that are too small - \$10 million increase to DCP*

Council adopted the second option which saves \$7 million to the DCP and still meets the local community's needs

63. In short compass, the answer to the question raised by Growland is no. The changes to community facilities proposed through the Amendment are those required to address the increased densities already being experienced. Any planned additional increases to density would further increase the projected future population and in turn the need for community infrastructure and the associated increased costs of delivering that infrastructure.

Requested outcome

64. Council respectfully requests the Panel recommend the Amendment be adopted without increasing the densities within the Precinct.

Should off-road bicycle lanes be included in the secondary arterial section of RD08 (Exford Road / Toolern Road)

What is the issue?

65. The DTP Transport submission (Submission #35) supports the reduction of a section of the east west arterial road (Exford Road / Toolern Road) to a secondary arterial road, but requests the off-road cycle path be retained.

Discussion

66. In the response to submissions table, Council stated:

This section of the east-west arterial road is known as RD08 in the Toolern PSP and DCP documents.

At the advice of the Victorian government, a decision was made at the start of the review to use the VPA's Benchmark Infrastructure Costings report and methodology for the design of bridges, road cross-sections, road FLPs and intersection FLPs.

The VPA Benchmark Infrastructure Costings report identifies secondary arterial roads should be provided with shared paths on both sides of the road within the 34-metre road cross-section.

The VPA cross-section does not include on-road bicycle lanes or dedicated off-road bicycle paths on secondary arterial roads.

The cross-section used in Amendment C232melt has modified the VPA's secondary arterial road cross-section to widen the two two-metre shared use paths to three-metre paths and has reduced the centre verge from six metres to four metres.

Given the cross-section is based on the VPA Benchmark Infrastructure Costings report, no change is recommended to the cross-section or the FLPs.

67. The witness statement of Mr Lucioni expresses support for off-road cycle paths and provides some history on the evolution of this design treatment. Importantly, Mr Lucioni concludes that this can be accommodated within the nominated reserve width.¹³
68. Council's primary concern is to ensure that the ultimate road delivers the required network connectivity, and suitably provides for bicycle users, within the road reserve width (34m) adopted in the Amendment. Council is open to recommendations to achieve an off-road bicycle path without widening the road reserve.

Requested outcome

69. Council recommends that the Panel consider the engineering evidence, but ultimately conclude that this issue be resolved through the planned 34m cross section.

Are 'new projects' appropriately apportioned to the DCP?

Property 126 – Mount Cottrell Road (RD12) and Mount Cottrell Road and Western Freeway intersection (BD19)

What is the issue?

70. The Growland submission (Submission #1) opposes the inclusion of the Mount Cottrell Freeway Interchange in the DCP and proposes it should instead be funded from GAIC.
71. The submission from Miravor (Submission #18) asserts that:
- 71.1. The proposed increase in the land take for RD12 from 0.08-0.13ha is inconsistent with permit (PA2020/6946) approved for the development of property 126;

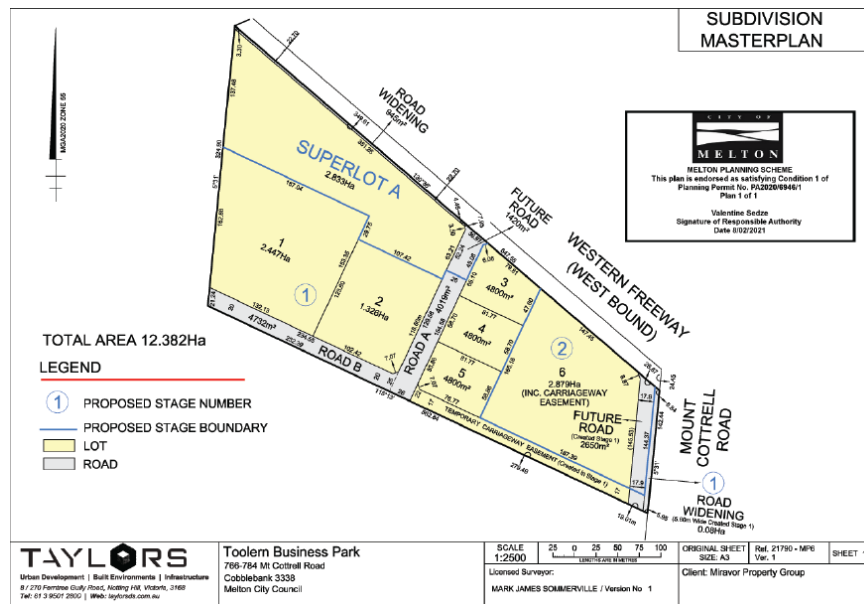
¹³ Witness statement of Marco Lucioni, page 37.

- 71.2. The proposed the land take for BD19 (3203m²) is inconsistent with permit (PA2020/6946) approved for the development of property 126.

Discussion

72. In the response to submission table, Council noted in respect of the Growland submission that “The Mount Cottrell Freeway Interchange is identified as a land acquisition only project in the DCP. The construction of this bridge will be funded by the State Government”.
73. In the response to submissions table, Council stated in respect of the Miravor submission:

Council has approved a subdivision layout for property 126 in the Toolern DCP through planning permit PA2020/6946 (see endorsed plan below):



The subdivision layout for PA2020/6946 was referred to Transport for Victoria (now Department of Transport and Planning) who did not request any changes to the subdivision layout to accommodate the future freeway interchange.

PSPs / DCPs and Urban Growth Zone Schedules are constructed to allow some flexibility in the spatial arrangements that are approved through the planning permit process. This is referred to in PSPs as ‘being generally in accordance’.

The PSP system allows subdivision layouts that are approved in planning permits to differ from the Functional Layout Plans (FLPs) shown in the DCP that governs the development of the area.

The FLP prepared for RD12 and BD19 (Mount Cottrell Road Freeway Interchange) was based on a FLP prepared for the Paynes Road PSP, and has consequently been used for the design of the upgrade of Mount Cottrell Road (see pages 81 and 113 in the Toolern DCP).

It is recommended that the Functional Layout Plans and Property Specific Land Use Budgets remain unchanged.

Discussions have been held with the Department of Transport and Planning (Transport) who have indicated that the land is needed for the freeway interchange. It is therefore recommended that a Public Acquisition Overlay should be applied to the land required for BD19 through a separate planning scheme amendment initiated by the Department of Transport and Planning.

74. Council's position remains that BD19 is appropriately included in the proposed DCP, although this amendment is not capable of addressing the land reservation issue.
75. However, Council has identified an error in the land budget for property 126 which should have shown 0.47ha as required for 'arterial roads and bridges'. This is corrected in the Day 1 Version.

Requested outcome

76. Council respectfully requests that the Panel recommend that the Amendment is approved subject to the exhibited land takes for RD12 and BD19, as corrected in the Day 1 Version

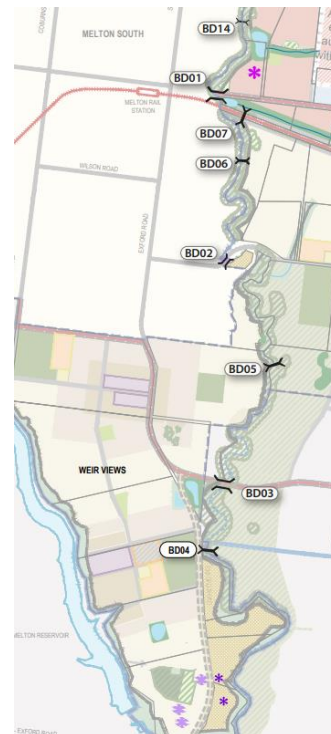
Bridge projects – the number of bridges necessary to cross the Toolern Creek

What is the issue?

77. The Growland submission opines that the number of bridges proposed to cross the Werribee River¹⁴ is excessive.
78. The witness statement of Mr Turnbull also questions the number of bridges proposed over Toolern Creek.

Discussion

79. Both the exhibited and the current versions of the DCP include 7 bridge crossings over the Toolern Creek as illustrated by the image shown right, taken from Plan 5 to the DCP.
80. In preparing this Amendment, Council has sought to maintain the existing transport network. In the absence of a strategic justification for the reduction of the number of pedestrian bridges over the Toolern Creek, it is submitted that the number of bridges should not be reduced.
81. In respect of the changes proposed in the witness statement of Mr Turnbull, Council submits:



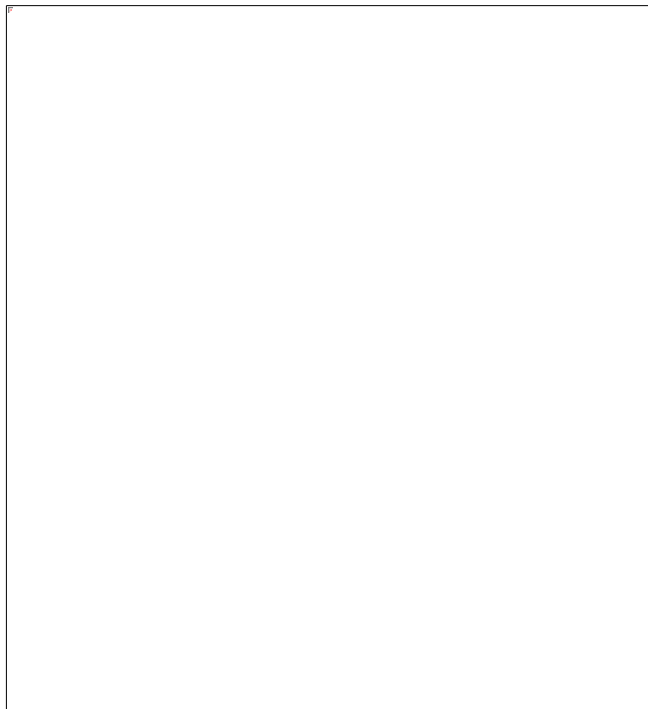
- 81.1. The 400m-800m spacing of the proposed bridges is identified by Mr Turnbull as being generally in accordance with current network planning principles.
- 81.2. The two bridges identified by Mr Turnbull at figure 13 of his witness statement are not funded by the DCP. Of the two bridges highlighted in that image, the northern most bridge was delivered without funding from the DCP while the southern bridge identified in the figure is a decommissioned road bridge.
- 81.3. At paragraph 73-74 Mr Turnbull correctly identifies that there is an existing railway underpass on the west side of Toolern Creek which is not shown in the PSP. That bridge is located outside the PSP boundary and on the opposite side of the creek to the proposed BD07. Further, BD07 is proposed to form part of an active transport corridor on the eastern side of the creek. Mr Turnbull also correctly identifies that project BD03 and part of east-west arterial road are located outside the PSP boundary and in the Toolern Park PSP area.
 - a. This reflects a historic anomaly caused by the excision of the Toolern Park PSP area from Toolern PSP, following the inclusion of Toolern Park in the Urban Growth Boundary.

¹⁴ Council understands this issue to be related to the number of bridges crossing the Toolern Creek.

- b. These projects formed part of the Toolern DCP road network when the DCP was first approved, and no external apportionment to Toolern Park was included at the time of that PSP's introduction.
- c. Council has not sought to unpick this historic anomaly through the amendment. It is noted the Amendment takes a consistent approach to such issues – seeking to include projects where other DCP's have previously apportioned costs to Toolern, but not seeking to amend other DCP's prepared after Toolern that would have been prepared cognisant of the infrastructure funded by the Toolern DCP.
- d. Council therefore does not share Mr Turnbull's view that BR03, and RD05, RD06 ought be apportioned to Toolern Park.

81.4. It is further noted that there was limited developable area in the Toolern Park PSP when it was first gazetted – of the 33.9ha of residential land in that PSP 16.8ha has been developed, equating to 49.6% of the PSP.

81.5. This is illustrated in the following image of the future urban structure of the Toolern Park PSP overlaid on an aerial image taken in May 2024.



81.6. The:

- a. Comparatively small NDA of the Toolern Park PSP means that small increases in project costs would translate into larger changes in the DIL for that DCP.
- b. The remaining 17.1 Ha of residential land to be developed in Toolern Park limits the extent to which that PSP area would provide financial contributions to any new projects added to that DCP.

Requested outcome

82. Council respectfully requests that the Panel recommend that the Amendment is approved subject to the exhibited number of bridges over Toolern Creek.

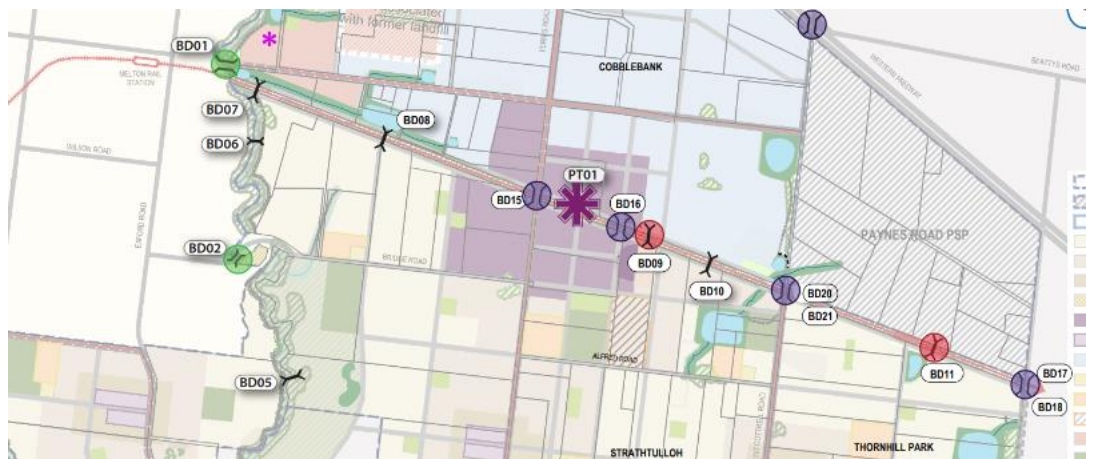
Bridge projects – Railway bridge projects

What is the issue?

83. The Growland submission (Submission #1) opposes the inclusion of railway bridge projects in the DCP.
84. The DTP Transport submission (Submission #35) seeks clarification regarding the scope of BD17, BD18, BD19, and BD20 and how these projects have been described in the exhibited DCP.
85. The Miravor submission (#12), and the Australian Unity primary submission (#17) requests BD16 is removed from the exhibited DCP.
86. The witness statement of Mr Turnbull recommends deleting projects BD17, BD20 and BD21.

Discussion

87. The exhibited DCP proposes 9 railway crossing related projects (moving west to east – BD07, BD08, B15, BD16, BD10, BD20, BD21, BD17 and BD18).
88. The exhibited background materials include an annotated Plan 5 to the DCP showing the bridge projects proposed that have been constructed to date (green), which are proposed to be added to the DCP (purple) or which proposed to be removed (red) from the DCP.



