

Planning Panels Victoria

Sandown Racecourse Advisory Committee

Final Report

Planning and Environment Act 1987

31 October 2024

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

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

Planning and Environment Act 1987

Advisory Committee Report pursuant to section 151 of the PE Act

Sandown Racecourse Advisory Committee

Final Report

31 October 2024



Kathy Mitchell AM, Chair



William O'Neil, Deputy Chair



Geoff Underwood, Deputy Chair



Rob Adams AM, Member



Noelene Duff PSM, Member



Peter Edwards, Member

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Glossary and abbreviations

AEP	Annual Exceedance Probability
CDP	Sandown Racecourse Comprehensive Development Plan
CDZ3	Comprehensive Development Zone Schedule 3
Committee	Sandown Racecourse Advisory Committee
Council	City of Greater Dandenong
Creek Master Plan	Mile Creek and Police Road Drain Concept Master Plan
D	Document
DCP	Sandown Racecourse Development Contributions Plan
DCPO4	Development Contributions Plan Overlay Schedule 4
draft Amendment	draft Greater Dandenong Planning Scheme Amendment C229gdan
DTP	Department of Transport and Planning
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority Victoria
GDEG	Greater Dandenong Environment Group
HO54	Heritage Overlay 54
ITP	Integrated Transport Project
IWM	Integrated Water Management
IWMP	Integrated Water Management Plan
IWMS	Integrated Water Management Strategy
MCH	Maternal and child health services
Minister	Minister for Planning
MRC	Melbourne Racing Club
NEIC	National Employment and Innovation Cluster
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Greater Dandenong Planning Scheme
PPV	Planning Panels Victoria
Project	The draft Amendment and development proposal
Proponent	Melbourne Racing Club
S	Submitter
S173	Section 173 agreement
SEW	South East Water

Station	Sandown Park Railway Station
VHR	Victorian Heritage Register
VITM	Victorian Integrated transport Model
WIK	Works-in-Kind

Overview

Summary

The Project	Sandown Racecourse Advisory Committee
draft Amendment	draft Greater Dandenong Planning Scheme Amendment C229gdan
Common name	Sandown Racecourse
Brief description	Seeks to introduce a new planning framework for the land to facilitate its redevelopment for predominantly residential use as well as community facilities, open space and commercial and retail uses.
Subject land	591- 659 Princes Highway, Springvale
The Proponent	Melbourne Racing Club
Planning Authority	Minister for Planning
Exhibition	20 May - 24 June 2024
Submissions	256 (see Appendix B)

Advisory Committee process

The Advisory Committee	Kathy Mitchell AM (Chair), William O'Neil and Geoff Underwood (Deputy Chairs), Rob Adams AM, Noelene Duff PSM and Peter Edwards (Members)
Supported by	Chris Brennan and Georgia Thomas of Planning Panels Victoria
Directions Hearing	1 Spring Street, Melbourne and online, 17 July 2024
Advisory Committee Hearing	1 Spring Street, Melbourne and online, 19, 20, 21, 26, and 27 August, 2, 3, 4, 5, 9 and 16 September 2024, and Council Chamber, Dandenong Civic Centre, 7/225 Lonsdale Street, Dandenong and online 10 and 11 September 2024
Site inspections	Unaccompanied on 27 June 2024 and accompanied on 22 August 2024
Citation	Sandown Racecourse Advisory Committee [2024] PPV
Date of this report	31 October 2024

Executive summary

Overview

It is rare the opportunity arises to redevelop a significant land holding in the middle ring of metropolitan Melbourne that has excellent access to public transport (railway station and bus network) and a major highway, nearby employment options, existing retail and commercial facilities and extensive open spaces. Such an opportunity is provided by the Melbourne Racing Club's proposal to ultimately cease horse and motor racing at the Sandown Racecourse and to gradually redevelop 112 hectares of land for residential purposes, supported by retail, commercial and community uses over a 20 to 30 year period.

As articulated in the Sandown Racecourse Comprehensive Development Plan, the Vision for this redevelopment is:

Sandown Racecourse will become a major new urban renewal precinct with a master planned design that focuses on liveability. A true 20 minute neighbourhood, it will provide diversity of housing, recreation opportunities, services and transport modes that support the future community, and integrate with surrounding neighbourhoods.

To consider this Vision, the Minister for Planning appointed the Sandown Racecourse Advisory Committee to provide advice and recommendations on draft Greater Dandenong Planning Scheme Amendment C229gdan in accordance with its Terms of Reference on 2 March 2024.

The Committee convened a public process that enabled consideration of submissions, tabling of evidence and further submissions to assist its inquiry. Key participants included:

- Melbourne Racing Club
- City of Greater Dandenong
- Melbourne Water
- Department of Transport and Planning
- Heritage Victoria
- Environment Protection Authority Victoria
- interest groups such as the Greater Dandenong Environment Group
- local community submitters.

A summary of key issues and findings include:

Planning tools and considerations

- Development of the site will support key State housing and planning objectives and policy.
- Due to the form of redevelopment, use of a Comprehensive Development Plan and a new Comprehensive Development Zone Schedule 3 to deliver on the Vision is appropriate.
- There is no need to introduce a new local policy to support this proposal.
- The draft Amendment, subject to the Committee's proposed modifications, is well founded and strategically justified.

Land use, urban structure and precincts

- The identification, characterisation and spatial extent of each Precinct in the Comprehensive Development Plan is appropriate.

- The built form objectives and yield to realise in the order of 7,500 dwellings for a population of 16,00 people is reasonable.
- The Committee does not oppose exceeding the dwelling yield, subject to satisfying the Responsible Authority and referral agencies (such as the Department of Transport and Planning) that infrastructure capacity exists to support the proposed additional yield.
- An increase in height up to 16 storeys in the Town Centre could be provided for, subject to satisfying amenity and capacity considerations.
- Development of the site should provide for a minimum of 10 per cent affordable housing, to be shared across each precinct or sub-precinct identified.
- Due to the strategic and locational importance of the Sandown Park Railway Station, it is desirable that to meet higher order policy and planning objectives, staging within the precincts commences from both from the north and south of the site to take concurrent advantage of the Station as well as the exposure opportunities of the Princes Highway. A revised staging plan is recommended by the Committee.

Transport and traffic

- The site and its surrounds can cater for increased traffic, subject to necessary site works and ongoing monitoring.
- Access from Princes Highway will need to be reviewed as development proceeds to determine whether the overpass can continue to be used or whether a new at grade intersection (similar to Princes Highway/Corrigan Road) is warranted.

Drainage and flooding

- It is critical to prepare and implement the Mile Creek and Police Road Concept Drainage Master Plan prior to any development occurring, in order to finalise the way in which drainage and potential flooding can be dealt with, and the layout and location of active open space can be realised.
- There is no reason to delay progressing the draft Amendment pending further work on, or finalisation of, a drainage strategy.

Economic development

- The site will deliver up to 20,000 square metres of retail and commercial spaces, thereby providing a Neighbourhood Activity Centre that will serve the day-to-day convenience needs of the site's population.
- The site is well located to take advantage of nearby activity centres.
- Planning for the Town Centre Precinct as well as a secondary activity node is appropriate as development occurs, with neither centre anticipated to cause detriment to nearby centres.

Community facilities

- Development of the site will generate the need for maternal and child health services, kindergartens, a primary school, playgrounds and various active open space needs.
- These have been well accounted for in providing these as needed, as development occurs, to cater for the new population.

Development contributions

- It is appropriate the Development Contributions Plan Overlay with a Development Contributions Plan be applied to the whole of the site.

- The costs of road and community infrastructure projects is reasonable, and will be subject to regular reviews.

Heritage

- It is appropriate Heritage Overlay HO54 be removed from the whole of the site so that redevelopment for residential and commercial uses can be introduced to create a new urban character.
- The State Heritage listed grandstand, including its curtilage, is a critical feature of the site and its repurposing for a range of uses early in the redevelopment process must be undertaken to ensure its integrity is maintained and upheld.

Overall conclusions

Clause 71.02-3 of the Greater Dandenong Planning Scheme requires the Responsible Authority to balance competing objectives in favour of net community benefit and sustainable development. The Committee has reviewed all aspects of the draft Amendment and with its recommendations, considers the Project will ultimately result in a net community benefit and sustainable development in favour of a new population seeking the opportunity to live in a well-planned and accessible residential area, supported by community facilities and open spaces.

This will be realised through:

- application of the Sandown Racecourse Comprehensive Development Plan through the Comprehensive Development Zone Schedule 3
- application of the Sandown Racecourse Development Contributions Plan through the Development Contributions Plan Overlay Schedule 4.

Consolidated recommendations

Based on the reasons set out in this Report, the Sandown Racecourse Advisory Committee recommends the Minister for Planning approve draft Greater Dandenong Planning Scheme Amendment C229gdan, subject to the following recommendations:

- 1. Replace the Sandown Racecourse Comprehensive Development Plan with the Day 2 Updated Version (Document 209a), amended as follows:**
 - a) In Chapter 4.3 Community, edit Requirement R5 to include the following sentence: *“The Primary School is to include two dedicated kindergarten rooms for three and four year old programs”.***
 - b) In Chapter 4.5 Integrated Transport, edit the following paragraph in the introduction to read:**

Vehicular access to Sandown Racecourse will be provided via the existing grade separated ‘gateway’ access on Princes Highway, which is subject to review, change and Department of Transport and Planning approval, and two fully signalised intersections on Corrigan Road, towards the north and south of the site.
 - c) In Chapter 4.6 Heritage and Interpretation, edit text to include a requirement after R23 to read: *“Prior to any precinct plans being finalised, conduct an independent review into the possibility of the Grandstand being repurposed to accommodate any of the proposed community facilities required to be provided, including the school”.***

- d) In Chapter 4.8 Urban Form, edit Table 2 as follows:
- Amend the text in the 'Presentation to Key Interfaces' of the East Precinct to read: *"Existing trees of very high and high value along Corrigan Road frontage will be retained"*.
 - Replace the Preferred Building Height text for the Town Centre Precinct to read *"Heights above 12 storeys are supported, up to a maximum of 16 storeys subject to any increase demonstrating amenity at street level will not be reduced. Where heights are proposed to exceed 12 storeys, the podium level should increase to four storeys with a setback of five metres"*.
- e) In Chapter 4.9 Environmentally Sustainable Design (ESD):
- Edit Objective O29 to read, *"To provide sustainable buildings and energy efficient homes."*
 - Edit Requirement R41 to read, *"Incorporate ESD principles in the development of infrastructure, public spaces and buildings to reach the targets accounting for the technological, social, environmental and economic conditions relevant at the time"*.
- f) In Chapter 4.10 Infrastructure and Staging:
- Replace the Staging Plan at Figure 13 with Scenario 2: Alternative Indicative Staging Plan in Document 208 (shown as Figure 7 in this Report).
 - Edit Table 4 Infrastructure List Summary by:
 - Amending the Project Description of RD-01 to note the Project is subject to substantial change once the preferred design treatment has been resolved with Department of Transport and Planning.
 - Amending the Project Description of RD-04 to note the Project is subject to change to improve road safety by providing a divided road design.
 - Adding a new Project RD-07 – Reconfiguration of the existing Virginia Street/Bird Street Carriageway, and including the following dot points as the trigger(s):
 - prior to the Statement of Compliance for the first dwelling in Stages A or E taking access from Bird Street; or
 - alternative trigger as agreed with the Responsible Authority if access arrangements and/or development stages vary.
 - Edit Figure 14 – Location of Infrastructure items (Page 43) to:
 - Include Project RD-07 at the Virginia Street / Bird Street Intersection
- g) In Appendix B, edit Cross sections 6 and 7 – Example of built form presenting to Corrigan Road to indicate the existing extent and depth of tree planting along Corrigan Road.
- h) In Appendix C, edit Indicative Street Cross Sections by:
- Modifying Street Section 1: Main Boulevard to show a 33 metre total width (instead of 32 metres) and all Drive Lanes being 3.5 metres

2. Amend the Comprehensive Development Zone Schedule 3 as shown in the Committee's preferred version in Appendix E of this Report.
3. Replace the Sandown Racecourse Development Contributions Plan with the Day 2 Updated Version (Document 209b), amended as follows:
 - a) In Chapter 5 Infrastructure, edit Table 5 Infrastructure Items and Strategic Justification by:
 - Adding a note to RD-01 Project Name and Description stating the Project is subject to substantial change once the preferred design treatment has been resolved with the Department of Transport and Planning.
 - Adding a note to RD-04 to state the Project is subject to change to improve road safety by providing a divided road design.
 - Adding a new Project RD-07 – Reconfiguration of the existing Virginia/Bird Street Carriageway, and including the following dot points as the trigger(s):
 - prior to the Statement of Compliance for the first dwelling in Stages A or E taking access from Bird Street; or
 - alternative trigger as agreed with the Responsible Authority if access arrangements and/or development stages vary.
 - b) In Chapter 6 Calculation of Levies, edit Table 6 Levy Calculation by Infrastructure Item to reflect the following Construction Cost and Total Project costs
 - RD-02 Princes Highway shared path - \$438,559
 - RD-06 Sandown Road shared path - \$635,583
 - RD-07 Virginia Street/Bird Street – provide cost estimate.
 - c) In Appendix B of the Development Contributions Plan Item Descriptions, Concept Plans and Costings:
 - Edit Project Sheets to reflect the following Project costs
 - RD-02 Princes Highway shared path - \$438,559
 - RD-06 Sandown Road shared path - \$635,583.
 - Edit the Description of Project CF-01c to reference the provision of a five-room kindergarten facility.
4. Amend Development Contributions Plan Overlay Schedule 4 as follows:
 - a) Update Clause 2.0 Summary of levies payable to reflect the revised costs in the final version of the Development Contributions Plan.
5. Remove local policy Clause 22.13 from the draft Amendment.

PART A: Background

1 Introduction

1.1 The Sandown Racecourse Advisory Committee

The Minister for Planning (Minister) appointed the Sandown Racecourse Advisory Committee (the Committee) on 2 March 2024, and it comprises:

- Kathy Mitchell AM, Chair
- William O’Neil, Deputy Chair
- Geoff Underwood, Deputy Chair
- Rob Adams AM, Member
- Noelene Duff PSM, Member
- Peter Edwards, Member.

The Committee was supported by Chris Brennan, Senior Project Officer and Georgia Thomas, Project Officer from Planning Panels Victoria (PPV).

The Minister issued Terms of Reference on 2 March 2024 to guide the focus of the Committee’s work. In summary, the Terms of Reference:

- requires the Committee to have a range of expertise (Clauses 1 – 3)
- provides background about the process to date (Clauses 5 – 9)
- details the planning framework and background (Clauses 11 – 14)
- provides for a Stage 1 initial assessment by the Committee (Clauses 15 – 17)
- sets out the Stage 2 and 3 public consultation and public Hearing process (Clauses 18 – 30; 33 - 38)
- sets out the Stage 4 Outcomes (Clauses 31 – 32) relating to submission of its report to the Minister, and Clause 39 requires the Committee provide its report no later than 30 business days from its final Hearing date or the receipt of further material.

The role of the Committee is to consider draft Greater Dandenong Planning Scheme Amendment C229gdan (draft Amendment) for the site and supporting documents. The Committee considered the submissions made as a result of the public exhibition period; the further submissions and evidence put to the Committee by the Proponent, City of Greater Dandenong (Council), relevant agencies and the community submitters, and expert evidence presented by the various parties¹.

1.2 The draft Amendment

(i) Description

The Sandown Racecourse Project (the Project) relates to redevelopment of the existing Sandown Racecourse site for predominantly residential uses supported by community facilities, open space and commercial and retail uses. The Project seeks to deliver:

- 7,500 dwellings with a residential population of 16,000 people
- 20,000 square metres of retail and commercial spaces
- over 20 hectares of public space and community facilities, including public open space.

¹ As the Proponent provided material post hearing, the due date for this Report is 4 November 2024.

In summary, the draft Amendment seeks to include the Sandown Racecourse Comprehensive Development Plan (CDP) as an Incorporated Document in the Greater Dandenong Planning Scheme (Planning Scheme) and rezone approximately 112 hectares of land from the Special Use Zone, Urban Floodway Zone and General Residential Zone 1 to Comprehensive Development Zone Schedule 3 (CDZ3).

The draft Amendment includes several other changes, including:

- introducing a new Local Planning Policy at Clause 22.13
- amending Schedule to Clause 43.01 Heritage Overlay to remove Heritage Overlay 54 (HO54)
- inserting a new Schedule 3 to the Clause 37.02 Comprehensive Development Zone
- inserting a new Schedule 4 to Clause 45.06 Development Contributions Plan Overlay (DCPO4)
- amending the Schedule to Clause 53.01 Public Open Space Contribution and Subdivision
- inserting the CDP and Development Contributions Plan (DCP) as Incorporated Documents at Clause 72.04
- various other consequential changes.

The Minister is the Planning Authority for the draft Amendment and the Melbourne Racing Club (MRC) is the Proponent.

(ii) Public notice

The draft Amendment was publicly exhibited for 25 business days from 20 May to 24 June 2024. The Committee understands the Department of Transport and Planning (DTP) sent letters via Australia Post to approximately 4,500 households in the Sandown area and surrounds (noting approximately 60 were returned to sender). Direct notice was given to Council, government agencies, servicing authorities, racecourse and community stakeholders, adjoining Councils and pipeline operators via email on 20 May 2024.

The direct notice was accompanied by an information sheet which was made available in five other languages (Vietnamese, Mandarin, Cantonese, Khmer and Punjabi) via the Engage Victoria website. All documents were made available for public inspection on Engage Victoria and at Council's customer service centres in Springvale, Dandenong and Keysborough. At the time of the Directions Hearing, the Engage Victoria site had approximately 3600 unique visitors.

The public exhibition period resulted in 256 submissions, with one subsequently withdrawn and one late submission being accepted.

(iii) Issues raised in submissions

The key issues raised in the submissions included but were not limited to:

- mixed support for and against the proposal
- site layout and development
- traffic and access, public transport and upgrade of the Sandown Park Railway Station (the Station)
- retention of heritage fabric and features, including the grandstand, pits and tracks
- drainage, flooding and integrated water management
- form of the planning controls
- opportunity for some, and significant retail development

- timing and location of community facilities, including schools
- how infrastructure would be realised, namely through development contributions or section 173 agreements (s173)
- staging and timing of development
- calls for horse racing and/or motor car racing to be retained.

As a result of its review of the submissions and the unaccompanied site inspection, the Committee highlighted at the Directions Hearing the key issues it considered should be addressed by the Proponent and other parties through the Hearing process:

- (i) Transport and access to and from the site from the Princes Highway, taking into account traffic issues raised by DTP.
- (ii) Upgrading and linking the Station to the site in a safe manner, and the timing and development of a transport interchange.
- (iii) How the full extent of the grandstand could remain in place and become the focal point of the Project, including whether it could be re-purposed for commercial, retail, housing and for community purposes (including but not limited to child care, education and community spaces).
- (iv) Consideration of drainage, flooding and integrated water management issues off-site and on-site including how retarding basins could safely remain in place with the main basin as a community asset.
- (v) How affordable and social housing could and would be delivered.
- (vi) How the proposed open spaces might be configured to help interpret the previous uses and physical features of the site, such as the track.
- (vii) Staging of the development to allow for each stage to operate in an effective manner with good connectivity to the public transport, community, retail and education facilities.
- (viii) Responding to the issues raised in the Committee's Initial Assessment Report of 3 April 2024, especially in light of the issues raised by the Committee and through submissions from Council, agencies and other submitters.

1.3 The subject land and surrounds

(i) Subject land

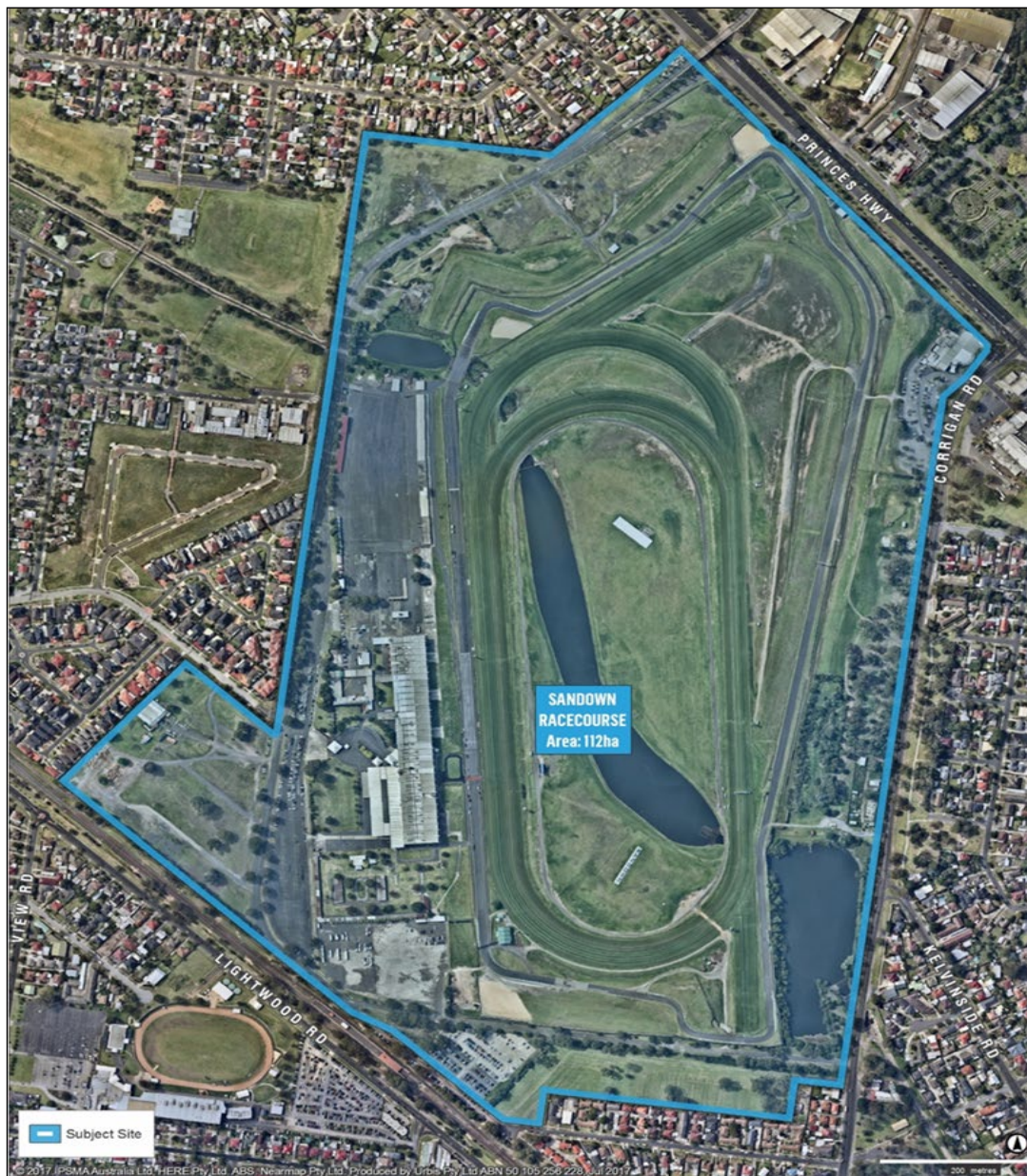
The draft Amendment applies to the Sandown Racecourse land as shown in Figure 1. The 112 hectare site is in Melbourne's south-east corridor, between the Princes Highway and the Melbourne to Dandenong/Pakenham rail corridor. It is currently used as a horse and motor racing track and entertainment centre, with horse racing in the area dating back to 1888. The current combined racecourse and motor racing track was developed from 1956.

The exhibited Explanatory Report described the subject land as follows:

The subject site is bound by the Princes Highway to the northeast; Corrigan Road to the east; residential properties to the south; the Pakenham-Cranbourne Railway corridor to the southeast; and residential properties and Warner Reserve to the west. The subject site is approximately 112.25 hectares.

The exhibited planning report described the site's broader context, including its location within the Monash National Employment and Innovation Cluster (NEIC) and proximity to the Dandenong Metropolitan Activity Centre and NEIC. The report highlighted the site's proximity to the nearby Springvale and Noble Park Activity Centres and the Station adjacent to the southwest corner of the site, which provides a 40-minute train ride to the Melbourne central area.

Figure 1 Subject land ²



(ii) Surrounding land

The site is surrounded predominantly by low density residential areas comprising mostly detached dwellings, with some dual occupancy and unit development. Some light industry exists to the west on Bird Street and to the north of Princes Highway. Warner Reserve forms part of the western boundary. Other notable nearby uses include the Sandown Park Greyhound Racing Track to the

² Exhibited explanatory report

southwest on the other side of the rail corridor, and Springvale Cemetery on the other side of Princes Highway to the northeast.

1.4 Site inspections

The Committee (except for Mr O'Neil) and Mr Brennan undertook an unaccompanied preliminary inspection of the subject land and its surrounds on Thursday 27 June 2024 to familiarise itself of the overall site. The Committee's unaccompanied visit primarily inspected the car park areas, the Station and grandstand. The grandstand was open and was made accessible in all areas by the Proponent for this inspection.

The Committee, with Mr Brennan and Ms Thomas, held an accompanied site inspection on Day 4 of the Hearing, Thursday 22 August 2024. Attendees included representation from the Proponent, Council, Melbourne Water, Environment Protection Authority Victoria (EPA), Heritage Victoria and DTP Transport and Planning.

All areas of the site were open for inspection with the Proponent acting as host. The itinerary included inspection of local roads and Warner Reserve as well as residential areas nearby, the Springvale Activity Centre and area on and along Princes Highway.

1.5 Procedural issues

(i) Scope of the Committee's inquiry

Multiple submissions advocated for retention of horse and/or car racing at the site without residential and other development. Many were passionate in making these submissions and many were critical of the MRC and its proposal.

Conscious of these submissions, the Committee acknowledged in its notice letter about the Directions Hearing that many submissions called for the retention of motor car sports and/or horse racing. The Committee reiterated it was not able to consider those submissions in the context that these were decisions and matters for the MRC. The role of the Committee is to consider the relevant submissions in relation to the exhibited draft Amendment in that it seeks to provide the vision and opportunity for mixed use redevelopment of the site, over time. The Committee itself is unaware of the MRC's timing of the phasing out of the existing uses on the site.

This issue was further articulated by some submitters at the Hearing.

The Committee acknowledges the difficulty for some submitters to reconcile the proposed sale of Sandown Racecourse due to their long association of it through racing and motor sports. The Committee acknowledges the many concerns raised by submitters about the proposed sale and the proposed change of land use for the site. During the Hearing, there was some discussion about the MRC, but the Committee was not able to take those submissions any further.

At the same time, the Committee received many submissions from the community that supported the sale and the conversion of the land for urban purposes.

The focus of the Committee through its Terms of Reference is to provide advice on the proposed planning framework for the site as exhibited. Its role is to assess the draft Amendment before it and provide its advice to the Minister accordingly.

(ii) Hearings at Dandenong

Most of the Hearing was held in the offices of PPV, including the primary submissions and evidence of the key parties.

The Committee held some of the Hearing at Council offices in Dandenong to make it easier for the local community submitters to be engaged in the process.

Unfortunately, many submitters who indicated they sought to be heard did not attend the two Hearing days at Dandenong, even though the office of PPV contacted every submitter seeking to be heard the week before their scheduled time. This was disappointing, as the Committee was keen to hear from the local community. Notwithstanding, the Committee considered all relevant written submissions, irrespective of whether submitters took the opportunity to speak to those submissions.

The Committee appreciates Council hosting two of the Hearing days in its Dandenong offices, and the submitters who took the opportunity to attend and speak to the Committee about the Project.

(iii) Documents relied upon for consideration and recommendations

As is usually the case with significant proposals, documents provided as part of the exhibition, especially the planning controls are further amended during a Hearing process. This case is no exception.

The Committee received updated Amendment documents from the Proponent on 13 September 2024, as follows:

- 'Day 2' Comprehensive Development Plan, with annotations showing the post-Day 1 recommendations made by witnesses or parties and adopted by the Proponent;
- In addition to the version of the 'Day 2' Schedule 3 to the Comprehensive Development Zone circulated yesterday, we provide a 'tracked changes' version because it has been brought to our attention that yesterday's version was a 'clean' version; and
- 'Day 2' Development Contributions Plan, with annotations showing the post-Day 1 recommendations made by witnesses or parties and adopted by the Proponent³.

Then on 20 September 2024, the Committee received a further version of the CDZ3, with the Proponent noting:

Please find **attached** the Proponent's 'Day 3' CDZ Schedule. This document retains the markups from 'Day 1' to 'Day 2' versions for reference (Document 209c), while adding further 'Day 2' to 'Day 3' changes highlighted in green (new text) or yellow (reordered text).

We have noted which 'Day 2' to 'Day 3' changes have been adopted from Council's 'Day 2' CDZ3 (Document 212 as attached) ⁴.

Taking this into account and for the purposes of this Report, the Committee uses the following documents as the basis of its discussion, findings and recommendations:

- exhibited Clause 22.13
- exhibited DCPO4 (D83)
- Day 2 Updated CDP (D209a)
- Day 2 Updated DCP (D209b)
- Day 3 Updated CDZ3 (D215).

³ D209 a, b, c

⁴ D215

2 The Committee's approach

2.1 Preliminary review and inception meeting

In accordance with Clauses 15 to 17 of its Terms of Reference, the Committee undertook a Stage 1, Initial assessment. The Proponent provided a range of documents to the Committee once it was appointed in early 2024 (D2 - D42). In accordance with Clause 15 of its Terms of Reference, the Committee reviewed those documents and held an Inception Meeting with the Proponent, Council and the agencies listed in Clause 20(d) on Monday 18 March 2024. The Committee provided an agenda (D44a) and discussed a range of issues on a without prejudice basis so that it could gain a better understanding of the Project and hear the preliminary issues Council and the agencies sought to raise at this early stage.

2.2 Initial Assessment Report

Following the Inception Meeting, the Committee produced a short 'Initial Assessment Report' that highlighted its preliminary issues, noting this was on a without prejudice basis. That Report was provided to the Proponent and Council was published on the Committee's webpage on the PPV website⁵.

Upon tabling of that report, the Committee directed the Proponent to respond to the issues raised (D58 to 68, 3 May 2024).

The Committee reviewed that response and determined the draft Amendment was suitable to be placed on public exhibition, again on a without prejudice basis.

2.3 Committee report

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

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

The Committee is aware the draft Amendment documents and plans are for the long term, and the Project will be undertaken in stages over a 20 to 30 year development horizon.

The Committee does not refer to any individual submitter by name, rather it refers to any by submission number (Sxx) or by reference to a document that may have been provided (Dxx). Various parties are referred to as the body which they are representing such as Council, Proponent, Melbourne Water, EPA, DTP, Heritage Victoria, or by a community name such as Touring Car Association.

⁵ D55, 3 April 2024

The Committee has structured this Report in three parts:

Part A – Background:

- introduction
- the Committee’s approach
- planning context

Part B – Key Issues:

- land use, urban structure and precincts
- transport and traffic
- drainage and flooding
- economic development
- community facilities
- development contributions
- heritage
- other matters, including contamination, sustainability and integrated water management.

Appendices:

- A: Terms of Reference
- B: Submitters
- C: Parties to the Hearing
- D: Document list
- E: Committee preferred version of the CDZ3.

With regard to the CDZ3, the Committee has accepted all changes provided by the Proponent on 20 September 2024 (D215). It has then made its changes against that version in Appendix E. General typing, grammar and insignificant word changes have not been track changed, but any material change is noted as either Committee added or deleted in colour.

For the purposes of this Report, the Committee has not indicated every change to CDZ3 as separate and discrete recommendations, rather it comments on the change and includes it in the overall recommendation to adopt the draft Amendment. It articulates its reasoning for significant changes in the body of the Report and in its findings.

3 Planning context

3.1 Background and tools to deliver the Sandown vision

This chapter provides a brief overview of the planning context relevant to the draft Amendment and the tools to deliver the Project.

In opening, the Proponent confirmed:

- the subject land comprises 112.25 hectares over 48 separate land titles
- the land is subject to the Special Use Zone (Schedule 1)
- in part, the land is covered by the Urban Floodway Zone and Land Subject to Inundation Overlay
- a very small portion of land to the south is subject to the General Residential Zone Schedule 1
- the entire site is subject to HO54
- the grandstand is subject to Heritage Overlay HO79.

The Committee had regard to the exhibited Explanatory Report, the Proponent and Council submissions, and expert evidence in summarising the planning context in Table 2, as well as relevant submissions.

Table 1 Planning and economic evidence

Party	Expert	Firm	Expertise
Proponent	Sophie Jordan	Contour Consultants	Planning and affordable housing
Proponent	Matthew Lee	Deep End Services	Retail economics
Council	Chris de Silva	Mesh Planning	Planning and development contributions

Table 2 lists relevant provisions and policies.

Table 2 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the <i>Planning and Environment Act 1987</i> (PE Act)
Planning Policy Framework	- Clauses 11 (Settlement), 12 (Environmental and Landscape Values), 13 (Environmental Risks and Amenity), 14 (Natural Resource Management), 15 (Built Environment and Heritage), 16 (Housing), 17 (Economic Development), and 18 (Transport), 19 (Infrastructure) - Clauses 21.02 (Municipal profile), 21.03 (Vision for Greater Dandenong), 21.04 (Land Use), 21.05 (Built Form), 21.06 (Open Space and Natural Environment), 21.07 (Infrastructure and Transportation)
Other planning strategies and policies	- Victoria's Housing Statement: The Decade Ahead 2024-2034 - Plan Melbourne Directions 1.3, 2.1, 2.2, 2.5 and 5.1 - Greater Dandenong Housing Strategy 2014-24 and Action Plan - Greater Dandenong Open Space Strategy 2020-2030

	<ul style="list-style-type: none"> - Towards a Water Smart City: Council’s Sustainable Water Use Plan, May 2008 - Greater Dandenong Sustainability Strategy: Towards an Environmentally Sustainable City 2016-2030 - Greater Dandenong Integrated Transport Plan 2017-2022
Planning scheme provisions	<ul style="list-style-type: none"> - Special Use Zone - Urban Floodway Zone - General Residential Zone 1 - Heritage Overlay - Comprehensive Development Zone - Land Subject to Inundation Overlay - Parking Overlay
Ministerial directions	<ul style="list-style-type: none"> - Ministerial Direction 1 – Potentially contaminated land - Ministerial Direction 9 – Metropolitan strategy - Ministerial Direction 11 – Strategic assessment of amendments - Ministerial Direction 15 – the planning scheme amendment process - Ministerial Direction 18 – Victorian Planning Authority Advice on Planning Scheme Amendments - Ministerial Direction 19 – Amendments that may result in impacts on the environment, amenity and human health - Ministerial Direction on the preparation and content of development contribution plans
Planning practice notes	<ul style="list-style-type: none"> - Planning Practice Note 1 – Applying the Heritage Overlay - Planning Practice Note 30 – Potentially contaminated land - Planning Practice Note 46 – Strategic Assessment Guidelines, September 2022

(i) Comprehensive Development Plan

The CDP provides the high-level framework for a long-term plan to redevelop the site. It sets out the broad vision, objectives and requirements for the Project in accordance with the proposed ordinance, the CDZ3 and other planning scheme provisions.

The Proponent prepared an updated CDP for exhibition in response to the Committee’s Initial Assessment Report which reflected:

- up to date data
- current State planning policy initiatives, including Victoria’s Housing Statement
- interface of the Station and activity centres
- affordable housing
- provision of community facilities and education facilities, including kindergartens on school sites.

The Committee’s Initial Assessment Report sought advice on whether the CDP as proposed was suitable to be incorporated into the Planning Scheme. The Proponent confirmed through legal advice that the CDP was suitable to be included as an Incorporated Document.

The use of the CDP and CDZ3 to deliver the Project was generally uncontentious during the Hearing.

Unless otherwise stated, the Committee bases all commentary and recommendations on the Proponent's final version of the CDP (D209a).

(ii) Comprehensive Development Zone

The proposed CDZ3 gives statutory effect to the CDP. It applies to the entirety of the site and includes the following purposes:

- To provide for the integrated planning, development and subdivision of the land primarily for residential purposes, while encouraging the development of a supplementary mix of community, education, retail and recreational activities.
- To facilitate the development of a sustainable and resilient residential community based on 20-minute city principles, which supports the growth of the Monash National Employment and Innovation Cluster and nearby Major Activity Centres.
- To provide for the orderly planning and development of infrastructure to support the future residential community, such as open space, waterways, community facilities, and new road and path networks and ensuring their integration with the surrounding area.

The Committee sought clarification in its Initial Assessment Report on why the CDZ was selected as the preferred tool to develop the site and whether it accorded with the Ministerial Direction on Form and Content. In response, the Proponent advised it had ruled out other controls due to shortcomings in dealing with the circumstances and complexities of the site, and stated:

Through the course of MRC's engagement with Council, it has been made clear that the zoning framework needs to establish upfront certainty concerning the urban structure of the site, the delivery of Mile Creek which traverses the site, and key infrastructure commitments, to ensure that development occurs holistically – with each progressive stage working to achieve a common vision.

The CDZ has typically been applied to other complex urban infill sites and is supported by Council and DTP⁶.

Unless otherwise stated, the Committee bases all commentary and recommendations on the Proponent's final version of the CDZ3 (D215).

(iii) Local policy

The draft Amendment seeks to introduce a local policy at Clause 22.13 to provide a strategic policy framework for future redevelopment of the land. The policy seeks to ensure that use and development of the land is consistent with the vision, objectives and requirements as set out in the CDP.

(iv) Development Contributions Plan

The draft Amendment seeks to introduce a DCP to enable funds to be collected and expended on a range of community and road projects. The Proponent prepared several reports to identify the infrastructure items required to support the development including roads, intersections, open space and community facilities. The DCP would enable the collection of levies to fund the shared infrastructure identified in the reports, which would then ultimately be delivered by Council and developers.

⁶ D58

Council noted the Proponent had initially agreed to use a s173 for the direct delivery of DCP items. Council preferred a s173 because of expected high infrastructure costs and the land being in single ownership. Council raised concerns the DCP exposed it to delivery risks for community and recreation facilities and the risk of funding shortfalls. The Proponent ultimately considered a DCP was the most appropriate tool to use in circumstances where multiple developers may be responsible for delivering infrastructure over a long period of time.

The DCP is discussed in more detail in Chapter 9.

(v) Schedule 4 to Clause 45.06 Development Contributions Plan Overlay

The proposed DCPO4 gives statutory effect to the DCP. It applies to the entire site and specifies levies payable for transport and community and recreation projects, in total and by individual precinct. The costs identified in the Schedule require updating to be consistent with the final version of the DCP.

3.2 Strategic justification

(i) Evidence and submissions

Apart from submissions seeking to retain horse and/or motor racing, there was little in the way of submissions or evidence contesting the overall strategic merit of the Project or the suitability of the site for redevelopment.

The Proponent outlined in its Part A submission that providing new housing in established suburbs was highly desirable, noting *Plan Melbourne 2017-2050* anticipated 70 per cent of the 1.6 million new homes expected to be required by 2051 would be in established areas of Melbourne. It identified the site as being ideal for additional housing on what is a “*very large, underutilised site in the middle of Melbourne on the doorstep of Sandown train station, major road connections, within the Monash NEIC and walking distance to Springvale and Noble Park Activity Centres with close proximity to schools, community facilities and open space areas*”⁷.

Ms Jordan’s evidence explored the strategic justification of the draft Amendment. While acknowledging the long term economic and social contribution of the land as a racecourse could not be underestimated (over 100 years), she considered the site had significant redevelopment potential when the established uses ceased. Ms Jordan had regard to relevant policy settings, including Victoria’s Housing Statement. In noting Victoria’s Housing Statement, Ms Jordan observed projected population growth and household composition for the strategically important site “*that has the potential to deliver a significant supply of new housing in the achievement of planning policy*”.

She further stated:

In this regard, it must be acknowledged that the redevelopment of the Land providing for an estimated 7,500 new dwellings over the next 20 years, would contribute just over 13% of the total new housing target set by the State government.

This makes development of the Sandown Racecourse undoubtedly one of the most important opportunities within the municipality moving forward.

In considering the key planning issues for the draft Amendment and the proposed controls, Ms Jordan concluded:

⁷ D123

There is clear justification for the rezoning of the Land to facilitate predominately residential development together with commercial and community services and amenities that will support the future population. In this regard, I consider the Land represents a unique opportunity to be redeveloped in a manner that will have substantial net community benefit for the City of Greater Dandenong⁸.

In observing that partial redevelopment of the site could occur while horse racing continued over the next five to ten years, Ms Jordan commented on the three key pillars of development, these being residential, commercial and community uses. She supported the CDZ3 and the CDP as the appropriate planning tools to use to ensure the vision for these uses for the site could be realised. She commented that as population increased, non-residential uses would develop, and horse racing would slow down. Ms Jordan considered the site's framework plan established the bones for its intended future development in concert with specific design and decision guidelines.

Ms Jordan observed the subject land was too large and the range of proposed land uses too broad to use the standard suite of zones generally available.

Mr Lee's evidence pointed to the draft Amendment's potential employment generation and broader community benefits. He assessed a positive net community benefit outcome, which included:

- Improved housing choice and affordability
- Consistency with Plan Melbourne and the '20-minute city' concept
- Support for development within the Monash and Dandenong NEICs by providing opportunities for high quality housing, including for business owners
- Improvements in the range of services available to the community
- Positive effects on centres in the surrounding region due to additional expenditure capacity from new residents that would not be met on-site
- Increased rate base helping to finance service delivery across the municipality⁹.

Other economic matters, including Mr Lee's findings as relevant to retail economics, are considered in Chapter 7.

Council initially stated it was generally supportive of the proposed rezoning to facilitate residential development and *"the role of this site moving from its current uses to the provision of housing and complementary urban services and facilities"*. However, it considered there were several matters that needed to be addressed before the draft Amendment could be progressed further.

Mr De Silva supported both the CDP and CDZ3 as the preferred planning tools, however he raised concerns about the composition of the CDP, namely:

- it focused too much on linking higher order roads through the site
- it lacked clear direction and/or opportunities relating to movement and access
- location of uses
- distribution of density
- various urban design initiatives.

⁸ D135

⁹ D131

Mr De Silva stated:

In summary I am of the opinion that the Sandown Racecourse presents a very important infill redevelopment opportunity but that the significance of the land requires that the full potential of the land is realised from a development and community interest perspective.

I support use of the Comprehensive Development Zone/Comprehensive Development Plan as the preferred planning tool however I have identified a number of concerns with the composition of the Comprehensive Development Plan in response to which I have identified a number of recommended changes to improve the plan ¹⁰.

By the conclusion of the Hearing, Council submitted the draft Amendment should not be approved in its present form on the basis that additional work needed to be completed. However, Council acknowledged the rare opportunity for the site to offer housing at a different density to its surrounds with suitable transitions.

There was discussion on the utility of the proposed local policy and whether it should be retained. Ms Jordan considered the local policy, as drafted, was superfluous because it did not achieve anything that was not already achieved by the proposed CDZ3 and CDP. She recommended it be deleted from the draft Amendment.

Council noted the local policy could be refined to avoid repetition with other provisions, but considered it was important it be retained. It contended the scale and significance of the proposed redevelopment warranted its own local provision.

In closing, the Proponent reflected on the overall merit of the draft Amendment and stated:

It will open up the future of this Site for residential development of a considerable scale at a time in Victoria's history when new housing opportunities in established areas with existing infrastructure such as train connection, schools, shopping centres and employment opportunities in the Monash NEIC is desperately needed.

...

The Amendment is an exemplar of a proposal that will overwhelmingly achieve a net community benefit for existing and future Victorians ¹¹.

(ii) Discussion

The Sandown site presents a significant redevelopment opportunity with the potential to make a substantial contribution to required housing supply in the City of Greater Dandenong and the southeast region of Melbourne more generally. The Committee was not presented with compelling submissions or evidence that challenged this. While there are clear constraints to development that need to be managed as explored further in this Report, the attributes of such a large, well located infill site cannot be overlooked. The draft Amendment enjoys extensive planning policy support and the benefits are substantial, especially when considered through the lens of projected housing demand and Victoria's Housing Statement.

The Committee acknowledges many submissions challenged the plan to cease the longstanding use of the site for horse racing and motorsports, with many submissions noting the social benefits for those participating in those activities. The Committee established early on in its process that ceasing the existing uses is a decision for the MRC. The question of whether the draft Amendment is strategically justified therefore needs to be considered in isolation of this matter.

¹⁰ D142

¹¹ D207

The Proponent clearly articulated the strategic basis for the draft Amendment and its position was reinforced by the material presented to the Committee, including the evidence of Ms Jordan and Mr Lee. Mr De Silva acknowledged the importance of the land from a strategy and policy perspective, taking into account existing and future community interests. While Council ultimately considered the draft Amendment required significant further work before proceeding, it did not submit against the opportunity of the site being suitable for redevelopment.

If the site is to be redeveloped, the Committee considers the proposed draft Amendment is appropriate and will deliver a net community benefit in the context of planning policy and by virtue of the site's contribution to housing supply, employment and community facilities in a location that benefits from good transport options and access.

The Committee agrees with Ms Jordan that inclusion of the local policy, while relatively benign, is unnecessary in circumstances where the CDP and CDZ3 provide the necessary guidance for decision making. The Committee supports deletion of the proposed local policy from the draft Amendment, particularly noting the current Planning Scheme is yet to be translated into the new Planning Policy Framework.

(iii) Findings and recommendation

For the reasons set out in this Report, the Committee finds the draft Amendment:

- Will support and implement the relevant sections of the Greater Dandenong Planning Scheme.
- Is well founded and strategically justified.
- Does not need to include a new local policy at Clause 22.13 as the Comprehensive Development Plan and Comprehensive Development Zone Schedule 3, subject to the Committee's overall recommendations, is fit for purpose.
- Will deliver a net community benefit for the southeast region of Melbourne through the delivery of housing, employment and community uses.
- Is appropriate to deliver acceptable outcomes using the Comprehensive Development Plan, the Comprehensive Development Zone, the Development Contributions Plan Overlay and the Development Contributions Plan.

The Committee recommends:

Remove the proposed local policy at Clause 22.13 from the draft Amendment.

PART B: KEY ISSUES

4 Land use, urban structure and precincts

4.1 Background

This chapter focuses on the proposed physical layout of the site, including the proposed built form, dwelling yield and density, affordable housing and landscaping and design. The Proponent undertook various background investigations on these matters prior to exhibition.

The Committee was informed by submissions from various parties as well as the evidence of the expert witnesses as shown in Table 3.

Table 3 Planning, affordable housing, and landscape and design evidence

Party	Expert	Firm	Area of expertise
Proponent	Sophie Jordan	Contour Consultants	Planning and affordable housing
Council	Chris de Silva	Mesh Planning	Planning
Proponent	Barry Murphy	MLC	Landscape and design

The key issues to be resolved are:

- site layout/precincts
- built form and yield
- landscape
- affordable housing
- timing and staging.

4.2 Site layout and precincts

The key issue to resolve is:

- the appropriate layout and identity of the key Precincts.

(i) Submissions and evidence

It was recognised by all parties and witnesses that the site benefits from good access along the Princes Highway to the north, Corrigan Road to the east and the Pakenham – Cranbourne Railway line along its southern boundary.

The site is proximate to the Monash and Dandenong NEIC and the Springvale and Noble Park Activity Centres. It has direct abutments to Warner Reserve to the northwest and Ross Reserve to the south east.

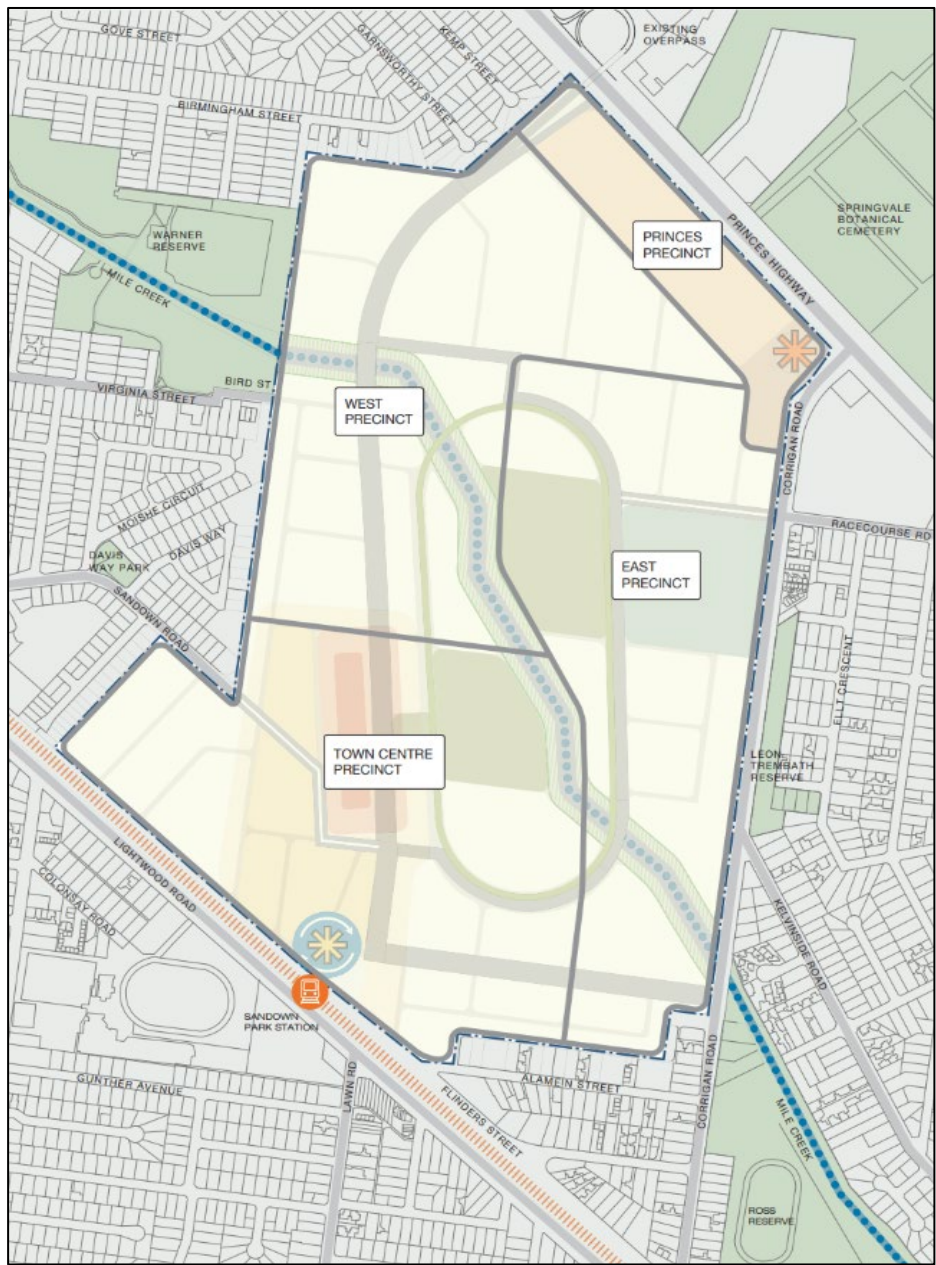
The development concept sought to be advanced by the draft Amendment is the creation of a major new urban renewal community, promoted as delivering a 20-minute neighbourhood providing a diversity of housing, recreation opportunities, services and transport modes. It is proposed to be developed as four Precincts (Princes, West, East and Town Centre), as shown in Figure 2 ¹².

The proposed CDP and CDZ3 provide guidance on how each should develop through:

¹² D209a, p12

- individual precinct development vision statements (CDP Chapter 3)
- requirements for preparing detailed Precinct Plan(s) as part of the planning framework and further approvals process (CDZ3 Clause 4.0)
- distinct built form character statements, preferred building heights and guidelines for presentation to key interfaces (Chapter 4.8, CDP Table 2).

Figure 2 Proposed precincts



The following provides a descriptive overview of each Precinct:

Princes Precinct: located to the north of the site, and abutting the Princes Highway, this Precinct is proposed to support taller built form with a mix of residential and a range of mixed uses on the ground and first floors, including commercial, education, accommodation, entertainment (including a landmark hospitality venue), recreation and health. Some smaller retail uses will require a permit. The Precinct will have the potential to attract showroom uses, as well as

appropriately located non-dwelling accommodation uses, such as aged care. The built form will be taller along Princes Highway and then transition to lower scale to the adjacent West Precinct.

West Precinct: located south of the Princes Precinct and to the west of the site, it will predominantly be a residential area with low to medium built form, which will transition to neighbouring precincts accordingly. The Precinct will be bisected by Main Boulevard which extends from Princes Highway in the north (to Corrigan Road in the southeast), as well as the Mile Creek reserve through to Warner Reserve.

East Precinct: located east of Mile Creek to Corrigan Road, it will be a residential area supported by a secondary activity node that will include a proposed government primary school, a community facility, and significant open space areas. Its east border to Corrigan Road includes important stands of trees that will assist in maintaining a biodiversity corridor.

Town Centre Precinct: located to the south of the site and west of Mile Creek, this precinct provides the focus for retail and commercial activity and development, including a multi-modal interchange adjacent to the Station. Development will capitalise on the Station and 20-minute access principles. It includes the State heritage listed grandstand that will be repurposed for a range of non-residential uses. A major area of open space that fronts the grandstand will preserve its historic relationship with the central racecourse landscape. Most residential development will be medium to high rise, with lower built form typologies in transition to the north and east.

Ms Jordan supported the general structure of the site, including the identification of the four precincts, and considered the framework plan appropriately identified and sought to maximise the utility of “*key components or foundation pieces*”. She concluded:

Overall, I support the approach taken in the drafting of the Framework Plan and consider it appropriate that it be the foundation that underpins the new planning framework ¹³.

Council noted in opening that Sandown fulfilled an important community role that provided significant benefits. It supported the current proposal due to the potential role it will play, and the community benefits it will deliver (subject to various issues being resolved). Council observed that potentially, the site would deliver up to one quarter of Council’s State Government housing target in an area that has excellent access to existing infrastructure, including the Station. Council noted it was rare for infill development of this scale to be next to existing rail infrastructure, as well as the Springvale and Noble Park Activity Centres nearby.

Council advised it did not support horse racing continuing once residential development commenced and considered it should be shut down completely. Conversely, some submitters advocated that horse racing could and should remain on site and that residential development could occur in concert, as noted by examples provided on several racecourses in Australia and around the world ¹⁴.

(ii) Discussion

The Committee supports the general layout of the site and the identification and allocation of the broad role for each of the precincts as documented in the CDP. The precincts each have a clear vision and focus for development, supported by distinct built form character statements, preferred building heights and guidelines for presentation to key interfaces.

¹³ D135, para 171

¹⁴ S215 for example

The Committee supports the finding of Ms Jordan that the CDP Framework Plan and its identification of precincts and key components provides an appropriate foundation that will underpin the long term development of the site. Further the Committee generally considers the content and structure of the CDZ3 provides an effective statutory planning control to effectively deliver the precinct ambitions advanced by the proposed framework.

(iii) Findings

The Committee finds:

- The identification, characterisation and spatial extent of each precinct in the Comprehensive Development Plan is appropriate.
- The Comprehensive Development Plan and Comprehensive Development Zone Schedule 3 will collectively provide an appropriate foundation that will underpin development of the site.

4.3 Built form and yield

The CDP seeks to facilitate medium density development across the site with taller buildings in high amenity locations, such as adjacent to major open space nodes, the Primary Activity Node, along the Main Boulevard and close to the Station. It requires built form at its interfaces to sensitively respond to the scale of existing built form in surrounding residential areas.

As exhibited, the Project would result in an overall density of 70 dwellings per net developable hectare. It includes a new planning framework to facilitate the future redevelopment of the site over a 20 to 30 year horizon. The CDP anticipated the overall development will yield:

- 7,500 new dwellings
- 16,000 residents
- 20,000 square metres of retail and commercial spaces
- 20 hectares of space including open space, a school and community facilities.

The key issues to resolve are:

- whether the proposed built form is appropriate
- whether there should be a cap on the number of dwellings.

(i) Submissions and evidence

Council supported the proposed heights and considered there could be an even greater opportunity for more height, especially towards the centre of the site. In its Day 1 submission, Council proposed building height and density should be capped by way of mandatory requirements. Council said:

11.3 As noted by Mr De Silva, it is important for the CDP to establish a yield expectation or target for each precinct and for the entire site and to be directive about where increased heights and densities are preferred and are not preferred. This is important as it may have implications for the heights and densities proposed across the site. Council would be very concerned if the density per hectare (70 dwellings per ha) set out in the CDP was to increase, and if the maximum heights were to increase, particularly in proximity to the existing residential areas. Mr De Silva's calculation of the density per hectare (125 dwellings per hectare) is much higher than that set out in the CDP, which is of concern to Council. As noted by Mr De Silva, the implications associated with this average density and built form outcome to achieve a yield of 7,500 dwellings are 'significant'.

11.4 The CDP and CDZ3 should make it clear that 7,500 is the maximum number of dwellings (this is particularly important in circumstances where the provision of public infrastructure has been based on a maximum of 7,500 dwellings), although this overall figure may need re-visiting in light of the density issues described above, as Council would not be supportive of the likely built form outcomes resulting from a density of 125 dwellings per hectare ¹⁵;

...

31 Council does not support a density of 115 - 125 dwellings per hectare.

However, Council submitted the total number of dwellings on the site should be capped at 7,500 to ensure social and physical infrastructure capacity was able to be delivered.

Mr De Silva gave evidence about the importance of better allocation of density and dwelling yield by nominating target numbers for each precinct, because *"In my experience where dwelling yield targets are not identified for each precinct it is extremely difficult to manage yield and density and development contributions over time"*¹⁶.

His evidence discussed the proposed yield that might be achieved on the site and questioned how the projected yield was established. He doubted the accuracy of calculations by definition of gross developable area over Net Developable Area and introduced a new term of 'net saleable area', stating:

In order to achieve a yield of 7,500 dwellings an average density of 125 dwellings per hectare will need to be delivered across the entire Net Developable Area (7,500 / 60.10ha).

There is a risk of under-development particularly in the early stages of development if there is a preference for a density of less than 125 dwellings per ha; and

If some internal variation in density and yield is to be retained within the Comprehensive Development Plan Precincts and the associated Precinct Plans that results in a reduction in the average density for the precinct then there is greater need for other precincts to more explicitly foreshadow delivery of increased densities to offset the losses in other locations¹⁷.

In his opinion, the CDP and the CDZ3 would need to be revisited and or amended to:

Include a dwelling yield target for each precinct based on a density of approximately 125 dwellings/ha (if the yield of 7,500 dwellings is to be retained) ¹⁸.

A further edit to the CDP advanced by Mr De Silva was to:

Express the figure of 85.84ha in Appendix A as 'Gross Developable Area' rather than Net Developable Area and thereafter include a deduction for existing and future roads to arrive at a Net Developable Area figure that can be used for calculating development densities and yields ¹⁹.

In response to a question from the Committee, Mr De Silva advised the definition of 'net saleable area' had not been used before and was his creation.

In response to questions from the Proponent and the Committee, Mr De Silva conceded the numbers of dwellings, and the density calculations were not absolute, they could change over time and had a tolerance for higher numbers.

In its closing submission, Council submitted it:

- remains concerned that the proposed density is different to the exhibited density and seemingly continue to evolve. This is because a key driver of Council's support is having

¹⁵ D147, para 11.3-11.6

¹⁶ D142, para 98

¹⁷ D142

¹⁸ D142

¹⁹ D142, para 96

an understanding of overall yield and density and the resultant urban form across the site.

- is concerned that there is a risk of under development of the site as a consequence of the lack of maturity of the market and care ought be taken to ensure this doesn't occur.

Council sought *“more specific guidance about height and form in the CDP in the manner recommended by Mr De Silva”*.

Mr De Silva and Mr McNeill prepared a report from their conclave meeting and reported:

- 10 Although CMcN does not agree with CDS's definition of Net Development Area, CMcN and CDS do agree that, if calculated on the basis of actual developable area (excluding higher order and local roads), the average development density required to achieve 7,500 dwellings is likely to be in the order of 125 dwellings/ha ²⁰.

The Proponent's Part B submission reviewed the evidence of Ms Jordan, Mr McNeill and Mr De Silva and advised:

16. Contrary to Council's opening submissions, certainty of yield, housing mix and built form is not required or, indeed, desirable at this early stage of a framework intended to guide redevelopment over more than 20 years.

Mr McNeill's evidence relied on the Project's yield numbers and targets and did not question any of the figures. While he had doubts about the maturity of the market to deliver the scale and style of dwellings in current conditions, he said:

I would anticipate a development approach at Sandown will seek to maximise yield to ensure an affordable built form can be delivered to the market ²¹.

Ms Jordan's evidence was that housing types and density requirements were likely to change to meet future population needs and the way to cater for this would be to avoid densities that will not serve long term demand.

(ii) Discussion

The Committee notes there was general consensus for medium density with low rise to the existing residential areas graduating to medium rise over most of the site and higher development in the Town Centre around the Station.

In relation to built form, the Committee considers the CDP at Table 2 provides appropriate guidance in relation to the building heights and setbacks across the Precincts.

At the Hearing, the Committee questioned whether the site could take increased height and density. In this regard, it considers buildings in the Town Centre Precinct could possibly exceed the 12 storeys indicated (but up to a maximum of 16 storeys).

The Committee supports ambitions for higher rise development than proposed, subject to ensuring the necessary investigations are undertaken at each planning stage to ensure there is adequate infrastructure capacity to accommodate increased projections. Table 2 of the CDP has been amended to reflect that opportunity, noting the setback could occur at level four with a setback increased to five metres to protect the street from down drafts and allow for adequate sun penetration.

Any additional height above 12 storeys should be tested to ensure there is no increase in wind and reduction in sunlight within the adjacent streets.

²⁰ D135, para 158

²¹ D130, para 3.15

It is anticipated development of the site will occur over a 20 to 30 year timeframe. Evolution of the site will be monitored over the life of the Project. The CDZ3 stated:

If a Precinct Plan proposes that the total yield across all precincts will exceed 7500 dwellings, the applicant must demonstrate that the Precinct Plan has appropriately considered any impact of the additional dwellings on existing and proposed site infrastructure and community facilities, to the satisfaction of the responsible authority ²².

In response to Council submissions and Mr De Silva's evidence that the CDP should establish a yield expectation, the Day 2 Updated Version of the CDP included a new *Table 3: Estimated Precinct Yield Summary*. The Committee supports its inclusion.

The anticipated dwelling density, expressed as dwellings per hectare, and estimated dwelling yield is outlined for each of the four Precincts. The Committee considers the 'dwelling per hectare' metric used in the Table is appropriate. In relation to dwelling yield, the Committee notes the footnote to the Table states:

The dwelling and non-residential yield figures referenced in the table above are indicative only.

Indicative precinct yields may be exceeded subject to further assessment at the precinct planning stage ²³.

The Committee supports the footnote qualifier that the yield figures are indicative and is satisfied that future investigations required to be undertaken in preparation of individual Precinct Plans will enable a determination to be made whether there is capacity to accommodate additional yield.

To implement this, the Committee supports the following requirements of the CDZ3 are appropriate:

- A housing plan that shows where medium and high density housing will be located. The plan will provide a summary setting out the projected housing yield, mix of lot sizes and densities (Committee Emphasis)
- Precinct Integrated Transport Plan
 - Provide an assessment of the impact of traffic generated by the precinct upon the surrounding road network
- Precinct Infrastructure Plan
 - The capacity of infrastructure in the area and the timing of its provision
 - Road works internal or external to the land consistent with any relevant traffic report or assessment ²⁴.

(iii) Findings and recommendation

The Committee finds:

- It is generally satisfied proposed built form guidance contained in Table 2 of the Comprehensive Development Plan is adequate to allow for the detailed preparation of Precinct Plans.
- It supports the possibility of additional height in the Town Centre Precinct, up to a maximum of 16 storeys with an increase in the podium level to four storeys and a setback of five metres.
- Any increase in height above 12 storeys must demonstrate there will be no reduced amenity at street level.

²² D215, p7

²³ D209a, p34

²⁴ D215, p7, 8

- The inclusion of *Table 3: Estimated Precinct Yield Summary* in the Day 2 Updated Version of the Comprehensive Development Plan appropriately identifies indicative yield expectations across the total site, and for each of the four Precincts in relation to number of dwellings, dwelling density, retail and commercial floorspace.
- Based on the above, it is confident the provisions of the Comprehensive Development Plan and the Comprehensive Development Zone will work together to ensure the Responsible Authority, and other agencies such as the Department of Transport and Planning, will have adequate information to assess the merits of any proposed additional dwelling yield and appropriate built form in a Precinct.
- There are adequate checks and balances to ensure dwelling yield will not exceed the capacity of the site's infrastructure.
- Accordingly, the Committee does not support Council's submission that the site should be capped at 7,500 dwellings.

The Committee recommends:

Amend the Day 2 Updated Comprehensive Development Plan as follows:

- a) In Chapter 4.8 Urban Form, replace the Preferred Building Height text for the Town Centre Precinct in Table 2 - Built form guidance to read ***"Heights above 12 storeys are supported, up to a maximum of 16 storeys subject to any increase demonstrating amenity at street level will not be reduced. Where heights are proposed to exceed 12 storeys, the podium level should increase to four storeys with a setback of five metres"***.

4.4 Landscape

The existing features of the site are best understood from the aerial photo at Figure 3 ²⁵.

Figure 3 Aerial photo of Sandown Racecourse



The site comprises 112.25 hectares of generally open space with tracks for horse and motor racing centrally located. These activities are supported by the grandstand, pit areas and parking along the western edge of the site. The major landscape feature is Mile Creek which is made up of three water bodies that divide the site from the northwest corner through to the southeast corner and are used for site irrigation. The site contains 1322 trees generally located along its boundaries, but notably an open woodland, with many trees, is positioned midway along the eastern boundary with Corrigan Road.