89. By way of changes in respect of railway crossings, the Amendment proposes to:
 - 89.1. Remove:
 - a. BD09 (Pedestrian Underpass 3: Melbourne Ballarat Railway. Construction, including 3-metre wide, 50-metre long box culverts, end walls, concrete path, drainage and lighting); and
 - b. BD11 (Pedestrian Underpass 5: Melbourne Ballarat Railway. Construction, including 3-metre wide, 50-metre long box culverts, end walls, concrete path, drainage and lighting).
 - 89.2. Add:
 - a. BD15 (Ferris Road Rail Overpass Construction of a rail-road grade separation at the intersection of Ferris Road and the Melbourne-Ballarat rail corridor (interim standard)):

- i. This is a land identification project included for the purposes of setting the PSP and DCP land budgets.
 - ii. As confirmed by Table 4 of the exhibited DCP, no project costs for BD15 are attributed to the DCP.
- b. BD16 (East Road Rail Overpass Construction of a rail-road grade separation at the intersection of East Road and the Melbourne-Ballarat rail corridor (interim standard)):
- i. In Council's submission, the inclusion of this project is justified by the strategic planning for the Cobblebank MAC, which contemplates 'east road' will be connected over the railway line via 'two road and shared-path grade separations on Ferris Road and East Road¹⁵'.
 - ii. In the response to submission table, in respect of submission #12, Council stated:

Bridge 16 is in the Cobblebank Metropolitan Activity Centre and is proposed to facilitate north- south movement of cars, freight, buses, pedestrians, and cyclists across the railway line that bisects this centre.

The Growth Areas Authority prepared the Toolern Town Centre Urban Design Urban Design Framework in 2012, and this was superseded by work undertaken by Council in the Cobblebank Metropolitan Activity Centre Urban Design Framework (CMAC UDF) in 2018.

Both Urban Design Frameworks identified the Metropolitan Activity Centre will be the home of a public hospital, a private hospital, law courts, the Melton Civic Centre, tertiary education, and the City of Melton's highest order retail centre. These uses generate large numbers of vehicle, cyclist, and pedestrian movements.

Both Urban Design Frameworks identify BD16 (East Road Rail Overpass) is needed to distribute vehicle movements and to facilitate pedestrian and cyclist movements.

Council has had the bridge designed and costed by Cardno (now known as Stantec).

The CMAC UDF has recommended that the Toolern DCP be amended to include this bridge.

- c. BD17 (Paynes Road Rail Overpass Construction of a rail-road grade separation at the intersection of Paynes Road and the Melbourne-Ballarat rail corridor (interim standard)):

- i. This is identified as a future Council (secondary arterial) road.

¹⁵ Cobblebank Metropolitan Activity Centre (Toolern Town Centre) Urban Design Framework, page 29.

- ii. Council is proposing to amend the Toolern DCP to collect money for the construction of this bridge. The bridge project corresponds with bridge project BR04 in the Rockbank DCP, which was 25% apportioned to the Toolern DCP. The delivery of this bridge using DCP funds, and the apportionment to Toolern has therefore already been the subject of a DCP planning scheme amendment process.
 - iii. It is of particular note that the addition of project 'BR04 Paynes Road rail flyover' to the Rockbank DCP was the subject of specific consideration (as a group of related Paynes Road projects) by the Panel considering the Rockbank DCP and the inclusion of the bridge was recommended by that panel.¹⁶ While subsequently the state government has introduced the Big Build level crossing removal program, this the Paynes Road overpass is not currently listed as one of these projects. This is a distinction with the Ferris Road project which is currently the subject of a big build commitment to deliver grade separation and is not proposed to be funded by the DCP.
 - iv. Finally, Council observes that the land has been excluded from the project collection for the Toolern DCP as the land has been reserved under planning permit application PA18/6025.¹⁷
- d. BD18 (Paynes Road Level Crossing Upgrade Construction of an upgrade to the level crossing at the intersection of Paynes Road and the Melbourne-Ballarat rail corridor, including automatic gates and pedestrian crossings (ultimate standard). Note: Paynes Road level crossing will be closed upon completion of the construction of the Paynes Road Overpass (BD17)):
- i. Project BD18 funds the installation of pedestrian gates at the exiting level crossing prior to ultimate grade separation by the state. BD18 represents a companion project to project BD07 in the Rockbank DCP, which funds the other 50% of the cost of upgrading the Paynes road level crossing prior to its eventual grade separation.
 - ii. Project BD18 does not fund the construction of the grade separated bridge (on the land set aside in project BD17).
- e. BD20 (Mount Cottrell Road Rail Overpass Purchase of land for the construction of a rail-road grade separation at the intersection of Mount Cottrell Road and the Melbourne-Ballarat rail corridor (ultimate standard)):
- i. This is a land purchase project for the construction of the ultimate arterial road.
 - ii. Consistent with conventional practice, the amended DCP proposes to fund the acquisition of land to facilitate the ultimate road cross section, including the grade separated bridge.

¹⁶ See *Melton C145 (PSA)* [\[2016\] PPV 60](#) [7.5].

¹⁷ The Submission Response Table included in the Part A Submission includes an error in the response to the DTP submission, at Point 8 (page 59). That point describes that BD18 is 25% apportioned to Toolern DCP and the balance is apportioned to the Rockbank DCP. That statement is correct in respect of BD17.

- f. BD21 (Mount Cottrell Road Level Crossing Upgrade Construction of an upgrade to the level crossing at the intersection of Mount Cottrell Road and the Melbourne-Ballarat rail corridor, including automatic gates and pedestrian crossings (ultimate standard). Note: Mount Cottrell Road level crossing will be closed upon completion of the construction of the Mount Cottrell Road Overpass (BD20)):
 - i. Project BD21 funds the installation of pedestrian gates at the exiting level crossing prior to ultimate grade separation by the state. This approach mirrors that adopted in the Rockbank DCP in respect of the Paynes Road level crossing.
 - ii. Project BD21 does not fund the construction of the grade separated bridge (on the land set aside in project BD20).

90. In Council's submission, these projects are all strategically justified and are appropriately included in the exhibited DCP.

Requested outcome

91. Council respectfully requests the Panel recommend that the Amendment is adopted as exhibited in respect of these bridge projects.

Western freeway upgrade

What is the issue?

92. The DTP submission (Submission #35) raises concerns over proposed changes to cross sections, in particular the cross sections for:
- 92.1. Mount Cottrell Road;
 - 92.2. Shogaki Drive;
 - 92.3. Ferris Road.
93. The witness statement of Mr Turnbull opines that the land required for BD19 (half diamond interchange with the Western Freeway at Mount Cottrell Road) ought either be removed from the DCP or otherwise externally apportioned 50% to Paynes Road.

Discussion

94. Mount Cottrell Road
- 94.1. The DTP submission states:
 - a. *Adequate land provision for the future freeway interchange needs to be considered and provided.*
 - b. *Adequate land for the future intersections between Shogaki Drive and the Western Freeway needs to be considered and protected.*
 - c. *The reduction of RD12 from 45m to 41m is not supported as current designs indicate that a minimum of 45m will continue to be required to deliver the ultimate primary arterial corridor's configuration.*
 - 94.2. In addition to the context provided in the in the response to submissions table of the Part A submission, Council observes that:

- a. The Cobblebank Employment and Mixed Use Precinct UDF has identified Mount Cottrell Road as having a 41-metre width.
- b. The land on the eastern side of Mount Cottrell Road is fully developed.
- c. Council has approved a planning permit PA2020/7024 on the western side of Mount Cottrell Road that has established a mid-block road width of 41 metres
- d. Council is considering PA2023/8440 on the western side of Mount Cottrell Road which too has adopted a mid-block road width of 41 metres.
- e. This development pattern makes a road reserve of 45 metres unachievable save through the application of a Public Acquisition Overlay, which is not proposed through this amendment.

95. Shogaki Drive

95.1. The DTP submission states:

- a. *The ultimate alignment of the Shogaki Drive, including the intersections and consideration towards the existing sewer pumping station is unresolved. The Department seeks further discussion with Council to resolve this matter. Possible relocation or protection of the sewer pump and the potential costs and responsibilities for doing so require resolution.*
- b. *Discussions were held between MRPV and Council around the ongoing need for Shogaki Drive to be included as a 6-lane, primary arterial road corridor. The Department and MRPV would like to understand why, following the advice from MRPV that a 4-lane arrangement is appropriate, the updated PSP and DCP retains a 6-lane corridor.*

95.2. Shogaki Drive (projects RD14 and RD19) is relevantly shown with a 45m cross section in both the current and exhibited versions of the DCP. The witness statement of Marco Lucioni expresses support for retaining a 6 lane cross section in light of the forecast traffic data cited in his statement.¹⁸

95.3. In respect of the sewer pumping station, the witness statement of Marco Lucioni defers to Council for a response.

- a. The potential conflict between the sewer pumping station and the intersection is a matter that Council recognises needs to be resolved prior to the approval of the Amendment.
- b. Council has sought a preliminary indication of the costs to relocate the pumping station but has been unable to do so in the timelines afforded by the present process.
- c. For present purposes, Council simply observes that for each additional million dollars of project cost for transport projects, the DIL for each charge area would increase by \$650 per hectare.

95.4. Council proposes to retain this designation of Shogaki Drive as a primary arterial road, consistent with its internal engineering advice that in the ultimate configuration the road will require a 6 lane profile.

96. Ferris Road

¹⁸ Witness statement of Mr Lucioni, page 26.

- 96.1. The DTP submission states:
- a. *Adequate land provision and appropriate intersection design is required for the Ferris Road / Treeleaf Lane / Shakamaker Drive intersection. The current FLP does not adhere to current road design standards.*
 - b. *The Department does not support the reduction of RD15 from 45m to 41.8m. Preliminary work undertaken indicates that 41m would be insufficient to enable the corridor's ultimate configuration. The existing width should be retained to ensure future upgrades can be delivered without delay or additional costs*
 - c. *As such, it is the Department's preference is that the full extent of the (existing) easement is maintained.*
- 96.2. As explained in the Response to Submissions Table, the reduction of RD15 from the current 45m cross section is a result of the application of the VPA Benchmark Infrastructure Costings cross sections, which relevantly show a 41m cross section.
- 96.3. In respect of the intersection of Ferris Road / Treeleaf road (IT18), the witness statement of Marco Lucioni identifies a revised design for this intersection, which is expressed as being a 'concept layout' and 'subject to further design development and investigation'¹⁹. Council is in principle comfortable with this revised intersection, subject to further investigation and consultation with affected landowners – noting that the design advanced by Mr Lucioni has a slightly different land take to the exhibited project.
- 96.4. The witness statement of Marco Lucioni identifies that an error has occurred in the cross section of RD15 which should be amended to reflect the 45m cross section proposed north of Shogaki Drive. Mr Lucioni notes that differing cross sections apply to other parts of Ferris Road, south of Shogaki Drive (RD16 and RD17).²⁰ Council accepts this recommendation.

Requested outcome

97. Council respectfully requests the Panel recommend that the Amendment is adopted as exhibited in respect of arterial road cross sections, save for:
- 97.1. Resolving the conflict between the sewer pumping station and Shogaki Drive;
 - 97.2. Investigating the design for IT18 further, in consultation with affected landowners;
 - 97.3. Correcting the cross section of RD15 to reflect the proposed 45 metre cross section.²¹

Are the projects appropriately costed and proposed levies reasonable?

Approximate indexation methodology

What is the issue?

¹⁹ Witness statement of Marco Lucioni, page 24.

²⁰ Witness statement of Marco Lucioni, page 32.

²¹ This will bring the cross section in line with the Land Take Plan and the Functional Layout Plans in the exhibited DCP show Ferris Road as a 45-metre road cross-section. The land acquisition values for RD15 (Ferris Road between Shogaki Drive and the Western Freeway) are acquiring land for a 45-metre road cross-section.

98. The LendLease submission (Submission #28) raises concerns with the indexation of costs, citing that Rawlinsons is referenced at section 3.1.1 of the DCP while Cardno have relied upon the methodology in the VPA Benchmark Infrastructure costings.

Discussion

99. In the response to submissions table, Council stated:

As per Section 3.1.6 of the Toolern DCP indexation of construction costs in the DCP will continue to be via the Rawlinsons Australian Construction Handbook.

100. The introduction of the VPA Benchmark Infrastructure costings indexation methodology was necessary to bring those costings into a common financial year to allow costs sheets to be prepared for the Amendment.
101. Building Price Index / Rawlinsons is a commonly used index in greenfield DCPs.²²
102. Rather than changing the method for indexing DCP project costs part way through the life of the DCP, Council proposes to maintain the current indexation methodology in both indexing the exhibited project costs into current financial year values, but also in making annual adjustments to levies to ensure they keep up with inflation.

Requested outcome

103. Council respectfully requests the Panel recommend that the Amendment is adopted as exhibited in respect of indexation.

Increased DIL rates are unreasonable

What is the issue?

104. The Growland submission (Submission #1) expresses concern regarding the proposed increase in the DIL rate.

Discussion

105. The Growland submission expresses various concerns and solutions to the proposed increase in the DIL rate including:

- 105.1. Increasing densities to offset the proposed DIL increases;
- 105.2. Apportioning costs of projects to the state for funding through GAIC (on the basis that the shortfall is a result of poor planning by the VPA's predecessors).

106. On these issues, in the response to submissions table, Council stated:

1. This amendment seeks to increase the Development Infrastructure Levy for the following reasons:

- When the Toolern PSP and DCP was prepared it was not informed by the preparation of Functional Layout Plans, Project Concept Plans, or Project Cost Sheets. This has resulted in inadequate land being reserved for infrastructure projects, and inadequate money being collected to construct the infrastructure.*
- When the Rockbank PSP and DCP was prepared it identified road, intersection and bridge projects that need to be constructed along Paynes Road and apportioned 50% of the construction costs to the Toolern DCP. The Toolern DCP is not currently collecting money for their construction.*

²² See, e.g., the discussion regarding indexes in *Yarra C238 (PSA)* [\[2019\] PPV 18](#) [5.1(iii)].

- *When the Paynes Road PSP was prepared it identified additional bridge projects that need to be constructed on Mount Cottrell Road, which are missing from the Toolern DCP.*
- *When the Cobblebank Metropolitan Activity Centre Urban Design Framework was prepared it identified two rail overpasses and one intersection project that should be included in the Toolern DCP.*

Council commissioned Cardno (now trading as Stantec) to prepared FLPs and Project Cost Sheets for transport projects, and Council has used the concept plans and project cost sheets from the VPA's Benchmark Infrastructure Costing project for community centres, pavilions, and community centres.

Council has estimated that there is an approximate shortfall in funding of \$232 million to construct the infrastructure identified in PSPs, DCPs and UDFs that apply to the Toolern PSP area. This is in part due to a change in methodology in how contemporary PSPs / DCPs are prepared, and in part problems created when the Paynes Road and Rockbank PSPs were prepared.

The increase to the DIL is required to ensure infrastructure identified for delivery in the DCP can be delivered at the size required to support the growing community and can be delivered in a timely manner. It is acknowledged that increased development costs may impact land sale prices; however this infrastructure is strategically justified to support residents and businesses in the Toolern PSP area.

2. The projects being funded by the DCP are local projects and are ineligible for GAIC funding.

3. The increase to the DIL is required to ensure infrastructure identified for delivery in the DCP can be delivered at the size required to support the growing community and can be delivered in a timely manner. It is acknowledged that increased development costs may impact land sale prices; however this infrastructure is strategically justified to support residents and businesses in the Toolern PSP are.

107. Council maintains this position.

Requested outcome

108. Council respectfully requests the Panel recommend that the Amendment is adopted as exhibited in respect of density and GAIC.

The witness statement of Brock Jeffery-Monck

What is the issue?

109. The witness statement of Mr Jeffery-Monck expresses various concerns with the infrastructure design and costings in the exhibited amendment. These concerns include:

- 109.1. That the construction rates from the VPA Benchmark Costings are too high compared to tendered projects *Cossill and Webley* have recorded;
- 109.2. The absence of a capping layer in the design and costing for arterial roads, although despite this the costs are still too high compared to tendered projects *Cossill and Webley* have recorded;
- 109.3. Allowance for traffic management is not necessary for works where there is no existing road to be managed;
- 109.4. Rock excavation costs are conservative;

- 109.5. Errors in the length of projects;
- 109.6. The exhibited cross sections are inconsistent with the VPA benchmark designs.