The key issues to resolve include:

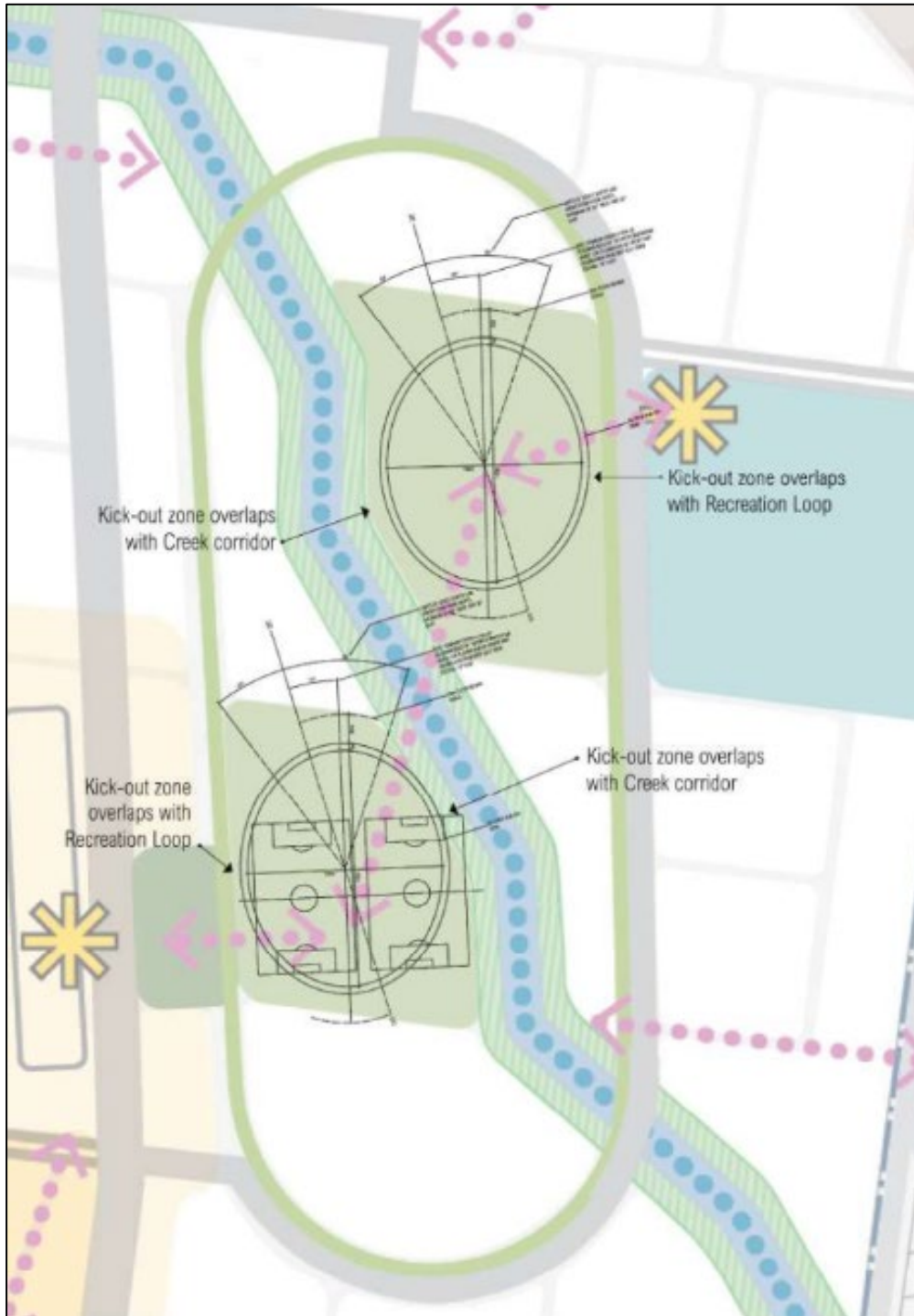
- location of active open space
- tree protection and preservation
- water and biodiversity (as it relates to landscape).

²⁵ D96, p10

(i) Submissions and evidence

The Proponent relied on Mr Murphy's evidence that the CDP (Day 1) was a good outcome, except for the Active Open Spaces, which he believed were too tight for their designated activities as illustrated in Figure 4 ²⁶.

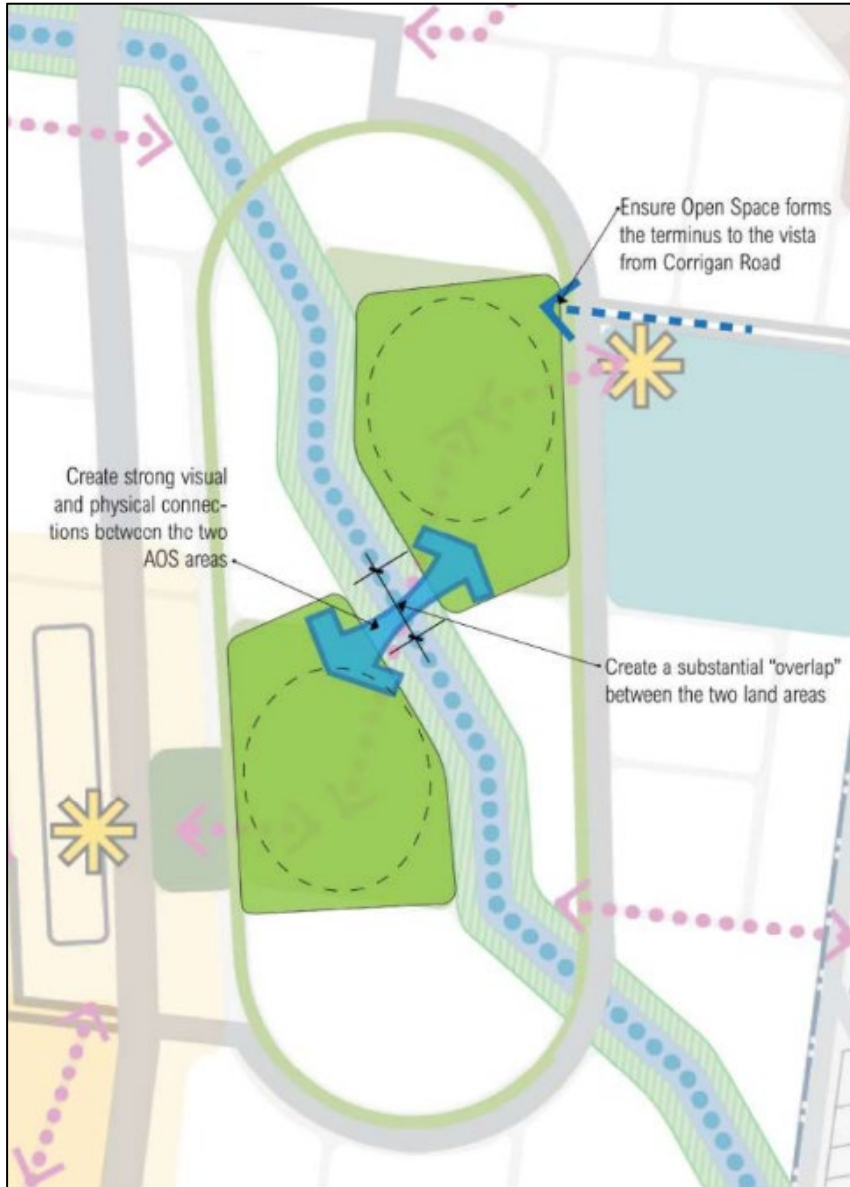
Figure 4 Active open space illustration from Mr Murphy's evidence



²⁶ D134, p14

He proposed this could be overcome by a slight adjustment to the shapes of the two Active Open Spaces and the creation of a strong visual and physical connection between them as illustrated in Figure 5²⁷.

Figure 5 Adjusted Active Open Space



Mr Murphy stated:

Council's view that the two Active Open Spaces should be combined into one 7 hectare space to provide greater flexibility and more efficiency of use. While this may well be the ideal scenario, the reality of the site and its centrally located racetrack location would push a 7 hectare parcel outside the track footprint, most likely to its north. Such a northern location would place these important recreation facilities highly eccentrically in site²⁸.

Mr Murphy recommended *"in parallel with the preparation of the Mile Creek and Police Drain Concept Masterplan, an Active Open Space Masterplan be prepared as part of Step Two of the*

²⁷ D134, p15

²⁸ D134, para 44

*gateway process*²⁹. He noted the grandstand Plaza should have a minimum north south dimension of 70-80 metres.

Mr Murphy was concerned about the lack of facilities to be provided at the smaller parks. The Day 2 Updated Version of the CDP incorporated his advice regarding seating, picnic and BBQ facilities, public toilets and playground catering for a variety of ages and abilities.

In relation to Mile Creek, Mr Murphy noted he had reservations about whether it was possible to be naturalised with maximised biodiversity outcomes, while introducing significant areas of hard landscape such as those shown in Figure 5.15 of his evidence statement.

In relation to existing vegetation, Mr Murphy expressed concern about the commitment to retention of high-level landscapes. The Sandown Racecourse Design Guide qualified its retention by using words like '*where feasible*' and '*where appropriate*'. By way of illustration, he referred to Cross Sections 6 and 7 in the CDP and stated:

While acknowledging that these sections are primarily about built form interface, they imply a relatively narrow verge with footpath on the western side of the widened carriageway³⁰.

Mr Murphy recommended a clearer and more certain strategy in relation to the site's existing vegetation could be addressed either through adding more definitive terms and requirements in the CDP, or by creating a new section dealing with existing vegetation. He favoured the latter approach.

Council did not support:

- the two active open space areas be combined and referenced Mr De Silva's evidence
- open active space being used for flood storage.

Mr De Silva gave evidence that to accommodate the proposed range of activities, the Active Open Space should be combined to the north (and east) of the Creek, but this would require the proposed recreation track being extended to the outer track. He further proposed a central water storage and treatment body to the south of this park that could be treated with a boardwalk and become the northern destination of a new internal connection to the Station at the southern end.

The Greater Dandenong Environment Group (GDEG) was concerned with the likely loss of trees associated with the site's redevelopment and noted the CDP had no mechanism for their retention. It sought:

- all the 200 very significant and significant trees should be preserved
- the majority of other trees on the site should be preserved
- Corrigan Road should not be widened to protect/save the existing street trees
- an Urban Tree Canopy Plan for the site be developed that details which trees should be protected and why and how this meets State and local urban forest objectives
- the Urban Canopy Plan should include a mandatory canopy cover target of at least 30 per cent and should be an Incorporated Document.

The GDEG noted the Biodiversity Assessment Plan highlighted the value of the Centre Lake and Storage Lake as important aquatic habitat, stating that Centre Lake and Storage Lake are likely to provide aquatic habitat for several fauna species including freshwater turtles, fish, frogs and wetland birds.

²⁹ D134, para 46

³⁰ D209a, p49

(ii) Discussion

As is discussed in Chapter 8, the Committee has determined that while the revised scope of the northern and southern active open space reserves (SR-01c and SR-02c) provided for in Table 5 of the Day 2 Updated Version of the DCP are acceptable, the Mile Creek and Police Road Drain Concept Master Plan (Creek Master Plan) should examine the capacity to amalgamate the two areas of active open space to enable the more efficient use of the whole area of active open space and the sporting pavilion. This outcome was supported by Mr Murphy's evidence. In this regard, the Committee agrees further investigations are required to facilitate the active open space being consolidated and positioned east of Mile Creek, which appears can be achieved by a minor creek realignment.

The Committee notes the realignment of Mile Creek does not follow its existing alignment, and that if it did, there may be adequate space to accommodate a single active open space area of seven hectares centrally located in the site without having to relocate the recreation loop further north. This is most clearly seen in Mr Murphys' Figure 5.26 (D134, p22) which overlays the new Creek zone with the existing Creek. This situation could be improved by realigning Mile Creek to the west to run parallel to the recreation loop and the grandstand plaza. This would appear to allow for a single active space located to the south of the inner track and central to the site. This would assist in providing greater flexibility to accommodate the active open space proposed and make sense of the single facility proposed to support this space.

The Committee agrees greater emphasis on tree retention/preservation is required. It notes Mr Murphy and the GDEG's concern regarding the retention of existing treed areas. The Committee shares this concern, particularly the CDP's apparent low priority given to the protection of the significant woodland along the eastern boundary. It recognises this woodland, which terminates to the south at the irrigation lake and potentially provides a landscape link from the Springvale Cemetery in the north to Ross Reserve in the south, is the largest area of trees and worthy of greater consideration. This low priority is reflected in cross sections 6 and 7 of the CDP where the woodland has been reduced to a single row of trees in section 6 and removed in section 7.

The Committee does not support this implied level of tree removal and regards this as a missed opportunity to retain a significant landscape feature of the existing site. The Committee does not support cross sections 6 and 7 in Appendix B p49 of the CDP, and considers these should be amended to better reflect retention of the extensive woodland along Corrigan Road. Likewise, the Committee supports the removal of the qualifications, such as 'where possible' in relation to tree retention in Table 2 of the CDP.

The Committee notes Section 4.7 of the CDP where the Objectives, Requirements and Guidelines call for increased utilisation of stormwater and a reduced reliance on potable water to enable sustainable, cool, and green urban environments. This is further referenced by the GDEG and the Biodiversity Assessment Plan regarding the value of the two existing waterbodies for biodiversity and potentially irrigation and flood storage management. The Committee considers further consideration should be given to investigating retention of the irrigation lake and its potential to:

- support local biodiversity
- reduce potable water needed to maintain the onsite landscape
- assist in flood management.

(iii) Findings and recommendations

The Committee finds:

- Preparation of the Mile Creek and Police Road Drainage Master Plan should examine the potential to align Mile Creek in a manner to create one large area of active open space to optimise its functionality and utility with the sports pavilion.
- Greater certainty needs to be provided in the Comprehensive Development Plan about tree retention and in particular the woodland along the eastern boundary
- To support the biodiversity, reduction of potable water and flood management on the site, further consideration should be given to retaining the irrigation lake.

The Committee recommends:

Amend the Day 2 Updated Comprehensive Development Plan as follows:

- In Appendix B, edit Cross sections 6 and 7 – Example of built form presenting to Corrigan Road to indicate the existing extent and depth of tree planting along Corrigan Road.**
- In Chapter 4.8 Urban Form, edit Table 2 – Built form guidance by amending text within the ‘Presentation to Key Interfaces’ of the East Precinct to read: *“Existing trees of very high and high value along Corrigan Road frontage will be retained”*.**

Amend the Comprehensive Development Zone Schedule 3 as follows:

- Edit the fourth dot point under, A Precinct Stormwater and Integrated Water Management Plan, to read *“Specific approaches to capture, treat and reuse stormwater across the Precincts, including the potential opportunity to retain the irrigation lake”*.**

The Committee’s preferred version of CDZ3 in Appendix E gives effect to the above recommendation.

4.5 Affordable housing

The key issue to resolve is:

- the percentage of affordable housing to be provided across the site.

(i) Submissions and evidence

The Proponent advised that five percent of all housing would be provided as affordable housing. Council considered that to be too low and advocated for 20 per cent. There was no discussion about whether there should be any social housing, although the Committee did question whether it had been considered.

Ms Jordan considered more clarity was required on how affordable housing could be delivered across the site as each stage developed. She advocated for each precinct to deliver its share of affordable housing as opposed to it being provided in one or two locations.

Ms Jordan indicated the affordable housing contribution would not be the only component of social investment. The Proponent pursued this further in closing, and noted:

Given the extensive infrastructure, open space and community facilities being provided, the 5% affordable housing proposed is an acceptable planning outcome noting it results in approximately 375 affordable dwellings across the Site³¹.

The Proponent advised it was surprised Council was advocating for 20 per cent, especially since it understood Council originally was seeking seven per cent in early discussions prior to exhibition and the Hearing.

Council observed there was no local or State policy requirement for affordable housing and noted:

However, Victoria's Housing statement (released in September 2023) makes clear that major developments must make a contribution and that a new benchmark rate of 10% is required for large residential applications that wish to be processed under the fast-track mechanism³².

Council considered it reasonable for a larger proportion of affordable housing to be allocated to this site due to:

- Greater Dandenong's ranking as the second most socio-economically disadvantaged municipality in Victoria
- the amount of housing that is expected to be delivered (approximately 13 per cent of Greater Dandenong's housing target) and the opportunity the site presents
- the location of the site being adjacent to a train station.

Council considered the draft Amendment should provide guidance on:

- what was meant by affordable housing
- the affordable housing mix
- the location of affordable housing
- the proposed delivery mechanism.

While Council advocated for 20 per cent affordable housing, it acknowledged it had never received 20 per cent for any development in response to a question from the Committee.

In closing, Council continued to advocate for 20 per cent affordable housing "*particularly in the circumstances where this site is not subject to either GAIC or windfall gains tax*" and noted:

In response to the Committee's question relating to the split of affordable and social housing, Council would like a minimum of 6% of the 20% allocated to social housing (i.e. community and/or public housing), with the remaining allocated to affordable housing for key workers, and low to moderate income households³³.

Council referred to examples of affordable housing in Whittlesea, including Amendments C269wsea and C213wseaPt1 (five per cent social housing and 10 per cent affordable housing). The Committee understands these were negotiated agreements. It further nominated several Panel reports that supported the 20 per cent allocation³⁴.

Submitters made very little comment about affordable housing, although some welcomed the addition of new housing to the area.

³¹ D207, para 53

³² D190, para 116

³³ D211, para 59

³⁴ D190, para 118

(ii) Discussion

The Committee acknowledges the social significance and importance of providing affordable housing opportunities. Providing affordable housing is not in question, the issue is the percentage to be provided.

The Committee considers 10 per cent of housing should be set aside as an appropriate affordable housing contribution as it will provide for significant opportunities in the broader area for those seeking to purchase (or rent), including key workers in an area with significant opportunities and diversity of employment. The Committee considers 10 per cent is achievable as:

- this equates to around 750 dwellings, which represents a significant contribution
- will be spread generally equally across the entire site – no one precinct will be burdened with providing the full quantum of affordable housing
- an extended delivery timeframe of 20 to 30 years further reducing the overall cost and delivery burden.

The Committee notes there is little guidance or policy provided from State or local government on this. It leaves determination of whether and/or how much affordable and/or social housing to the Proponent, Council, and in this case, the Committee. Nor is there guidance on whether there should be social and/or affordable housing as part of new development opportunities, and if so, how it should be delivered and through what mechanism. These matters are essentially decided on a case-by-case basis. As the Project did not raise delivery of social housing, the Committee does not comment on whether social housing could or should have been a consideration. However, there is nothing to preclude the Proponent or a prospective developer to provide for a social housing offer.

Council provided examples of housing developments that have been progressed or approved to provide 15 or 20 per cent of affordable housing. In the main, these are negotiated and/or Government or semi-Government projects.

The Committee agrees with Council, who noted:

Victoria is presently affected by a significant housing affordability crisis, which is likely to continue in the medium to long term. In this context, affordable housing is a key social and economic issue, and is supported by numerous policy and strategies³⁵.

The Committee considers the proposed provision of five per cent affordable housing is too low for such an important infill redevelopment site of considerable size in metropolitan Melbourne. While the Committee acknowledges the likely nature of the housing to be provided will be at a price point commensurate with the surrounding area, the opportunity to provide for affordable housing within each Precinct remains important.

The Committee considers the site is capable of delivering a higher share of affordable housing than was proposed in the exhibited draft Amendment due to:

- the large size of the site
- the existing and proposed public transport opportunities
- development is anticipated to occur over a long time horizon of 20 to 30 years
- development will be staged over time and in Precincts
- there will be economies of scale in development
- the site is not subject to windfall gains tax.

³⁵ D190, para 115

Each of the precincts must provide affordable housing as they are planned and developed.

The Committee notes many recent proposals fast tracked through the DTP Development Facilitation program include a provision that 10 per cent of all housing should be affordable housing. Clause 53.23 (Significant Residential Development with affordable housing) provides three options in which to deliver affordable housing as well as an alternative delivery option.

In responding in closing to Council's position that there should be 20 per cent of housing to be set aside as affordable, the Committee accepts the Proponent's position that:

It is not up to one development site to deal with a municipal-wide problem, particularly in the circumstances where the cost of providing affordable housing ... will ultimately be passed on to future residents ³⁶.

In noting this, the Committee acknowledges that development of the site may provide for entry into the housing market by a diverse cohort. While the site may present a more affordable housing option for prospective buyers, this should not preclude the opportunity to set aside a specific percentage of affordable housing, particularly given its location in the middle ring of south-east metropolitan Melbourne.

The Committee considers the commitment to providing 10 per cent affordable housing must be spread across all precincts as they are developed. Once the final development yield is confirmed for each Precinct as these are developed, the quantity and provision of how the affordable housing is to be delivered must be confirmed. On this note, the Committee supports the delivery trigger for affordable housing is when 60 per cent development capacity has been reached. This level should ensure developers are not unduly burdened financially or logistically in their ability to provide this important community asset.

(iii) Findings and recommendation

The Committee finds:

- The provision of affordable housing is important and should be mandated as part of this significant development opportunity.
- 10 per cent of all dwellings across the site should be provided as affordable housing.
- Each of the precincts must provide for affordable housing as they are planned for and developed.
- It is reasonable that the affordable housing requirement is triggered when development of the relevant stage reaches 60 per cent yield or capacity, as specified in Clause 4.0 Affordable housing in the Comprehensive Development Zone Schedule 3.

The Committee recommends:

Amend the Comprehensive Development Zone Schedule 3 as follows:

- a) **Edit Clause 4.0 'Affordable housing' to specify an affordable housing contribution of 10 per cent, within any approved Precinct Plan and to be provided for within all Precincts.**

The Committee's preferred version of CDZ3 in Appendix E gives effect to the above recommendation.

³⁶ D207, para 52

4.6 Timing and staging

The key issue to resolve is:

- the appropriateness of the Project's proposed staging plan.

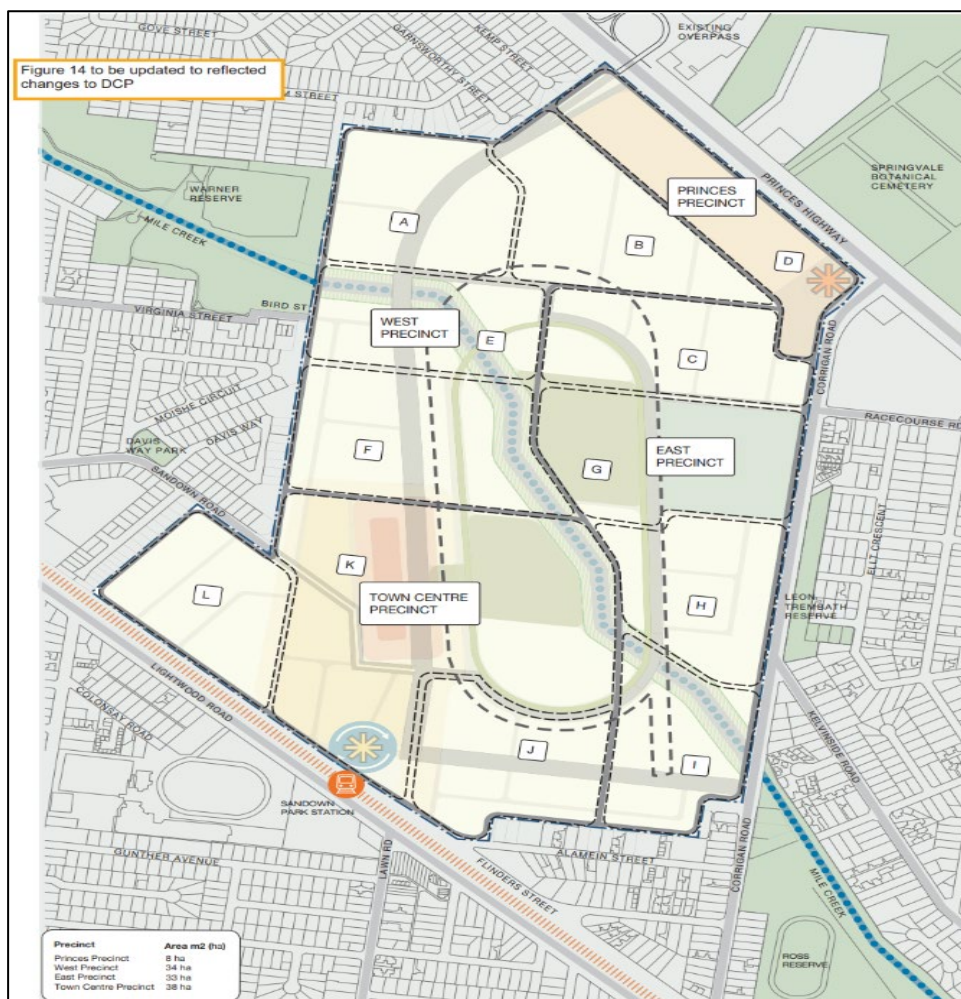
(i) Submissions and evidence

The Proponent advised the Project is to be staged over an approximate 20 to 30 year time frame, subject to preparing detailed precinct plans and market conditions. Horse racing is proposed to continue for several years while motor racing would cease once development occurs anywhere on the site.

Residential development is proposed to commence in the northern part of the site (Stage A as indicated in Figure 6) however, development may concurrently occur in one or more stages³⁷.

As exhibited, the Proponent proposed the site generally be developed from stages A through to L, but with Stage K being the final stage, as indicated in Figure 6. The Proponent advised the grandstand area of the Town Centre Precinct would likely be the final area to develop.

Figure 6 Staging plan



³⁷ D209a, p38

The proposed staging was not supported by Council nor Mr De Silva who believed works should commence in the Town Centre (Stage K) to leverage off the Station and proposed retail/commercial development.

In opening, Council submitted:

... the Town Centre Precinct should be developed first to allow early convenient access to the train station. Consistent with the evidence of Mr De Silva, establishing a development front on the north side of the railway station would emphasise the benefit of public transport from the outset and ensure the vision of a 20 minute neighbourhood is implemented from day 1 ³⁸.

Mr De Silva supported that position reiterating development should proceed with a key focus on the Town Centre Precinct to take the locational advantage of the Station.

Council acknowledged the site's potential and its ultimate development was a long-term proposition, and indicated some flexibility would be required to deliver on the 20-year time frame. In this regard, Council considered how the tension between certainty and flexibility, to ensure new residents could be properly serviced, would play out.

Through its Initial Assessment Report, the Committee asked the Proponent to review the staging on a without prejudice basis, where it said:

Review the appropriateness of commencing development in the north of the site and providing the primary activity node and multi modal interchange towards the end of the development sequence ³⁹.

The Committee then sought further clarification at the Hearing.

In response, the Proponent produced an alternative staging scenario where development initially commenced in the south west corner (Stage L) migrating across the southern end of the site (Stages J and L) then progressing north (Stages H and G) along Corrigan Road (essentially wrapping around the southern and eastern side of the race track) ⁴⁰. Concurrently, development along the west side of the track and progressing north could also occur (Stages K, F and E), with Stages A and B to be the last to be developed as shown in Figure 7 ⁴¹.

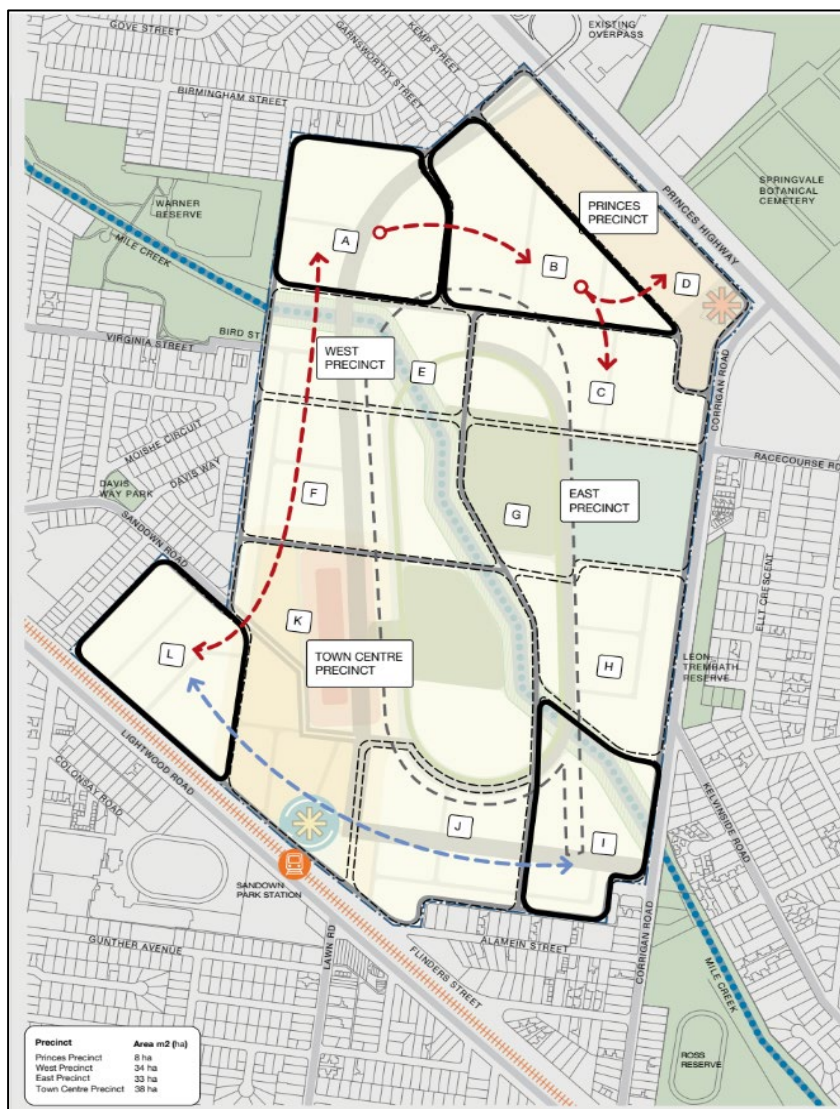
³⁸ D147, para 14

³⁹ D55, para 2.2.5

⁴⁰ D208

⁴¹ D208, p10

Figure 7 Alternative staging scenario



With regard to Figure 7, the Proponent noted if development commenced in Stage L, it:

... may remain isolated while the northern part of the site is sequentially developed to ensure there is sufficient demand and market maturity to achieve the ambitions of a highly activated, urban Town Centre Precinct surrounding the Sandown Park Railway Station ⁴².

The Proponent further noted development of the Town Centre and some community facilities may be delayed and residents of Stage L may feel isolated.

(ii) Discussion

The Committee considers the primary reason development was proposed to commence in the north was because the Proponent sought to maintain horse racing at Sandown for as long as is practically possible. The staging of the site appears to be planned around that.

While the Committee accepts that is a key economic driver for the Proponent, it may not be optimum planning. The benefit of having the Station as the catalyst for development is significant. That the area around the Station is proposed to be developed in 15 to 20 years is potentially a

⁴² D208, Scenario 2

poor planning outcome, noting this needs to be balanced against extensive bus services, in particular bus route 800 along Princes Highway between Chadstone, Monash NEIC, Monash University and Dandenong Activity Centre, major employment and retail centres as well as nearby bus services along Springvale Road.

On balance, it would be desirable to leverage off both the train and bus services, and more closely align with clear and unambiguous State and local planning policy which encourages development to be located near public transport.

The Committee is cognisant of the constraints such as the proximity of the Station to the stables and other parts of the racecourse that are proposed to remain in use for some time, which may restrict the free-flowing development at the southern end. Careful and thoughtful investigations will be required to facilitate acceptable development outcomes.

The Project will be designed and promoted as a 20-minute neighbourhood. It will have a range of community services and facilities in time – but in the main, the early stages to be developed will likely only be residential.

From an economic perspective, it makes good sense to commence some development in the Princes Precinct to take advantage of the Princes Highway frontage, the bus connections and access to other activity nodes along the Highway. However, equally, the Committee considers development should be encouraged to take advantage of the Station (with options to travel east and west), especially as it would provide excellent walkable opportunities.

The Committee considers concurrent development in the north and south of the site, with a dedicated link from the Princes Highway to the Station (in the first instance, the existing Racecourse Drive may be suitable) to enable seamless access in the early days should be pursued.

With regard to the Proponent's concern about Stage L developing early, the Committee notes it abuts an existing residential area and is in close proximity to the Springvale Activity Centre.

For these reasons, the Committee supports the development of Stages L, J and I concurrently with Stages A, B and D. This may result in the Town Centre Precinct being developed earlier than anticipated.

(iii) Findings and recommendation

The Committee finds:

- The Project does not give due regard to the Sandown Park Railway Station as a key locational advantage.
- The staging of the site should be amended to provide for development in the north and south concurrently, generally in accordance with the revised Staging Plan as shown at Figure 7.

The Committee recommends:

Amend the Day 2 Updated Comprehensive Development Plan as follows:

- a) **In Chapter 4.10, replace the Staging Plan at Figure 13 with Scenario 2: Alternative Indicative Staging Plan in Document 208 (shown as Figure 7 in this Report).**

5 Transport and traffic

5.1 Background

This chapter focuses on:

- traffic modelling for future growth
- road and shared path arrangements
- road works to accommodate vehicular and sustainable transport modes, as well as scope and costings
- public transport arrangements including development of a multimodal interchange and allowance for the Station future upgrade.

In relation to transport and traffic, the key design principles outlined in the CDP vision included:

5. Connections

Connect the community and prioritise sustainable modes of transport.

- promote walking and cycling
- maximise access to public transport
- create legible hierarchy of local streets and boulevards
- unlock east-west links through the site ⁴³.