Discussion

- 110. As noted above, this submission is tabled without the benefit of the minutes of the engineering and costing conclave. Council wishes to view the outcome of that conclave, and to test aspects of Mr Jeffery-Monck's evidence through cross examination, and therefore reserves its position in respect of Mr Jeffery-Monck's evidence.
- 111. However, the following observations are made at this time:
 - 111.1. While the witness statement of Mr Jeffery-Monck asserts that based on internal tender price records, as indexed, the exhibited project costings are too high, the evidence of Sian McKenna reaches the opposite conclusion. These divergent approaches, suggest that Council's approach of drawing upon the VPA benchmark costings represents an appropriate application of a recognised standard in a discipline that is subject to dispute.
 - 111.2. In respect of the application of the VPA benchmarks, it is useful to clarify the approach taken by Council to costing projects in the exhibited amendment.
 - a. As stated at paragraph 34 of the Part A Submission, in the absence of detailed designs and costings in the existing DCP Council relied 'upon VPA's *Benchmark Infrastructure Report, April 2019* to the extent possible'. Council's records suggest that Council sought copies of the relevant designs from the then Growth Area's authority at the time of the DCP's first incorporation, but was informed that they did not exist.
 - b. Council did not prepare new designs and costings for projects added from the Paynes Road or Rockbank DCP's, projects already constructed or which were the subject of an approved designs.
 - i. For completed projects, the costs from the current DCP have been indexed and no new costing or design work has been undertaken for the Amendment. Instead, these have been indexed from the values in the current DCP to 2022 dollars (in the exhibited Amendment) using the Building Price Index (Rawlinsons) – being the index nominated currently in the DCP.
 - ii. For projects added from other DCPs, the designs and costings from those DCPs, subject to indexation, have been adopted;
 - iii. Where designs have been prepared and approved for individual projects at the permit stage, those designs were adopted.
 - c. The VPAs benchmark designs and costings were used for road and bridge projects, unless a bespoke cross section was required²³ or a cross section from another PSP adopted.
 - d. The VPA benchmark designs were adapted by Cardno for bridge, road and intersection projects and by Hede Architects for community facilities to produce bespoke designs.

²³ In addition to the details set out in the exhibited DCP, the Panel's attention is drawn to the cross sections at page 51-65 of the exhibited Toolern PSP.

- e. Bespoke designs were costed using the rates from the VPA benchmarks, but applied to the quantities derived from the bespoke designs. This has informed the exhibited project costings, including the 5% allowance for traffic management.
 - f. Drawing on the VPA benchmark designs has also led to an inversion of the assumption apparent from the current DCP. The contemporary approach reflected in the benchmark designs is for long intersection extents resulting in shorter roads. Council does not dispute that the current DCP embodies the opposite approach of long mid-block road sections and shorter intersection tails.
- 111.3. Council agrees that an audit should be undertaken prior to exhibition to ensure that there has been no double counting and that the lengths of intersections and road projects do not overlap in their ultimate configuration, once any works thrown away in incorporating existing projects into future projects are accounted for.

Requested outcome

112. Other than the above observations, Council reserves its position on the issues raised in the evidence of Mr Jeffery-Monck until the minutes of the engineering and costing conclave are filed and the conclusion of cross examination.

Development/site specific issues

Should increased densities be provided for in the PSP?

What is the issue?

113. Several submissions²⁴ seek increased densities to offset the proposed increased DIL

Discussion

114. The exhibited PSP proposes to maintain the following minimum densities as set out in the current PSP:
- 114.1. 15 dwellings per hectare on average across the precinct;
 - 114.2. 30 dwellings per hectare in high density areas;
 - 114.3. 15 – 30 dwellings per hectare in medium density areas;
 - 114.4. 10 – 15 dwellings per hectare in conventional density areas.
115. The supplementary submissions from Australian Unity & Miravor seek to increase these densities, in line with practice in contemporary PSPs and the VPA 2021 PSP guidelines to:
- 115.1. 20+ dwellings per hectare in conventional density areas;
 - 115.2. 30+ dwellings per hectare in medium density area; and
 - 115.3. 40+ dwellings per hectare in high density areas.
116. Council relies upon the detailed response to these matters set out in the submissions Response Table:

²⁴ Including Growland (Submission #1), Thornhill Gardens (Submission #20), the supplementary submissions from Australian Unity (Submission #37).

Housing Density

If this PSP was to be prepared today it would use the residential densities in the VPA's PSP Guidelines (October 2021), and the infrastructure to support the development would be designed to cater for the population generated by the increased densities.

Increasing the minimum density of housing for conventional density areas will result in an increased demand for schools, community centres and open space, which has not been factored into the design of this PSP or the review.

The review of community and recreation infrastructure by ASR Research found that the increase in population from 55,000 to 68,000 (due to the changes to the household size and using a conventional housing density of 18 dwellings per net developable hectare) will place pressure on the community and recreation assets that were designed for 55,000 people.

The review found if the PSP was to be designed today with a population of 68,000:

- Additional government primary schools would have been provided.
- An additional community centre would have been provided.
- An additional 17 Ha of Active Open Space would have been provided (using Council's 1.3 Ha per 1,000 people rate)

Consultation was held with Council, the Department of Education, and the Melbourne Archdiocese of Catholic Schools during this review, where all parties agreed they could make their community and recreation assets work harder to accommodate the additional 13,000 people.

The review by ASR Research identified adaptations that could be undertaken to community and recreation infrastructure that could be undertaken so it could accommodate the additional 13,000 people forecast by Amendment C232melt.

Revised Dwelling and Population Numbers

If the PSP was to be changed to mandate an increased number of dwellings it would increase the number of dwellings and the population of the PSP and would place additional pressure on community and recreation infrastructure that was not designed to cater for the new mandated population increase.

Council has prepared a table that shows what the entire Toolern PSP area would look like if the dwelling minimums advanced by the submitter were applied:

	Conventional	Medium	High	Apartments	Total
Density	20	30	40		
Area (Ha)	830	230	58		
Dwellings	16,600	6,900	2,320	37,750	29,570
Household Size	3.1	2.5	1.8	1.8	
Population	51,460	17,250	4,176	6,750	79,636

Areas and household sizes from Toolern PSP Review Background Report, ASR Research, July 2020

Council has used the provision ratios identified by ASR Research in the table below to highlight the community and recreation infrastructure provided in the current PSP, Amendment C232melt, and the number needed if the revised densities were used:

Infrastructure	Provision Ratio (Population based)	No. provided in Toolern PSP	No. needed for 68,000 people 25,000 dwellings	No. needed for 80,000 people 30,000 dwellings
Community Centre	1 per 10,000 people	6	7	8
Govt Primary	1 per 3,000 dwellings	6	8.3	10
Govt Secondary	1 per 10,000 dwellings	2	2.5	3
Active Open Space	1.3 Ha per 1,000	75.1 Ha	88.4 Ha	104 Ha
Indoor Courts	1 court per 10,000 people	6	6.8	8

Provision ratios from Toolern PSP Review Background Report, ASR Research, July 2020

If the increased dwelling densities were mandated there would be the following impact on community and recreation infrastructure:

- *Demand for additional community centre facilities (maternal and child health facilities, kindergarten rooms and community meeting space).*
- *Demand for additional government primary school space.*
- *Demand for additional government secondary school space.*
- *Demand for additional active open space (using Council's population based provision ratio).*
- *Demand for additional indoor courts.*

Council does not support the proposal to increase housing densities as this would result in additional demand for community and recreation infrastructure that cannot be provided in the Toolern PSP area.

It is noted that this change to housing densities would have an impact on planning permits that are in-flight.

Toolern PSP Already Allows Increased Densities

Council acknowledges that some developers may seek to increase the density of housing to defray the increased DIL.

The PSP expresses housing density as a minimum rather than as a maximum. It is therefore possible for developers to hold discussions with our statutory planning team on the suitability of increasing residential densities in their estates, and each application to increase density would be considered on its merits.

Based on the above Council would prefer the dwelling densities remain unchanged in the Toolern PSP.

117. Council maintains this position.
118. While the desire to increase densities in the face of an increased levy rate is understandable, it would have unintended consequences for the infrastructure needs of the community, and in turn should this design choice have been made in preparing the amendment, increased infrastructure would have been required, costed and incorporated into the proposed levies.
119. Allowing higher densities to be assessed at the permit stage (as opposed to being required by the PSP) allows the infrastructure needs created by a proposed development to be assessed in the context of each particular site.

Requested outcome

120. Council respectfully requests the Panel recommend that the Amendment is adopted in respect of density.

Southern NAC

What is the issue?

121. LendLease (Submission # 28) seeks flexibility in the Southern Neighbourhood Activity Centre (Property 28) in light of the upgrade of the Principal Activity Centre to a Metropolitan Activity Centre.

Discussion

122. In the response to submissions table, Council stated:

No changes are proposed to the location or size of Neighbourhood Activity Centres (NAC) through this amendment. This NAC is still needed to meet the local everyday good and service needs for a catchment of approximately 10,000 people and contributes to this PSP being made of 20-minute neighbourhoods.

123. While Council maintains this position, it proposes to retain text from the current Clause 2.2 to the Urban Growth Zone Schedule that ensures the applied zone boundaries will be set through the urban design framework process. It is submitted that this will provide suitable flexibility for the final size and dimensions of the NAC to be resolved through the subsequent process.

Requested outcome

124. Council respectfully requests the Panel recommend that the Amendment is adopted, subject to the change to the UGZ schedule set out in the Day 1 Version.

NDA of Property 27

What is the issue?

125. The LendLease submission (Submission # 28) seeks to correct a discrepancy in the NDA of property 27 to address an apparent double counting of a drainage reserve and regional park area.

Discussion

126. Council agrees than error has occurred. In the response to submissions table, Council stated:

The current Table 2 Property Specific Land Use Budget identifies the following land areas for Property 27:

	Drainage	Regional Park
Current DCP	-	15.66
Amendment C232	2.20	15.66

It is recommended that the extent of Regional Park on property 27 be amended to 13.46 Ha.

127. This change is reflected in the Day 1 version of the Amendment.

Requested outcome

128. Council respectfully requests the Panel recommend that the Amendment is adopted, subject to the change to the Property Specific Land Use Budget set out in the Day 1 Version.

Passive Open Space Contributions

What is the issue?

129. The LendLease submission (Submission # 28) seeks to amend the DCP to confer a discretion upon Council to accept public open space contributions in the form of land, above the required percentage.

Discussion

130. As stated in Council's response to submissions table:

The Toolern PSP and DCP has been in operation since 2010, and a significant number of planning permits have been issued or are under active consideration.

The changes to the way Council have approached passive open space provision has been guided by the Toolern PSP and DCP documents for 14 years

131. A further issue inherent in the approach advanced by the LendLease submission is that there would be a shortfall in the cash public open space contributions collected.
132. Similar to, but clearly distinct from the public purpose land regime underpinning the ICP, the PSP and DCP assume that properties will provide a certain percentage of public open for space either in land or cash – allowing an equalisation between properties in which ‘under providing properties’ provide cash and over providing properties vest land and are compensated using funds collected by council from under providing properties.
133. This balance of over and under providers would be disrupted if Council were to accept additional land as public open space contributions, above that contemplated by the PSP.

Requested outcome

134. Council respectfully requests the Panel recommend that the Amendment is adopted without changes in respect of public open space equalisation.

Changes in the location and size of drainage assets & land uses allowed by permits

What is the issue?

135. The LendLease submission (Submission #28) seeks to update drainage reserve shapes and locations to reflect the location, shape and sizes of assets approved under planning permits.
136. The Melbourne Water submission (Submission #34) notes that several developments depart from strict accordance with the PSP land use configuration and the layout of drainage infrastructure shown in the Melbourne Water development services schemes.
137. The Thornhill Gardens Estate submission (Submission #20) raises similar issues.
138. The Miravor submission (Submission #12) requests that the future urban structure be updated to reflect the spatial arrangements approved on properties 40 and 41 through planning permit PA2020/7140.

Discussion

139. As stated in Council's response to submissions table, Council does not propose to change the PSP and DCP in response to changes made through the subdivision permit process.
140. PSPs / DCPs and Urban Growth Zone Schedules are constructed to allow some flexibility in the spatial arrangements that are approved through the planning permit process. This is referred to in PSPs as ‘being generally in accordance’.
141. Council is concerned that updating the land use budgets to reflect the outcomes negotiated on a site by site basis would make the administration of the PSP/DCP more complex.
142. A system that locked in certain outcomes would also make the PSP/DCP's application more rigid – for example preventing further amendments to plans should detailed design of later permit stages seek to depart from the current plans, and/or permits be allowed to expire without being completed and new permits be subsequently sought for a revised development proposal.

Requested outcome

143. Council respectfully requests the Panel recommend that the Amendment is adopted without changes to reflect layouts shown under plans endorsed to form part of planning permits.

Sequencing of development and drainage/sewerage

What is the issue?

144. The Growland submission (Submission #1) highlights that several parcels cannot be developed due to not having access to drainage and sewer. The submission requests Melbourne Water and Greater Western Water create easements to facilitate the installation of this drainage. The submissions also identifies that legislative change may be required to address this issue.

Discussion

145. In the response to submissions table, Council stated:

Council will continue to advocate to Greater Western Water to resolve the sewerage problems in the eastern half of the Toolern PSP.

Iramoo Circuit DSS

Properties 75, 83 and 84 are in the Iramoo Circuit Development Service Scheme (DSS) area.

Melton City Council and Melbourne Water acknowledge development has proceeded in an out-of- sequence manner, affecting the drainage staging and outfall works in the Iramoo Circuit DSS area in the eastern part of the Toolern PSP area.

The Iramoo Circuit DSS requires stormwater to outfall to the Kororoit Creek through the Melton East PSP area.

Significant drainage assets are required to convey stormwater to the Kororoit Creek and affects development in the Toolern and Rockbank PSP areas.

The Melton East PSP is currently under preparation and is expected to provide some certainty on the outfall requirements to service the Iramoo Circuit DSS area, the proposed drainage works will enable a free draining outfall to Kororoit Creek.

Council will continue to work with Melbourne Water and developers to identify measures to appropriately capture, retard, treat and transport stormwater.

This is an implementation problem that this amendment cannot resolve.

146. Council acknowledges that this is an unfortunate outcome but maintains that this is an issue broader than the present Amendment.

Requested outcome

147. Council respectfully requests the Panel recommend that the Amendment is adopted without further changes to in respect of drainage and sewer.

Addition of other town centre projects

What is the issue?

148. The Australian Unity primary submission (Submission #17) seeks to include certain additional projects in the DCP.

Discussion

149. The Australian Unity submission seeks DCP funding for additional projects in the metropolitan town centre. The submission states:

Specifically, Urban Core Street C, which provides for 'Interchange Way' (i.e. extension of the existing bus interchange area) as identified in the Cobblebank Metropolitan

Activity Centre Urban Design Framework Plan and Urban Core Street A which connects the town centre to the broader road network.

Urban Core Street C primary purpose is to provide a bus link from the existing bus interchange to the external road network that services the broader community. Like the existing bus interchange land this land should be included in the DCP and the road constructed by the State when required.

Urban Core Street A provides a connection into the town centre from the external road network and benefits multiple landowners within the town centre. As such, the location and funding of the street should be shared by those that directly benefit from its delivery. That is, our client shouldn't be made to carry the burden of the street delivery to the benefit of other.