The Project is proposed to facilitate active transport connections to the existing external network. There is significant opportunity to capitalise on direct access to the Station, focusing on a multimodal interchange at the Station, complemented by a network of bus capable streets providing options for future bus routes.

Primary vehicle access is proposed from:

- Princes Highway - endeavouring to utilise the overpass
- Corrigan Road - two new signalised intersections.

Enhanced east-west connectivity is proposed from:

- Sandown Street
- Virginia Street/Bird Street.

The indicative road network plan is shown in Figure 8 ⁴⁴.

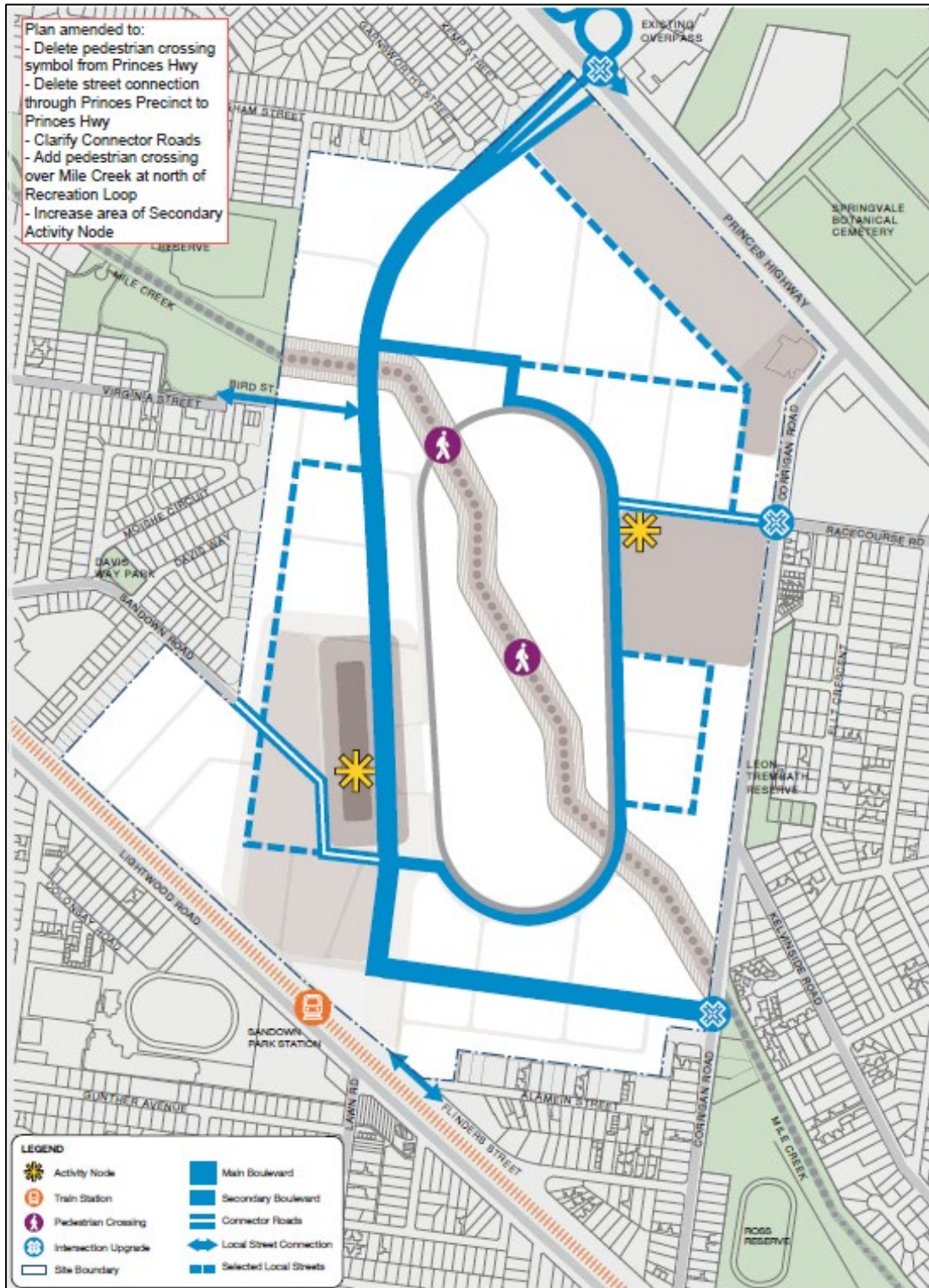
During the exhibition process, and in response to expert and agency concerns, several enhancements and clarifications around road geometry, use, location of shared and on and off road paths were incorporated into the CDP, providing a more robust and articulate set of indicative plans and guidance. Some minor amendments to the proposed cross sections remain outstanding - some road lane widths to be bus capable should be 3.5 metres instead of 3 or 3.2 metres. These matters are discussed in Chapter 5.3.

The draft Amendment did not include a specific car parking overlay or controls, but relied on more general overarching themes and measures to reduce car parking, ownership and use. These were included in the CDP guidelines (G27, G28, G30) and the Integrated Transport Plan (ITP). It was proposed further details would be developed through subsequent stages of the planning process through preparing detailed precinct plans, to the satisfaction of DTP.

⁴³ D209a, p7

⁴⁴ D151c, p25

Figure 8 Indicative Road Network Plan



The Committee was informed by submissions from various parties as well as the evidence of the expert witness as shown in Table 4.

Table 4 Traffic and transport evidence

Party	Expert	Firm	Area of expertise
Proponent	Jason Walsh	Traffix Group	Traffic and transport

The key issues to be resolved are:

- whether the traffic modelling is fit for purpose
- the appropriateness of the proposed road access arrangements and delivery triggers
- the proposed public transport arrangements, including allowance for the future upgrade of the Station.

5.2 Traffic modelling

The current modelling showed that with the development, Princes Highway traffic will decrease (when one may expect traffic to increase).

For large land use developments such as this Project or strategic transport projects, transport modelling can be undertaken using the Victorian Integrated Transport Model (VITM). This is a DTP proprietary strategic transport model and is used to identify a project's potential transport impacts. This model is licenced to consultants for use. Stantec (Project traffic consultant) used VITM to assess the Project.

The key issues to be resolved are:

- how much traffic the site will generate
- how traffic will be distributed across the road network.

(i) Submissions and evidence

The Proponent considered the traffic modelling work was appropriate and relied on Mr Walsh's evidence that VITM inputs and outputs were fit for purpose.

Much of the Proponent's submission responded to DTP's principal concerns that:

- development traffic was underestimated
- modelling suggested a net reduction in Princes Highway traffic with the Project compared to a no development scenario in 2051.

The Proponent provided extensive background material around traffic and traffic modelling including:

- ITP by Cardno (D12)
- updated ITP by Stantec (D118)
- Mr Walsh's expert witness statement (D137)
- Stantec memorandums responding to and addressing DTP specific modelling concerns (D180, 182, 183, 184).

Mr Walsh gave evidence that:

- the VITM inputs and outputs were fit for purpose
- modelling considered two scenarios - traffic conditions in 2051 with and without the Project

- Cardno assessment (2018) based on first principles was reasonable, but dated (29,774 vehicles per day), however the Stantec assessment utilising VITM (35,600 vehicles per day) was more refined and strategic
- Stantec used VITM's standard or default parameters which determined a traffic generation rate of 4.74 trips per day per household
- the Project would generate around 35,600 vehicles per day which was reasonable.

VITM showed Princes Highway traffic adjacent to the site would be reduced with the Project's traffic, which was not unexpected. The model redistributed and rebalanced traffic across the road network to accommodate new development traffic. Essentially, as motorists experience more traffic on Princes Highway due to the Project, some motorists would then find an alternative, less congested route.

The proposed intersection works (Princes Highway and two signalised intersections along Corrigan Road) would have spare capacity to accommodate additional traffic, noting:

- Princes Highway, if signalised, could have additional turn lanes
- the proposed traffic signals on Corrigan Road would have two lanes in each direction and separate right turn lanes under Mr Walsh's suggested improvements (which were adopted by the Proponent).

Sandown Road and Virginia Street/Bird Street were identified as secondary roads in the Springvale Activity Centre Structure Plan and could be expected to carry higher traffic volumes (Sandown Road approximately 7,000 and Virginia Street 3,800 vehicles per day once full development has occurred) ⁴⁵.

Nearby key intersection performance in 2051 with and without the Project is shown in Table 5.

Table 5 Key intersections performance in 2051 with and without the Project

Location	Intersection performance		Comments
	No Project	Project	
Springvale Road/Lightwood Road	congested	congested	little opportunity to increase capacity
Springvale Road/Virginia Street	within capacity	within capacity	Nil
Corrigan Road/Lightwood Road	congested	congested	Potential for minor capacity improvements

The Proponent expressed its frustration in trying to resolve these matters with DTP in a timely manner. In particular, it spoke of the difficulty in organising meetings due to long lead times, delays in feedback, meetings being cancelled and constantly dealing with new DTP officers ⁴⁶.

Council reviewed the traffic modelling and raised issues about:

- Lindsay Williams Crossing (extension of Sandown Road onto Lightwood Road) would need to be upgraded to provide additional capacity
- increased traffic would require Sandown Road to be upgraded to a connector road
- Virginia Street would carry excess traffic.

⁴⁵ D137 para 153

⁴⁶ D207, paras 57-64

In line with its accountability for planning, designing and building the Victorian Transport Network, including declared arterial roads, DTP advised:

- it ensures the effective integration of transport and land uses
- the traffic modelling has been an ongoing and collaborative process but was not finalised prior to exhibition; only a summary report had been provided
- in relation to the modelling, some key issues required resolution:
 - assumptions used may be overly conservative
 - a net reduction in traffic movement along Princes Highway in 2051 with the Project compared to a no development scenario
 - an apparent departure from adopted generation rates
- the ITP assumed 7,500 dwellings but noted there was potential for increased density and/or commercial activity which may exceed capacity of the proposed treatments
- the draft Amendment should be deferred until the modelling is resolved
- it would require around two months to assess the full modelling report but noted additional time would be required if further information or clarification was required
- further meeting(s) with the Proponent's traffic consultant (Stantec) was required to resolve these outstanding issues.

DTP noted it was unable to assess the Project's true traffic impact without reviewing the full modelling report. DTP considered without this review being completed, potential risks included:

- the Project's traffic generation could be greater, requiring the transport network to be redesigned to accommodate any additional movements
- the current proposed intersections could lack capacity, resulting in ongoing performance issues
- resolving this at a later stage would be difficult without acquiring additional land.

While not related to the traffic modelling, some submitters were concerned the Project would contribute too much traffic onto the surrounding road network, leading to further congestion and delays.

(ii) Discussion

Traffic modelling provides the foundation for assessing the development's traffic impact on the surrounding road network, in that it assesses how much traffic will be generated and where it goes. The model's outputs allow for ameliorating measures (such as signalised intersections) to be developed to safely and efficiently accommodate future traffic flows. As such, it is essential the traffic modelling is representative of the Project and future traffic conditions.

Ultimately, DTP must be satisfied that modelling for the Project and surrounding road network provides guidance on future traffic conditions. Without agreement on the modelling, DTP noted it was unable to agree or otherwise to the Project's proposed suite of road access works.

In accepting Mr Walsh's assessment that the modelling was satisfactory, the Committee is confident the modelling is reasonable and the outstanding key differences can likely be resolved without the need for a full modelling report, noting this can be a costly and time consuming exercise. Further, the modelling exercise is endeavouring to predict traffic conditions across a complex road network, 20 to 30 years into the future. This requires engineering judgement and should be viewed as providing broad guidance and direction to the likely traffic infrastructure works that would be required.

At full development, the site will generate in the order of 30,000 to 35,600 vehicle movements per day as shown in Table 6. Two different methodologies were used to determine the Project's traffic generation:

- Cardno (first principles utilising the NSW Guide to Traffic Generating Developments)
- Stantec (VITM).

Table 6 Project – external traffic generation

	Daily (veh. per day)	AM peak (veh per hour)	PM peak (veh per hour)
Cardno	29,774	3,083	3,722
Stantec	35,600	2,700	3,100

DTP originally suggested the site might generate over 80,000 vehicles per day based on NSW Guide to Traffic Generating Developments, but resiled from that position when the Committee sought clarification⁴⁷. Unfortunately, a revised figure was not presented. Considering either methodology in isolation may create doubt about the likely site traffic generation, but when both methodologies are considered in tandem, a similar value is essentially realised. The Committee considers the findings from both methodologies collaborates the traffic generation has been appropriately and realistically modelled.

The second issue of VITM output showed a decrease in traffic along Princes Highway with the Project compared to a no development scenario in 2051, which at first glance may appear counter intuitive.

The reduced traffic on Princes Highway was explained through a gravity model which is an essential step in the traffic forecasting models. The Committee is satisfied with Mr Walsh's explanation that VITM considered the impedance or friction which occurs on the road network (more traffic = more friction = longer travel time). Stantec suggested the most likely cause was the expected traffic volumes exceeding capacity on Princes Highway upstream or downstream from the site with the Project, limiting vehicle throughput and/or resulting in vehicle redistribution to other roads⁴⁸. The model endeavoured to optimise or balance the operation of the road network when the Project's 'new' traffic is introduced onto the road network. It is somewhat similar to traffic and navigation services/apps that advise using Route B instead of Route A for a faster journey due to more congestion on Route A.

Based on the above, the Committee believes the possible modelling risks and associated risk to operation of the road network may potentially be overstated by DTP. But if it did remain an issue, the Committee notes Mr Walsh identified the proposed intersection treatments would have spare capacity to absorb additional traffic. It would be relatively simple to rerun the SIDRA analysis of proposed Princes Highway site access utilising the reference case and superimposing the Project's traffic to see if the proposed intersection had sufficient capacity in a 'worst case' scenario, which assumes no traffic was displaced from Princes Highway⁴⁹.

⁴⁷ S251

⁴⁸ D183

⁴⁹ SIDRA is a computer package used to design and assess intersections

Further, ultimately DTP approval for any major intersection works will be required, where more refined modelling, utilising future 'real time' data would be undertaken providing further comfort that the ultimate intersection works will be fit for purpose.

The Committee acknowledges DTP concerns around the adequacy of the modelling but considers these issues can and should be resolved between the parties. For these reasons, the Committee considers the draft Amendment can be supported in relation to modelling. The CDP Requirement R22 requires:

External transport infrastructure must be provided in accordance with the CDP, or otherwise to the satisfaction of the responsible authority (Committee emphasis).

This provides additional protection to DTP in its role of managing the arterial road network which should ensure potential adverse outcomes can be effectively managed in an appropriate timeframe to ensure the surrounding road network is not unduly compromised.

The Committee agrees with DTP that if a greater density of development were to occur on the site, traffic modelling may need to be re-run to ascertain if:

- adequate capacity is available with the proposed suite of works
- revised intersection plans with additional traffic capacity can be provided
- the site may not be able to accommodate additional development.

As discussed in Chapter 4.3, the Committee concludes the CDP and CDZ3 will work together to ensure the yield and density of dwellings will not exceed the capacity of the site's infrastructure. To ensure no ambiguity that potential impacts on the external road network is to be considered, the Committee considers there is merit in amending the following provision within Section 4.0 Precinct Plan of the CDZ3 as follows:

If a Precinct Plan proposes that the total yield across all precincts will exceed 7,500 dwellings, the applicant must demonstrate that the Precinct Plan has appropriately considered any impact of the additional dwellings on existing and proposed site infrastructure, ~~and~~ community facilities and external road infrastructure, to the satisfaction of the responsible authority.⁵⁰

Further, the Committee is comfortable CDZ3 provides sufficient checks and balances to safeguard the road network during the Precinct Plan phase, including:

- preparation of Precinct ITPs
- assessment of traffic impacts on the surrounding road network (by Proponent and Council)
- assessment of traffic mitigation works that may be required on the external road network
- approval of a Precinct Plan
- views of any authority (including DTP) required to be consulted.

The modelling shows some nearby intersections will become more congested with or without the Project's traffic. It should be noted the road network has a finite capacity to continue to absorb more traffic, particularly where the Project is a major infill development surrounded by an existing road network and development, within a growing city. It is not practical to build bigger and bigger intersections. Where feasible, additional capacity has been provided along Corrigan Road with the proposed duplication to a four lane configuration. As noted by Mr Walsh, congestion may lead to

⁵⁰ D215, p4

the greater uptake of sustainable transport modes as peak traffic conditions extend over a longer time period.

The Committee agrees with Mr Walsh's assessment that Sandown Road and Virginia Street are already identified as secondary roads in Council's Springvale Activity Centre Structure Plan and could reasonably be expected to carry higher traffic volumes. The Committee notes residents between Springvale Road and Sandown Racecourse will benefit with improved connectivity through the site, including access to the Station.

The Committee notes congestion is an important catalyst in encouraging sustainable transport.

(iii) Findings and recommendation

The Committee finds:

- The Department of Transport and Planning requires further modelling for the Project and the surrounding road network to ensure it will be representative of future traffic conditions.
- The traffic modelling is generally considered to be satisfactory.
- The draft Amendment should proceed while the outstanding traffic modelling issues are resolved between the Proponent and Department of Transport and Planning.
- In a growing city, traffic congestion can be expected across the road network by 2051 and would act as a catalyst for modal shift to more sustainable transport modes.
- Sandown Road and Virginia Street are classified as secondary roads with the Springvale Activity Centre Structure Plan and could be expected to carry higher traffic volumes.

The Committee recommends:

Amend the Comprehensive Development Zone Schedule 3 as follows:

- a) **Edit Clause 4.0 provision relating to exceedance of yield to be explicit that the applicant must demonstrate that the Precinct Plan(s) has appropriately considered impact on external road infrastructure.**

The Committee's preferred version of CDZ3 in Appendix E gives effect to the above recommendation.

5.3 Road and shared path arrangements

The proposed external road access arrangements are:

- **RD-01** Princess Highway/Racecourse Drive overpass (or potentially signalised intersection subject to further investigation)
- **RD-02** Princes Precinct shared path (Princes Highway and north end of Corrigan Road)
- **RD-03** Corrigan Road/north access – signalised intersection
- **RD-04** Corrigan Road - duplication to an undivided four lane configuration and shared paths on west side and east side between Kelvinside Drive and Memorial Drive
- **RD-05** Corrigan Road/south access – signalised intersection
- Sandown Road – bus capable road and (**RD-06**) shared path (new project)
- **RD-07** Virginia Street/Bird Street – dog leg intersection realignment (new project).

The key issue to resolve is:

- the appropriateness of external road access arrangements, cross sections and implementation triggers.

(i) Submissions and evidence**External road access arrangements**

The Proponent relied on Mr Walsh's assessment for the Project's site access arrangements and proposed road works. Mr Walsh reviewed the Project's proposed external road access arrangements and provided general commentary on each project as well as identifying several enhancements to improve safety and/or capacity.

These are explained below and in summary comprised:

- Princes Highway overpass - median treatment, and shared path connection along Racecourse Drive (Main Boulevard)
- Corrigan Road/north access – signalised intersection (two through lanes in each direction)
- Corrigan Road – duplication to a four lane undivided road
- Corrigan Road/south access – signalised intersection (two through lanes in each direction)
- Sandown Road – addition of a shared path along the south side (new project)
- Virginia Street/Bird Street – dog leg intersection realignment to improve traffic movement (new project).

Princes Highway Overpass

Mr Walsh's evidence was:

- the proposed treatment removes the need for right turn movements into and out of the site, minimising disruption to Princes Highway traffic flow
- the proposed treatment is suitable and logical, noting that while it may not comply with all recognised traffic and road design standards, this needed to be balanced against what was practical and feasible to implement considering the existing conditions
- due to the neighbouring property's driveway, the left deceleration lane for Princes Highway eastbound traffic, was shorter than contemporary standards but would still be effective
- undertaking a Road Safety Audit would be appropriate to identify road safety deficiencies and area of risk that could lead to road crashes from the perspective of all road users
- Stantec had undertaken a high level/desktop assessment of the overpass to consider DTP concerns around the structural integrity issues
- if the overpass was not suitable, a signalised intersection similar to Princes Highway/Corrigan Road would be required.

The Proponent reiterated in its Part C submission that it was the State's responsibility to fix existing structural issues with the overpass. It noted DTP should be responsible for removal of the overpass should this be required.

Corrigan Road duplication and two signalised intersections (north and south site access)

Mr Walsh's evidence was:

- Corrigan Road duplication (two through lanes in each direction, including at the signalised intersections) was appropriate as it provides greater capacity and better continuity for through movement
- Council's position to maintain an undivided road and minimise tree removal in the road reservation was acknowledged
- he did not assess the number of trees impacted by these road works

- a divided road/central median would provide a safer road environment (in response to Committee questions)
- at the proposed southern intersection, the separation between Alistair Road (public road) and new site access was acceptable but acknowledged Committee questions around improving intersection safety could potential be realised by:
 - truncating Alistair Road (public road) at Corrigan Road and reconnecting to the lower order/lower speed environment of the internal road network
 - combining Alistair Road and new access road to provide a single access point.

Sandown Road – bus capability and shared path

Mr Walsh’s evidence was:

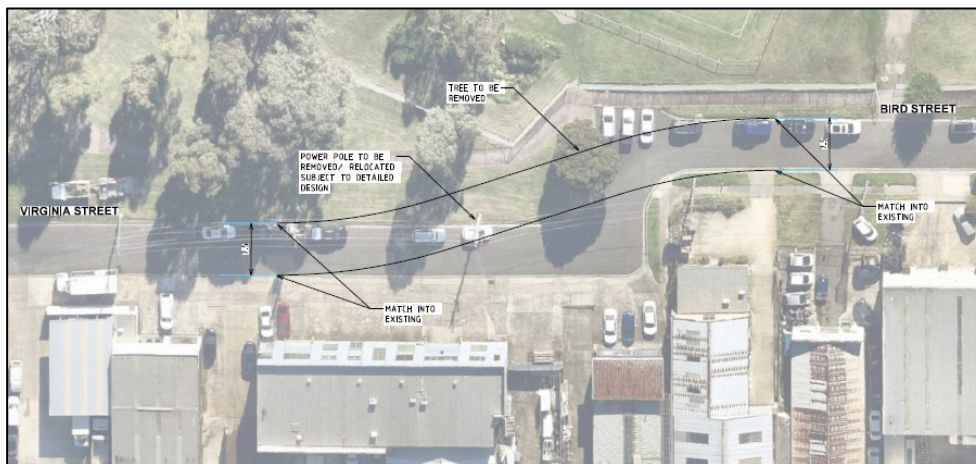
- Sandown Road has an approximate a nine-metre carriageway which is sufficient to accommodate buses
- potential line marking and parking changes may be required, this can be resolved at a later stage and would be undertaken by Council
- the most logical location for the shared path is along the south side of the road (fewer local road crossings)
- shared path would promote sustainable transport options and improve permeability for residents to the west and east of the Project site
- the Djerring Trail (Dandenong Rail Trail, shared path on the south side of the railway line) is an alternative route, albeit not as convenient
- providing a 2.5 metre path was likely to result in the removal/replacement of nature strip trees
- ultimately Council approval for the shared path would be required.

Virginia Street/Bird Street – dog leg intersection realignment

Mr Walsh’s evidence was:

- not an essential treatment but considering the additional traffic this section of road would carry, it would be desirable to flatten the bend to provide more convenient two-way traffic flow (refer to Figure 9)⁵¹
- this treatment would be subject to Council approval.

Figure 9 Virginia Street / Bird Street proposed ‘dog leg’ realignment



⁵¹ D137, Appendix B, drawing G35198-03-01 D137

Road Cross Sections

Mr Walsh's evidence was:

- proposed road cross sections were satisfactory with the boulevard and connector internal roads being bus capable
- 3.2 as opposed to 3.5 metre lanes were proposed on Corrigan Road as it was not anticipated this road would be used for bus services.

The Committee notes Corrigan Road existing lane widths are approximately 3.2 metres wide based on Mr Walsh's concept plans.

Delivery Triggers

In relation to delivery triggers for the various traffic infrastructure works, Mr Walsh advised the proposed triggers were acceptable, noting it resulted in the early delivery of works. The traffic infrastructure works and delivery triggers are summarised in Table 7.

Table 7 Traffic infrastructure works and delivery triggers⁵²

Code	Project	Delivery trigger*
RD-01	Princes Hwy/Racecourse Drive - overpass	1,500 th dwelling
RD-02	Princes Hwy shared path	first dwelling or land use in Princes Precinct
RD-03	Corrigan Road north access – signalised intersection	first dwelling in Stage C or G taking access
RD-04	Corrigan Road– duplication and shared paths	first dwelling in Stage H or town centre taking access
RD-05	Corrigan Road south access – signalised intersection	first dwelling in Stage H or town centre taking access
RD-06	Sandown Road –shared path	first dwelling in town centre
RD-07	Virginia /Bird Street – dog leg realignment	not provided

The delivery trigger for all traffic projects included the option of an alternative trigger, being as agreed with the Responsible Authority if access arrangements and development stages vary.

Council was generally supportive of the proposed suite of roadworks, subject to the following issues:

- (RD-04) Corrigan Road duplication
 - should minimise the loss of trees
 - should not have a central median to further reduce the need for tree removal
 - match the cross section to the south (undivided road)
- (RD-06) Sandown Road
 - bus capable requiring line marking and/or parking changes to be managed by Council and should not be a DCP item
 - shared path detail design issues to protect the loss of nature strip trees should be considered
 - ITP should recognise the need for pedestrian crossing on Princes Highway
 - road ownership (public or private) is still be resolved.

⁵² D209b

In relation to delivery triggers, Council submitted that works should be delivered and completed by the precinct planning permit stage; not at 'statement of compliance'/delivery of lots.

DTP advised it was not able to support the continued use of the Princes Highway/Racecourse Drive overpass without further assessment. Its principal concerns were:

- the overpass has potentially 30 years of residual life (before replacement or rehabilitation)
- road geometry and safety do not meet current standards
- structural integrity is unknown, and the bridge capacity does not cater for modern loadings, noting that currently the overpass can accommodate semi-trailers at 43 tonnes
- changed traffic flows and composition compared with infrequent highly directional flows associated with existing horse and car racing at the site
- whether an at grade signalised intersection would be a more suitable arrangement (and that it would also provide a pedestrian crossing opportunity across Princes Highway)
- road safety audit(s) should be undertaken to confirm the proposed overpass arrangement was suitable and fit for purpose
- future ownership and management of the roadway still need to be resolved – Council (or private road).

DTP noted that if access from the overpass was to be relied upon in its current form, any costs of works or replacement should be attributed to the Proponent and the DCP. It contended the Proponent should not rely on DTP for either upgrading or replacing the overpass in a timely manner, which would be subject to funding and Government priorities. In particular, DTP submitted the primary function of this access would be to benefit the site development, and the costs should therefore be attributed to the Proponent.

In relation to the other sites where intersections or roadworks were proposed, DTP was generally comfortable, noting:

- bus capable roads should provide a road width clear of parking
 - secondary boulevard (divided road) - five metres (if roadway shared with cyclists)⁵³
 - connector roads – 4.2 metres (if roadway is shared with cyclists)⁵⁴
 - main boulevard – all lanes to be 3.5 metres
- Corrigan Road – all lanes should be 3.5 metres to be bus capable, including the proposed intersections stand up lanes.

These changes would ensure the lane widths met contemporary standards (Austroads Guide to Road Design Part 3: Geometric Design and Public Transport – Guidelines for Land Use and Development) and ensure a bus capable network could be delivered.

In relation to staging of when works should be implemented, DTP observed there was insufficient information or evidence when and how the infrastructure triggers would be enacted:

- Princes Highway/Racecourse Drive overpass (RD-01) is required upon creation of the 1,500th dwelling – potentially it may be required earlier or later
- no information that determined triggers for when stages B – L will/should be released for development nor how out of sequence development could be managed and its impact on delivery of (transport) infrastructure

⁵³ Public Transport – Guide for Land Use and Development Figure 17

⁵⁴ Public Transport – Guide for Land Use and Development Figure 16

- DTP would determine and assess the location and timing for a Princes Highway pedestrian crossing at a later stage.

Submitters' primary concern with the proposed road infrastructure works related to the loss of trees along Corrigan Road to accommodate the proposed four lane configuration.

(ii) Discussion

The Committee considers:

- the majority of transport infrastructure works and delivery triggers are appropriate
- minor amendments to road cross sections, providing 3.5 instead of 3.2 metre traffic lanes to meet contemporary standards is required.

Princes Highway/Racecourse Drive Overpass

The Committee is unable to form a definitive position on how the primary Princes Highway 'gateway' access into the site should be delivered due to several unanswered questions regarding:

- the ongoing viability of the existing overpass
- how it should be managed into the future
- timing of any works
- the ultimate treatment at Princes Highway/Racecourse Drive intersection.

The consequences of these unknowns cascade through the draft Amendment documentation, principally the DCP as it is not possible to ascertain a construction cost, when the works will be delivered, and who would deliver all or part of this road project. Similarly, the CDP will need updating when these matters are resolved.

The Committee agrees with DTP that a more fulsome investigation is needed to determine the optimal solution. DTP made it clear that while it is responsible for the ongoing maintenance of the overpass, it would be unable to commit to timing or funding for the overpass to be upgraded or rehabilitated for its continued use into the future. This uncertainty is unhelpful for the Proponent and more generally in facilitating the orderly planning and development of land.

The Committee sees significant benefits in utilising existing infrastructure which would appear to deliver superior traffic capacity and operational benefits compared to an at grade signalised intersection, but this must be tempered with further information regarding the structural integrity of the overpass and the options available for its ongoing use. Further, cost apportionment, ownership and management are all matters requiring further deliberations.

The Committee considers matters regarding the 'gateway' intersection and primary site access serving some 70 per cent of traffic entering and exiting the site needs to be resolved, preferably in the short term, to ensure that costs can be appropriately apportioned fairly and equitably across the whole site. Having noted this, the Committee is cognisant that development could proceed as the overpass could adequately service the initial stage(s) of development while the Project's traffic flows are relatively light. But an early developer may legitimately complete their development, leave the site and not be exposed to any financial or delivery risk associated with a major redesign of the Princes Highway overpass.

As discussed, there are major issues to resolve, further complicated by the potential removal of the overpass if the site has been partially developed and how to maintain access for these early settlers. All these matters require careful and thoughtful deliberation by the Proponent and DTP.

In light of the complexity of this issue, the Committee is reticent to specify exactly when this should be resolved, but rather ensure the draft Amendment documentation makes it clear that this is an outstanding matter to be resolved.

In relation to the potential, and significant change which may occur at Princes Highway and Racecourse Drive, the Committee observes:

- the CDP and ITP contemplates design changes may be required throughout the life of the Project
- Guideline G31 states alternative layouts or cross-sections can be considered, provided they deliver on the requirements
- the DCP requires an ongoing and formal review (every five years) of its infrastructure items, including project relevance, construction cost, contributions collected to date – all providing a further check point to ensure all projects remain fit for purpose ⁵⁵.

Ultimately, if the overpass was to be removed and replaced with an at grade signalised intersection, a revised/new project cost, timing and cost apportionment across the site would be required. To ensure transparency, the Committee believes a practical solution requires the CDP and DCP to be amended to state Project RD-01 is subject to substantial change once preferred design treatment is resolved with DTP.

Corrigan Road duplication and southern intersection

The Committee generally supports Mr Walsh's analysis and findings regarding Corrigan Road traffic and infrastructure works.

The Committee examined these projects, with a particular focus on road safety ⁵⁶. As Mr Walsh agreed, installing a median along Corrigan Road provides for a safer environment for all road users compared to an undivided facility. While Council sought to maintain a consistent cross section along Corrigan Road, and the Proponent did not support a divided facility, road safety should be given significant weight. Based on road safety, the Committee believes it is appropriate to investigate a divided four lane configuration along Corrigan Road adjacent to the site to ascertain:

- practicality of introducing a median to enhance safety
- increasing existing lane widths from 3.2 to 3.5 metres
- the number of additional trees that may need to be removed.

In relation to increasing Corrigan Road lane widths to 3.5 metres, while Mr Walsh did not anticipate buses would use Corrigan Road, the Project's Indicative Public Transport Network shows both access roads onto Corrigan Road being bus capable ⁵⁷. It follows that buses would be expected to utilise Corrigan Road when entering or exiting the site on its bus capable roadways.

In a similar vein, it is appropriate to investigate alternative access arrangements for Allistair Road (public road) and new site access to provide a safer environment for all road users such as:

- truncating Allistair Road (public road) at Corrigan Road and reconnecting to the lower order/lower speed environment of the internal road network
- combining Allistair Road (public road) and new access road to provide a single access point.

⁵⁵ D209b, plan 7.5

⁵⁶ Transport Integration Act 2010 13. Safety and health and wellbeing

⁵⁷ D209a, Figure 7

As discussed, the CDP contemplates and facilitates design review and enhancement with Guideline G31 stating the composition of streets should generally be in accordance with the cross section set out in the CDP. Alternative layouts or cross-sections can be considered, provided they deliver on the requirements.

These investigations could occur during the Precinct Plan stage.

Sandown Road – bus capable and shared path

The Committee acknowledges Sandown Road can be bus capable with potential line marking and signage upgrades. It concurs with Council that it should carry out these works as and when required. As such, references to providing a bus capable roadway should be removed from the DCP.

Locating the shared path along the south side of the Sandown Road is logical and the Committee concurs the CDP and DCP should be updated accordingly.

The exact location of the path within the nature strip, management of potential loss of nature strip trees and other matters can be resolved during detailed design at the Precinct Planning stage.

Ultimately, Council approval for the shared path will be required.

Virginia Street / Bird Street – dog leg intersection realignment

The Committee agrees with Mr Walsh and the Proponent that flattening the dog leg at the Virginia Street/Bird Street intersection is an appropriate treatment to provide more convenient two-way traffic flow, subject to Council approval. The DCP will need to be updated with construction cost and a delivery trigger for this Project.

A delivery trigger was not provided but following similar methodology for the other transport infrastructure projects where adjacent stage(s) were developed the trigger would be:

- prior to the Statement of Compliance for the first dwelling in Stages A or E taking access from Bird Street, or
- alternative trigger as agreed with the Responsible Authority if access arrangements and/or development stages vary.

Internal Road Cross Sections

The Committee agrees that minor modifications to the proposed road cross sections and plans are appropriate for the Main Boulevard, with all lanes to be 3.5 metres wide (inside lanes are currently shown as 3.0 metres). A desirable standard lane width is 3.5 metres, and while being designated as bus capable, this also serves trucks and other larger commercial vehicles. This lane width is:

- appropriate for arterial roads and higher order roads such as the Main Boulevard
- should be used if there are no site constraints requiring a narrower lane width to be considered.

The Committee is comfortable with the other proposed road cross sections and carriageway widths. The Secondary Boulevard and Connector Roads were provided with off-road shared paths or separate bicycle paths and would appear to meet the requirements of *Public Transport – Guidelines for Land Use and Development*. If the roadway is to be shared with bicycles, wider traffic lanes would need to be provided. These matters can be resolved during detailed design.

Delivery Triggers

The Committee agrees with Mr Walsh that the delivery triggers are appropriate, and traffic projects will be constructed early.

As noted, the Princes Highway overpass requires further investigation, and its delivery trigger of 1,500 dwellings should be reviewed as part of this process. If the overpass is no longer fit for purpose, and replaced with a signalised intersection, a new trigger for these works would be required.

The other road access works, including the proposed intersections can be delivered when the first dwelling or town centre requires vehicle access. This is somewhat later than Council's position for the works to be delivered and completed, prior to the precinct plan permit stage. Practically, the roadworks and signalised intersections will be operational for the 'first resident' and is considered an appropriate outcome.

The Committee appreciates DTP's concerns about alternative staging and timing of subdivision, and its potential impact on the delivery of the traffic infrastructure works. However, the Committee is confident it will not materially affect the delivery of these works as:

- traffic infrastructure works are delivered, essentially when access is first provided
- alternative triggers can be agreed with the Responsible Authority
- road infrastructure including traffic signals would be delivered as works-in-kind by the developer and are not dependent on contributions from other developers.

The Committee acknowledges Princes Highway is a significant barrier to pedestrians, with limited opportunities for pedestrians to cross; either at the traffic signals at Smith Road and the Springvale Mega Centre (approximately 300 metres west of the site), or Corrigan Road. The Committee accepts DTP's rationale that a pedestrian crossing can be considered as or when demand occurs, and at this stage was not appropriate to include in the ITP. Further, depending on the outcome of Princes Highway overpass assessment, this may result in at grade traffic signals being the preferred treatment which would provide an opportunity to accommodate pedestrians.

(iii) Findings and recommendations

The Committee finds:

- The majority of transport infrastructure works and delivery triggers are appropriate.
- Princes Highway/Racecourse Drive access arrangement requires further investigation to determine the optimal arrangement – overpass or at grade signalisation. The Comprehensive Development Plan and Development Contributions Plan should be amended to note this project is subject to significant change.
- Corrigan Road duplication and south signalised intersection safety issues require further investigation.
- All lanes on Main Boulevard should be 3.5 metres wide.
- Sandown Road roadworks to accommodate buses should be undertaken by Council and not included in the Development Contributions Plan.
- Providing a shared path on the south side of Sandown Road is an appropriate project to include in the Comprehensive Development Plan.
- Virginia Street/Bird Street intersection works to provide more convenient two-way traffic movement is an appropriate treatment to include in the Comprehensive Development Plan.

- The need for a pedestrian crossing on Princes Highway can be resolved as and when demand materialises.

The Committee recommends:

Amend the Day 2 Updated Comprehensive Development Plan as follows:

- a) In Chapter 4.5 Integrated Transport, edit the following paragraph in the introduction to read:

Vehicular access to Sandown Racecourse will be provided via the existing grade separated 'gateway' access on Princes Highway, which is subject to review, change and Department of Transport and Planning approval, and two fully signalised intersections on Corrigan Road, towards the north and south of the site.
- b) In Chapter 4.10 Infrastructure and Staging, edit Table 4 Infrastructure List Summary by:
 - Amending the Project Description of RD-01 to note the Project is subject to substantial change once the preferred design treatment has been resolved with Department of Transport and Planning.
 - Amending the Project Description of RD-04 to note the Project is subject to change to improve road safety by providing a divided road design.
 - Adding a new Project RD-07 – Reconfiguration of the existing Virginia Street/Bird Street Carriageway, and including the following dot points as the trigger(s):
 - prior to the Statement of Compliance for the first dwelling in Stages A or E taking access from Bird Street; or
 - alternative trigger as agreed with the Responsible Authority if access arrangements and/or development stages vary.
- c) In Chapter 4.10 Infrastructure and Staging edit Figure 14 – Location of Infrastructure items (Page 43) to:
 - Include Project RD-07 at the Virginia Street/Bird Street Intersection
- d) In Appendix C edit Indicative Street Cross Sections by:
 - Modifying Street Section 1: Main Boulevard to show a 33-metre total width (instead of 32 metres) and all Drive Lanes being 3.5 metres.

Amend the Comprehensive Development Zone Schedule 3 as follows:

- Edit 'Section 4.0 - Master Plan, Precinct Plan and Infrastructure' to include a new subheading 'RD-01 Princess Highway / Racecourse Drive Overpass Upgrade' and text to note prior to approval of a Precinct Plan, the ultimate preferred design treatment and associated cost of the project requires resolution in association with Department of Transport and Planning and the Responsible Authority.**

The Committee's preferred version of the CDZ3 in Appendix E gives effect to the above recommendations.

Amend the Day 2 Updated Development Contributions Plan as follows:

- In Chapter 5 Infrastructure, edit Table 5 Infrastructure Items and Strategic Justification by:**

- **Adding a note to RD-01 Project Name and Description stating the Project is subject to substantial change once the preferred design treatment has been resolved with the Department of Transport and Planning.**
- **Adding a note to RD-04 to state the Project is subject to change to improve road safety by providing a divided road design.**
- **Adding a new Project RD-07 – Reconfiguration of the existing Virginia Street/Bird Street Carriageway, and including the following dot points as the trigger(s):**
 - **prior to the Statement of Compliance for the first dwelling in Stages A or E taking access from Bird Street; or**
 - **alternative trigger as agreed with the Responsible Authority if access arrangements and/or development stages vary.**

5.4 Roadworks – scope and costing

The key issue to be resolved is:

- whether the roadworks project scope and cost estimates are appropriate

(i) Submissions and evidence

The Proponent advised the DCP transport infrastructure was appropriately costed and noted:

- the most material difference related to RD-05 where there were divergent views about the length and rate for culvert works under Corrigan Road
- transport infrastructure has not been designed, and as such a difference in costings is not unexpected
- construction cost risk is borne by developers who would be providing the infrastructure
- costs will be adjusted through the hybrid indexation/re-costing regime in the DCP.

Cost estimates were refined/reviewed by the Proponent's Quantity Surveyors, Prowse as revised plans had been prepared by Stantec for the updated ITP.

Council relied on Mr Weatherell, whose evidence contended the transport projects were significantly underfunded, noting:

- costings were originally based on Day 1 DCP Cardno plans (2019) but were revised to consider Stantec plans (2024) for projects (RD01-06)
- August 2024 value is \$18,633,104 compared to \$15,830,000 in the Urban Enterprise DCP (15.04 per cent higher)
- cost estimates were reconciled against the Prowse estimates (August 2024), as summarised in Table 8.

Table 8 Project cost estimate comparison

Code	Project	Variance *	Comment
RD-01	Princes Hwy/Racecourse Drive - overpass	(1.89%)	within acceptable limits
RD-02	Princes Hwy shared path	(13.35%)	Prowse assumed footpath rate/construction
RD-03	Corrigan Road north access – signalised intersection	0.24%	within acceptable limits
RD-04	Corrigan Road – duplication and shared paths	(2.11%)	within acceptable limits
RD-05	Corrigan Road south access – signalised intersection	(36.84%)	variation in amount and rate for culvert works
RD-06	Sandown Road – shared path	(21.33%)	Prowse assumed footpath rate/construction
RD-07	Virginia/Bird Street – dog leg realignment		Not costed

* (xx%) variance is lower than expected and as such may result in a funding shortfall

(ii) Discussion

The Committee is comfortable the transport infrastructure projects, on the whole, have been appropriately scoped and costed.

RD-02 and RD-06 cost estimate should be based on Mr Weatherell's calculations as he assumed the shared paths were 150mm thickness of concrete, consistent with Council's standard engineering drawings⁵⁸. It appears that Prowse had assumed the shared path was similar to a concrete footpath [generally 75 mm deep concrete pavement] and due to the less concrete being required resulted in a lower price for the shared path(s) cost estimates. The Committee is unsure if Prowse was aware of Council's standard engineering drawings and may have realised similar construction costs to Mr Weatherell.

As such, construction estimates and the DCP should be updated with Mr Weatherall's figures:

- RD-02 Princes Highway shared path - \$438,559
- RD-06 Sandown Road shared path - \$635,583⁵⁹.

The major cost variation for RD-05 was due to the amount of box culvert works that would be required. This matter will ultimately be resolved during detailed design.

As discussed in Chapter 5.4, the Committee identified potential changes in scope and construction costs for RD-01, RD-04, RD-05, while RD-07 requires a cost estimate to be prepared. Essentially these are potentially revised and/or new projects generated through the Hearing process and as such, there has been no opportunity for detailed review and or cost estimates to be prepared. These transport infrastructure projects can be resolved as part of the ongoing review process as the Project comes to fruition.

⁵⁸ <https://www.greaterdandenong.vic.gov.au/civil-engineering-standard-drawings>. Standard Drawings 300 series – Concrete Paving SD 308-F

⁵⁹ D177, Table 3.3.1

The Committee is satisfied the CDP envisages design changes will occur throughout the Project. The DCP is robust and construction costs will be adjusted through the hybrid indexation/re-costing regime. Further, as noted by the Proponent, the developer will bear the construction cost risk of providing these projects.

(iii) Findings and recommendation

The Committee finds:

- The majority of transport infrastructure project scope and costings are appropriate.
- RD-02 and RD-05 cost estimates should be based on Mr Weatherell's computations which assumed a 150 mm pavement thickness.
- RD-07 requires a cost estimate to be prepared.
- Further changes in scope and construction costs can be adequately dealt with through the Development Contributions Plan framework.

The Committee recommends:

Amend the Day 2 Updated Development Contributions Plan as follows:

- a) **In Chapter 6 Calculation of Levies, edit Table 6 Levy Calculation by Infrastructure Item to reflect the following Construction Cost and Total Project costs**
 - **RD-02 Princes Highway shared path - \$438,559**
 - **RD-06 Sandown Road shared path - \$635,583**
 - **RD-07 Virginia Street/Bird Street – provide cost estimate.**
- b) **In Appendix B Development Contributions Plan Item Descriptions, Concept Plans and Costings, edit Project Sheets to reflect the following Project costs**
 - **RD-02 Princes Highway shared path - \$438,559**
 - **RD-06 Sandown Road shared path - \$635,583.**

5.5 Public transport arrangements

The key issue to be resolved is:

- the appropriateness of the proposed public transport arrangements, including allowance for the future upgrade of the Station.

(i) Submissions and evidence

The Proponent considered the Project's public transport arrangements were appropriate. Mr Walsh gave evidence that:

- the Project is already well served with regular train services
- extensive bus services, in particular bus route 800 along Princes Highway between Chadstone, Monash NEIC, Monash University and Dandenong Activity Centre as well as nearby bus services along Springvale Road
- the Project will have an extensive network of internal bus capable streets
- early delivery of further bus services is unlikely until the Project is at near to full development
- temporary or permanent pedestrian, bicycle and vehicle access to the Station for the Project's initial stage(s) should be provided.

Council supported the proposed suite of public transport works but was concerned that if public transport linkages were not provided at inception, this may result in less uptake of public transport usage into the future.

Further, Council contended that early delivery of bus services (at around 50 per cent build out) was essential. No triggers were provided for implementing a bus network in/through the site.

DTP advised that providing public transport into/through the site was desirable. It advised it was unclear how a bus capable network would be developed and noted the timing and provision of bus services for the site would be dependent on several other factors including:

- population
- demand for services
- funding
- Government priorities.

DTP was unable to confirm a specific number of lots or population before public transport facilities would be considered. It stressed the importance of safeguarding the Station's future requirements and in particular, any future upgrades to the Station were considered and reflected within precinct planning for the site. DTP noted that while the DCP identified a multimodal interchange integrated into the existing Station area, it would be necessary that a Station master plan:

- was undertaken to identify the ultimate land requirements
- integrated into the Town Centre Precinct
- be at the Proponent's cost.

Further, the delivery trigger for this work should be prior to issuing a Statement of Compliance for the first lot within the Town Centre Precinct.

DTP stressed the importance for early residents on the site be provided with meaningful and suitable access to the Station to:

- provide modal choice
- reduce reliance on private vehicle usage
- avoid short trips on nearby roads to access the Station.

DTP considered the CDP and the staging plans were unclear on this matter and should this not be addressed, it could result in increased private vehicle use at the expense of rail services.

Submitters were generally focused on more public transport being provided, in particular bus services along Lightwood Road.

(ii) Discussion

The Committee acknowledges the site has a favourable mix of high quality and frequent public transport services, with a significant modal interchange nearby at the Station.

The Committee appreciates Council's position for the early delivery of bus services to or within the site but acknowledges Mr Walsh's assessment that bus services are unlikely until the Project is at or near completion. Similarly, DTP did not confirm if or when bus services would be provided. Including a delivery trigger for bus services in these circumstances, while aspirational, is unhelpful.

However, the Committee considers it important that early residents have appropriate access to the Station and the bus service along Princes Highway. Maintaining pedestrian, bicycle and vehicle

access to the Station for the ‘early settlers’ is critical. Similarly, if development commenced in or near the Town Centre Precinct, adjacent to the Station, these residents (and employees) would benefit from similar access to Princes Highway for bus services. The Committee considers the CDZ3 is robust in this regard, with section 4.0 Precinct Plan requiring:

- a Precinct ITP be prepared that promotes walking, cycling and public transport
- details of the locations of, and linkages to, public transport.

The Committee concurs with DTP that the future of the Station needs to be considered as part of the broader development of the Town Centre Precinct and associated multimodal interchange. The CDP Requirement R18 states *“The development must deliver a ‘multimodal interchange’ at Sandown Park Station... to the satisfaction of the responsible Authority”*. Providing a delivery trigger as part of the Town Centre Precinct planning phase is sound.

The Committee considers the Integrated Transport Requirement in the CDZ3 at section 4.0 should be amended to include a requirement that a Station master plan must be undertaken in conjunction with the Town Centre Precinct Plan. The Precinct Plan must be to the satisfaction of the Responsible Authority and would require DTP to be consulted. These measures are appropriate to ensure DTP concerns around the station masterplan can be addressed.

(iii) Findings and recommendation

The Committee finds:

- The proposed public transport arrangements are satisfactory, with the Project providing a network of bus capable roads.
- Providing public transport into or through the site is unlikely until near or full development has occurred.
- Providing temporary or permanent pedestrian, bicycle and vehicle access to Sandown Park Railway Station and/or Princes Highway bus route for the Project’s initial stage(s) residents is critical to the Project’s success as a 20-minute neighbourhood.

The Committee recommends:

12 Amend the Comprehensive Development Zone Schedule 3 as follows:

- a) Include a requirement that the Sandown Park Railway Station Master Plan must be prepared and delivered in conjunction with the Town Centre Precinct Plan.**

The Committee’s preferred version of the CDZ3 in Appendix E gives effect to the above recommendation.

6 Drainage and flooding

6.1 Background

An Objective in the CDP is *“To establish Mile Creek as the site’s central green spine, which is connected to the surrounding open space network and provides for active and passive recreation opportunities”*⁶⁰. To do this, the CDP proposed the redesign and/or relocation of the site’s water features and the Mile Creek waterway that traverses through the site. Mile Creek’s natural function is proposed to be restored with various edge treatments, including a combination of soft landscaping and hard urban edges, depending on the proposed adjacent uses and future context.

The sediment pond in the west of the site is proposed to be redesigned while retaining its cleaning sediment function. The ornamental lake will transform into a waterway corridor across the site to enhance Mile Creek as *“the site’s defining green corridor”*⁶¹. The dam in the southern corner of the site near Corrigan Road will be removed, filled and utilised for urban use (Stage I), including as part of the proposed access road and repositioned intersection in proximity to Allister Road. The Police Road Drain will continue to flow in an underground pipe system.

While detailed design is required for the Creek Master Plan, the Project’s Drainage Strategy, proposed:

- future flows and levels to be set using culverts to recreate how the existing conditions behave at the proposed road crossings of Mile Creek
- a new culvert to control flows exiting the site under Corrigan Road
- flood flows to the five per cent Annual Exceedance Probability (AEP) flow level (1 in 20-year event) to be contained within the channel area, with larger events utilising additional flood storage in the waterway corridor, sporting fields and open space areas⁶².

According to the Drainage Strategy, off-site benefits would include a reduction in flood levels in Warner Reserve upstream, and a reduction in flood levels downstream of the site⁶³. Drainage works were not costed into the DCP; these works will be paid for by the developer(s)⁶⁴.

Figure 10 illustrates the intended outcomes⁶⁵.

⁶⁰ D209a, p18

⁶¹ D209a, p18

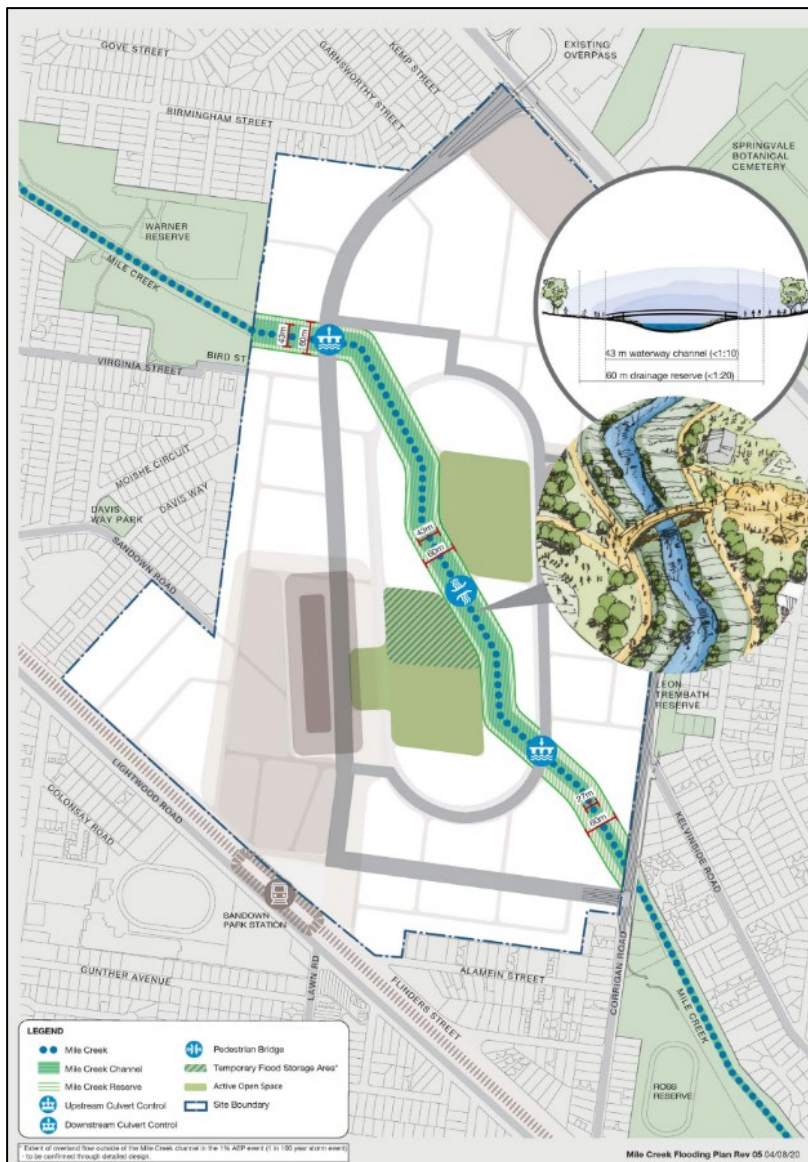
⁶² D10

⁶³ D10, p10

⁶⁴ D209b, section 5.2

⁶⁵ D10, p9

Figure 10 Intended drainage outcomes



The CDP and other background documents described the works to achieve the vision for the site as a new residential based community. Council, Melbourne Water, South East Water (SEW), other organisations and individual submitters questioned the ability to achieve development that met the CDP aspirations without first addressing threshold matters concerning drainage, flooding and water management.

The Committee was informed by submissions from various parties as well as the evidence of the expert witnesses as shown in Table 9.

Table 9 Hydrology and drainage evidence

Party	Expert	Firm	Area of expertise
Proponent	Rob Swan	Hydrology and Risk Consulting	Drainage and flooding
Proponent	Nina Barich	Incitus	Integrated Water Management
Melbourne Water	Warwick Bishop	Water Technology	Flooding and hydrology

The Committee was assisted by a meeting of the hydrology and drainage experts held on 20 August 2024, from which 22 statements of agreement and three of disagreement were recorded.

Key points of agreement include:

- a 60-metre wide waterway corridor was sufficient to manage the peak design flood flows through the site
- the drainage strategy investigations completed to date accounted for the Project's stormwater flows
- the one per cent AEP for existing conditions and climate change scenarios with and without the Project showed:
 - downstream of Corrigan Road, no increase in flooding
 - upstream an increase in flooding (for climate change scenario only) from the Project was not acceptable and would need to be managed
- additional flood storage required beyond the storage included in the waterway corridor could be provided in the open space area on the south-west of the waterway, with the depth varying depending on the amount of open space utilised to achieve that storage
- flexibility in the design delivery of the stormwater quality treatment strategy was preferred
- opportunities going forward in the Creek Master Plan and the various Precinct Plans would include stormwater quality treatment water sensitive urban design.

The meeting did not agree:

- the current documentation of the drainage strategy was sufficient
- the hydrologic model was adequate for adoption in the drainage strategy
- the current proposal for distributed water sensitive urban design was the best stormwater quality treatment strategy without a combination of distributed treatment and end-of-pipe treatment in constructed wetland systems as favoured by Mr Bishop.

The Proponent described the meeting outcomes as *“demonstrating a high level of consensus between the water experts”*⁶⁶.

The key issues to be resolved are whether:

- sufficient information about flood storage and other data is available to make informed decisions on the extent of land to be set aside for drainage and flood purposes
- all stormwater flows should be contained in the Mile Creek corridor
- the proposed treatment of Mile Creek will cause off-site flooding
- the CDZ3 appropriately deals with drainage and flooding and preparation of the Creek Master Plan
- the draft Amendment should be approved before studies are completed and the extent of land for development is established.

⁶⁶ D182, para 82

6.2 Modelling and data available for finalising a drainage strategy

The issue to be resolved is:

- whether there is sufficient information about flood storage and other data available to make informed decisions on the extent of land to be set aside for drainage and flood purposes.

This issue was raised by the Committee in its Initial Assessment Report when it asked the Proponent to “Consider if further iterative flood modelling should be undertaken”⁶⁷. The Proponent’s consultant confirmed:

- further iterative flooding modelling will be required as the design progresses
- the CDP specified as part of the Creek Master Plan: “Further hydraulic modelling, to satisfy the master plan and integrated water objectives and to demonstrate that there will be no increase in peak flows or detrimental loss of flood storage as a result of the Sandown development, if required.” This plan required the re-modelling, design and staging of the drainage solution be undertaken prior to issuing of the first permit.

This is consistent with the Drainage Strategy which stated the current arrangement was at a concept level only and that further work would be required at the detailed design phase⁶⁸.

(i) Submissions and evidence

Council, Melbourne Water and the GDEG made submissions on this issue. All doubted the accuracy of the modelling and therefore the capacity of land to accommodate the amount of water to be stored after flood events, both after development and allowing for climate change. Melbourne Water and Council sought further information through additional modelling now or as part of the work in preparing the Creek Master Plan.

The Proponent contended there was sufficient information currently available to progress the draft Amendment. The Proponent pointed to information in numerous technical reports which, it advised, provided all required information for the purpose of considering the draft Amendment. It did not agree with submissions seeking to wait for further modelling, submitting “any changes that might occur from updated modelling will be addressed in the approval of the Mile Creek and Police Road Drainage Masterplan at that time”⁶⁹.

Mr Swan’s evidence was that:

- ... the Sandown Drainage Strategy provides sufficient information for the Committee to be comfortable it can be implemented on the site, subject to refinement as part of the process required for the development of the Mile Creek and Police Road Drain Master Plan.
- The level of detail provided is equivalent to that provided by Melbourne Water to similar planning processes in greenfield areas about drainage schemes.
- ... there are often many design changes to proposed drainage scheme works post the approval of a CDZ in a planning scheme and this is part of the normal process of development.
- The works at this stage can only be conceptual in nature as the detailed design of each precinct is not yet completed. This is typical at this stage of the planning process⁷⁰.

⁶⁷ D55

⁶⁸ D58d, p3

⁶⁹ D186, para 87

⁷⁰ D132, line 210

The Proponent adopted the outcome of the conclave where it said all witnesses agreed the drainage concept shown in the CDZ3 and CDP was adequate in terms of concept design, spatial allocation and functionality, noting:

94. While more work may be required to address the climate change scenario in terms of the impact on Warner Reserve and potential additional flood storage on the Site, all three witnesses agreed that additional modelling and detailed design as part of the preparation of the Mile Creek and Police Road Drain Concept Plan would address these issues ⁷¹.

Council submitted:

- certainty about flooding issues was a precondition to its support for the draft Amendment
- no confidence could be placed on out-of-date data
- the draft Amendment should be deferred to allow the result of flood studies currently underway by Melbourne Water to be considered in a revised Drainage Strategy.

Council sought additional work on modelling flood issues, the preparation of the Creek Master Plan and consequential impacts on open space areas. Council put them as precedent issues to be finalised before the draft Amendment proceeded to approval, and noted:

The drainage work (including the preparation of the drainage Master Plan) must be completed to enable a clear understanding of the land budget, impacts on yield and density to be clear, the nature and extent of open space provision and the way in which impacts on Warner Reserve and adjacent residential areas will be protected from negative development impacts in a climate change scenario ⁷².

Council suggested the immediate preparation of the Creek Master Plan was the mechanism by which certainty could be established about management of water flows as well as the amount of land required for flood storage. Its opening submission stated:

The Master Plan should be prepared now, as part of the Amendment process, and not deferred to a later date because:

- It is critical there is clarity on the extent of land required to manage stormwater and flood flows;
- It is necessary to demonstrate now that stormwater and flood flows can be appropriately managed on site, and not adversely impact on land upstream or downstream, or on occupants of the site. With each iteration of the flood modelling, it appears a new issue is identified. This emphasises there is a lack of certainty as to how water will be managed effectively on site that needs to be addressed upfront ⁷³.

Melbourne Water relied on Mr Bishop's evidence to submit the Drainage Strategy should provide a greater level of detail. It sought the further information prior to a decision on the draft Amendment. Part of Mr Bishop's evidence, and a point of disagreement from the conclave, was the degree of uncertainty about adequacy and accuracy of the Drainage Strategy's hydraulic modelling.

Melbourne Water advised the data would assist with solutions to flood issues, with those solutions then to be included in "... a revised Drainage Strategy or through the preparation of the Mile Creek and Police Road Drain Concept Master Plan prior to a decision on the draft Amendment" ⁷⁴.

⁷¹ D203

⁷² D211, para 6.1

⁷³ D147

⁷⁴ D196, para 62

In seeking that recommendation, Melbourne Water added:

The recommendation should include an opportunity for relevant authorities to provide feedback on the Concept Master Plan prior to the Minister's decision ⁷⁵.

GDEG supported submissions that flooding impacts and flood management on the site were incomplete and insufficient.

(ii) Discussion

There was disagreement among the experts about the currency of the data on which the drainage and flood controls are based, for example Mr Bishop contended the hydraulic model was inadequate. The Committee notes responses by Mr Bishop when cross-examined and in answer to questions from the Committee when he:

- agreed the overall approach to drainage and flood control was not unreasonable and the use of high-level information was suitable, provided sufficient infrastructure was planned and sufficient land was set aside in case of underestimates
- stated his opinion there was nothing unusual about the assumptions underlying the Drainage Strategy and Mr Swan's peer review
- rated the importance of waiting for and considering the results of the Mile Creek catchment study underway by Melbourne Water, likely to be available in 2025, as a factor of 7 or 8 out of 10.

The Committee is satisfied that work underway and future investigations required to be undertaken will enable decisions on the design of the waterway corridor, and the need or otherwise for extra flood storage land. The Committee believes further iterative flood modelling to come as design progresses will overcome any potential modelling deficiency.

Further discussion about preparation of the Creek Master Plan is provided in Chapter 6.4.

(iii) Findings

The Committee finds:

- The outcome of further work currently underway, and as required in the Comprehensive Development Zone Schedule 3, will overcome any potential modelling deficiency.

6.3 Flood impacts on and off site

How the Project should address issues of drainage and the control of flooding upstream, on-site and downstream were subject of extensive submissions. Consequential issues focussed on the timing of detailed work on flood studies and site issues to influence the extent of land available for development.

Currently, the site assists in flood management for the broader geographic area. According to the IWMS, the site provides a drainage corridor for a significant upstream urban catchment of over 30 square kilometres ⁷⁶.

The site receives water flows from Mile Creek and the Police Road drain, stores water on-site within three above ground storages and uses large culvert structures to control water discharging

⁷⁵ D196

⁷⁶ D13

from the site beneath Corrigan Road to help with normal flows and flood control. Figure 11 shows the existing drainage conditions ⁷⁷.

Figure 11 Existing drainage conditions



The Project adopted a strategy of allowing water flows generated by extreme weather events to be stored outside the Mile Creek waterway corridor rather than exacerbating flooding upstream or downstream from the site. Council and Melbourne Water preferred the containment of all water within the corridor to avoid other areas being identified as flood affected encumbered land.

Council and Melbourne Water raised concerns about the containment of water within the waterway corridor, including flows from extreme flood events, as well as the prospect of the Project causing flooding upstream, particularly over Warner Reserve and adjacent properties, and downstream of the site. They required the adopted design maintain flows at pre-development levels.

⁷⁷ D10, p3

The issues to be resolved are whether:

- the Mile Creek corridor should contain all water flows
- the proposed treatment of Mile Creek will result in off-site flooding.

(i) Submissions and evidence

The Drainage Strategy relied on the redesigned Mile Creek corridor for management of drainage and stormwater. The strategy proposed a combination of the Mile Creek corridor for the lower level water flows and land adjoining for overflow when triggered by extreme events above the five per cent 1 in 20 AEP. The Drainage Strategy stated:

This provides a balance between usability of the open areas on a day to day basis and downstream flood control. The approach also preserves much larger area of flood free unencumbered open space to the north of the proposed channel ⁷⁸.

The Proponent advised this approach was appropriate for the site and relied on Ms Barich and Mr Swan's evidence in support. Ms Barich's evidence advised the combined use of the Mile Creek corridor and open space land would provide the storage required for flood management purposes:

The storage required for flow conveyance and flow mitigation in a 1% AEP storm event for the Sandown CDP is 160,000 m³, with approximately 100,000 m³ required for active flood flow and the additional 60,000 m³ required for flood mitigation purposes. Of the 60,000 m³ storage required for flood mitigation, 42,000 m³ is contained within the 60 m wide waterway corridor for Mile Creek and the additional 18,000 m³ will need to be provided in the open space area ⁷⁹.

Mr Swan's evidence went further to state:

- three hectares of land was necessary to store the additional 18,000 cubic metres of water as overflow with an average storage depth of 600mm in a 1% AEP event
- an area above the 5% AEP will be required to store water up to the 1% AEP requirements, such that downstream properties are not inundated
- no water is outside the 8 hectare channel reserve in the 5% AEP event ⁸⁰.

Mr Swan supported the use of open space land for overflow purposes. Noting the land area shown in the Day 1 CDP intended to be used for overflow purposes, he stated:

This is typical of many active open space usages in Melbourne with a number of examples shown in the Drainage Strategy. This approach provides balance between effective use of floodplain areas for the majority of the time, with the requirement to not impact downstream flood behaviour ... ⁸¹.