150. The streets referenced in this submission are set out in the Cobblebank Metropolitan Activity Centre UDF as follows:

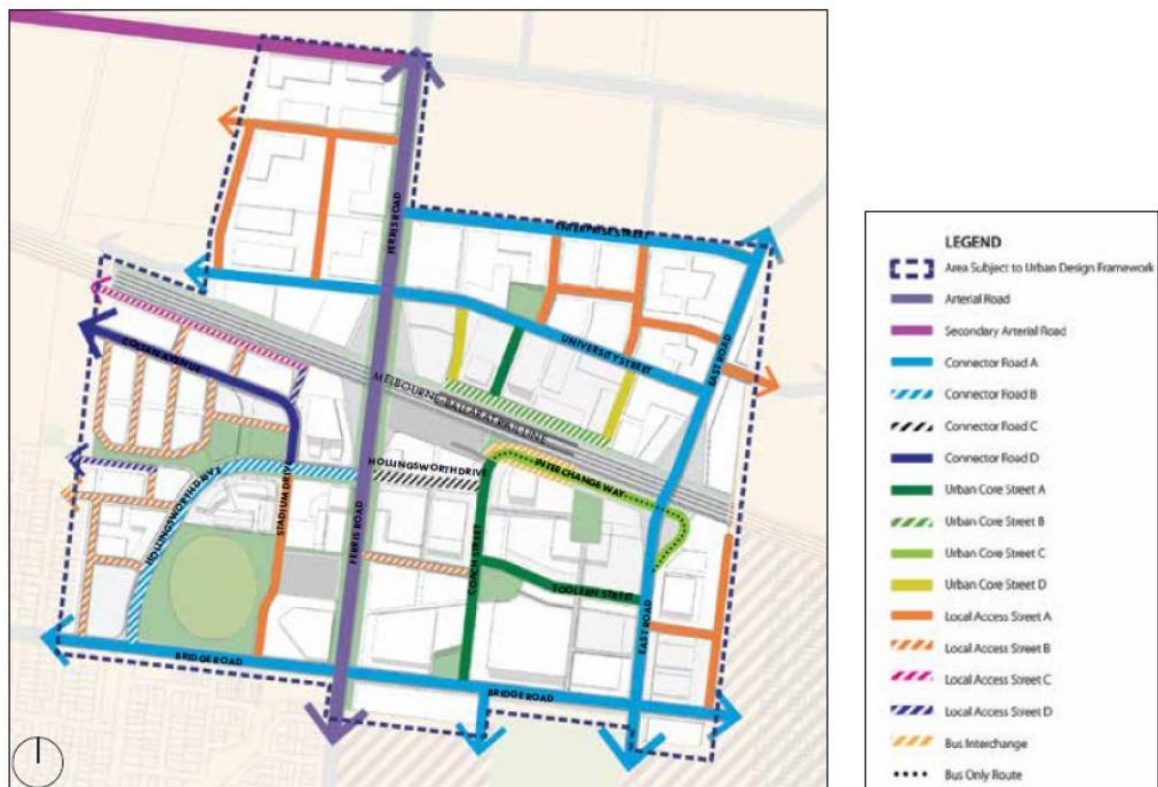


Figure 17. Street Type Hierarchy Plan

151. Council acknowledges that these streets form part of the future MAC road network, but submits that they have an internal function akin to connector roads.
152. Just as connector roads in other developments (both within this PSP but also the conventional approach to other PSPs across the growth areas) are subdivisional works to be delivered by the developer at the time of subdivision, Council's position is that these roads should be delivered as developer works. While providing a part of the overall network, these roads are required to provide access to the proposed development and therefore have a direct nexus to the development proposed for the Australian Unity property.
153. It is also noted that this represents a rare example of developer submissions seeking to add projects, and therefore costs, to the proposed DCP.

Requested outcome

154. Council respectfully requests the Panel recommend that the Amendment is adopted without the inclusion of the requested connector streets.

Exemption for private hospitals

What is the issue?

155. The Australian Unity primary submission (Submission #17) seeks to include an additional exemption in the DCP for a private hospital.

Discussion

156. Council understands that Australian Unity intends to develop Property 30 with a private hospital.

157. In the response to submissions table, Council stated:

It is standard practice in Development Contribution Plans for few uses to be provided with an exemption to pay development contributions under Clause 45.06 Development Contributions Plan Overlay.

Exemptions have been provided for government schools and non-government schools, which is consistent with the Development Contributions Guidelines (amended March 2007) prepared by the Victorian government, which provides the following exemptions:

The following types of new development are not subject to the requirements of a DCP:

- Development that is being undertaken by or on behalf of the Ministers for Conservation, Forests and Lands, Health and Education or their current equivalents (refer to Page 266, Victoria Government Gazette, 10 February 1988). This means that public schools and hospitals are exempt.*

A council also has discretion to exempt any new types of land use or development from the payment of development contribution levies. For example, on the basis that they provide a community service, a council may exempt:

- Private schools and hospitals.*

It is recommended that an exemption not be identified in Schedule 3 to Clause 45.06 for a private hospital, as it is more equitable for a wide variety of land developers to pay the Development Infrastructure Levy

158. A similar issue was raised in respect of the Cabrini private hospital in the context of the Stonington municipal wide DCP.

159. In ultimately recommending that an exemption not be included in that DCP for the Cabrini hospital that panel made the following observations:

...

The Panel is conscious that the Cabrini submission is for it to be exempt, and not for a broader exemption for other like or similar land uses. While it is understood each Panel bases its recommendations on the submissions and evidence of the case before it, in the case of DCPs in particular, there has evolved a set of relatively consistent practices and approaches with each municipal wide DCP building on the predecessor DCPs. Individual cases can and do give rise to appropriate departures from previous practice. This has resulted in extensive referencing of predecessor DCPs and Panel Reports in the subsequent DCPs and submissions and evidence tendered with respect to them. Consequently, a Panel must be cognisant of the broader context in which any of its

recommendations are made. As Mr De Silva stated, recommending an exemption for Cabrini could be a slippery slope.

In considering the broader context, three terms cause the Panel some concern. These being 'not-for-profit', 'community service', and 'hospital'.

The not-for-profit status of Cabrini is not questioned. However, a possible anomaly arises if in exempting Cabrini, its consulting rooms or pharmacy are leased 'for profit'. If these uses were located on expanded Cabrini floor space, they would not be levied but would be if located on nearby land. This anomaly could lead to the equity principle underpinning DCPs being breached if those may not be paying their fair share of the costs of providing infrastructure. Further, the Panel is conscious that exempting Cabrini could lead to applications for exemptions from a wide range of not-for-profit organisations in future DCP based Amendments thereby further increasing potential inequities by the re-allocation of the levies to other development or Council.

Similarly, other organisations which provide a wide range of community services might argue that they should be exempt. This is potentially a larger and much more nebulous group of uses. The issue of community service was discussed by the Panel which recently reported on Darebin Planning Scheme Amendment C170 (Darebin C170), and which recommended against a broad exemption being granted to La Trobe University. As far as the Panel is aware the report of that Panel has not yet been considered by Council. That case involves a different use but is similar to the extent that the community is provided with a service in both cases. Mr O'Farrell did not make strong arguments that Cabrini was somehow offsetting DCP projects or providing services that overlapped with DCP projects.

Although not expressed in this way by Council, the Panel is conscious that Council's position of not granting an exemption draws a very clear line in the sand, whereas acceding to Cabrini's submission introduces the difficulty for it where that line may be drawn with respect to other not for profits or organisations which provide a community service or other private hospitals.²⁵

...

160. It is submitted that many aspects of the Stonnington Panel's reasoning apply to the proposed private hospital. Private hospitals may be delivered on a for or a not for profit basis, and include a variety of uses including what would otherwise be characterised (if on a standalone basis) as offices or retail premises.

Requested outcome

161. Council respectfully requests the Panel recommend that the Amendment is adopted without the inclusion of a specific exemption for private hospitals.

The intersection changes recommended by Mr Turnbull.

Issue

162. Pages 29 through 33 of the witness statement of Mr Turnbull set out various criticisms of the proposed intersections, before recommending as follows:
- *Delete IT19 from the Toolern PSP (100% allocation to Paynes Road PSP).*
 - *Review and provide further justification as to why some of the revised intersection costs vary so significantly from the VPA Benchmark ICP Costings.*

²⁵ Stonnington C296ston (PSA) [\[2021\] PPV 97](#) [3.2(iii)]

- *Delete IT32 from the Toolern DCP.*
- *Amend the Rockbank PSP to relocate IT14 one block depth to the south of the Toolern PSP so that the costs can be shared 50/50 between Rockbank DCP and Rockbank South DCP, and the affected developer on the west side of the intersection can develop dwelling lots on both sides of the connector road.*

Discussion

163. Council wishes to make several observations regarding the witness statement of Mr Turnbull on intersection matters.
164. At paragraph 104 of the witness statement, Mr Turnbull observes that the costs of some intersections have increased tenfold while inflation has increased only by 36% over the period of 2009 to 2022.²⁶ This observation must be understood in its context.
- 164.1. The differing behaviour of inflation and infrastructure costings is well known. This is why the Building Price Index (Rawlinsons) is used in both the current and exhibited versions of the DCP, given CPI represents a different basket of goods compared to the cost escalation measured by Rawlinsons, which better correlates to the changes in the costs of delivering the sorts of works funded by the DCP.
- 164.2. The comparison being drawn assumes that the infrastructure was adequately designed and costed in the first place. Council's experience in the Toolern PSP area says otherwise. When Council enquired of the then GAA whether it could provide access to the designs used to prepare the Toolern DCP and the relevant costings, Council was informed that these did not exist. This led Council at the start of the review of the Toolern PSP, to commission the design and costings work contained in the exhibited background materials, drawing on the contemporary standards used in the ICP regime – the VPA Benchmark infrastructure designs and costings.
165. At paragraph 108 of the witness statement, Mr Turnbull opines that 'one of the primary reasons for the costs escalating so much is due to the "interim" intersection configuration being required to closely reflect an "ultimate" configuration.
- 165.1. In considering this statement it is useful to consider a counterfactual scenario where interim intersections were not delivered in a way that readily enabled the future conversion of interim intersections into ultimate intersections.
- 165.2. In the alternate scenario, intersections would not have been delivered with the 'wide medians' cited by Mr Turnbull but rather the more compressed interim cross section – leading to the relevant cambers of the road to reflect an interim cross section and the installation of utilities in an alignment suited only to the interim scenario.
- 165.3. The result would be works thrown away and the shifting of additional costs from development onto Council or the state at the time of the delivery of the ultimate intersection. The response to this issue embedded in the VPA benchmark designs is to design intersections that can readily accommodate the ultimate construction configuration. This reflects the approach adopted by Council in the Amendment.
166. At paragraph 108 to 111 of the witness statement, Mr Turnbull identifies the cost escalation of IT19 and IT26 between 2009 and 2022. Both intersections represent examples of projects that have been delivered prior to the exhibition of the Amendment. The approach taken to these intersections has therefore been to rely on the costings from the exhibited DCP and index these values. The cost escalation identified by Mr Turnbull is therefore the product of indexation of the original project costs in accordance with the DCP, rather than a new costings or design exercise.

²⁶ Witness statement of Mr Turnbull, paragraph 104.

167. In Table 4, the witness statement of Mr Turnbull compares the 2009 DCP costs, exhibited project costs and the VPA benchmark costs indexed to \$2024-2025.

167.1. This table, however, does not identify that land costs are included in the project costs under the DCP whereas land values are not included in the VPA benchmark costings

167.2. Taking the example of IT03, the exhibited DCP identifies a project cost of \$11,428,408, however this is comprised of \$2,500,000 in land acquisition costs, and \$8,928,408 in construction costs. Council acknowledges that this project cost is higher than the cost for the equivalent VPA benchmark project, but notes that the intersection projects prepared by Cardno were prepared drawing on the VPA benchmarks but were bespoke designs tailored to suit the constraints of the partly constructed road network and partly developed urban landscape.

168. In respect of IT19, Mr Turnbull asserts that the need for the intersection is entirely generated by the Paynes Road PSP. Regarding this intersection, Council observes:

168.1. The Paynes Road DCP has been collecting, via the section 173 agreements through which it is implemented, contributions towards 50% of the costs of the construction of IT19. The amendment seeks to contribute towards the other 50% from within Toolern PSP.

168.2. The land for IT19 forms project IT-19A under the Paynes Road DCP which is 100% apportioned to the Paynes Road DCP at a cost of \$3,681,630 (in 2020 values). Given the cost of IT19 in the exhibited DCP in 2022 dollars is \$1,071,557 it is apparent the vast majority of the cost of IT19 are being met by the Paynes Road precinct.

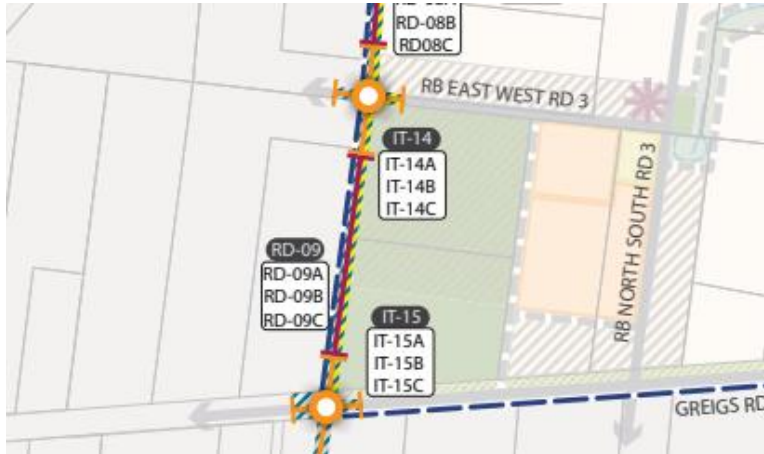
168.3. In addition, IT19 provides access from the Toolern precinct to both the community within Paynes Road but also provides ready access to the sports reserve, school and community facilities within the Paynes Road precinct. This is highlighted by the following snippet from Plan 3 – Future Urban Structure of the Paynes Road PSP:



168.4. For these collective reasons, it is submitted that IT19 ought to be included in the Toolern DCP.

169. At paragraphs 119 through 125 the witness statement of Mr Turnbull presents a case for IT23 (IT14 in the Rockbank DCP) to be relocated further south so that the costs of this project may be shared between Rockbank, Toolern DCPs and the future Rockbank South ICP. Council notes that:

- 169.1. The amendment of the Rockbank DCP does not form part of the exhibited Amendment and therefore this recommended change is unable to be made through the current process.
- 169.2. The analysis presented by Mr Turnbull does not acknowledge the role that IT14 (Rockbank)/IT23 (Toolern) plays in providing access to the adjoining active open space, government primary school and community centre in the Rockbank PSP. The proximity of the intersection and these uses is highlighted by the following snippet from Plan 4 – Transport Projects to the Rockbank DCP:



- 169.3. The simple relocation of the intersection south would have significant impacts on the functioning on the future urban structure of the Rockbank PSP.

Requested outcome

- 170. For the reasons outlined above, Council respectfully requests that the Panel recommend the Amendment is adopted without the changes recommended by Mr Turnbull.