The Proponent dealt with flood impacts downstream and upstream by reference to the Drainage Strategy, Ms Barich and Mr Swan's evidence and the drainage conclave agreements.

It said the relevant part of the Drainage Strategy is the conclusion which stated:

The strategy ensures that flood requirements for the site are appropriately managed by providing significant flood storage that ensures no adverse impacts to areas upstream or downstream of the development ⁸².

⁷⁸ D10, p7

⁷⁹ D136, p22

⁸⁰ D132, line 305

⁸¹ D132, line 310

⁸² D10, p11

Mr Swan's evidence was:

... for all events up to the existing 1% AEP, the development does not have any adverse impact either upstream or downstream of the site and represent an improvement in flood conditions ⁸³.

Ms Barich's evidence was:

The hydraulic flood modelling has demonstrated that there is no increase in the 1% AEP flow downstream of the CDP and that sufficient land has been provided for flow mitigation ⁸⁴.

In the report of the conclave, the drainage witnesses agreed:

- the drainage strategy investigations completed to date have accounted for additional stormwater flows generated from the future development of the site.
- an appropriate retardation strategy has been adopted for the redevelopment of this site. This provides for retardation of external catchment flows to match existing flood conditions upstream and downstream of the site.
- the 1% AEP existing conditions, and the 1% AEP with climate change scenarios show no increase in flooding downstream of Corrigan Road for the redevelopment of the site compared to existing conditions.
- the increase in flood level in the 1% AEP plus climate change scenario upstream of the site due to the development of the site is not acceptable and will need to be managed so that there is no increase in flood level upstream of the site ⁸⁵.

The upstream impact referred to in the agreed statement related to Warner Reserve and surrounds. Acknowledging that *"increased flooding in Warner Reserve as a result of this development in the climate change scenario is unacceptable"* the Proponent submitted:

... there are fairly simple solutions that may address the increase in flood waters to Warner Reserve such as works to Mile Creek upstream, the lowering of the internal road of the Site, increasing culvert width, lowering of the level of the south-east open space, increasing the depth of the waterway or allowing an increase in flood waters downstream ⁸⁶.

In its Part C submission, the Proponent submitted *"The Mile Creek and Police Road Drain Concept Master Plan is the obvious piece of work to address this matter"* ⁸⁷.

Council was critical of the proposed use of land outside the waterway corridor for flood storage where its opening submission summarised its position:

... the waterway corridor must be able accommodate a 1% AEP storm event and this must be shown by a further flood study and plan. Council does not support the southern active open space area being used to manage 1% or 5% AEP events, as currently proposed, because this would severely impact the use and management of the open space. Rather, separate flood storage areas need to be developed by the Proponent. Council also does not support any increase in potential flooding to Warner Reserve and nearby roads and private properties, or any other existing open space area, road or private property, as is now proposed in the Revised Modelling. Council has significant concerns about managing and investing in public open space areas that could be damaged by flooding, and rendered unusable during storm events ⁸⁸.

Council pursued these issues of capacity of the waterway corridor to accommodate flows, off-site flooding and impacts on the use of open space throughout its submissions.

⁸³ D132, p2

⁸⁴ D136 p22

⁸⁵ D174, items 7 to 10

⁸⁶ D186, para 84

⁸⁷ D203, para 107

⁸⁸ D147

Melbourne Water's submissions focussed on the need for certainty about flood flows, storage requirements and accuracy in estimating present circumstances and in the climate change scenario. It called for an updated Drainage Strategy and detailed hydrology and flood assessments to demonstrate there would be no increase in flooding on and off site in a one per cent AEP flood event 2100 climate change scenario under fully developed conditions. It submitted:

... further resolution of the drainage concept is required prior to the approval of the draft Amendment in order to:

- Provide a more explicit and clear assessment of flood impacts.
- Ensure that flood mitigation measures consider and mitigate the potential impacts of climate change to 2100.
- Offsite impacts are considered ⁸⁹.

Melbourne Water relied on Mr Bishop's evidence that the Drainage Strategy should provide a greater level of detail. It noted some uncertainties about the proposed flood mitigation measures to support its call for a review of the waterway and flood storage design.

Noting the supplementary climate change modelling tabled by Mr Swan which estimated an increase in flood depth and extents upstream of the subject site, within and adjacent to Warner Reserve, Melbourne Water submitted it did not support an increase in the depth of flooding nor its spread to nearby residential properties.

The GDEG, and S194 feared flood impacts on downstream properties in Noble Park after development and called for a plan to mitigate any impacts.

(ii) Discussion

The CDP calls for a stormwater system designed to manage minor and major storm events, minimise flood risk and peak flows. The concept design uses Mile Creek as the waterway to cater for flows up to the 1 in 20 flood event, with land outside the corridor used for the occasional and infrequent higher order events.

There was disagreement whether this was an appropriate design approach. The Proponent supported it as it catered for most water flows and because flooding outside the waterway corridor would be infrequent and the land would be impacted for what its consultants predicted would be up to three hours. The Proponent submitted more information would become available from flood studies underway by Melbourne Water and from further consideration of data in the preparation of reports and plans required in the CDP and the CDZ3.

Council sought all flows be retained within Mile Creek without the need to encumber land outside the waterway corridor. It did not support using open space land for flood purposes. Melbourne Water sought certainty about the flood flows to allow an assessment of storage requirements on-site and impacts off-site.

The Committee considers it is possible that each of the parties can jointly realise their goals:

- the design approach is sufficiently developed for this stage of the process with further study to determine the specific design
- all flows can be retained within the waterway corridor
- the final design will avoid off-site impacts.

⁸⁹ D148, para 14

In relation to Council's concern over active open space being used for flood storage, further detailed design may identify that sufficient flood storage might be realised within the proposed 60 metre corridor. Potentially localised widening of the corridor, greater than 60 metres, to create additional flood storage, may negate the need for active open space to be used. These matters will be appropriately considered during the detailed design and further work to finalise the Creek Master Plan.

Where the CDP sets the performance outcomes for an updated Drainage Strategy, the CDZ3 is more prescriptive in what it requires. The Committee notes CDZ3 calls for a Precinct Stormwater and Integrated Water Management Plan (IWMP) to be prepared prior to development of each precinct. Further, Precinct Plans should respond to criteria about how the development will align with the general drainage concept and the water management strategy to ensure flooding on-site, off-site and downstream is properly managed.

Melbourne Water has studies underway that will help with the drainage strategy. The study will assist with consideration of the necessary on-site treatments of culverts, pipes, road crossing points, retention areas and depth of the flow path and the need for any land to be identified for occasional flood purposes. The work will help determine the extent of land required for drainage and flood control.

The Committee does not support any increase in flooding of any areas off-site arising from the development. Any adverse impact on any area, especially on Warner Reserve and surrounding properties, must be avoided. This applies now and in the climate change scenario.

The Committee is satisfied that future investigations required to be undertaken in preparation of these plans will enable a determination to be made about the final design of the drainage strategy and implementation on the ground.

These future investigations will be part of the tasks required by the provisions of the CDZ3:

- ... a Mile Creek and Police Road Drain Concept Master Plan must be prepared, to the satisfaction of the responsible authority and the drainage authority.
- ... a Precinct Plan for the relevant precinct must be prepared to the satisfaction of the responsible authority under this Schedule.

These controls endorse the Proponent's submission that preparation of the Creek Master Plan is the obvious piece of work to address this matter.

The Committee is confident the required Creek Master Plan and Precinct Plans will determine flow paths and locations for storage, including whether land is to be used outside the waterway corridor.

(iii) Findings

The Committee finds:

- The Drainage Strategy must avoid any off-site increases in flooding.
- The Mile Creek and Police Road Drain Concept Master Plan and the Precinct Plans will determine the extent of the waterway and land required for drainage and flood purposes.

6.4 Implementation

The Creek Master Plan was seen to be a significant piece of work for the Project:

- For the Proponent, it provides the opportunity to apply additional information from further work underway and/or intended on drainage matters.
- For Melbourne Water, it is a means to address uncertainties in relation to the existing hydraulic modelling and climate change and must be prepared 'now' before the draft Amendment proceeds.
- For Council, preparation of the Creek Master Plan is a precedent issue, before approval of the draft Amendment.

The issues to be resolved are:

- timing for the preparation of the Creek Master Plan
- whether the CDZ3 appropriately deals with drainage and flooding
- whether the draft Amendment should be approved before studies are completed and the extent of land for development is established.

(i) Submissions and evidence

The Proponent suggested preparation of the Creek Master Plan would allow for consideration of the results of further drainage studies which, in turn, will direct how Precinct Plans apply the adopted development concepts.

The Proponent adopted the directions in various background reports and the CDP that supported additional work to take the detailed planning to the next level. It relied on the evidence of its drainage witnesses that the Creek Master Plan is the way to advance matters.

The Proponent tabled amended versions of the CDP and the CDZ3. Those documents included changes on drainage and flooding matters in response to recommendations of its witnesses and relevant propositions from other parties. The changes to CDZ3 confirmed the importance and the priority of the Creek Master Plan.

There is a question as to who should prepare the Creek Master Plan. Implicit in the Council and Melbourne Water submissions is that it be prepared by the landowner.

The Cardno Drainage Strategy anticipated the 'developer' would be responsible for its preparation. The CDP is silent. The CDZ3 deals with priority but not responsibility.

The Proponent submitted it did not matter who prepared the Creek Master Plan so long as the work was done. In effect, that is the default position of the CDP and the CDZ3.

Council and Melbourne Water made a precedent issue out of the question of when the Creek Master Plan should be prepared. The Day 3 CDZ3 elevates preparation of the Creek Master Plan ahead of Precinct Plans, but does not establish a timeline for its preparation. The key matters to consider include whether:

- preparation is a precedent issue and the draft Amendment should be delayed pending completion of drainage studies underway and to come
- the draft Amendment can proceed based on work to date and the intention to conduct more detailed studies to settle the design and layout of the site.

The Proponent's position was set out in its Part C submission when it stated the timing should be prior to the approval of the first Precinct Plan. It stated several reasons for this, including that the process would be lengthy, complex and involve a range of experts across engineering disciplines to

resolve site issues. It would seek the participation of Melbourne Water and Council as part of this process.

Council described the urgency to prepare the Creek Master Plan as being necessary ‘now’ before the draft Amendment is approved and as a condition of its support for the Project. It reaffirmed that position in the Part C submission using Mr Bishop’s support for early preparation of the Creek Master Plan:

This supports the assertion in Council’s previous submissions that the Master Plan should be prepared before the approval of this Amendment. At the very latest, it should be prepared before the preparation of the precinct plans. Council’s preference is that this material be prepared and approved within 12 months of the approval of the Amendment, to ensure that reasonable progress is made towards the urban renewal of this site and before parts of the site are sold ⁹⁰.

Council provided comments on the Day 2 Annotated Version of the CDZ3 as part of its closing submission. It confirmed oral submissions about edits and additions to the content of the Creek Master Plan including a criterion that there will be no increase in flooding either upstream or downstream of the site or for existing landowners.

Melbourne Water advised the Creek Master Plan would be the most appropriate process for addressing concerns about hydraulic modelling and providing it ‘now’ as it:

... would provide more certainty in the planning process and allow for the Advisory Committee and the Minister to make a decision on the draft Amendment with confidence that flooding and drainage has been appropriately managed on the site ⁹¹.

(ii) Discussion

The importance of preparing the Creek Master Plan was common ground across all parties.

Council and Melbourne Water want the plan prepared before approval of the draft Amendment. In the Day 3 CDZ3, the Proponent prioritised preparation of the Creek Master Plan ahead of Precinct Plans.

The Day 3 CDZ3 specified matters to be addressed in preparation of the Creek Master Plan. One new matter introduced by the Proponent responded to Council’s submission seeking the plan to “*demonstrate how a strong visual connection will be provided across the creek corridor between the two parcels of open space*”. Other matters responded to Mr Murphy’s evidence. However, the Committee notes no change was offered in response to Mr Murphy’s recommendation that an Active Open Space Plan be prepared in concert with the Creek Master Plan. The Committee considers this is likely because at paragraph 59 in its Part B submission, the Proponent left the matter of an open space plan for decision by the Committee.

The Committee accepts Mr Murphy’s opinion that matters concerning the size and location of the site’s active open space areas should be reviewed and resolved as part of the preparation of the Creek Master Plan. In this regard, and as discussed in Chapters 4.4 and 8.3, the Committee considers it desirable for one large area of active open space to be provided if this outcome is viable without compromising the higher order considerations of the Creek Master Plan.

Section 4.4 of the CDP focusses on open space as a contributor to the achievement of the vision for the Project. The section states a goal to “... *provide an array of high quality open space, based*

⁹⁰ D211

⁹¹ D193, para 68

around a revitalised Mile Creek” and to create a network of active and passive spaces. The Committee notes the CDP places equal importance on active and passive open space.

Further, the Committee notes the CDZ3 prescribes the content of a precinct plan must include an open space and natural systems plan showing encumbered and unencumbered public open space areas on a precinct-wide scale and the integration of different open space types. The resolution of the Creek Master Plan will appropriately inform the preparation of these subsequent plans.

The Committee believes the Proponent is well placed to lead preparation of the Creek Master Plan as it is the holder of expert reports that address background matters relevant to the plan, however the Committee does not recommend who should prepare the Creek Master Plan. The Committee accepts submissions from the Proponent that the focus should be on the completion of the Creek Master Plan rather than who does it.

The Committee sees the importance of the Creek Master Plan as the foundation document that will establish Mile Creek as the central feature of the site, around which development, including open space will be shaped. It will influence the final location and form of open space and, through setback areas, the extent of developable land nearby.

The Committee believes the purpose and function of the Creek Master Plan is clear in the CDP. Further, the CDZ3 recognises the function of the Creek Master Plan as the basis for determination of later plans, including Precinct Plans, subdivision plans and local development plans.

The Committee recognises preparation of the Creek Master Plan as a key priority but does not consider it is a precedent issue to the draft Amendment being supported and approved.

(iii) Findings and recommendation

The Committee finds:

- The changes to the Comprehensive Development Zone Schedule 3 confirm the importance and the priority of the Mile Creek and Police Road Drain Concept Master Plan. The changes justifiably elevate the order in which plans are to be prepared.
- Further changes to the Comprehensive Development Zone Schedule 3 will reinforce the priority of the Mile Creek and Police Road Drain Concept Master Plan over Precinct Plans and require consideration of the Mile Creek and Police Road Drain Concept Master Plan as a decision guideline for plan approval and permit applications.
- Preparation of the Mile Creek and Police Road Drain Concept Master Plan is important but should not delay approval of the draft Amendment.

The Committee recommends:

Amend the Comprehensive Development Zone Schedule 3 as follows:

- a) **Place preparation of the Mile Creek and Police Road Drain Concept Master Plan before any references to Precinct Plans throughout the schedule.**
- b) **Include the following as an additional component of the Mile Creek and Police Road Drain Concept Master Plan – *“An assessment of the capacity to integrate the two areas of active open space into one larger area to maximise its functionality and utility of the proposed sporting pavilion”*.**

The Committee’s preferred version of the CDZ3 in Appendix E gives effect to the above recommendations.

7 Economic development

7.1 Background

This chapter focuses on:

- distribution of retail and commercial activities across the site
- retail and commercial provisions of the CDZ3.

An element of the overarching vision for the Project is to develop a “*Community Heart*” by the creation of a “*mixed-use and vibrant urban village as the focal point for the community*”⁹². The CDP gives effect to this vision through nomination of activity nodes across the site, scaled to meet the day-to-day convenience needs of the site’s population.

A Primary Activity Node, located in the Town Centre Precinct, is proposed to develop as a neighbourhood centre so as not to jeopardise the function and operation of the Springvale and Noble Park Major Activity Areas. It is proposed to accommodate up to 9,600 square metres of retail floorspace and 5,600 square metres of commercial floorspace in the core of the Town Centre Precinct.

A Secondary Activity Node, located in East Precinct is proposed to complement the function of the Primary Activity Node with up to 1,020 square metres of small-scale retail opportunities and 800 square metres of commercial floorspace, to be co-located with a government primary school and various community facilities.

The Princess Precinct provides a further opportunity for larger commercial and mixed use developments that can benefit from its high-exposure location on the Princes Highway. Up to 1,200 square metres of retail floorspace and 1,600 square metres of commercial floorspace is proposed in this Precinct.

The Table of Uses in CDZ3 outlines the conditions to apply to various retail and commercial land uses.

The Committee was informed by submissions from various parties as well as the evidence of the expert witness as shown in Table 10:

Table 10 Retail economics evidence

Party	Expert	Firm	Area of expertise
Proponent	Matthew Lee	Deep End Services	Retail economics

The key issues to be resolved are:

- the scale of the Town Centre Precinct
- the appropriateness of including a Secondary Retail and Commercial Activity Node in the East Precinct
- the likely impact of the proposed retail and commercial provision on the function of the neighbouring Noble Park and Springvale Major Activity Centres
- the conditions, if any, to apply to the various retail and commercial land uses in Table 1 of the CDZ3.

⁹² D209a, p8

7.2 Submissions and evidence

The Proponent commissioned Deep End Services to prepare a Retail and Economic Report to inform the preparation of the development concept for the site and the accompanying draft Amendment documentation. The original version of the Retail and Economic Report was produced in September 2019. In response to the Committee's Initial Assessment Report that identified the need to update supporting reports, it was updated in late April 2024.

A key finding of the retail assessment noted there was a quantifiable demand for a 'Neighbourhood' level shopping facility in the proposed Town Centre Precinct to serve the weekly and convenience shopping needs of residents within the site:

Population growth across an identified catchment will generate demand for an additional 55,200 sqm of retail floorspace by 2054 when development at Sandown Racecourse is expected to be completed, which includes an additional 7,800 sqm of supermarket floorspace.

This will support the establishment of a new neighbourhood centre on the Sandown Racecourse site, consisting of a full-line supermarket and a range of specialty retailers. The centre would have a larger-than normal array of food dining and other specialty tenants because of the characteristics of the site, with total floorspace of around 10,000-12,000 sqm⁹³.

A higher designation for the Primary Activity Node in the Town Centre Precinct (such as a Major Activity Centre) was not supported by the assessment, primarily due to catchment constraints which included limited road access to adjoining residential areas, and proximity of other existing higher order centres at Springvale and Noble Park.

The Assessment concluded there was potential for a small amount of retail provision within the planned secondary activity node and that altogether, the subject site should be planned to accommodate in the order of 12,000 to 15,000 square metres of retail floorspace. The analysis determined establishing new retailing of this scale at the site would not adversely affect the function or role of any other centre in the retail catchment.

A range of appropriate non-residential uses identified in the Retail and Economic Report included:

- a medical centre to accommodate approximately 10 General Practitioners alongside allied health services, requiring approximately 800 square metres of floorspace
- up to two childcare centres (120 plus places each) requiring approximately 1,500 square metres of floorspace (indoor and outdoor) per centre
- a gym/fitness centre of approximately 500 to 700 square metres, which could be located within an upper-level tenancy or taking space within the retained heritage grandstand
- small-scale office, including professionals such as real estate agents, tax agents, lawyers, accountants, seeking local office space, and with potential for a wider range of potential occupants in later stages of approximately 1,000 to 2,000 square metres
- small showrooms along the Princes Highway frontage, most likely trade supplies, office supplies, kitchen interiors, or other business equipment, with potential for around 2,000 to 5,000 square metres
- potential for retirement living accommodating 200 to 250 units and possible aged care, with a site requirement of around five to 10 hectares depending on size and format.

⁹³ D111, p1

The Retail and Economic Report concluded:

Overall, development of Sandown Racecourse as a new residential community with supporting retailing and other services will generate a positive net community benefit ⁹⁴.

The Proponent's Part B submission highlighted Mr Lee's evidence (and Ms Jordan's planning evidence) supported splitting commercial and community activity between the Primary and Secondary Activity nodes, rather than in one location, to better serve all areas of the site, providing interim services before the Town Centre Precinct is developed, and to differentiate the Precincts.

Mr Lee noted incorporation of the proposed non-residential uses would lead to total on-site employment of nearly 1,000 jobs in a combination of full-time, part-time and casual positions, including around 420 home-based jobs. This would represent around 12 per cent of the likely employment requirement generated by residents, with most jobs held off-site such as within the Monash and Dandenong NEICs and within nearby activity centres and commercial/industrial precincts. In addition, Mr Lee considered:

- the development would generate a range of other community benefits such as:
 - improved housing choice and affordability
 - consistency with Plan Melbourne and the '20-minute city' concept
 - support for development within the Monash and Dandenong NEICs by providing opportunities for high quality housing, including for business owners
 - improvements in the range of services available to the surrounding community
 - positive effects on centres in the surrounding region due to additional expenditure capacity from new residents that would not be met by development within the site
 - increased rate base helping to finance service delivery across the municipality
- the CDP responded appropriately to the retail and other non-residential development opportunities identified in the Retail and Economic Report
- in terms of translating the CDP into planning provisions, the CDZ3 was generally consistent with the Retail and Economic Report, other than the need for:
 - consistency between Requirement R4 in the CDP and Table of uses conditions in CDZ3 relating to Childcare centre and medical centre
 - clarity about the opportunity for Office (excluding medical centre) within the secondary activity node
 - consideration of an application requirement to assess restricted retail development within the Princes Precinct
 - consistency between the proposed CDZ3 and the Retail and Economic Report about allowing shop (excluding supermarket and restricted retail) within the Princes Precinct, and how the controls catered to the opportunity for showrooms.

In relation to staging, Mr Lee, Mr McNeill and Ms Jordan gave evidence that staging of development should be from the north as proposed in the exhibited and Day 1 version of the Staging Plan within the CDP. In response to questions from Council, Mr Lee observed:

- development of the town centre needs to occur when there is strong market demand for higher density living which will support retail
- high density housing will not be viable in the short term as the apartment market in this part of Melbourne is emerging and its depth is currently limited, and it is unlikely the market will be able to bear the price demarcation

⁹⁴ D111, p1

- the later the town centre develops, the better the town centre format will be from a retail perspective and from a town centre vibrancy point of view.

Council supported the Project having some limited new retail and commercial uses, provided it did not adversely impact on the operation of established commercial areas within the City of Greater Dandenong. Further, Council submitted the Day 1 version of the CDZ3 removed the floor space cap allowed (without a permit) in the primary activity node, and submitted:

... this creates a risk of a much greater amount of commercial floor space in this area, which could detrimentally impact on existing commercial areas. Council submits that the floor space cap needs to be reinstated ⁹⁵.

In relation to the Secondary Activity Node, Council advised it did not support the 'Secondary Activity Node' because the school and community facilities would be better co-located with the primary activity node and grandstand, noting it:

...refers and relies upon the evidence of Mr De Silva in this regard. In his opinion, primary schools and community centres are positive generators of activity that are well located within distinctive urban, walkable, mixed use 'town centre' environments ⁹⁶.

Council's Part B submission noted:

Council's desire is to ensure there are no negative impacts on nearby existing activity centres and to give the Town Centre Precinct the best chance of success. Having made a choice to stage the proposal from the north and to locate the town centre in its logical place near the railway station, it is important not to create a situation where the town centre fails to launch or fails to thrive owing to what occurs on earlier stages, particular in the Princes Precinct, with its frontage to a main road. In this respect, the use of the CDZ compels thinking of this site in an integrated and comprehensive way, rather than thinking of it in the same way as shop and supermarket in standard mixed use or commercial zones ⁹⁷.

Council's Part C submission did not canvass further economic or retail matters, although it recommended numerous changes to floorspace caps and Section 1 and Section 2 uses in the CDZ. While this document was circulated late in the proceedings and precluded the opportunity to properly discuss it during the Hearing, the Committee reviewed Council's proposed changes.

Several submitters were supportive of the Project's proposed commercial and retail elements on the basis it would provide convenient shopping options and provide employment opportunities for residents. Several submitters sought the development of a "huge shopping centre" ⁹⁸.

In response, the Proponent advised:

The proposal will enable parts of the site to be used for shops and other commercial uses to support the daily needs of future residents.

This provision has been developed to ensure the site will not draw users away from existing activity centres, namely the Springvale and Noble Park Activity Centres, but rather complement these centres and generate new demand for their growth and diversification ⁹⁹.

7.3 Discussion

The Committee considers the Retail and Economic Assessment provides a considered and robust strategic assessment of matters concerning the scale, location and form of retail and commercial land uses to be facilitated on the site.

⁹⁵ D147, para 37

⁹⁶ D147, para 55

⁹⁷ D190, para 75

⁹⁸ S14, S28, S159

⁹⁹ D123a, p13, 14

The Committee generally agrees with the evidence of Mr Lee regarding the:

- proposed role and function of the Town Centre
- proposed scale of the Town Centre
- distribution of other non-residential uses across the site (including provision of small amount retail/commercial floorspace in the Secondary Activity Node within the East Precinct and opportunity for limited commercial and showroom floorspace within the Princess Precinct).

The Committee agrees with the findings of the Retail and Economic Assessment that there is a quantifiable demand for a Neighbourhood level shopping facility in the proposed Town Centre Precinct to serve the weekly and convenience shopping needs of residents within the site. This conclusion was largely uncontested and accepted by Council.

The Committee accepts that between 10,000 to 15,000 square metres of retail floorspace is the range of demand likely to be generated by residents and workers within the site.

While acknowledging the evidence of Mr Lee, Mr McNeill and Ms Jordon in relation to staging, as noted previously in Chapter 4.6, the Committee considers there is strong planning policy support to facilitate the early delivery and activation of the Town Centre Precinct; and the proposed transport hub and multi-modal interchange. In this regard, as noted in Chapter 4.6, the Committee considers early development of housing in Stages L, J and I should be encouraged, together with Precincts in the north as proposed by the Proponent, to provide impetus to the delivery of mixed use retail and higher density residential development in the Town Centre Precinct.

With regard to the Secondary Activity Node, the Committee agrees with Mr Lee that one benefit of its function will be its capacity to service resident needs as the site develops. The Committee agrees with Council and accepts the evidence of Mr Lee that it is reasonable to limit the size of the Secondary Activity Node. On this, the Committee notes in response to questioning from Council, Mr Lee conceded:

- there would be no harm in controlling supermarket scale in a secondary node, possibly in the Princess Precinct (though modification of Section 1 descriptions, but not the controls to Section 2 “*as prohibitions in Section 2 would be dangerous*”)
- it would be appropriate to provide more clarity of the role of the Princess Precinct so it does not attract a large-scale supermarket. The vision should be clear that the commercial outcome sought is mixed use development and showrooms at limited scale.

The Committee considers the Proponent’s Day 3 version of the CDZ3 appropriately reflects Mr Lee’s suggested edits ¹⁰⁰.

In response to some submitters seeking a large shopping complex, the Committee accepts that it is important to ensure the retail and commercial offer to be facilitated on the site does not impact the role and function of other centres in the retail hierarchy. The Committee considers the proposed scale of retail development appropriate.

In relation to Council’s position about a secondary activity node, the Committee considers Council failed to justify its primary position that there be no such node, including that it did not call economic impact evidence to support that position. The Retail and Economic Assessment report and the evidence of Mr Lee convinces the Committee there is merit and potential for a small

¹⁰⁰ D215

secondary activity node of around 1,000 square metres of retail floorspace to provide a local top-up shopping facility and opportunity for café and other food dining uses in an amenable location proximate to the proposed school, open space and community facilities. Further, the Committee accepts Mr Lee's evidence this node will provide an opportunity to serve the incoming population earlier in the development period given the expected sequencing of development (whether as exhibited or as recommended by the Committee).

Council's fall-back position if the Committee did not support Council's submission in this regard, was to limit the scale of the retail and commercial uses in the secondary node and the Princess Precinct by placing restrictions on the scale of uses. In relation to Council's proposed modifications the Committee concludes:

- it is appropriate to limit the as of right size of a Medical Centre in a secondary activity node, an approach supported by Mr Lee, who noted his preference is for it to be located in the primary activity node
- there is no rationale to move Retirement Village to a Section 2 Use, noting no justification was provided by Council for this restriction
- there is no justification to halve the soft floor area cap for shop in the secondary activity node (from 1000 to 500 square metres)
- the proposed modification to the wording of the Supermarket condition in Section 1 is appropriate in accordance with Council's recommendation.

7.4 Findings and recommendation

The Committee finds:

- It is appropriate for the Town Centre Precinct to include retail and commercial floor space commensurate with a Neighbourhood Activity Centre that will serve the day-to-day convenience needs of the site's population.
- The provision of up to 9,600 square metres of retail floorspace and 5,600 square metres of commercial floorspace within the Town Centre Precinct is appropriate and it will not jeopardise the role and function of the neighbouring Major Activity Centres at Noble Park and Springvale.
- The provision of a Secondary Activity Node that includes up to 1,020 square metres of small-scale retail opportunities and 800 square metres of commercial floorspace in the East Precinct is appropriate.
- The early provision of small-scale retail and commercial uses in the Secondary Activity Node will meet, in part, the convenience needs of the early settlers across the site and is unlikely to compromise the function, vitality and timing of retail and commercial provision in the Town Centre.
- The scale and form of retail and commercial development proposed for the Princess Precinct is appropriate.
- The Proponent's Day 3 version of the Comprehensive Development Zone Schedule 3 includes appropriate edits that achieve an appropriate balance of retail and commercial activity across the site and ensures the Town Centre Precinct is afforded primacy and every opportunity to thrive.
- Further edits to the Medical Centre and Supermarket Section 1 Use Conditions are appropriate in response to Council submissions.

The Committee recommends:

Amend the Comprehensive Development Zone Schedule 3 as follows:

- a) Edit the 'Medical Centre' and 'Supermarket' Section 1 Conditions to specify amount of floorspace that can be provided without the need to obtain a planning permit.**

The Committee's preferred version of the CDZ3 in Appendix E gives effect to the above recommendation.

8 Community facilities

8.1 Background

This chapter focuses on:

- public open space/encumbered/unencumbered land
- education opportunities
- timing and delivery of community facilities.

The exhibited CDP outlined a vision for open space, connections and a community heart for the Project. It detailed development occurring in stages across four precincts, each with a development vision.

The East Precinct in the Secondary Activity Node included education, community facilities (a total of 3.5 hectares is set aside for a proposed government primary school, co-located with the multi-purpose community facility) and active open space. It proposed connections to Mile Creek and the broader open space network across the whole site.

The West Precinct proposed the incorporation of a variety of recreational activities and active open space connected across Mile Creek and provided a linkage through to the Town Centre Precinct.

Additionally, small sections of passive open space were proposed:

- in Stage B of the Princes Precinct
- on the west side of Mile Creek to the rear of the grandstand
- in Stage L
- along Mile Creek environs corridor in the recreation loop, representing the former racecourse.

Community facilities and open space were to be staged as development progressed and needs arose, with specific details to be determined at precinct planning stages (chapter 4.2, CDP as exhibited). This included a multi-purpose Community Facility with five kindergarten rooms, a 30-place occasional childcare, a two-room maternal and child health (MCH) and flexible community meeting spaces.

The CDP included the following details regarding open space components:

- seven hectares of active open space comprising:
 - a northern reserve (East Precinct) of four hectares catering for AFL/cricket
 - a pavilion of 420 square metres
 - southern reserve (Town Centre Precinct) of three hectares for two soccer pitches/cricket
- 1.7 hectares of passive open space
- eight hectares of encumbered open space (Mile Creek Corridor, subject to flooding)
- acknowledgment of the importance of the Creek Master Plan to assist design and development of the adjacent open space
- land (one hectare) for an indoor recreation facility.

The DCP seeks to levy contributions for four projects as follows:

- **CF-01** - Land and Construction of the Multi-Purpose Community Facility:

- **SR-01** - Land and Construction of the Northern Active Open Space Reserve and Sport Pavilion
- **SR-02** - Land and Construction of the Southern Active Open Space Reserve
- **SR-03** - Land for Indoor Recreation Facility.

The Committee was informed by submissions from various parties as well as the evidence of the expert witnesses as shown in Table 11.

Table 11 Landscape, development contributions and infrastructure costings evidence

Party	Expert	Firm	Area of expertise
Proponent	Barry Murphy	MLC	Landscape and design
Council	Chris De Silva	Mesh Planning	Planning/development contributions
Council	Lance Weatherell	WT Partnership	Infrastructure Costing

The key issues to be resolved are:

- adequacy of proposed provision, location and funding of open space and community facilities
- timing and staging of delivery of open space and community facilities
- potential flooding impact on active open space.

8.2 Submissions and evidence

The Proponent confirmed:

- open space allocations were as exhibited
- the draft DCP included 8.7 hectares of unencumbered creditable open space within the land budget
- the draft DCP included provision of land only for the indoor recreation facility, to be transferred to Council at no cost.

Mr Murphy gave evidence regarding the suitable allocation, location and classification of open space and advised:

- the active open space on the north and south side of Mile Creek would achieve the active open space functional requirements across the whole of the site, providing a strong visual connection and a strong overlap between land areas
- costing for the active open space areas allowed for one sporting pavilion across the two active open space sites
- a minimum 0.1 hectares of proposed public open space along the east side of the grandstand would create a link to active open space across the site and the Mile Creek corridor and recreation loop.

Mr Murphy advised 95 per cent of dwellings would be located within 400 metres of neighbourhood parks. The CDP open space hierarchy detailed the recommended functions and activities suitable for each category of open space. The CDZ3 detailed the standard of open space on transfer to Council.

Mr Murphy placed strong importance on development of the Creek Master Plan as the key to resolving the design of the Mile Creek Corridor, particularly the active open space areas. He

concluded the CDP could be amended to improve or clarify the design of active open space in concert with the Creek Master Plan. Chapter 6.4 discusses this matter further.

The Proponent maintained the Creek Master Plan should be prepared and approved, prior to the first precinct plan being approved, providing the framework for appropriate flood storage in active open space designated land. The Proponent referenced several sites referred to by Mr Swan, Ms Barich and Mr Murphy where active open space is used for flood storage in larger storm events that used appropriate design and materials enabling rapid dissipation of flood waters from the temporary detention ¹⁰¹.

With regard to the adequacy of providing and costing of community facilities, the Proponent relied on a Review of Community Facilities Requirements Report May 2024 undertaken by ASR Research (updated version D105). That report utilised demographic data for population estimates and residential dwellings based on the Sandown Demographic Assessment Report, May 2024 prepared by Urbis. The assessment explored relevant community, planning and strategic planning documents prepared by Council in recent years. The analysis strongly supported the inclusion of a range of community facilities (including service type and function) in the Project area.

The DCP included a funding mechanism proposed for community infrastructure (excluding the school). It adopted facility sizes and levy calculations undertaken by Prowse Quantity Surveyors for Urbis (D127). This relied on a cost estimate for each of the facilities and a methodology for indexation given the staging of development over an estimated 20 plus year period.

In the East Precinct Secondary Activity Node, 3.5 hectares of land was designated for one larger than standard government primary school. This requirement was confirmed by the Department of Education.

Further, one hectare of land for a regional level indoor recreation facility was included in the DCP. Construction costs were not included.

The Proponent concluded that providing the community infrastructure was based on a comprehensive assessment of the Project and the future needs of the anticipated population. This included accounting for the most recent State Government policies regarding kindergarten facilities and the integration of those facilities with the proposed government primary school.

Council's position regarding the provision of open space was generally consistent throughout consideration of the draft Amendment, noting seven hectares of unencumbered active open space must be provided, along with 1.7 hectares of passive open space. It disputed the use of active open space for flood storage.

Council consistently sought a high level of certainty about multiple elements, noting that opportunities afforded by the site would otherwise be missed. It's Part B submission raised concerns about the absence of the Creek Master Plan, creating unknown flooding impacts on open space which may lead to poor outcomes for the future community. It submitted those details were too significant to be left to the precinct planning stage, stating a completed Creek Master Plan was a fundamental first step. Council confirmed this was a condition of its support of the draft Amendment, suggesting the open space and flood storage should be decoupled. This, Council contended, would provide certainty that the open space was unencumbered, and that

¹⁰¹ D186, para 169

appropriate allocation and design of the active open space could then occur. Council's concluding submission stated that if:

... the Committee recommends the draft Amendment proceed, Council's secondary position is that further work should be brought forward so that drainage, open space, staging, development contributions and other contributions are all dealt with, as soon as possible, whilst the site is in single ownership critically before precinct plans are prepared ¹⁰².

Council supported inclusion of the passive open space areas throughout the Project area, with some residual concerns about the lack of basic amenity features (e.g. toilets) to support those spaces. It concluded the provision of community facilities overall, except for the number of kindergarten rooms and MCH rooms and the size of the sports pavilion, were largely agreed.

Council criticised the size of the proposed community facility adjacent to the proposed government primary school, informed by population projection and demographics and "*Council's own standards*" ¹⁰³. It advised kindergarten and MCH external to the site were already oversubscribed, and any additional service demand could not be accommodated in existing facilities. It noted the impact of the recent State Government 'Best Start Best Life' policy contributed to progressive increased demand for kindergarten places until 2036, requiring the proposed development to incorporate 12 kindergarten rooms, rather than the five currently allowed for. Council's assessment of the demand for MCH applied a higher staff ratio than allowed for by the Proponent, seeking 12 rooms across six facilities with associated community and waiting rooms. The Proponent allowed for two MCH rooms, noting an additional room may be required. Integrated facilities were preferred by Council, ensuring more efficient usage.

Council considered the sporting pavilion to service the two active open space areas was insufficient to support the associated usage and activities. Mr De Silva expressed views about the physical layout of the active open space, suggesting consolidation of the active open spaces was preferable. He was critical of the triggers and methodology for delivering the open space and the community facilities.

Evidence from both Mr De Silva and Mr Weatherell contended the overall provision and funding for community facilities and active open space was insufficient. Both were critical of the inclusion of flood storage in the southern active open space allocation.

Mr Weatherell provided detailed costing information for the community facilities and a reconciliation/peer review of the infrastructure costs provided by Prowse for the Proponent. His analysis differed significantly with regard to basic cost inclusions, as well as different floor areas for both the sports pavilion and community facility based on Council's stated requirements.

The Department of Education was satisfied with the allocation of land for the proposed government primary school. It requested the draft Amendment include co-location with the proposed community facility be included in the CDP and the associated schedule. It noted that while horseracing and motor racing continued, the proposed school would not be established.

The Department of Education did not support the school being retrofitted into the grandstand in response to the Committee's questions.

Submitters responses were mixed:

- some were concerned about the lack of passive open space and shared paths

¹⁰² D211, para 8

¹⁰³ D190c

- others supported inclusion of community infrastructure as well as public access to the open space in the racecourse area which is currently inaccessible to local residents (S205).

8.3 Discussion

The Committee considers further assessment is required to:

- determine the flooding impact on the proposed north and south active open space reserves
- resolve any issues of encumbrance to ensure the utility and functional life of the active playing fields and the associated sports pavilion is not compromised (as discussed in Chapter 6.4).

Notwithstanding that assessment, the Committee considers the revised scope of the Northern and Southern Active Open Space Reserves (SR-01c and SR-02c) provided for in Table 5 in the Day 2 Updated Version of the DCP are acceptable, however their utility could be improved if co-located on one site.

Further, the Committee accepts the size and function of facilities outlined in the Open Space Hierarchy, as provided in Table 1 of the Day 3 CDP. In reaching these conclusions, the Committee notes if Mile Creek is to be widened within the 'recreation loop', the southern active open space may be compromised, and it may not be possible to locate an AFL size oval and sporting pavilion on the northern active open space area.

The Committee is satisfied with the size of the sporting pavilion (SR-01P) so long as it is well located to serve both areas of active open space and ensure good functionality for users. The connectivity of the two active open space sites must be designed effectively to facilitate efficient use of the sporting pavilion and the ongoing management and maintenance of these active open spaces. The Committee suggests the Creek Master Plan should examine the capacity to amalgamate the two areas of active open space to enable the efficient use of the whole area of open space and the sporting pavilion.

The passive open space areas should be further assessed at precinct planning stage to ensure basic amenity elements (e.g. toilets) are accessible within reasonable distances from those spaces.

The allocation of land for a future indoor sporting facility (one hectare) is supported.

The Committee supports the inclusion of a wide range of community facilities in the proposed multi-purpose Community Centre (CF-01c), in line with the scope detailed in CDP Requirement R3. The scope provides for five separate kindergarten rooms, catering for three and four year old kindergarten groups and is broadly consistent with the assessment undertaken by ASR Research and revised in May 2024 (D105).

The description of the multi-purpose centre in the DCP requires editing to be consistent with the CDP. Further, the Committee notes the ASR Assessment recommended one or preferably two additional dedicated kindergarten rooms for three and four year old programs should be incorporated into the future government primary school. The Committee accepts this finding and considers the needs assessment was thorough and the rationale for projects and their scope, robust.

The Committee is not persuaded by Council's submissions there is justification to provide more than double the number of kindergartens than what the Proponent proposed. Council did not call

evidence in support of this proposition. On balance, the Committee finds the scale of provision anticipated by ASR Research is reasonable and highlights the CDP and DCP include formal review mechanisms which provide for ongoing review of the relevance of projects and their construction costs.

Further the CDZ3 requires the preparation of a community facilities plan for each Precinct Plan, setting out the location of community and recreational facilities within the precinct, including a summary detailing the community facilities to be provided, where they are located and how they will be integrated with other uses. The Committee considers this work will provide adequate review mechanisms to confirm the scale of community facility provision, including kindergarten rooms, is consistent and responsive to forecast demand.

8.4 Findings and recommendations

The Committee finds:

- The community facility and open space provision provided for by the Day 3 Comprehensive Development Plan is appropriate.
- Consideration of the Mile Creek and Police Road Drain Concept Master Plan should examine the option of amalgamating active open space areas into one location to maximise efficiency of the space and the proposed sporting pavilion.
- The scale and scope of the New On-site Community Facility (CF-01c), the new Northern Active Open Space Reserve (SR-01c), the New Southern Active Open Space Reserve (SR-02c), and New Sports Pavilion (SR-01c) as provided for in the Day 3 Comprehensive Development Plan and the Development Contributions Plan are acceptable.
- The Development Contributions Plan includes appropriate project review provisions to monitor the scale and cost of community facility projects.
- The requirement of the Comprehensive Development Zone Schedule 3 to prepare a community facilities plan, as part of the preparation of individual Precinct Plans, is appropriate and will further assist in ensuring facility provision is responsive to demand.
- The establishment of the proposed government primary school co-located with the multi-purpose community facility is supported to ensure efficient operation. The multi-purpose community facility should include five rooms for three and four year old kindergarten groups, consistent with scope provided for by Comprehensive Development Plan Requirement R3. The Project Description in the Development Contributions Plan requires updating to reflect this. The school should include one or two dedicated kindergarten rooms for three and four year old program delivery as recommended by ASR Research.
- Provision of appropriate amenities including toilets, accessible to the passive open space sites, should be considered at precinct planning stage.

The Committee recommends:

Amend the Day 2 Updated Comprehensive Development Plan as follows:

- a) In Chapter 4.3 Community, edit Requirement R5 to include the following sentence: *“The Primary School is to include two dedicated kindergarten rooms for three and four year old programs”*.

Amend the Day 2 Updated Development Contributions Plan as follows:

- a) **In Appendix B, edit the Description of Project CF-01c to reference the provision of a five-room kindergarten facility.**

9 Development contributions

9.1 Background

This chapter focuses on:

- the proposed controls to levy and collect infrastructure contributions
- the scale and costs of proposed infrastructure projects
- proposed post exhibition modifications.

The Proponent prepared the Sandown Racecourse DCP to guide and facilitate development of infrastructure required to support the future development of the site. The DCP is proposed to be incorporated into the Planning Scheme through its inclusion as an Incorporated Document at Clause 72.04. By way of summary, the Day 3 DCP included the following projects:

- seven transport projects, including intersections works, shared paths, and upgrade and/or road widening (Projects RD-01 to RD-07)
- provision of land and construction of a new multi-purpose community centre (Projects CF-01c and CF-01-L)
- provision of land and construction of improvements to a new northern active space reserve, including one AFL/cricket oval and an accompanying sports pavilion (SR-01c, SR-01P and SR-01L)
- provision of land and construction of improvements to one active open space reserve catering for two soccer pitches / one cricket oval (SR-02C and SR02L)
- land only for an indoor recreation facility (SR-03L).

In addition to identifying the proposed projects, their rationale and delivery triggers, the DCP specified proposed administration and implementation provisions together with a staging plan and individual concept plans and costings. The Day 3 DCP included clarification that while land is included as an infrastructure item, land is provided at no cost to Council and land item costs will not be indexed.

The CDP addressed infrastructure provision at Chapter 4.10.2. It noted infrastructure items and services would be provided through several mechanisms including:

- subdivision construction works by developers
- utility service provider requirements
- the DCP
- capital works projects by Council, State Government agencies and non-government organisations
- works-in-kind (WIK) projects undertaken by developers on behalf of Council or State Government agencies ¹⁰⁴.

Three Requirements were documented relating to infrastructure delivery:

- R45 required new development within the site must provide and meet the total cost of delivering an extensive list of projects relating to roads, intersections, paths, and landscaping

¹⁰⁴ D209a, p39

- R46 required any public opens space transferred to the responsible authority must be finished to a standard that satisfied the requirements of the responsible authority prior to the transfer occurring
- R47 required any land transferred to the responsible authority must be accompanied by a statement or certificate of environmental audit.

Table 4 of the CDP included an extract of the DCP providing a summary of the infrastructure projects to be delivered and the associated trigger for delivery.

DCPO4 referenced the DCP and specified costs and levies payable ¹⁰⁵. The total costs of projects were set at:

- \$14,279,522 for Transport facilities
- \$24,751,546 for Community and recreation facilities.

The Schedule specified levies for each of the four Precincts of the CDP on a per hectare rate of Net Developable Area for the Development Infrastructure Levy and dollar per dwelling rate for the Community Infrastructure Levy.

The CDZ3 specified:

- an agreement under s173 must be entered into between the owner of the land, the drainage authority and the responsible authority to provide for delivery of the Mile Creek revitalisation process and outcomes, as well as maintenance and management of watercourses, lakes and wetlands created
- a Precinct Infrastructure Plan technical report must be prepared as part of any Precinct Plan
- works to be provided in association with subdivision, including providing for and meeting the total cost of delivering an extensive range of infrastructure items internal to the site and works at arterial road intersections.

The Committee was informed by submissions from various parties as well as the evidence of the expert witnesses as shown in Table 12.

Table 12 Development contributions and infrastructure costings evidence

Party	Expert	Firm	Area of expertise
Proponent	Chris McNeill	Ethos Urban	Development contributions
Council	Lance Weatherell	WT Partnership	Infrastructure costings

The key issues to be resolved are:

- the infrastructure funding mechanism(s) to use – the DCP, the DCPO4 and the CDZ3 as proposed by the Proponent, or a s173 favoured by Council
- the scope of individual projects and their costings
- matters that require resolution prior to finalisation of the DCP.

¹⁰⁵ D83

9.2 Submissions and evidence

The Proponent commissioned several background studies to identify the need, standard and costs for required infrastructure items. These included an ITP, a review of Community Facility Requirements, a review of Open Space Requirements and Cost Estimates ¹⁰⁶. Those studies informed the initial preparation of the CDP and the DCP and were updated in 2024 in accordance with the Committee's initial assessment.

The Proponent's Part A submission noted it was aware Council opposed the DCPO4 and that it sought development contributions be provided through a s173 on title. In response to Council's position, the Proponent submitted the DCPO4 was the most appropriate planning tool by which contributions to public infrastructure should be secured because:

- (a) The core business of MRC is not property development;
- (b) MRC will most probably sell part or all of the subject land to developers or enter into development agreements with various parties;
- (c) While the subject land is currently in single ownership, it is highly likely that multiple parties will be involved over a long period of time;
- (d) The considerable scale of the subject land is also likely to result in multiple developments being delivered by multiple parties over time;
- (e) There may be a period of time during which horse racing continues on the subject land during early stages of development; and
- (f) The use of section 173 agreements to require contributions and facilitate infrastructure delivery in these circumstances can potentially become very complex ¹⁰⁷.

Further, the Proponent submitted the DCP and DCPO4 provided transparency and removed the need for detailed negotiation with multiple parties.

The Proponent's Part B submission, in response to Council's concern that use of the use of the DCP and DCPO4 might expose Council to 'delivery risks' for Community and Recreation Items, noted:

- (a) The delivery triggers for all Community and Recreation DCP items were requested by Council following the HillPDA review of the DCP;
- (b) The option of a "works in kind" (WIK) agreement is included in Section 7.6 of the DCP;
- (c) The Day 1 DCP was updated with T5 Infrastructure Items and Strategic Justification which includes a separate Land trigger for each Community and Recreation DCP item requiring the developer to provide the land for the DCP item tied to the specific stage where the infrastructure item is located; and
- (d) Section 7.6 of the Day 1 DCP requires that all transport items are to be delivered as WIK and community and recreation items can also be delivered as WIK, if agreed by Council ¹⁰⁸.

In relation to Council's concern of risk exposure of a funding shortfall, the Proponent advised the DCP outlined that costs must be indexed annually based on the Building Price Index for Melbourne as published by Rawlinsons and every third year the costs would be reviewed and adjusted by a qualified Quantity Surveyor. The Proponent submitted this hybrid method of indexation and re-costing was deliberately designed to provide maximum protection to Council.

The Proponent's closing submission reiterated the uncertainty around ownership of the site at various points in time as the key reason to use a DCPO4 as its preferred planning control (over a

¹⁰⁶ D209b, p5

¹⁰⁷ D123, p27

¹⁰⁸ D186

s173). It stated the DCPO4 was specifically designed to deal with the circumstances of multiple developers contributing to infrastructure needs across a site or precinct over a long period of time.

The Proponent criticised Council for not calling evidence in support of its view that the proposed scope of community infrastructure was insufficient to meet future population needs. Further it rejected Mr Weatherell's evidence that many of the DCP projects were underfunded. In this regard it submitted in relation to transport infrastructure:

- (i) The most material difference relates to RD-05 New Access Intersection Near Allister Road and Corrigan Road with a difference of \$2,455,937 or a 36.84% increase, which relates to the assumed length of the culvert to cross the Mile Creek channel (58m compared with 40m long) and the rate adopted;
- (ii) Transport infrastructure is not yet designed, such that a 10% difference in the balance of the costings is not unexpected;
- (iii) any risk is borne by developers who will be providing this infrastructure; and
- (iv) the cost will be adjusted through the hybrid indexation/re-costing regime in the DCPO¹⁰⁹.

With respect to Mr Weatherell's costings relating to community and recreation infrastructure, the Proponent submitted:

- (i) The scope is not agreed between the Proponent and Council;
- (ii) Mr Weatherall acknowledged that the parties are not comparing "apples with apples" on a number of items (in particular, on Council instruction, Mr Weatherall costed a sports pavilion three times the size of that costed in the DCP, and an active open space facility of 8-10ha in size compared to 7ha, with substantially different facilities);
- (iii) Rather than adducing evidence of costings of different scope of works that will quickly be overtaken by time, Council should have adduced evidence to demonstrate the needs it says are generated by the development; and
- (iv) cost will be adjusted through the hybrid indexation/re-costing regime in the DCPO¹¹⁰.

In relation to inconsistencies in Council submissions and evidence in relation to Community Infrastructure projects, the Proponent highlighted Mr Weatherell had costed an indoor sports facility at over \$30 million. However, Mr De Silva gave evidence the need for that facility had not been demonstrated and it should not be included in the DCP. The Proponent noted a requirement for a s173 would provide no certainty in the context of a dispute as to scope.

Mr McNeill gave evidence that the use of the exhibited DCP was appropriate and consistent with form and function of how development contributions would be collected for large sites that are likely to have multiple owners. He said:

... it is my opinion that the methodology and approach applied in both the exhibited and updated version of the SRDCP are generally consistent with accepted practice¹¹¹.

In my opinion, the most important factor is there is a reasonable expectation that multiple parties will be involved in the development of the subject land. As a DCP enables infrastructure to be shared fairly amongst multiple contributors, it represents the most appropriate mechanism in this instance¹¹².

In response to Council concerns regarding potential underfunding of projects, Mr McNeill suggested that underfunding mitigation measures included building price indexation, requiring regular reviews of infrastructure costings and use of WIK agreements. He concluded the changes

¹⁰⁹ D207, p8

¹¹⁰ D207, p8

¹¹¹ D130, p15

¹¹² D130, p16

made to the exhibited DCP were appropriate, noting modifications to transport-related projects would be based on an updated ITP. In relation to the change to Active Open Space in which 3.0 hectares had been reclassified as Encumbered Open Space – Active (rather than Unencumbered Open Space – Active), he noted this would be subject to development and finalisation of the Creek Master Plan.

A DCP conclave was convened between Mr McNeill, Mr De Silva and Mr Weatherell. Mr McNeill and Mr De Silva agreed it was likely, but not certain, that development of Sandown Racecourse would be undertaken by more than one developer. They agreed:

... both DCP's and S173 Agreements represent alternative instruments for the funding and delivery of infrastructure, but their use and application depends on the particular circumstance of a site/land area and its likely development context ¹¹³.

Council's opening submission outlined its position as follows:

17. Council considers a section 173 agreement to be the most appropriate mechanism for the delivery of the infrastructure because of:
 - 17.1 the high infrastructure costs involved in the proposed redevelopment of the Subject Land; and
 - 17.2 the Subject Land currently being in single ownership.
18. This position is supported by Alex Hrelja of HillPDA in his letter to Council dated 25 May 2023 (Hrelja Letter)
-
23. While it is Council's primary submission that a DCP is unnecessary, if the Committee disagrees, Council submits that the DCP should be implemented via a direct delivery strategy that will require the preparation of section 173 agreements at the time of preparing each of the precinct plans. This will ensure that, rather than making a 'contribution' to the development, the developer will be obliged to deliver all infrastructure to the agreed standard irrespective of cost. As noted above, this position is supported by the evidence of Mr De Silva ¹¹⁴.

Extensive extracts from the Hrelja Letter were cited in support of Council's position as to why a s173 should be the preferred delivery mechanism. The Committee considers it was unfortunate that neither it, nor the Proponent had the opportunity to question Mr Hrelja on his views and opinions as Council chose not to call him as an expert witness. Instead, in relation to DCP matters, Council sought to rely on Mr DeSilva's expert witness statement that focused largely on planning issues. The evidence of Mr DeSilva in this regard placed great weight that the land was in single ownership, a position which Council also emphasised.

Council's Part B submission highlighted its concern there would be risks to Council of funding gaps, and the timing of provision of infrastructure if a DCP was used rather than a s173. Council observed that while land was proposed to be directly provided to Council at no cost, construction obligations would be transferred to Council via the DCP. Council did not consider this was acceptable given the development would create 100 per cent of the need for infrastructure.

In relation to costings of infrastructure projects, Council submitted the difference in costings of the Day 1 DCP compared to Mr Weatherell's costings, demonstrated the risk of underfunding if a DCP was used rather than a s173, reiterating the site is in one ownership. It considered, based on the evidence of Mr Weatherell, transport, community facilities, active sports and sport pavilion projects were significantly underfunded.

¹¹³ D158, p2

¹¹⁴ D147, p 6, 7

With regard to reference to an Indoor Recreation Facility in the exhibited CDP, Council supported removal of all reference to the facility from all amendment documentation. Instead, Council recommended the land be provided to it at no cost and to be made available for a future community use, depending on any future community needs assessment undertaken by Council.

Council's Part C submission acknowledged the work undertaken in the preparation of the DCP and:

... by and large (save as set out in its previous written submissions) there is agreement in relation to projects and timing ¹¹⁵.

Rather than giving life to the DCP through the DCPO4, Council reiterated its position a s173 be used to deliver the projects. It concluded, in circumstances where the site is not liable for the Growth Areas Infrastructure Contribution and not subject to Windfall Gains Tax, it was fair for the Proponent to make appropriate contributions to meet the needs of the future community, as well making a fair contribution in respect of affordable housing.

Melbourne Water's opening submission stated the timing, sequencing and funding of the provision of drainage works, infrastructure and watercourse upgrades remained unclear ¹¹⁶. Its position was drainage works and infrastructure should be undertaken at the developer's cost. The Part B submission elaborated the DCP did not fund drainage works and Table 4 of the CDP outlined the preferred funding mechanism was a Melbourne Water Development Services Scheme, with the delivery mechanism being 'Developers WIK' ¹¹⁷. Melbourne Water was critical that no further information had been provided and it did not support use of a Development Services Scheme for redevelopment of the subject land. It submitted:

No costing work has been undertaken in relation to the drainage infrastructure and Melbourne Water considers this lack of clarity exposes Melbourne Water to the potential for unwarranted financial burden.

Given that the land is within one ownership and that the funding source and delivery agency is proposed to be developers, Melbourne Water is ultimately of the view that the most appropriate identified funding mechanisms are either via a section 173 agreement, direct provision or subdivision permit. This would align with the funding mechanisms adopted for other infrastructure outside of the Development Contributions Plan and provide overall consistency ¹¹⁸.

The outcome sought by Melbourne Water was removal of the reference in Table 4 of the CDP to a Melbourne Water Development Services Scheme as the preferred funding mechanism for drainage works, and for the funding mechanism to be clearly identified.

Matters concerning development contributions funding was not a feature of community submissions.

9.3 Discussion

(i) The infrastructure funding mechanism(s) to use

It was a largely uncontested view that multiple developers would be involved in development of the subject land, over a 20 to 30 year timeframe. That development outcome was envisaged by Mr McNeill, Ms Jordan and Mr Lee. While less certain, Mr De Silva acknowledged the outcome was likely. In this regard, the Committee agrees with the closing submission of the Proponent that:

¹¹⁵ D211, para 21

¹¹⁶ D148, para 27

¹¹⁷ D151c, p42

¹¹⁸ D193, paras 122, 123

The uncertainty around ownership of the Site at various points in time is precisely the reason why a DCPO is a preferable approach. The DCPO is designed to deal with the circumstance of multiple developers contributing to the infrastructure needs across a site or precinct over a long period of time.

While the site is currently in single ownership, based on the evidence before it, the Committee considers it likely the Proponent will sell part or all of the subject land to a developer or enter into a development agreement with various parties for development over a 30-year period.

Given the likelihood that multiple parties will be involved in development of the site, the Committee considers the development contributions framework should reflect and be responsive to this likely occurrence through use of the DCP and supported by the provisions of the CDP, the DCPO4 and the CDZ3.

The Committee considers Council's submission regarding its preference to use a s173 ignores the likelihood that development will be delivered by several parties over a long time. The Committee considers it would be unreasonable to require the Proponent to enter into a s173 to fund and deliver the totality of infrastructure projects required by the full future development of the site when parts of the site, either precincts or sub-precincts, are likely to be on-sold and delivered by others.

The Committee considers the priority at this stage of the Project is to ensure there is a robust framework in place for delivery of required infrastructure over the life of the Project, including mechanisms for the framework to be monitored and reviewed over time. The Committee considers the Day 3 versions of the DCP and CDP, together with the final versions of the DCPO4 and the CDZ3 can provide this outcome.

In short, the Committee agrees with the Proponent the DCP and DCPO, together with the other elements of draft Amendment documentation, provide simplicity and transparency and is preferred over the use of a s173 to deliver community and other infrastructure.

In response to Council's concern about its exposure to the risk of a funding shortfall, the Committee supports the Proponent's Part B submission that Section 7.1 of the DCP specifies DCP costs must be indexed annually based on the Building Price Index and that every third year the DCP costs will be reviewed and adjusted by a qualified quantity surveyor. The Committee is satisfied these measures will provide Council with adequate protection of cost risks. It accepts the evidence of Mr McNeill in this regard.

The Committee is satisfied the CDZ3 requirement relating to the Creek Master Plan agreement, and the DCP's acknowledgment that developers will be responsible for funding and delivering drainage works and watercourse upgrades through separate funding mechanisms established at Precinct Planning stages, is an adequate approach to funding the Project's required drainage infrastructure.

(ii) The scope of individual projects and their costing

Chapter 5 comprehensively reviewed and discussed the appropriateness of the proposed Transport Projects included in the CDP and DCP. The assessment recommended several edits to the Project Descriptions for Projects RD-01 and RD-04 and to the costs of Projects RD-02 and RD-06. A modification to the Main Boulevard Cross Section contained in the Appendix of the CDP was further recommended.

In Chapter 8, as provided for in the Day 3 versions of the CDP and the DCP, the Committee reviewed and discussed the scale and scope of new:

- on-site Community Facility (CF-01c & CF-01L)
- Northern Active Open Space Reserve (SR-01c & SR-01L)
- Southern Active Open Space Reserve (SR-02c & SR-02L)
- Sports Pavilion (SR-01P).

The Committee's review concluded the scope for each project in the DCP is acceptable, while noting the description of Project CF-01c requires editing to reference the provision of a five-room kindergarten facility. The review further agreed the provision of land for a future indoor recreation facility (SR-03L) is appropriate.

(iii) Matters that require resolution prior to finalisation of the DCP

Additional edits to project scopes were noted in the Day 3 version of the DCP, as well as several statements where further work is required by the Proponent to enable the DCP to be finalised, including but not limited to:

- defining the scope and costs of the new road project (RD-07), for inclusion in relevant tables and Appendix B
- recalculation of levies payable based on revised project descriptions and costs for transport infrastructure items RD-01, RD-03, RD-04, & RD-06
- recalculation of levies payable based on revised project descriptions for SR-01c and SR-02c to align with the recommendations of landscape and urban design expert advice, and to include netball courts for the New Northern Active Open Space Reserve (SR-01c).

As noted, the Committee has recommended other edits to the DCP in Chapter 5 concerning Transport Projects, and Chapter 8 concerning Community Infrastructure.

The finalisation of the Creek Master Plan and its impact on active open space provision and encumbrances is also required.

Each of the above matters will have consequential impacts on aspects of the DCP and the DCPO4, including:

- scope and cost of projects
- finalisation of the land budget
- calculation of yield, demand units, and percentage of Net Developable Area for each precinct.

Accordingly, prior to finalisation of the DCP and the DCPO4, the land budget and yield, including the percentages of Net Developable Area for each Precinct, need to be reviewed and updated by the Proponent.

9.4 Findings and recommendation

The Committee finds:

- The background studies that informed the preparation of the Comprehensive Development Plan and Development Contributions Plan, including the Integrated Transport Plan, the review of Community Facility Requirements, review of Open Space Requirements and the Cost Estimates provide a sound basis to determine infrastructure needs across the site.

- The site is likely to be developed by several parties over a 20 to 30 year horizon, therefore the Development Contributions Plan and Development Contributions Plan Overlay Schedule 4 are the appropriate mechanisms to levy and collect infrastructure development contributions.
- The Comprehensive Development Plan and in particular Requirements R45, R46 and R47 provide appropriate supporting detail regarding new development obligations to meet the total cost of delivery of an extensive range of projects and transfer of land at no cost to Council.
- Comprehensive Development Zone Schedule 3 contains appropriate requirements regarding the preparation of individual Precinct Infrastructure Plans and the delivery of the Mile Creek revitalisation process and outcomes, by entering into a s173 agreement between the owner of the land, the drainage authority and the responsible authority.
- Several edits to Transport and Community Infrastructure Projects are required prior to the finalisation of the Development Contributions Plan, as noted in Chapters 5 and 8.
- In relation to funding of drainage works, the Preferred Infrastructure Funding by Category Table within the Comprehensive Development Plan provides adequate direction for developers to provide Land and Construction for Drainage.
- The Development Contributions Plan, Comprehensive Development Plan and the Development Contributions Plan Overlay Schedule 4 will require updating following the completion of the Mile Creek and Police Road Drain Concept Master Plan.

The Committee recommends:

Amend the exhibited Development Contributions Plan Overlay Schedule 4 as follows:

- a) Update Clause 2.0 Summary of levies payable to reflect the revised costs in the final version of the Development Contributions Plan.**

10 Heritage

10.1 Background

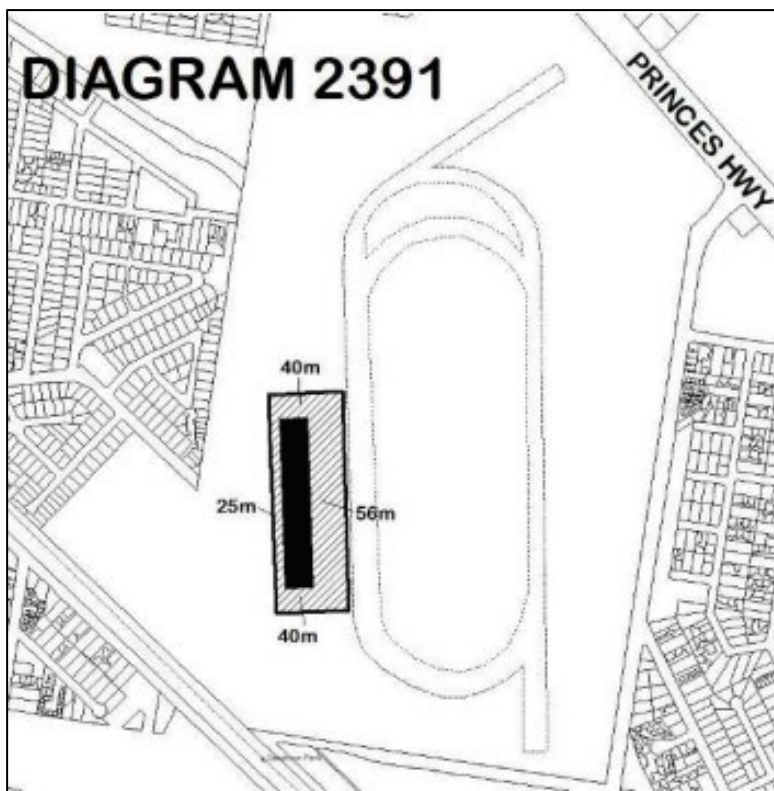
This chapter focuses on:

- the proposal to remove HO54 from the whole site
- the retention, adaptive reuse, funding and timing of the grandstand and a curtilage of surrounding land listed on the Victorian Heritage Register (VHR), H2391 on 18 April 2019.

To enable the CDP to be realised, it is proposed to remove HO54, that presently covers the whole site, and that elements of significance located within this overlay, such as the Totalisator Board, can in future be recognised through the application of an Interpretation Strategy and Precinct interpretation plans.

The CDP proposes the grandstand should continue to be protected by its listing on VH2391. This registration includes the curtilage of the grandstand to an extent of 25 metres from its western edge, 40 metres from its northern and southern edges and 56 metres from its eastern edge as shown in Figure 12 ¹¹⁹.