DAY 1 VERSION OF THE AMENDMENT

- 171. As required by the Panel’s directions, Council has prepared a ‘Day 1 Version’ of the Amendment.
- 172. The Day 1 Version is set out in the tracked changes versions of the Amendment filed with this submission. This reflects the version that Council advances for the Panel’s consideration. Council’s position on day 1 of the case is that the Amendment ought be adopted and approved subject to the suggested changes set out in the Day 1 Version
- 173. Council has also prepared a table of changes to the PSP, DCP and ordinance that identifies the change and the rational for it. These are included as Appendix A, Appendix B and Appendix C to this submission.

COUNCIL’S RESPONSE TO THE EVIDENCE OF ITS WITNESSES

- 174. Council has prepared a tabular response to the recommendations of the 4 witnesses it has called.
 - 174.1. The tabular response to the recommendations of Matt Ainsaar form Appendix D to this submission;
 - 174.2. The tabular response to the recommendations of Chris De Silva forms Appendix E to this submission;

- 174.3. The tabular response to the recommendations of Marco Lucioni forms Appendix F to this submission;
- 174.4. The tabular response to the recommendations of Sian McKenna forms Appendix G to this submission.

CONCLUSION

- 175. The Amendment represents the culmination of an extensive period of strategic work.
- 176. Given the size of the PSP and the number of interests affected by the Amendment are of substantive scale.
- 177. This is underscored by the consultative steps undertaken by Council, which by numbers involved:
 - 177.1. sending 15,367 letters to landowners, occupiers and adjoining neighbours – of which 2,100 letters were returned as of 22 August 2024;
 - 177.2. sending 47 emails to project managers in planning consultancies who are representing clients in the Paynes Road and Toolern PSP areas;
 - 177.3. sending 47 emails to developers who have active residential and industrial estates in the Paynes Road and Toolern PSP areas;
 - 177.4. sending correspondence to 37 contacts in 29 Government Departments and Agencies, in addition to giving notice to prescribed ministers.
- 178. Further, the size of Toolern PSP contextualised against the size of other notable PSP is shown in the following table.

PSP	Area of PSP	% of Toolern	Size difference
Toolern	2090		
Sunbury South	1793	85.8%	1.2
Donnybrook-Woodstock	1786	85.5%	1.2
Mt Atkinson - Tarneit Plains	1532	73.3%	1.4
Ravenhall (Quarry)	1514	72.4%	1.4
Wollert	1435	68.7%	1.5
Northern Freight	1399	66.9%	1.5
Beveridge North West	1279	61.2%	1.6
Beveridge South West	1265	60.5%	1.7
Clyde Creek	1154	55.2%	1.8
Werribee Junction	1142	54.6%	1.8

Lockerbie	1122	53.7%	1.9
Lancefield	1095	52.4%	1.9
Cardinia Road	1051	50.3%	2.0
Officer	1024	49.0%	2.0
Plumpton	1016	48.6%	2.1
Melton East	1005	48.1%	2.1
Warrensbrook	935	44.7%	2.2
Kororoit	925	44.3%	2.3
Rockbank North	786	37.6%	2.7
Rockbank	752	36.0%	2.8
Merrifield West	723	34.6%	2.9
Lockerbie North	516	24.7%	4.1
Diggers Rest	392	18.8%	5.3
Taylors Hill West	215	10.3%	9.7
Paynes Road	199	9.5%	10.5
Toolern Park	107	5.1%	19.5
Melton North	106	5.1%	19.7

179. In light of the scale of the PSP area and the scale therefore of the review, it is comforting to Council that the number of parties presenting before the Panel and the number of issues raised in both submissions and expert evidence are comparatively confined.
180. Council commends the Amendment to the Panel, subject to the tracked changes proposed through the Day 1 Version of the Amendment set out in the enclosed tracked changes documents and as described at Appendix A, Appendix B and Appendix C.

23 August 2024

HARWOOD ANDREWS
on behalf of
MELTON CITY COUNCIL

Appendix A – Day 1 Changes to Ordinance

Provision	Change	Rationale
Schedule 3 to Clause 37.07 Urban Growth Zone		
2.2	Reinstate wording that was originally proposed to be removed <u>The precise boundary of the Business 1 area, Business 2 area and the Mixed Use Zone will be determined by the approved Urban Design Framework Plans</u>	Response to submission 28 (Lendlease – Atherstone community) This is proposed to provide certainty on the size of the neighbourhood activity centre
2.5	Include a building and works provision for non-government schools <u>Buildings and Works for a School</u> <u>A permit is required to construct or carry out works associated with a Primary school or Secondary school on land shown as a Potential Non-Government School unless exempt under Clauses 62.02-1 and 62.02-2</u>	Response to submission 22 (Melbourne Archdiocese of Catholic Schools)
Schedule 3 to Clause 45.06 Development Contributions Plan Overlay		
2.0 and 3.0	Land values in this table have been indexed to July 2024 dollars	Response to multiple submissions and expert evidence that requested the land acquisition values be updated from July 2021 dollars to July 2024 dollars. Charter Keck Cramer have updated the land acquisition values.
2.0 and 3.0	Construction values in this table have been indexed to July 2024 dollars	Response to multiple submissions and expert evidence that requested the construction values be updated from July 2021 dollars to July 2024 dollars. Council's finance team have indexed the construction values using the Rawlinsons Building Price Index as specified in Section 3.1.6 of the DCP.
4.0	Change the name of the Department of Health and Human Services to the <u>Department of Families, Fairness and Housing</u>	Response to submission 26 (Homes Victoria)
4.0	Insertion of small second dwellings from paying the DIL or CIL <u>The development of land for a small second dwelling is exempt from the requirement to pay a development infrastructure levy and a community infrastructure levy.</u>	This is to rectify an error in the drafting of the amendment. This exemption was added to this schedule by VC249 on 15 January 2024 and missed in the drafting of the update to this schedule

There are no changes proposed to:

- Schedule to Clause 43.01 Heritage Overlay
- Schedule to Clause 66.04 Referral of permit application under local provisions
- Schedule to Clause 72.04 Incorporated Documents

Appendix B – Day 1 Changes to the PSP

Provision	Change	Rationale
2.2.5	Update reference to the Outer Metro Ring project from a committed project to a <u>potential future</u> project	Response to submission 35 (Department of Transport and Planning – Transport)
3.1	Update reference to schools to <u>government and non-government</u> schools	Response to submission 22 (Melbourne Archdiocese of Catholic Schools)
Table 3	In Character Area 8 update reference from underpass to <u>overpass</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 8	In responsibility cell for Melton Hospital update reference from Dept Health and Human Services (DHHS) to <u>Dept of Health</u>	Response to submission 13 (Victorian Health Building Authority)
Table 8	Delete emergency services row	In the Cobblebank Metropolitan Activity Centre Urban Design Framework this is co-located with the justice facility
Table 8	Amend the justice facility row as follows: <ul style="list-style-type: none"> • Relabel to Justice and <u>emergency services</u> precinct (law court and police) • Change area from 3.5 Ha to <u>2 Ha</u> • Change responsibility from DHHS to <u>Department of Justice and Community Services</u> 	Response to submission 16 where the landowner identified that the justice land identified in the Cobblebank Metropolitan Activity Centre UDF was incorrectly attributed to land in Residential Area 3. The justice facility has been moved to Residential Area 2. DJCS have confirmed in writing that they no longer require 4 Ha and 2 Ha will be sufficient for their needs.
4.6.3	Update three references from underpasses to <u>overpasses</u> in the road and rail grade separation section	Response to submission 35 (Department of Transport and Planning – Transport)
Table 10	In East-West Arterial add project <u>RD05</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 10	Delete the ultimate reserve width column	Response to submission 35 (Department of Transport and Planning – Transport) as this is not commonly shown in road hierarchy tables in contemporary PSPs
Table 10	Delete the indicative vehicles per day column	Response to submission 35 (Department of Transport and Planning – Transport) as this is not commonly shown in road hierarchy tables in contemporary PSPs
Table 10	Relabel the following columns: <ul style="list-style-type: none"> • Indicative vehicles per day to <u>traffic lanes</u> • Traffic lanes to <u>median</u> • Median to <u>posted speed</u> • Posted speed to <u>bus</u> • Bus to <u>property access and parking</u> • Property access and parking to <u>on road cycle lane</u> 	Response to submission 35 (Department of Transport and Planning – Transport)
Cross-section 16	Update the road width from 41.8 metre to <u>45 metre</u>	Response to submission 35 (Department of Transport and Planning – Transport) and expert evidence statement by Marco Lucioni (Stantec)

Provision	Change	Rationale
Table 11	Update references in RD03, RD04, RD05, RD06, RD07, RD08, RD17, RD20, RD21, RD23 and RD24 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 11	Update reference for RD03 from layout to <u>standard</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 11	Update reference for RD06 from create road reserve to <u>purchase land to increase reserve width from 0m to</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 11	Update reference to RD11 from 45m to <u>41m</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 11	Update reference to RD14 from IT14 to <u>IT13</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 11	Update reference in IT03, IT05, IT06, IT07, IT21, IT22 and IT23 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 11	Update reference in IT07 from Purchase of land and construction to <u>construction</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 11	Update reference in IT24 from connector to <u>Elpis</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 11	Update reference in IT32 from 3-way to <u>4-way</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 11	Update reference in BD03 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 11	Update responsibility for BD16 from Department of Transport to <u>Melton City Council</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 11	Delete title Mount Cottrell Road Level Crossing Upgrade from the project description of BD21	Response to submission 35 (Department of Transport and Planning – Transport)
6.2	In the definition of Community Facilities add the following health services <u>Ambulance Victoria Stations</u> and <u>Mental Health Facilities</u>	Response to submission 13 (Victorian Health Building Authority)

Changes to Plans that have not yet been made

Provision	Change	Rationale
Plan 1	Delete the Paynes Road Charge Area	Response to recommendation made in expert evidence statement by Chris De Silva
Plan 2	Amend regional context plan to show approved PSPs, including Toolern Park PSP	Response to recommendation made in expert evidence statement by Chris De Silva
Plan 3	Amend local context plan to show approved PSPs, including Toolern Park PSP	Response to recommendation made in expert evidence statement by Chris De Silva
Plan 5	Amend the Future Urban Structure to show the four proposed pedestrian bridges over the Toolern Creek	Response to submission 5 which identified the pedestrian bridges were missing from some of the plans
Plan 5	Amend the Future Urban Structure to show a local road on property 86	Response to submission 21 requesting a local road to be shown to ensure the property is not landlocked by a retarding basin
Plan 5	Amend the Future Urban Structure to show the relocation of a local road on properties 33 and 34	Response to submissions 4 and 29 asking the local road to be relocated to the boundary of the non-government school. This increases the amount of land allocated to active open space
Plan 5	Amend the Future Urban Structure to show a change to the water assets 22 and 23 on property 124	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 5	Amend the Future Urban Structure to show a change to water asset 17 on properties 58 and 60	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 6	Amend the Future Urban Structure to show the four proposed pedestrian bridges over the Toolern Creek	Response to submission 5 which identified the pedestrian bridges were missing from some of the plans
Plan 6	Amend the Future Urban Structure to show a local road on property 86	Response to submission 21 requesting a local road to be shown to ensure the property is not landlocked by a retarding basin
Plan 6	Amend the Future Urban Structure to show the relocation of a local road on properties 33 and 34	Response to submissions 4 and 29 asking the local road to be relocated to the boundary of the non-government school. This increases the amount of land allocated to active open space
Plan 6	Amend the Future Urban Structure to show a change to the water assets 22 and 23 on property 124	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 6	Amend the Future Urban Structure to show a change to water asset 17 on properties 58 and 60	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 8	Amend the Future Urban Structure to show the four proposed pedestrian bridges over the Toolern Creek	Response to submission 5 which identified the pedestrian bridges were missing from some of the plans
Plan 8	Amend the Future Urban Structure to show a local road on property 86	Response to submission 21 requesting a local road to be shown to ensure the property is not landlocked by a retarding basin
Plan 8	Amend the Future Urban Structure to show the relocation of a local road on properties 33 and 34	Response to submissions 4 and 29 asking the local road to be relocated to the boundary of the non-government school. This increases the amount of land allocated to active open space

Provision	Change	Rationale
Plan 8	Amend the Future Urban Structure to show a change to the water assets 22 and 23 on property 124	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 8	Amend the Future Urban Structure to show a change to water asset 17 on properties 58 and 60	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 9	Amend the Future Urban Structure to show the four proposed pedestrian bridges over the Toolern Creek	Response to submission 5 which identified the pedestrian bridges were missing from some of the plans
Plan 9	Amend the Future Urban Structure to show a local road on property 86	Response to submission 21 requesting a local road to be shown to ensure the property is not landlocked by a retarding basin
Plan 9	Amend the Future Urban Structure to show the relocation of a local road on properties 33 and 34	Response to submissions 4 and 29 asking the local road to be relocated to the boundary of the non-government school. This increases the amount of land allocated to active open space
Plan 9	Amend the Future Urban Structure to show a change to the water assets 22 and 23 on property 124	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 9	Amend the Future Urban Structure to show a change to water asset 17 on properties 58 and 60	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 10	Amend the Future Urban Structure to show the four proposed pedestrian bridges over the Toolern Creek	Response to submission 5 which identified the pedestrian bridges were missing from some of the plans
Plan 10	Amend the Future Urban Structure to show a local road on property 86	Response to submission 21 requesting a local road to be shown to ensure the property is not landlocked by a retarding basin
Plan 10	Amend the Future Urban Structure to show the relocation of a local road on properties 33 and 34	Response to submissions 4 and 29 asking the local road to be relocated to the boundary of the non-government school. This increases the amount of land allocated to active open space
Plan 10	Amend the Future Urban Structure to show a change to the water assets 22 and 23 on property 124	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 10	Amend the Future Urban Structure to show a change to water asset 17 on properties 58 and 60	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 11	Amend the Future Urban Structure to show the four proposed pedestrian bridges over the Toolern Creek	Response to submission 5 which identified the pedestrian bridges were missing from some of the plans
Plan 11	Amend the Future Urban Structure to show a local road on property 86	Response to submission 21 requesting a local road to be shown to ensure the property is not landlocked by a retarding basin
Plan 11	Amend the Future Urban Structure to show the relocation of a local road on properties 33 and 34	Response to submissions 4 and 29 asking the local road to be relocated to the boundary of the non-government school. This increases the amount of land allocated to active open space
Plan 11	Amend the Future Urban Structure to show a change to the water assets 22 and 23 on property 124	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 11	Amend the Future Urban Structure to show a change to water asset 17 on properties 58 and 60	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets

Provision	Change	Rationale
Plan 14	Amend the Future Urban Structure to show the four proposed pedestrian bridges over the Toolern Creek	Response to submission 5 which identified the pedestrian bridges were missing from some of the plans
Plan 14	Amend the Future Urban Structure to show a local road on property 86	Response to submission 21 requesting a local road to be shown to ensure the property is not landlocked by a retarding basin
Plan 14	Amend the Future Urban Structure to show the relocation of a local road on properties 33 and 34	Response to submissions 4 and 29 asking the local road to be relocated to the boundary of the non-government school. This increases the amount of land allocated to active open space
Plan 14	Amend the Future Urban Structure to show a change to the water assets 22 and 23 on property 124	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 14	Amend the Future Urban Structure to show a change to water asset 17 on properties 58 and 60	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Cross-section 16	Create a new road cross-section for RD15 based on a 45 metre road cross-section	Response to submission 35 (Department of Transport and Planning – Transport) and expert evidence statement by Marco Lucioni (Stantec)
Plan 16	Amend the Future Urban Structure to show the four proposed pedestrian bridges over the Toolern Creek	Response to submission 5 which identified the pedestrian bridges were missing from some of the plans
Plan 16	Amend the Future Urban Structure to show a local road on property 86	Response to submission 21 requesting a local road to be shown to ensure the property is not landlocked by a retarding basin
Plan 16	Amend the Future Urban Structure to show the relocation of a local road on properties 33 and 34	Response to submissions 4 and 29 asking the local road to be relocated to the boundary of the non-government school. This increases the amount of land allocated to active open space
Plan 16	Amend the Future Urban Structure to show a change to the water assets 22 and 23 on property 124	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 16	Amend the Future Urban Structure to show a change to water asset 17 on properties 58 and 60	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 17	Amend the Future Urban Structure to show the four proposed pedestrian bridges over the Toolern Creek	Response to submission 5 which identified the pedestrian bridges were missing from some of the plans
Plan 17	Amend the Future Urban Structure to show a local road on property 86	Response to submission 21 requesting a local road to be shown to ensure the property is not landlocked by a retarding basin
Plan 17	Amend the Future Urban Structure to show the relocation of a local road on properties 33 and 34	Response to submissions 4 and 29 asking the local road to be relocated to the boundary of the non-government school. This increases the amount of land allocated to active open space
Plan 17	Amend the Future Urban Structure to show a change to the water assets 22 and 23 on property 124	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets
Plan 17	Amend the Future Urban Structure to show a change to water asset 17 on properties 58 and 60	Response to submission 34 (Melbourne Water) which asked for updated shapes of the drainage assets

Appendix C – Day 1 Changes to the DCP

Provision	Change	Rationale
1.3	Update the land area from 2,200 Ha to 2,100 Ha	Response to recommendation made in expert evidence statement by Chris De Silva
1.4.3	Update project title reference in RD03 from East West Arterial to <u>Exford Road</u>	Response to submission 35 (Department of Transport and Planning – Transport)
1.4.3	Update references in RD03, RD05, RD06, RD07, RD08, RD17, RD20, RD21, RD23 and RD24 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
1.4.3	Update references to RD11 from 45m to <u>41m</u>	Response to submission 35 (Department of Transport and Planning – Transport)
1.4.3	Update reference in IT03 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
1.4.3	Update reference in BD03 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
2.2.5	Addition of an exemption for social and affordable housing from paying the development infrastructure levy or the community infrastructure levy	Response to submission 26 (Homes Victoria)
2.2.6	Change MCA to <u>Charge Area</u>	Response to recommendation made in expert evidence statement by Chris De Silva
Table 1	Change to land area in Residential Area 2 for arterial roads and bridges from 12.32 Ha to <u>12.69 Ha</u> (change of 0.37 Ha)	0.37 Ha of land for BD17 was incorrectly identified on Property 123 instead of Property 38
Table 1	Change to land area in Residential Area 3 for arterial roads and bridges from 1.17 Ha to <u>0.8 Ha</u> (change of 0.37 Ha)	0.37 Ha of land for BD17 was incorrectly identified on Property 123 instead of Property 38
Table 1	Change to land area in Employment Area for arterial roads and bridges from 3.63 Ha to <u>4.08 Ha</u> (change of 0.45 Ha)	Response to submission 18 which identified 0.45 Ha of land for BD19 was incorrectly attributed to an area outside of the PSP
Table 1	Change to land area in Residential Area 2 for justice from 0.0 Ha to <u>2.0 Ha</u>	Response to submission 16 where the landowner identified that the justice land identified in the Cobblebank Metropolitan Activity Centre UDF was incorrectly attributed to land in Residential Area 3. The justice facility has been moved to Residential Area 2.
Table 1	Change to land area in Residential Area 3 for justice from 2.0 Ha to <u>0.0 Ha</u>	Response to submission 16 where the landowner identified that the justice land identified in the Cobblebank Metropolitan Activity Centre UDF was incorrectly attributed to land in Residential Area 3. The justice facility has been moved to Residential Area 2.
Table 1	Change to land area in Residential Area 3 for passive open space from 4.33 Ha to <u>4.21 Ha</u> (change of 0.12 Ha)	Response to submission 21 which identified an error in the passive open space contributions stemming from a change to a retarding basin relocation
Table 1	Change to land area in Residential Area 2 for regional open space from 46.94 Ha to <u>44.74 Ha</u> (change of 0.12 Ha)	Response to submission 28 which identified an error in the regional open space contributions stemming from a change to a retarding basin relocation

Provision	Change	Rationale
Table 2	Change to land area for regional open space on property 27 from 15.66 Ha to <u>13.46 Ha</u>	Response to submission 28 which identified an error in the regional open space contributions stemming from a change to a retarding basin relocation
Table 2	Change to land area for justice on property 31 from 0.0 Ha to <u>2.0 Ha</u>	Response to submission 16 where the landowner identified that the justice land identified in the Cobblebank Metropolitan Activity Centre UDF was incorrectly attributed to property 123.
Table 2	Change to land area for arterial roads and bridges on property 38 from 0.0 Ha to <u>0.37 Ha</u> (change of 0.37 Ha)	0.37 Ha of land for BD20 was incorrectly identified on Property 123 instead of Property 38
Table 2	Change to land area for arterial roads and bridges on property 123 from 0.61 Ha to <u>0.24 Ha</u> (change of 0.37 Ha)	0.37 Ha of land for BD20 was incorrectly identified on Property 123 instead of Property 38
Table 2	Change to land area for arterial roads and bridges on property 126 from 0.0 Ha to <u>0.45 Ha</u> (change of 0.45 Ha)	Response to submission 18 which identified 0.45 Ha of land for BD19 was incorrectly attributed to an area outside of the PSP instead of on property 126
Table 3	Land values in this table have been indexed to July 2024 dollars	Response to multiple submissions and expert evidence that requested the land acquisition values be updated from July 2021 dollars to July 2024 dollars. Charter Keck Cramer have updated the land acquisition values.
Table 3	Construction values in this table have been indexed to July 2024 dollars	Response to multiple submissions and expert evidence that requested the construction values be updated from July 2021 dollars to July 2024 dollars. Council's finance team have indexed the construction values using the Rawlinsons Building Price Index as specified in Section 3.1.6 of the DCP.
Table 3	Projects RD01, RD01A, RD12, RD17, RD17A, RD18, RD18A, RD18B, RD20, RD20A, IT14, IT15, IT19, IT24, IT26, IT27, IT28, IT29, BD01, BD02, BD18, BD21, PT01, OS01, OS02, CI01, CI02, CI18A, CI18B, CI19A, CI19B, CI20, AR15A, AR15B, AR16, TR01 and PL01 have identified as completed projects in the strategic justification table	Response to recommendation made in expert evidence statement by Chris De Silva
Table 3	Update project title reference in RD03 and RD03A from East West Arterial to <u>Exford Road</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 3	Update references in RD03, RD03A, RD04, RD04A, RD05, RD05A, RD06, RD06A, RD07, RD07A, RD08, RD08A, RD17, RD17A, RD20, RD20A, RD21, RD23 and RD24 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 3	Update references to RD06 from create road reserve to <u>purchase land to increase road reserve width from 0m to</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 3	Update references to RD11 from 45m to <u>41m</u>	Response to submission 35 (Department of Transport and Planning – Transport)

Provision	Change	Rationale
Table 3	Update reference in IT03, IT05, IT06, IT07, IT21, IT22 and IT23 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 3	Update reference in BD03 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 3	The land acquisition value of BD21 has been added to BD20	Response to recommendation made in expert evidence statement by Chris De Silva
Table 3	Update infrastructure category for projects CI04, CI07, CI10, CI13 and CI16 from Development to <u>Community</u>	Response to submission 7 which identified the wrong infrastructure category has been identified for these projects
Table 4	Land values in this table have been indexed to July 2024 dollars	Response to multiple submissions and expert evidence that requested the land acquisition values be updated from July 2021 dollars to July 2024 dollars. Charter Keck Cramer have updated the land acquisition values.
Table 4	Construction values in this table have been indexed to July 2024 dollars	Response to multiple submissions and expert evidence that requested the construction values be updated from July 2021 dollars to July 2024 dollars. Council's finance team have indexed the construction values using the Rawlinsons Building Price Index as specified in Section 3.1.6 of the DCP.
Table 4	Update references in RD03, RD03A, RD04, RD04A, RD05, RD05A, RD06, RD06A, RD07, RD07A, RD08, RD08A, RD17, RD17A, RD20, RD20A, RD21, RD23 and RD24 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 4	Update references to RD06 from create road reserve to purchase land to increase road reserve width from 0m to	Response to submission 35 (Department of Transport and Planning – Transport)
Table 4	Update reference in IT03, IT05, IT06, IT07, IT21, IT22 and IT23 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 4	Update reference in BD03 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 4	The land acquisition value of BD21 has been added to BD20	Response to recommendation made in expert evidence statement by Chris De Silva
Table 4	Update infrastructure category for projects CI04, CI07, CI10, CI13 and CI16 from Development to <u>Community</u>	Response to submission 7 which identified the wrong infrastructure category has been identified for these projects
Table 5	Land values in this table have been indexed to July 2024 dollars	Response to multiple submissions and expert evidence that requested the land acquisition values be updated from July 2021 dollars to July 2024 dollars. Charter Keck Cramer have updated the land acquisition values.

Provision	Change	Rationale
Table 5	Construction values in this table have been indexed to July 2024 dollars	Response to multiple submissions and expert evidence that requested the construction values be updated from July 2021 dollars to July 2024 dollars. Council's finance team have indexed the construction values using the Rawlinsons Building Price Index as specified in Section 3.1.6 of the DCP.
Table 5	Update references in RD03, RD03A, RD04, RD04A, RD05, RD05A, RD06, RD06A, RD07, RD07A, RD08, RD08A, RD17, RD17A, RD20, RD20A, RD21, RD23 and RD24 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 5	Update reference in IT03, IT05, IT06, IT07, IT21, IT22 and IT23 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 5	Update reference in BD03 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 5	The land acquisition value of BD21 has been added to BD20	Response to recommendation made in expert evidence statement by Chris De Silva
Table 5	Update infrastructure category for projects CI04, CI07, CI10, CI13 and CI16 from Development to <u>Community</u>	Response to submission 7 which identified the wrong infrastructure category has been identified for these projects
Table 6	Land values in this table have been indexed to July 2024 dollars	Response to multiple submissions and expert evidence that requested the land acquisition values be updated from July 2021 dollars to July 2024 dollars. Charter Keck Cramer have updated the land acquisition values.
Table 6	Construction values in this table have been indexed to July 2024 dollars	Response to multiple submissions and expert evidence that requested the construction values be updated from July 2021 dollars to July 2024 dollars. Council's finance team have indexed the construction values using the Rawlinsons Building Price Index as specified in Section 3.1.6 of the DCP.
Table 6	Update references in RD03, RD03A, RD04, RD04A, RD05, RD05A, RD06, RD06A, RD07, RD07A, RD08, RD08A, RD17, RD17A, RD20, RD20A, RD21, RD23 and RD24 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 6	Update reference in IT03, IT05, IT06, IT07, IT21, IT22 and IT23 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 6	Update reference in BD03 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)

Provision	Change	Rationale
Table 6	The land acquisition value of BD21 has been added to BD20	Response to recommendation made in expert evidence statement by Chris De Silva
Table 6	Update infrastructure category for projects CI04, CI07, CI10, CI13 and CI16 from Development to <u>Community</u>	Response to submission 7 which identified the wrong infrastructure category has been identified for these projects
3.1.6	Update land acquisition and construction references from July 2022 dollars to <u>July 2024</u> dollars	Response to multiple submissions and expert evidence that requested the land acquisition and construction values be updated from July 2021 dollars to July 2024 dollars.
Table 7	Update references in RD03, RD04, RD05, RD06, RD07, RD08, RD17, RD20, RD21, RD23 and RD24 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 7	Update reference in IT03, IT05, IT06, IT07, IT21, IT22 and IT23 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
Table 7	Update reference in BD03 from Exford Road to <u>East West Arterial</u>	Response to submission 35 (Department of Transport and Planning – Transport)
4.2	In the definition of community facilities a reference has been added to <u>Ambulance Victoria Stations</u> and <u>mental health facilities</u>	Response to submission 13 (Victorian Health Building Authority)

Appendix D - Council response to the recommendations of Matt Ainsaar

In the following appendices the following colour coding is used:

- *Recommendation accepted by Council – Green*
- *Recommendation accepted by Council in principle – yellow*
- *Recommendation not accepted by Council – red*

Recommendation	Recommended Change	Agree / Disagree	Council comments	In Council Version 1?
a	The DCP has been prepared in accordance with the statutory framework for Development Contributions Plans in Victoria	Agree	No change required	N/A
b	The review of the DCP is essential in order to address projected shortfalls in funding of local infrastructure that is necessary to support the development of the Toolern PSP area	Agree	No change required	N/A
c	The exhibited DCP is supported by comprehensive and detailed technical reports and strategic studies that provide the strategic justification for changes to projects and the evidence base for project costs	Agree	No change required	N/A
d	Under the current levies in 2021/22 dollars, the DIL would collect \$374,809,898. Under the exhibited DCP, the project funding that is required for development infrastructure totals \$598,352,234, so the current levies would result in a shortfall of \$223.54 million. These figures have been updated by Council based on levies indexed to 2024/25 dollars, with the new levies theoretically collecting an additional \$213.45m of which \$78.4m cannot be collected due to existing development	Agree	No change required	N/A
e	Even under the exhibited DCP, there will be an estimated shortfall in project funding of \$78.4 million for which the Council (as Collecting Agency and Development Agency) is ultimately liable	Agree	No change required	N/A

f	The proposed DIL under the exhibited DCP is in the range of DILs for existing DCPs in greenfield growth areas and in particular for those DCPs which surround the Toolern area	Agree	No change required	N/A
g	The technical work undertaken to underpin the project costs is dated 2021/22, so it is reasonable that this forms the base year for costs and levies. It is normal practice for project costs to be indexed and land re-valued on or prior to, approval of the DCP and I understand that Council will provide the indexed levies to 2024/25 dollars on Day 1	Agree	Change reflected in the Council Version 1 documents	Yes
h	The exemptions from paying levies should not extend beyond those outlined in the statutory framework for DCPs	Agree	No change required	N/A
i	The FLP for BD19 shows a land requirement of 3,203 sq m from Property 126. The annotation on the FLP regarding the property being outside the PSP area needs to be corrected. The Property-Specific land budget in the DCP has no land take for Property 126. A PAO is required to acquire the land	Agree	No change required	N/A
j	BD16 is required to provide access (for vehicles, cyclists and pedestrians) and facilitate north-south traffic movement to the Metropolitan Activity Centre. The CMAC UDF recommends including the bridge in the DCP. BD 16 is local infrastructure and is therefore appropriately funded through the DCP	Agree	No change required	N/A
k	Interchange Way is a local street that is not appropriate to be funded through the DCP. It is normal practice for these streets to be constructed by developers	Agree	No change required	N/A

l	The original Toolern DCP (2011) was approved on the basis that all charge areas contribute to transport projects on the basis that the transport network supporting development in the PSP area is an integrated network. It is appropriate that this approach is continued in the exhibited DCP	Agree	No change required	N/A
m	The exhibited DCP and the schedule to clause 45.06 of the planning scheme should be amended to include wording regarding the exemption of development from the DCP, that accords with the Ministerial Direction	Agree in principle	Further information needed on how this would look. Draft wording required	No
n	The Property Specific Land Budget for Property 27 should be corrected to show drainage as 2.2 ha and regional park as 13.46 ha	Agree	Change reflected in the Council Version 1 documents	Yes
o	Land identified for a school on Properties 33 and 34 should be deleted and identified as active open space (0.29 ha). The PSP and DCP plans should be amended to reflect this, including moving the local road to the boundary of property 35	Agree	Change reflected in the Council Version 1 documents	Yes

Point in statement	Change recommended	Agree / Disagree	Council comments	In Council Version 1?
78	I note that the total is different to that in Table 5 of \$598,352,234 and it appears that the lower total is an arithmetic error. The total of \$598,352,234 is also shown in the exhibited Schedule 3 to Clause 45.06	Agree	Change reflected in the Council Version 1 documents	Yes

Appendix E - Council response to the recommendations of Chris De Silva

Page No	Section	Recommended Change	Agree / Disagree	Council comments	In Council Version 1?
2	New Summary of Charges Section	The document would benefit from introduction of a summary of charges section at the beginning of the document. This section should include the DIL and CIL charges and revenue potential and other summary information including the area to which the DCP applies, charge areas and the timeframe for implementation of the DCP	Agree in principle	Further information needed on how this would look. Draft wording required	No
3	Section 1.0 Introduction	Section 1.0 of the revised DCP does not include a list of the key strategies and technical reports that have been used to determine the infrastructure project list. It is recommended that the key technical documents used to inform the DCP are listed	Disagree	This is provided in Section 4.3 of the DCP	No
4	Plan 1 Regional Context	That this plan be updated to include all the approved PSPs in the corridor and the Toolern Park PSP area	Agree in principle	Council to draft a new plan	No

6	Plan 2 Future Urban Structure	<p>Given the Cobblebank MAC UDF has been approved it is recommended that the DCP projects within this area be shown in Plan 2 to clearly illustrate where they are located</p>	Disagree	<p>The PSP and UDF play different roles. It is more flexible to change a UDF than it is to change a PSP.</p> <p>Council needs to keep flexibility in the PSP to allow uses to be located on different sites and some flexibility on the size of the uses.</p> <p>For example the public hospital is larger than originally planned, and DJCS now want a smaller site than identified in the UDF.</p> <p>Council proposes no changes to the PSP / DCP to reflect the spatial land use arrangement currently shown in the UDF.</p> <p>As evident in Submission 17 a private hospital is proposed on a different site than shown in the current UDF.</p>	No
		<p>It is recommended that the Draft PSP and DCP land uses and respective land budget reflect the latest stormwater asset plan for assets 17, 22 and 23 as provided by Melbourne Water in June 2021</p>	Agree	Change reflected in the Council Version 1 documents	Yes
7	Section 1.3	<p>Update the site area from 2,200 hectares to 2,100 hectares to reflect the PSP/DCP land budget</p>	Agree	Change reflected in the Council Version 1 documents	Yes
		<p>Include a new section outlining the Current DCP and the changes made and reflected in this DCP along with existing S.173 Agreements and infrastructure completed as this is important contextual information</p>	Agree in principle	<p>Further information needed on how this would look.</p> <p>Draft wording required</p>	No
8	Plan 3 Charge Areas	<p>Remove Paynes Road DCP from this plan as it is not a charge area under this DCP</p>	Agree	Change reflected in the Council Version 1 documents	Yes

		Add in project label RD18	Agree	Change reflected in the Council Version 1 documents	Yes
10	Plan 4 Roads and Intersections	Update the FUS base plan to include the DCP projects located within the MAC UDF area	Disagree	<p>The PSP and UDF play different roles. It is more flexible to change a UDF than it is to change a PSP.</p> <p>Council needs to keep flexibility in the PSP to allow uses to be located on different sites and some flexibility on the size of the uses.</p> <p>For example the public hospital is larger than originally planned, and DJCS now want a smaller site than identified in the UDF.</p> <p>Council proposes no changes to the PSP / DCP to reflect the spatial land use arrangement currently shown in the UDF.</p> <p>As evident in Submission 17 a private hospital is proposed on a different site than shown in the current UDF.</p>	No
		RD17 be extended to the boundary of the PSP as Ferris Road is the main north south road that links the PSP and areas to the south through to the CMAC and Toolern train station	Disagree	<p>Council does not support the extension of RD17 to the southern boundary of the PSP. This is shown as a connector road in the PSP.</p> <p>There has been no evidence provided that the road should be upgraded to a secondary arterial road.</p> <p>This road connects to a low density residential estate outside of the UGB.</p>	No

		Add in project BD19	Agree	Change reflected in the Council Version 1 documents	Yes
12	Plan 5 Bridges and Public Transport	Update the FUS base plan to include the DCP projects located within the MAC UDF area	Disagree	<p>The PSP and UDF play different roles. It is more flexible to change a UDF than it is to change a PSP.</p> <p>Council needs to keep flexibility in the PSP to allow uses to be located on different sites and some flexibility on the size of the uses.</p> <p>For example the public hospital is larger than originally planned, and DJCS now want a smaller site than identified in the UDF.</p> <p>Council proposes no changes to the PSP / DCP to reflect the spatial land use arrangement currently shown in the UDF.</p> <p>As evident in Submission 17 a private hospital is proposed on a different site than shown in the current UDF.</p>	No

16	Plan 7 Active Recreation	Update the FUS base plan to include the DCP projects located within the MAC UDF area	Disagree	<p>The PSP and UDF play different roles. It is more flexible to change a UDF than it is to change a PSP.</p> <p>Council needs to keep flexibility in the PSP to allow uses to be located on different sites and some flexibility on the size of the uses.</p> <p>For example the public hospital is larger than originally planned, and DJCS now want a smaller site than identified in the UDF.</p> <p>Council proposes no changes to the PSP / DCP to reflect the spatial land use arrangement currently shown in the UDF.</p> <p>As evident in Submission 17 a private hospital is proposed on a different site than shown in the current UDF.</p>	No
18	Section 1.4.9 2nd para	Recommend text is updated to reflect current annual indexation of the CIL by the Minister for Planning	Agree in principle	<p>Further information needed on how this would look. Draft wording required</p>	No

20	Plan 8 Land Budget	Update the land budget plan to include the DCP projects located within the MAC UDF area	Disagree	<p>The PSP and UDF play different roles. It is more flexible to change a UDF than it is to change a PSP.</p> <p>Council needs to keep flexibility in the PSP to allow uses to be located on different sites and some flexibility on the size of the uses.</p> <p>For example the public hospital is larger than originally planned, and DJCS now want a smaller site than identified in the UDF.</p> <p>Council proposes no changes to the PSP / DCP to reflect the spatial land use arrangement currently shown in the UDF.</p> <p>As evident in Submission 17 a private hospital is proposed on a different site than shown in the current UDF.</p>	No
21	Section 2.2.1	That the 21/22 projects costs are updated to present day costs prior to gazettal	Agree	Change reflected in the Council Version 1 documents	Yes
21	Section 2.2.1	That the current valuation methodology key assumptions / instructions are outlined in the report so that future valuation reports are consistent	Agree in principle	Further information needed on how this would look. Draft wording required	No
21	Section 2.2.3	This section should explain the apportionment of projects across the Draft DCP and Paynes Road DCP and Rockbank DCP	Agree in principle	Further information needed on how this would look. Draft wording required	No
22	Section 2.2.6	Amend heading to read <i>Total Contributions Payable by Charge Area and Development Type</i>	Agree	Change reflected in the Council Version 1 documents	Yes

23	Table 1 & Table 2	<p>The Draft DCP land budget does not clearly identify the total land area required for the proposed DCP projects. This level of transparency is standard practice and it is recommended that that parcel specific and precinct land budget tables be updated to include this detail</p>	Agree in principle	<p>It is unclear what the problems with Tables 1 and 2 are</p> <p>Further information is needed on the problem and how the new tables should be structured</p> <p>It is noted that this amendment is a refresh of the document and not a rewrite of the DCP</p>	No
		<p>The land budget tables should reflect the DCP projects and key public land uses located within the MAC UDF.e.g. that the justice facility is no longer located on property 123 and is now on property 31 and the size has increased to 4ha, CI01 and CI02 have been relocated to property 24 etc</p>	Disagree	<p>Many of the landtakes identified in the UDF are indicative only and are subject to change. This is evidenced by the Department of Justice and Community Services who have reduced their land take from 4.0 Ha to 2.0 Ha.</p> <p>The landtake for community facilities CI01 and CI02 are reflected in Table 2 in the DCP.</p>	No
		<p>Reflect the latest stormwater asset plan for assets 17, 22 and 23 as provided by Melbourne Water in June 2021</p>	Agree	Change reflected in the Council Version 1 documents	Yes
		<p>Remove the non-government school from properties 33 and 34 and replace with a school and open space</p>	Agree	Change reflected in the Council Version 1 documents	Yes
		<p>Update property 27 (regional park) to reduce the regional park area from 15.66ha to 13.46ha reflect that new 2.2ha drainage reserve</p>	Agree	Change reflected in the Council Version 1 documents	Yes
		<p>Reduce the amount of passive open space on Property 86 and 87 by 0.06ha respectively</p>	Agree	Change reflected in the Council Version 1 documents	Yes
		<p>Show 0.45ha of land is required for arterial roads and bridges for Property 126</p>	Agree	Change reflected in the Council Version 1 documents	Yes

		Amend the tables to reflect BD19 land take as 3,203m2 as per the FLP	Agree	Change reflected in the Council Version 1 documents. This is reflected in 142 f above	Yes
		Reflect the correct land area for RD12	Agree	Change reflected in the Council Version 1 documents. This is reflected in 142 f above	Yes
	Tables 3, 4, 5 and 6	That all construction and land costs are updated to present day costs prior to gazettal	Agree	Change reflected in the Council Version 1 documents	Yes
		Projects CI04, CI07, CI10, CI13, CI16 are nominated incorrectly as development infrastructure need to be changed to community infrastructure	Agree	Change reflected in the Council Version 1 documents	Yes
		BD21 – Mount Cottrell level crossing upgrade project description states that this relates to construction of an upgrade however the Draft DCP includes \$1M for land. I have been instructed that this land allocated is incorrect and should be added to BD20	Agree	Change reflected in the Council Version 1 documents	Yes
		RD17 be extended to the boundary of the PSP as Ferris Road is the main north south road that links the PSP and areas to the south through to the CMAC and Toolern train station	Disagree	Council does not support the extension of RD17 to the southern boundary of the PSP. This is shown as a connector road in the PSP. There has been no evidence provided that the road should be upgraded to a secondary arterial road. This road connects to a low density residential estate outside of the UGB.	No
28-35	Table 3	Show the land area required for each DCP project	Agree in principle	Further information needed on how this would look	No
		Update the provision trigger to 'completed' for the relevant projects	Agree	Change reflected in the Council Version 1 documents	Yes

		The MCA column on page 31 is replicating the provision triggers and needs to be updated	Agree in principle	Further information is needed on the error and what is needing to change	No
36-43	Table 4	This table does not show the CIL cost attributed to the MCA and this should be included	Agree in principle	Further information needed on how this would look	No
		The table should include two final rows at the end of the table, one should identify the total costs for DIL projects and the other CIL projects so it is clear what total cost is attributed to each levy	Agree in principle	Further information needed on how this would look	No
44-49	Table 5	The table should include two final rows at the end of the table, one should identify the total costs for DIL projects and the other CIL projects so it is clear what total cost is attributed to each levy	Agree in principle	Further information needed on how this would look	No
50	Table 6	This table should clearly show the actual CIL charge breakdown for each CIL project, it is important this level of transparency is included	Agree in principle	Further information needed on how this would look	No
	Section 3.1.1	It is recommended that this section is updated generally to reflect wording in recent DCPs	Agree in principle	Further information needed on how this would look. Draft wording required	No
		Given the current DCP has been operating for 14 years there needs to be a section explaining what happens to land subject to an existing 173 agreement. e.g. confirm that Council will not seek 'top up' payments	Agree in principle	Further information needed on how this would look. Draft wording required	No
Section 3	Add new exemptions	Include a new section setting out all exemptions in the one place that should be consistent with the current Ministerial Direction and have regard to existing Section 173 Agreements and contributions already paid under the Existing DCP	Agree in principle	Further information needed on how this would look. Draft wording required	No

		<p>Also include additional note stating what happens if land designated for a non-government school is not developed for that purpose. Example wording provided below:</p> <p><i>Where land is subdivided to enable a non-government school to be accommodated and the use of that land is subsequently for a purpose other than a non-government school, the owner of that land must pay to the collecting agency a development infrastructure levy in accordance with the provision of this DCP. The Development infrastructure levy must be paid prior to the commencement of the construction of any buildings or works for that alternative use</i></p>	Agree in principle	<p>Further information needed on how this would look. Draft wording required</p>	No
	Add new section Interim Works	That a new section is added regarding interim works and how any such proposals will be addressed in relation to DCP obligations	Agree in principle	<p>Further information needed on how this would look. Draft wording required</p>	No
	Insert new section Adjustment of Infrastructure Scope	Include a section relating to adjustment of project infrastructure scope. This section will set out that whilst the DCP projects have been costed to sufficient detail all projects will require a detailed design process prior to construction and that as part of that process development agency and collecting agency may agree to modify some aspects of the projects.	Agree in principle	<p>Further information needed on how this would look. Draft wording required</p>	No
58	Section 3.1.6	Consider applying the ABS PPI different indices to the respective infrastructure categories i.e. a different index for transport items compared to community infrastructure	Disagree	This is a large to the DCP and is not in keeping with the refresh principles employed by the amendment	No
		Specify current land valuation methodology/ assumptions as this will be useful in future valuation processes	Agree in principle	<p>Further information needed on how this would look. Draft wording required</p>	No
58	Section 3.1.8	Update text to reference section 46K(1)(fa) and Section 46QC	Agree in principle	<p>Further information needed on how this would look. Draft wording required</p>	No

60-61	Table 7	Remove to provide flexibility to Council regarding future works in kind projects	Disagree	This was a refresh of the DCP and Council is reluctant to make changes to this section	No
81	BD19 FLP in Appendix 1	The plan be corrected to state that property 126 in the Toolern DCP.	Agree in principle	FLP to be updated to reference property 126	No

Appendix F – Council response to the recommendations of Marco Lucioni

Recommendation	Recommended Change	Agree / Disagree	Council comments	In Council Version 1?
1	The 2019 VITIM model undertaken in support of the PSP is fit for purpose	Agree	No change required	N/A
2	The “indicative vehicles per day” listed in Table 10 of the PSP include some anomalies and should be amended to better reflect the 2019 VITIM Model results summarised in Table 3-2.	Disagree	Rather than amending the Vehicles Per Day numbers, Council proposes to delete the column given that this information is not typically provided in contemporary PSPs.	No
3	The nominated road classifications and number of lanes nominated in the PSP are suitable	Agree	No change required	N/A
4	Within the context of Cardno’s (now known as Stantec) original scope my review of the concept functional layout plans (FLP’s) prepared for the PSP indicates that they are generally fit for purpose (subject to the recommendations mentioned in this report.)	Agree	No change required	N/A
5	In various instances it was identified that the horizontal alignments of the FLP’s did not meet certain requirements of Part 3 of the Austroads Guide to Road Design, however it is expected that these non-conformances can be addressed in detailed design and for the majority of cases are not anticipated to impact the road reserves / land takes nominated in the DCP	Agree	No change required	N/A
6	In various instances, it was identified that intersection designs will require refinement to improve outcomes for pedestrian crossings and vehicle swept paths, however it is expected that these can be addressed in detailed design and are not anticipated to impact on the road reserves nominated in the DCP	Agree	No change required	N/A

7	With regard to auxiliary lanes it is expected that during detailed design and detailed traffic analysis that some auxiliary lanes / turning movements may need to be augmented or extended, which may impact on land take requirements	Agree	No change required	N/A
8	The layout and operational compromises adopted for the intersection of Ferris Rd / Shakamaker Rd / Treeleaf Lane (IT18) is undesirable and there is opportunity through further design development to provide an improved outcome. It is my opinion that the amended design included in Appendix B should be incorporated into the PSP	Agree in principle	This is a difficult intersection to design given its staggered arrangement. Given that this changes land areas for adjoining properties, Council is in the planning panel hands on whether they agree this is an improved design. The new design would need to be costed.	No
9	With regard to Shogaki Rd (RD14 & 19) it is my opinion that an ultimate 6 lane cross section should be retained, following consideration of the 2019 VITM modelling carried out for the PSP	Agree	No change required	N/A
10	With regard to Ferris Rd (RD15) the cross section provided in the PSP is incorrect and, in my opinion, should be amended to reflect a 45m width	Agree in principle	Council agrees the land take plans and FLPs show a 45-metre road cross-section, and the land use budgets are based on a 45-metre road cross-section. A new cross-section will need to be prepared.	No
11	With Regard to Mt Cottrell Rd (RD11 & RD12) it is my opinion that a midblock road reserve width of 41m is functional and is consistent with the vision provided in the Paynes Rd PSP	Agree	No change required	N/A
12	It is my opinion that extension of Ferris Rd (RD17) to the southern boundary of the Toolern PSP is reasonable and should be incorporated	Disagree	Council does not support the extension of RD17 to the southern boundary of the PSP. This is shown as a connector road in the PSP. There has been no evidence provided that the road should be upgraded to a secondary arterial road. This road connects to a low density residential estate outside of the UGB.	No
13	It is my opinion that the East Road Rail Overpass (BD16) should be retained within the PSP	Agree	No change required	N/A

Appendix G – Council response to the recommendations of Sian McKenna

Point in statement	Change recommended	Agree / Disagree	Council comments	In Council Version 1?
9.1.1	WT conclude that costs prepared by VPA for the Toolern PSP Transport Infrastructure projects are low by approx. 33%, and for the Community Infrastructure projects costs are low by approx. 12%, the reasons are detailed in the report	Agree in Principle	We understand that WT Partnership have identified that Council could be increasing the construction value rates for DCP Projects. We have taken a conservative approach and stand by the figures that are grounded in the VPA's Benchmark Infrastructure Report.	No
9.1.2	The are many differences relating to quantity or scope, but variances are also driven by differences in pricing	Agree	Noted. No change recommended	No
9.1.3	As noted in this report, the independent estimates have been compared to VPA's benchmarked projects cost sheets escalated from 2018 to July 2024 using the VPA's published indexation factors, and the costs referenced by WT are subject to confirmation by VPA.	Disagree	WT Partnership have indexed using the VPA's index for ICPS. As this is a DCP we have indexed using the specified index specified in the Toolern DCP, which gives us slightly higher construction values from that specified in WT Partnership's evidence. However, the numbers are still generally lower than WT Partnership's estimated construction values (see following sheets)	No
9.1.4	The level of construction activity in Victoria and a strong pipeline of Infrastructure projects continues to apply pressure to the current market. WT's recently updated market analysis suggests that cost pressures in the infrastructure sector are unlikely to ease over the next 12-18 months with factors such as labour / skills shortages and supply chain constraints persisting	Agree	No change recommended	N/A

Comparison – Road Projects

Civil Component No	Description	VPA Total Cost (\$ - 2021) <i>(exhibited DCP project cost)</i>	VPA Total Cost (\$ - 2024) <i>(exhibited DCP project cost as indexed by WT – see Appendix A to witness statement)</i>	WT Total Cost (\$ - 2024)	Variance (\$ - 2024)	Rawlinsons \$2024
		A	B	C	B-C	
RD-02	RD-02 - Secondary Divided Interim Arterial Road (E-W Arterial, 528m)	4,496,855.00	5,321,965.16	6,531,709.00	-1,209,743.84	5,388,662
RD-03	RD-03 - Secondary Divided Interim Arterial Road (Exford Road, 339m)	1,954,992.00	2,313,705.83	1,689,571.00	624,134.83	2,342,702
RD-04	RD-04 - Secondary Undivided Interim Arterial Road (Exford Road, 1857m)	13,092,554.00	15,494,857.81	26,618,080.00	-11,123,222.19	15,689,041
RD-05	RD-05 - Secondary Divided Interim Arterial Road (Toolern Road [Exford to Toolern Ck], 136m)	641,228.00	758,884.51	6,777,291.00	-6,018,406.49	768,395
RD-06	RD-06 - Secondary Divided Interim Arterial Road (Toolern Road [Toolern Ck to Ferris], 1011m)	6,751,787.00	7,990,645.61	10,245,211.00	-2,254,565.39	8,090,787
RD-07	RD-07 - Secondary Divided Interim Arterial Road (Toolern Road [Ferris to Mt Cottrell], 806m)	5,615,593.00	6,645,976.25	7,032,041.17	-386,064.92	6,729,265
RD-08	RD-08 - Secondary Interim Arterial Road (Toolern Road [Mt Cottrell to Paynes], 927m)	7,114,863.00	8,420,341.10	10,380,870.00	-1,960,528.90	8,525,868
RD-11	RD-11 - Primary Interim Arterial Road (Mt Cottrell Road [UGB to Toolern Rd to Rail], 678m)	9,307,858.00	11,015,720.70	3,741,519.00	7,274,201.70	11,153,773

RD-14	RD-14 - Primary Interim Arterial Road (Shogaki Drive West [Mt Cottrell to Ferris], 438m)	5,071,142.00	5,760,883.99	11,208,482.00	-5,447,598.01	6,076,840
RD-15	RD-15 - Primary Ultimate Arterial Road (Ferris Road [Western Hwy to Shogaki], 350m)	4,731,581.00	5,599,759.63	8,022,599.00	-2,422,839.37	5,669,938
RD-16	RD-16 - Secondary Divided Interim Arterial Road (Ferris Road [Shogaki to Rail], 69m)	665,655.00	787,792.12	1,015,317.00	-227,524.88	797,666
RD-17	RD-17 - Secondary Divided Interim Arterial Road (Ferris Road [Rail to Toolern], 729m)	Excluded - Project under construction				
RD-19	RD-19 - Primary Interim Arterial Road (Shogaki Drive East [Mt Cottrell to Ferris], 438m)	4,832,621.00	5,820,858.34	8,247,038.00	-2,426,179.66	5,312,859
Total		64,276,729.00	75,931,391.04	101,509,728.17	-25,578,337.13	76,545,796

Comparison – Intersection Projects

Civil Component No	Description	VPA Total Cost (\$ - 2021) <i>(exhibited DCP project cost)</i>	VPA Total Cost (\$ - 2024) <i>(exhibited DCP project cost as indexed by WT – see Appendix B to witness statement)</i>	VPA Total Cost (\$ - 2021) <i>(exhibited DCP project cost)</i>	Variance (\$ - 2024)	Rawlinsons \$2024
		A	B	C	B-C	
IT-01	IT-01 - Secondary - Connector Intersection (Rees Road & East-West Arterial Road)	4,832,428.00	5,719,111.19	7,718,759.00	-1,999,647.81	5,790,785
IT-02	IT-02 - Secondary - Secondary T-Intersection (Exford Road & East- West Arterial Road)	6,003,028.94	7,104,502.13	7,917,076.00	-812,573.87	7,193,537

IT-03	IT-03 - Secondary - Secondary T-Intersection (Exford Road & Toolern Road)	8,928,408.00	10,566,647.33	15,945,680.00	-5,379,032.67	10,699,071
IT-04	IT-04 - Secondary - Secondary Lane Upgrades (Exford Road & Greigs Road)	2,686,264.00	3,179,155.25	2,709,030.00	470,125.25	3,218,998
IT-05	IT-05 - Secondary - Secondary Intersection (Ferris Road & Toolern Road)	9,032,022.00	10,689,272.59	12,337,250.00	-1,647,977.41	10,823,333
IT-06	IT-06 - Primary - Secondary Intersection (Mt Cottrell Road & Toolern Road)	11,738,409.00	13,892,245.28	17,259,526.00	-3,367,280.72	14,066,345
IT-10	IT-10 - Primary - Primary Intersection (Mt Cottrell Road & Shogaki Drive)	7,109,635.00	8,414,153.87	9,732,523.00	-1,318,369.13	8,519,603
IT-12	IT-12 - Primary - Connector T-Intersection (Shogaki Drive & Connector Road)	10,179,831.00	12,047,688.26	15,829,389.00	-3,781,700.74	12,198,673
IT-13	IT-13 - Primary - Secondary Intersection (Ferris Road, Shogaki Drive & Abey Road)	11,062,998.00	13,092,905.33	15,747,929.00	-2,655,023.67	13,256,988
IT-16	IT-16 - Secondary - Connector T-Intersection (Abey Road, Industry Collector Road)	5,190,822.00	6,143,265.19	7,640,201.00	-1,496,935.81	6,220,255
IT-17	IT-17 - Secondary - Connector T-Intersection (Abey Road, Bundy Drive)	5,652,281.00	6,689,395.92	8,638,811.00	-1,949,415.08	6,733,229
IT-18	IT-18 - Primary- Connector Intersection (Ferris Road, Shakamaker Drive)	7,973,390.00	9,436,397.03	12,216,977.00	-2,780,579.97	9,554,656
IT-20	IT-20 - Primary- Connector Intersection (Mt Cottrell Road, South Connector Road)	9,393,854.00	11,117,496.53	10,645,402.00	472,094.53	11,256,823
IT-21	IT-21 - Primary- Connector Intersection (Toolern Road, Eastern North-South Connector Road)	6,512,388.00	7,707,320.11	8,684,005.00	-976,684.89	7,803,911
IT-22	IT-22 - Secondary- Connector Intersection (Toolern Road, Central North-South Connector Road)	5,595,492.00	6,622,186.11	8,520,504.00	-1,898,317.89	6,705,178
IT-23	IT-23 - Secondary- Connector T-Intersection (Toolern Road, Western North-South Connector Road)	4,802,624.00	5,683,838.35	7,349,336.00	-1,665,497.65	5,755,070
IT-25	IT-25 - Primary- Connector T-Intersection (Mt Cottrell Road, Bridge Road)	983,157.00	1,163,551.34	3,596,615.00	-2,433,063.66	1,178,135
IT-29	IT-29- Secondary- Connector Intersection (Ferris Road, South Connector Road)	4,598,543.00	5,442,311.32	6,585,762.34	-1,143,451.02	5,510,516
TOTAL		122,275,574.94	144,711,443.15	179,074,775.33	-34,363,332.19	146,485,106
- INTERSECTIONS						

Comparison – Intersection Projects

Civil Component No	Description	VPA Total Cost (\$ - 2021) <i>(exhibited DCP project cost)</i>	VPA Total Cost (\$ - 2024) <i>(exhibited DCP project cost as indexed by WT – see Appendix B to witness statement)</i>	VPA Total Cost (\$ - 2021) <i>(exhibited DCP project cost)</i>	Variance (\$ - 2024)	Rawlinsons \$2024
		A	B	C	B-C	
BD-03	Secondary Arterial 91.5m Long Super T Bridge Interim Drwg no. V191096-CI-DG-2001 rev.2	15,193,100.91	17,980,825.85	14,579,169.00	3,401,656.86	18,206,172
BD-04	Pedestrian 30m Long Super T Bridge Interim Drwg No. V191096-CI-DG-2002 rev.2	1,389,465.62	1,644,413.44	2,028,086.00	-383,672.56	1,665,023
BD-05	Pedestrian 30m Long Super T Bridge Interim Drwg No. V191096-CI-DG-2002 rev.2	1,389,465.62	1,644,413.44	2,028,086.00	-383,672.56	1,665,023
BD-06	Pedestrian 30m Long Super T Bridge Interim Drwg no. V191096-CI-DG-2003 rev.2	1,764,825.48	2,088,646.67	2,965,828.80	-877,182.13	2,114,826
BD-07	Pedestrian Underpass [Typical] Drwg No. V191096-CI-DG-2004 rev.2	3,761,854.12	4,393,700.04	4,732,034.00	-338,333.96	4,508,611
BD-08	Pedestrian Underpass [Typical] Drwg No. V191096-CI-DG-2004 rev.2	3,761,854.12	4,393,700.04	4,732,034.00	-338,333.96	4,508,611
BD-10	Pedestrian Underpass [Typical] Drwg No. V191096-CI-DG-2004 rev.2	3,761,854.12	4,393,700.04	4,732,034.00	-338,333.96	4,508,611
BD-14	Pedestrian 30m Long Super T Bridge Interim Drwg no. V191096-CI-DG-2003 rev.2	1,764,825.48	2,088,646.67	2,965,828.80	-877,182.13	2,114,826
BD-15	Ferris Road - 5.9m Clearance 44.8m Long Box Girder Bridge Interim (approx. 25.4m wide) Drwg no. V191096-CI-DG-2008 rev.2	15,075,486.13	17,841,630.38	34,413,757.00	-16,572,126.62	Removed
BD-16	East Road - 5.9m Clearance 76.6m Long Box Girder zBridge Interim (approx. 16.5m wide) Drwg no. V191096-CI-DG-2008 rev.2	13,833,440.54	16,371,686.51	35,178,075.00	-18,806,388.49	16,576,864

Total - Bridges	61,696,172.14	72,841,363.07	108,354,932.59	-35,513,569.52	55,868,567
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Comparison – Community Facilities

Civil Component No	Description	VPA Total Cost (\$ - 2021) (exhibited DCP project cost)	VPA Total Cost (\$ - 2024) (exhibited DCP project cost as indexed by WT – see Appendix B to witness statement)	VPA Total Cost (\$ - 2021) (exhibited DCP project cost)	Variance (\$ - 2024)	Rawlinsons \$2024
		A	B	C	B-C	
CI03	Community Facilities Level 1 (Item 37)	7,605,318.00	9,582,701.00	9,516,000.00	66,701.00	9,601,798
CI04	Community Facilities Level 1 (Item 37)	7,605,318.00	9,582,701.00	9,516,000.00	66,701.00	9,601,798
CI06	Community Facilities Level 2 (Item 38)	8,927,424.00	11,248,554.00	11,216,000.00	32,554.00	10,777,102
CI07	Community Facilities Level 2 (Item 38)	8,927,424.00	11,248,554.00	11,216,000.00	32,554.00	10,777,102
AR03	Sporting & Recreational Facilities (5-6 Ha) (Item 42)	8,020,190.00	10,105,440.00	12,736,625.00	-2,631,185.00	10,229,347
AR01	Sporting & Recreational Facilities (8-10 Ha) (Item 43)	10,354,010.00	13,046,053.00	16,836,270.00	-3,790,217.00	13,205,945
AR02	Sporting Pavillions - 1 (Item 40)	1,655,681.00	2,086,158.00	3,036,000.00	-949,842.00	2,111,931
AR08	Sporting Pavillions - 2 (Item 41)	2,752,712.00	3,468,417.00	4,680,000.00	-1,211,583.00	4,223,862
	Total	55,848,077.00	70,368,578.00	78,752,895.00	-8,384,317.00	70,528,885