Figure 12 Grandstand structure inclusion on Victorian Heritage Register



It is proposed the grandstand will, through adaptive reuse, accommodate activities in support of the Town Centre Precinct and the site more broadly.

The Committee was informed by submissions from various parties as well as the evidence of the expert witness as shown in Table 13.

¹¹⁹ D209a, p26

Table 13 Heritage evidence

Party	Expert	Firm	Area of expertise
Proponent	Bryce Raworth	Bryce Raworth Associates	Heritage

The key issues to be resolved are:

- removal of HO54 that currently covers the whole site
- the safeguards that need to be put in place to ensure the grandstand's ongoing existence and use given its listing on VHR H2391.

10.2 Submissions and evidence

Mr Raworth gave evidence that Sandown Racecourse appears to have been identified as a place of heritage interest in the 1998 Greater Dandenong Heritage Study and that as part of the 2003 study, separate citations were prepared for the grandstand and Racecourse. The Heritage Overlay was applied to the whole of the Racecourse site in July 2005¹²⁰.

Mr Raworth advised the Heritage Overlay over the whole site was standard practice for large sites, but may have, in this case, been listed based on the historical and social associations of the place.

He stated in broad terms that the proposal to remove the Heritage Overlay across the whole of the site appeared to achieve a good balance of outcomes when considering the imperative for a new use of the land, as recognised in the CDP and CDZ3. The balance of outcomes, or net community benefit, of providing new dwellings and community facilities represented a substantial proposition for the site against which to consider the heritage benefits associated with retention of the racecourse and other features such as the totalisator building and steward's tower¹²¹.

Mr Raworth referenced the Lovell Chen Heritage Interpretation Strategy, 2019 and noted it was understood that through implementing the Precinct Interpretation Plan under the CDZ3, many of the social values and historical values associated with the racecourse could be interpreted through the means suggested in the Interpretation Strategy. He noted this was ultimately something that would be developed in greater detail as part of each precinct plan.

In considering the requirements of the CDZ3, Mr Raworth advised he was satisfied the provisions provided an appropriate basis for recognition and interpretation of the significance of the broader site and for the conservation of the registered grandstand. He noted Lovell Chen's Conservation Management Plan was prepared in 2017 and would need to be updated as it predates the grandstand registration.

Mr Raworth was of the view it was reasonable to expect a degree of change to adapt the grandstand into a new use. Given there are no designated uses for the grandstand, it is not possible to provide details of the extent of change, but his view was that the western, undercroft area, was capable of extensive adaptation, while the eastern seating areas needed to be treated more sensitively. He suggested a section of the seating, possibly opposite the grandstand plaza, should be left intact.

In conclusion, Mr Raworth accepted removal of the Heritage Overlay from the whole site. He stated the grandstand and immediate curtilage of land would continue to be subject to the VHR

¹²⁰ D133, p39, 40

¹²¹ D133, p47

control and be developed under the guidance of Heritage Victoria and the *Victorian Heritage Act 2017*.

In its Day 1 submission, Council stated it generally supported the draft Amendment's approach to heritage, however, could not take responsibility for the ongoing management and maintenance of the grandstand.

In its Part B submission, Council adjusted this position and noted that along with the grandstand, the Lovell Chen report identified the motor racing track, horse track proper, the steeple track and the totaliser building as primary significant elements. Council questioned why these elements were not retained within the Heritage Overlay and included in the CDP and CDZ3.

Council restated this position in its Part C submission and supported Heritage Victoria that there was a lack of justification for removal of the Heritage Overlay across the site as it related to other key elements which it identified as 'horse stables, bird cage, score board'.

Heritage Victoria considered the Lovell Chen Conservation Management Plan was the guiding document for the conservation and management of the heritage place. It suggested it needed to be updated prior to any decision by the Minister in respect of the draft Amendment.

Heritage Victoria raised concerns about the funding, timing and adaptive reuse of the grandstand, particularly as it was proposed to be developed in the later stages of the Project. It recommended:

Investigations into options and funding for the grandstand's use, feasibility studies and integration into the town precinct, should occur in the early stages of the redevelopment plan. The Sandown Racecourse Advisory Committee should consider options or mechanisms to achieve this outcome to mitigate the risk of lack of funding for ongoing maintenance and the deterioration of the grandstand ¹²².

In relation to the removal of HO54, Heritage Victoria stated this *"should be considered through an independent heritage assessment of the place that demonstrates that the local level threshold of heritage significance for the place is no longer met"* ¹²³.

There were numerous submitters seeking to retain the site as a horse and motor racing racecourse.

Submitter 203 raised as a primary concern, the removal of HO54 and the loss of protection for Primary and Contributory elements, such as the Totalisator Building (1965), listed in the Lovell Chen Conservation Management Plan. The submitter considered the impact of removing this overlay would place various heritage elements at substantial risk of destruction and loss and that it required more careful consideration and assessment ¹²⁴.

In support of this position, the submitter noted other metropolitan racecourses, such as Caulfield, were placed on the VHR in February 2023.

¹²² D194, para 46

¹²³ D194, p42

¹²⁴ D199, p6

10.3 Discussion

While the grandstand is protected by its VHR listing, the Committee is concerned there is a genuine threat to its long-term maintenance and survival, given its size, lack of nominated future uses, funding and late staging in the development cycle. The relative simplicity of its design and its ability to be adapted, particularly along its western edge suggests a variety of future uses could be considered.

The Committee considers further investigations should be undertaken by the Proponent and the Department of Education as to whether the grandstand could be adapted for uses such as a school. The Committee notes the Department of Education's generic guidelines for the siting of schools did not, in the Committee's view, exclude an investigation into the use of the grandstand.

The Committee considers that given the volume of the spaces within the grandstand, the accommodation of a covered recreation facility within its curtilage could also be investigated.

The Committee noted in Chapter 4.6 that the staging of development should be amended to include early development in the south of the site around the Station, and that could assist to advance reuse of the grandstand as part of the Town Centre Precinct, once racing ceases.

Given the extent of the redevelopment proposed, the Committee accepts that removal of HO54 is reasonable. It recognises several safeguards are in place such as the need for demolition permits, requirements to produce Precinct Plans ahead of any changes, and the Interpretation Strategy. Further, it supports the Lovell Chen report be updated as suggested by Mr Raworth and Heritage Victoria.

10.4 Findings and recommendation

The Committee finds:

- Removal of the Heritage Overlay HO54 over the whole site is justified and sufficient safeguards are in place to allow for the future interpretation of significant elements outside of the Victorian Heritage Register, H2391.
- The Victorian Heritage Register, H2391 gives comfort that due consideration will be given to the grandstand and its curtilage.
- In conjunction with the Department of Education, the Proponent should consider the adaptive reuse of the grandstand, including its use for the government primary school
- The Lovell Chen heritage report should be updated.

The Committee recommends:

Amend the Day 2 Updated Comprehensive Development Plan as follows:

- a) In Chapter 4.6 Heritage and Interpretation, edit text to include a requirement after R23 to read: *"Prior to any precinct plans being finalised, conduct an independent review into the possibility of the grandstand being repurposed to accommodate any of the proposed community facilities required to be provided, including the school"*.

11 Other matters

Various other matters were raised through submissions and evidence, including:

- contamination
- sustainability
- integrated water management.

11.1 Contamination

On behalf of the Proponent, Douglas Partners provided a desk top assessment of the site to identify potential contamination risk areas and sources. Figure 13 illustrates the contamination risk zone plan ¹²⁵.

Figure 13 Sandown Racecourse – contamination risk zone plan



High risk areas were associated with the site depot, former maintenance facility and motor racing pits, where petrol and diesel and other chemicals may have spilled or leached into the ground.

¹²⁵ D108, Appendix A, drawing 2

Medium risk areas were associated with imported fill, buried waste, and stockpiling of lake sediment.

(i) Submissions

The Proponent was confident there were no environmental issues affecting the site that could not be properly addressed through the *Environmental Protection Act 2017* and Planning Scheme, including the Environmental Audit Overlay (EAO) and the proposed CDZ3 and CDP provisions.

The EPA advised contaminated land could pose risks to human health and the environment. It contended the approach to potentially contaminated land and the EAO required further consideration, in particular:

- assessment of land uses that are not sensitive uses
- sensitive uses, children’s playground or schools
- potential for contamination on land south of Allister Road (EPA subsequently advised this was no longer an issue).

The EPA commented that deferring routine and reasonable environmental assessments to the later stages of development might compromise the Responsible Authority’s ability to make decisions under the PE Act in the future.

The EPA supported the extent of the proposed EAO and to address the above issues, and proposed inclusion of the following text in CDZ3:

An application to construct a building or construct or carry out works associated with a new or existing use of the land for Minor sports and recreation facility, Retail premises, Office, Industry or Warehouse, must be accompanied by a Preliminary Site Investigation (PSI) prepared by a suitably qualified environmental consultant in accordance with National Environment Protection (Assessment of Site Contamination) Measure (National Environment Protection Council, 1999). The PSI must make an unequivocal statement that either:

- The site is not likely to be contaminated to a level which would pose a significant risk to the environment or human health under the proposed use/development scenario. No further assessment is required, or,
- The site is contaminated, or there is likelihood of contamination, that would pose a risk to the proposed use/development scenario. There is sufficient information to derive a risk-based remediation or management strategy, or,
- The site is contaminated, or there is likelihood of contamination, that would pose a risk to the proposed use/development scenario.
- The site requires further investigation ¹²⁶.

The GDEG supported application of the EAO and mirrored EPA concerns that appropriate environmental audit investigations should be carried out before the Precinct Plan stage (ideally before the draft Amendment is approved) because audit results may impact on future development outcomes.

(ii) Discussion

The fundamental issue around potential contamination is the timing for environmental auditing to be carried out, that is before the draft Amendment is resolved or sometime in the future.

¹²⁶ D206

Ideally, all investigations and assessments would be finalised, but under consideration is a framework plan, the purpose of which is to provide guidance about future development opportunities and appropriately manage the risk of the unknowns.

The Committee notes it is generally satisfied with the Douglas Partners assessment which identified relatively small discrete locations where there may be a greater probability of contamination being found. The Committee is satisfied there is sufficient controls and guidance to ensure potential contamination issues can be managed appropriately, but to provide greater certainty, it supports EPA's suggested strengthening of the provisions of the CDZ3.

(iii) Findings and recommendations

The Committee finds:

- The site may have discrete locations where there is a higher likelihood of contamination.
- Potential contamination can be addressed with existing tools and controls.
- The Comprehensive Development Zone Schedule 3 can be strengthened to provide greater certainty about how contamination can be dealt with.

The Committee recommends:

Amend the Comprehensive Development Zone Schedule 3 as follows:

- a) **Insert an additional Buildings and Works Requirement within Clause 5.0 to require a Preliminary Site Investigation for a number of new or existing uses of land.**

The Committee's Preferred Version of the Schedule in Appendix E gives effect to the above recommendation.

11.2 Sustainability

(i) Submissions

Council and the GDEG commented on environmentally sustainable design.

Sustainability issues are present in many parts of the CDP, such as Sections 4.1 and 4.7 on transport and stormwater management. Section 4.10 refers to these previous sections and then adds to the expectations relating to sustainable buildings, energy efficient homes and opportunities for domestic-scale renewable energy.

The CDZ3 builds on this in Section 4 Master Plan, Precinct Plan and Infrastructure and states:

The Precinct Plan must be accompanied by the following technical reports:

- A Precinct Sustainable Management Plan, detailing environmentally sustainable design principles for buildings, landscaping, in ternal environments, and construction practices¹²⁷.

It then lists what should be included in this plan.

(ii) Discussion

The Committee suggests that given the known impacts of climate change, any new development needs to strive for significant and positive environmental outcomes. The Committee has provided

¹²⁷ D215, p8

guidance in this Report regarding the importance of sustainable water management, active transport, biodiversity and tree canopy retention.

The Committee considers Objective O29 and Requirement R41 in the CDP do not adequately specify ambitious outcomes to be achieved and should be brought into line with the CDZ3 which requires more precise targets, relevant at the time of development.

(iii) Findings and recommendations

The Committee finds:

- The CDP needs to be reworded to ensure it is consistent with the Precinct Sustainability Management Plan in the Comprehensive Development Zone Schedule 3.

The Committee recommends:

Amend the Day 2 Updated Comprehensive Development Plan as follows:

a) In Chapter 4.9 Environmentally Sustainable Design:

- **Edit Objective O29 to read, “To provide sustainable buildings and energy efficient homes.”**
- **Edit Requirement R41 to read, “Incorporate ESD principles in the development of infrastructure, public spaces and buildings to reach the targets accounting for the technological, social, environmental and economic conditions relevant at the time”.**

11.3 Integrated water management

Through the CDP, the Proponent intended an Integrated Water Management Strategy (IWMS) would control the way the developed site deals with water cycle planning, including at a higher whole of site level and at a local level within precincts.

Section 4.7.1 of the CDP explains the goal of Integrated Water Management (IWM) on site. It stated:

1. Integrated Water Management applies integrated approaches to water cycle planning that seek to deliver effective urban water management, including water supply, wastewater, flood resilience, urban waterway health, and management of public spaces.
2. ...
- 3.. Potable water use and wastewater and stormwater capture, reuse and discharge processes will be managed through the water sensitive design of buildings and streets to deliver sustainable, coordinated solutions ¹²⁸.

The CDP sets out the Objective “*To deliver a fit-for-purpose water supply system that, where appropriate reduces reliance on reticulated potable water; and enables sustainable, cool, and green urban environments*” with Requirements and Guidelines to achieve the Objective.

The CDP directed attention to the Sandown Racecourse IWMS (CJ Arms) and Sandown Racecourse Design Guide (NH Architecture) for further context and guidance on the integrated water management throughout the site ¹²⁹.

In its Stage 1: Initial Assessment Report, the Committee asked the Proponent to:

¹²⁸ D209a

¹²⁹ D13, D9

1. Clarify how the Integrated Water Management Strategy concepts and solutions (prepared by CJ Arms and dated September 2019) are codified in the CDP and the proposed planning controls.
3. Provide further detail on the necessary upgrades and new systems that will be provided to overcome issues associated with there being insufficient capacity in the sewage and water system to meet demand from the urban structure proposed by the CDP, on a whole of catchment basis, and on a more localised precinct basis ¹³⁰.

The issue to be resolved is:

- whether the approach to achieving integrated water management is sufficiently resolved in the CDP and the CDZ3.

(i) Submissions and evidence

SEW made a submission to the draft Amendment that referred to the exhibited CDP and to the CJ Arms 2019 report, but it did not seek to be heard. It submitted the IWM approach should be designed and agreed at development scale prior to staging, to ensure the Precinct Plans have sufficient provision of land for critical alternative water supply infrastructure.

SEW sought changes to the IWM approach to address the Sandown IWM Developer Guidance Report 2020 (the guidance report) ¹³¹. The submission anticipated further work on the strategy and sought a collaborative approach engaging all relevant authorities. The closing statement in the submission stated:

If these changes are made to ensure the IWM approach meets our potable water, alternative water, and wastewater needs, South East Water has no further objections to the proposed Greater Dandenong Planning Scheme Amendment C229gdan.

South East Water will access the capacity of our assets and any requirements for water & sewer main upgrade works to accommodate this development, once detailed information becomes available ¹³².

Melbourne Water submitted:

The redevelopment of Sandown Racecourse presents a unique and significant opportunity to embed detailed and robust Integrated Water Management (IWM) principles in future development ¹³³.

Council submitted:

Council's opening submission submitted a number of critical matters to be addressed before the Amendment progresses further. One of those was drainage issues, including the integrated water management system and impacts on upstream and downstream impacts ¹³⁴.

Melbourne Water referred to past consideration of IWM issues by the Dandenong IWM Forum led by SEW, as well as joint work by SEW in partnership with Melbourne Water and Council that resulted in the guidance report.

Melbourne Water called for a revised IWMS with consequential changes to the CDP to record the outcomes and to show what land might be required for IWM measures.

Melbourne Water relied on the evidence of Mr Bishop who, after referring in his evidence to previous reports to support the proposal, stated:

¹³⁰ D55

¹³¹ D193, attachment B

¹³² S223

¹³³ D193

¹³⁴ D147, para 6

The Integrated Water Management Strategy (IWMS) by C J Arms is a high-level document that presents scenarios that could achieve outcomes consistent with the objectives, requirements and guidelines set in the CDP (O21, R30 and R31, G32-G35).

Whilst the report provides a good overview of the context and general principles of integrated water management, there is limited detail provided on the background technical investigations that support the conclusions in the IWMS. I would typically expect more technical detail to be provided in an appendix that would allow a reader to test or verify the assumptions and results presented. For example a MUSIC model layout and description of the parameters applied to the water quality modelling would be more usual ¹³⁵.

Among the Proponent's background papers was the ARUP Sustainability Strategy that supported the rezoning proposal. It stated:

Integrated water management forms a fundamental basis for the future development of Sandown. The project seeks to optimise and preserve the entire water cycle, including water supply, wastewater, flood resilience to support of public open spaces. In particular, Sandown is uniquely positioned to improve the environmental value and contribution of the Mile Creek drainage corridor within the site ¹³⁶.

The 2019 background report by CJ Arms was prepared to support the Planning Scheme Amendment request and stated the direction of the strategy it promoted:

The developed IWMS for Sandown includes clear water management objectives encompassing sewer, potable water use, and the sustainable management of site stormwater.

Our proposed IWMS for the future developed Sandown site reduces the likely burden on the water and sewerage infrastructure aimed at avoiding or at least postponing infrastructure upgrades ¹³⁷.

The report stated important elements about the goals and how they could be achieved, including:

Best practice initiatives will serve not only to manage the dependency of the development on the potable water supply and trunk infrastructure, but will enable sustainable, cool, and green spaces that will be of great value to the community.

And that:

With the support of stakeholders, including Council, Melbourne Water, and the community, all components of the preferred IWMS will form a complementary part of the drainage strategy for this development and improve environmental and public amenity outcomes and benefits of cooling and local habitat¹. The current options available include initiatives being implemented at benchmark water sustainability communities across Melbourne ¹³⁸.

Ms Barich noted the Sandown Drainage Strategy and the Sandown Racecourse IWMS, stating these "*nominate some high level opportunities to incorporate treatment throughout the site*" ¹³⁹. Further, she stated:

The Sandown CDP also includes performance based objectives, requirements and guidelines relating to integrated water that are supported by the Sandown Racecourse Integrated Water Management Strategy (CJ Arms, 25 September 2019).

A variety of technical solutions may be incorporated to achieve the integrated water objectives, requirements and guidelines of the Sandown CDP. Specific infrastructure solutions would be confirmed in the Precinct Plans and may vary as the development progresses.

Therefore, the exact treatment strategy and the location of any proposed stormwater quality treatments / and or harvesting can be included in Precinct plans and is not required in the

¹³⁵ D138

¹³⁶ D14, section 4

¹³⁷ D13, Executive Summary

¹³⁸ D13, p12

¹³⁹ D136, p25

Sandown CDP. The Victoria Planning Provisions relating to stormwater management and the GED set requirements that the redevelopment must adhere to ¹⁴⁰.

No witnesses elevated the issue of an IWMS for decision making before the draft Amendment proceeded.

(ii) Discussion

The CJ Arms report advocated applying the CSIRO Urban Stormwater: Best Practice Environmental Management Guidelines and the guiding principles of Water Sensitive Urban Design, as well as applying the residential subdivision provisions in Clause 56.07 and 56.08 of the Victoria Planning Provisions. These provisions are acceptable as they engage good industry practice.

While the Committee endorses these directions, the issue is whether there is confidence these directions are enough to achieve the intended outcomes.

The CDP is the framework document that provides a general approach to IWM across the entire site. The information before the Committee confirms the goal of an integrated strategy is to state an objective (Objective 21 in the CDP) and the Precinct Stormwater and Integrated Water Management Plan required under the CDZ3 is to propose specific actions for implementation.

The proposal leaves the detailed planning for local water management to the time when detailed local planning can best design local systems to control overland water flows. Consideration and integration of the IWMS framework will be a requirement of each IWMP.

As the site is to be developed in stages, in compliance with the IWMS, each IWMP will be subject to review and approval from relevant authorities. The Committee accepts the overarching framework of the IWMS will assist with assessment and decision making.

As part of this process, planning for and implementation of water sensitive urban design initiatives can be designed for and at a local level, including water sensitive urban design outcomes.

(iii) Finding

The Committee finds:

- The Comprehensive Development Plan provides appropriate guidance and direction for the achievement of Integrated Water Management outcomes.

¹⁴⁰ D136, p26

Appendix A Terms of Reference

Terms of Reference

Sandown Racecourse Advisory Committee



VICTORIA
State
Government

Department
of Transport
and Planning

Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (PE Act) to advise the Minister for Planning on the redevelopment of the Sandown Racecourse.

Name

1. The Advisory Committee is to be known as the 'Sandown Racecourse Advisory Committee' (the Committee).
2. The Committee is to have members with the following skills:
 - a. Statutory and strategic land use planning
 - b. Urban design and landscape architecture
 - c. Environment and biodiversity including potentially contaminated land
 - d. Geotechnical and hydrology
 - e. Traffic and transport
 - f. Economic development
 - g. Development contributions including community facility and open space planning
 - h. Heritage
3. The Committee may also seek specialist advice about the horse racing and track industry as appropriate.

Purpose

4. The purpose of the Committee is to advise the Minister for Planning (the Minister) on all relevant matters associated with the proposed redevelopment of the Sandown Racecourse, including:
 - a. Whether proposed Greater Dandenong Planning Scheme Amendment C229gdan (the draft Amendment) should be approved and in what form, including the proposed Sandown Racecourse Comprehensive Development Plan and the proposed Sandown Racecourse Development Contributions Plan.

Background

5. Sandown Racecourse is an approximately 112-hectare site located in the City of Greater Dandenong and currently used as a horse racing track, motorsport circuit and entertainment centre. The site adjoins the Sandown Park train station and includes the Sandown Park Grandstand which is listed on the Victorian Heritage Register (H2391).
6. In 2017, the Victorian Planning Authority (VPA) led preparation of the Monash National Employment and Innovation Cluster Draft Framework Plan (the Draft Framework Plan) which included Sandown Racecourse and surrounding land in the Sandown Park Station Precinct. The Draft Framework Plan has not been adopted by the Victorian Government and is not referred in the Greater Dandenong Planning Scheme.
7. In 2019, the then Minister for Planning requested that the VPA provide advice to Greater Dandenong City Council (the Council) about planning for the Sandown Racecourse.
8. Between 2019 and 2022, the former Department of Environment, Land, Water and Planning, now Department of Transport and Planning (DTP) provided advice to the VPA and the Council

- on planning for the site including the proposed use of the Comprehensive Development Zone and 'gateway approval process', and waterway management and drainage.
9. On 9 September 2022, following a request from the Melbourne Racing Club (the Proponent), the Council requested authorisation from the Minister to prepare and exhibit the draft Amendment.
 10. The draft Amendment proposes to facilitate the redevelopment of Sandown Racecourse including approximately 7,500 new dwellings, affordable housing, 20,000 square metres of retail and commercial space and over 20 hectares public space including open space, school, community facilities.
 11. Specifically, the following changes are proposed to the Greater Dandenong Planning Scheme:
 - a. Amend the Planning Policy Framework to include new local planning policy for the site at Clause 22.13 (Sandown racecourse).
 - b. Rezone the land from Special Use Zone, Urban Floodway Zone and General Residential Zone to the Comprehensive Development Zone (CDZ3).
 - c. Delete the Heritage Overlay (HO54) from the site and apply the Development Contributions Plan Overlay (DCPO4) and Environmental Audit Overlay.
 - d. Amend the Schedule to Clause 53.01 (Public open space contribution and subdivision) to introduce a site-specific public open space contribution.
 - e. Amend the Schedule to Clause 72.04 (Documents incorporated in this planning scheme) to incorporate the Sandown Racecourse Comprehensive Development Plan and Sandown Racecourse Development Contributions Plan.
 - f. Make consequential changes to the Schedule to Schedule to Clause 72.03 (What does this planning scheme consist of?), Clause 72.08 (Background documents) and associated planning scheme maps.
 12. On 12 December 2022, DTP wrote to the Council requesting additional information relating to:
 - a. Detailed drafting matters including form and content of the proposed schedule to the Comprehensive Development Zone, implementation of a dwelling cap, affordable housing provision, use of local planning policy and background documents.
 - b. Development contributions including classification of development and community infrastructure projects, land acquisition arrangements and consistency with the *Ministerial Direction on the Preparation and Content of Development Contributions Plans*.
 - c. Public open space contributions including alignment with the *Greater Dandenong Open Space Strategy Open Space Contributions Assessment (Urban Enterprise, December 2020)*.
 13. A response to the further information request was received from the Council on 4 July 2023 including a revised proposed Comprehensive Development Plan and revised proposed Development Contributions Plan.
 14. On 12 December 2023, the Minister made the following decisions in relation to the draft Amendment:
 - a. Undertake informal consultation on the draft Amendment under section 20(5) of the PE Act; and
 - b. Establish an advisory committee under section 151 of the PE Act to consider submissions and the draft Amendment before deciding whether to prepare, adopt and approve an amendment without the usual notice requirements under section 20(4) of the PE Act.

Process

Stage 1: Initial assessment

15. The Committee is to undertake an initial assessment and provide written comments on the material that has been prepared by the Proponent including the proposed Sandown Racecourse Comprehensive Development Plan, Development Contributions Plan and associated draft Amendment documentation.
16. The Committee is not required to consult with any party however may invite the Council, the Proponent, DTP, other relevant agencies or any other party to identify or address any matters through meetings, workshops or written comments.
17. The Committee must identify whether there is sufficient information before it to enable public consultation and if necessary, seek further information that it considers must be prepared before public consultation. This includes, but is not limited to, the information that is required to address those matters set out in section 12(2) of the PE Act.

Stage 2: Public consultation

18. The Committee, in consultation with DTP, will agree:
 - a. The public consultation dates
 - b. A directions hearing date
 - c. The public hearing dates
19. The agreed dates are to be included in all relevant consultation material or notices.
20. DTP will give informal notice of the proposal for at least 25 business days including:
 - a. Direct notice to the Council and the Proponent.
 - b. Direct notice to owners and occupiers who may be materially affected by the proposal, identified in consultation with the council.
 - c. A notice in a local newspaper generally circulating in the area.
 - d. Direct notice to government agencies and servicing authorities including:
 - i. Head, Transport for Victoria
 - ii. Melbourne Water
 - iii. Heritage Victoria
 - iv. Environment Protection Authority
 - v. Victorian School Building Authority
 - e. Direct notice to the relevant Traditional Owners.
 - f. Direct notice to Racing Victoria.
21. The Committee is expected to provide all submitters who made a submission during the public consultation period with notice of the directions hearing and public hearing and provide them with the opportunity to be heard.
22. The Committee is not expected to carry out any additional public notification or referral but may do so if it considers it to be appropriate.

Stage 3: Public hearing

23. The Committee is expected to carry out a public hearing as soon as practicable.
24. Prior to the commencement of the hearing, the Committee must hold a directions hearing to make directions it considers necessary or appropriate as to the conduct, scope or scheduling of the public hearing.

25. The Committee may request additional information from any submitter, government agency or servicing authority about any material submitted or required during the hearing.
26. The Committee may seek advice from other experts, including legal counsel where it considers this is necessary.
27. The Committee may conduct hearings, workshops or other meetings as necessary when there is a quorum of at least two Committee members, one of whom must be the Chair or a Deputy Chair.
28. The Committee may limit the time of parties appearing before it and may prohibit or regulate cross-examination.
29. The Committee may inform itself in any way it sees fit, and must consider all relevant matters, including but not limited to:
 - a. Relevant provisions of the PE Act and the Greater Dandenong Planning Scheme, including any adopted plans, strategies or planning scheme amendments.
 - b. Whether the proposed planning provisions make proper use of the Victoria Planning Provisions.
 - c. Whether the proposed planning provisions are prepared in accordance with the Ministerial Direction on the Form and Content of Planning Schemes.
 - d. The views of the Proponent, the Council and any state agency, department or servicing authority.
 - e. All relevant material prepared by or for the Proponent or otherwise provided to the Committee, including any amended material submitted.
 - f. The matters identified in the submissions received about the draft Amendment.
 - g. Any specific matters identified by DTP or the Minister.
30. The Committee may apply to the Minister to vary these Terms of Reference in any way it sees fit prior to submission of a report.

Stage 4: Outcomes

31. The Committee must produce a final written report to the Minister providing the following:
 - a. A short description of the project.
 - b. An assessment of consistency of the proposal with the Greater Dandenong Planning Scheme.
 - c. A list of those who made submissions and provided evidence.
 - d. A summary and assessment of the submissions and evidence made to the Committee.
 - e. An assessment of the proposal considering the matters outlined at paragraph 29 of these Terms of Reference.
 - f. An assessment of all relevant matters concerning the Amendment, including the proposed Sandown Racecourse Comprehensive Development Plan and the proposed Sandown Racecourse Development Contributions Plan.
 - g. Any other relevant matters raised during the Committee process.
 - h. Recommendations and reasons for its recommendations.
 - i. A preferred version of the draft planning scheme ordinance including any recommended changes to the proposed zone schedules, Comprehensive Development Plan, Development Contributions Plan and any other relevant clauses of the Greater Dandenong Planning Scheme.
32. Following the completion of a report, the Committee may deliver an oral briefing to the Minister and/or DTP.

Submissions

33. The Committee must retain a library of any written submissions or other supporting documentation provided to it directly until a decision has been made on its report or five years has passed from the time of its appointment.
34. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain confidential.
35. Submissions will be collected by the Office of Planning Panels Victoria (PPV) in accordance with the 'Guide to Privacy at PPV' and collected through the Engage Victoria website. Electronic copies of submissions will be made available to the Proponent, the Council and DTP. Electronic copies may also be provided to other submitters on request.
36. Petition responses will be treated as a single submission and only the first name to appear on the submission will be registered and receive correspondence about Committee matters.
37. Pro-forma submitters will be registered and contacted individually if they provide their contact details. However, pro-forma submitters who want to be heard at the hearing may be encouraged to present as a group, given their submissions raise the same issues.
38. The Committee may direct DTP to prepare a summary of key issues raised in submissions.

Timing

39. The Committee is required to submit its report in writing as soon as practicable but no later than 30 business days from the completion of its hearings or receipt of further submissions/material directed by the Committee.

Fee

40. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the PE Act.
41. The costs of the Committee, including costs of obtaining any expert advice, technical administration and legal support, venue hire and other costs will be met by the Proponent.
42. PPV is to provide any necessary administrative support to the Committee. In addition, the Proponent is to provide any necessary administrative or technical support to the Committee in relation to the conduct of the hearing (if required).



The Hon Sonya Kilkenny MP
Minister for Planning

Date: 2/3/2024

Appendix B Submitters

No.	Submitter
1	Wayne Makin
2	Adrian Van Wijk
3	Bill Ross
4	Robert Wigg
5	Sally-Anne Hains
6	Joanne Sherry
7	Robbert Veerman
8	Teresa Valentine
9	Nas A
10	Vu Nguyen
11	Darryl Wilson
12	Hang Phan
13	Ben Qian
14	Manikhantan Anand
15	Wei Wang
16	Aaron Zachariah
17	Matthew Scanlon
18	Sanjin Spirtovic
19	Thang Vu
20	Mark Robinson
21	Vu Hoang
22	Andrew Holmes
23	Lily Ku
24	Viet Duong
25	James Sang
26	Keelan Tambimuttu
27	Mingyu Kim
28	Boram Lee
29	Maxine Polistena
30	Melissa Howell
31	Mitchell Arnold

No.	Submitter
32	Anh Duy Nguyen
33	Myeong Sun Choi
34	Yue Du
35	Jake Dunn
36	Thomas Polanske
37	Matthew Calleja
38	Mark Pesavento
39	Simon Pfitzner
40	Andrew Willis
41	Tony Ross
42	Tom Hynec
43	Gary Clarke
44	Garry Roberts
45	Auto Innovation Centre
46	John Makeham
47	Mark Verdino
48	Graham Calnan
49	Cameron Smith
50	Jason Maros
51	Jack Perkins
52	Andrew Muller
53	Nick Short
54	Justin Guion
55	Cameron Nugent
56	Marlon McMullen
57	Dave Witts
58	Aiden Sykes
59	Craig Beaumont
60	Lucas Kondys
61	David McKenzie
62	Elliot Barbour

No.	Submitter
63	Wayne Nash
64	Corey Hayward
65	Jason Tyrer
66	Geoffrey Mason
67	Kurt Dunn
68	David Mitchell
69	Joshua Fowler
70	Justin Schweikert
71	Historic Touring Car Association of Victoria
72	William Terry
73	John Perkins
74	Henry Daly
75	Damian Clarke
76	Fred Hollingsworth
77	Richard Hicks
78	Nicholas Smith
79	Dale Horne
80	Lee Nuttall
81	Arthur Van Orsouw
82	Dwain Hobson
83	Steve Tate
84	Lynne Nicholas
85	Gary Rowe
86	Wil Anderson
87	Paul Attard
88	Steve Williams
89	Peter Hickey
90	James Henry
91	Stefanie Imbruglia
92	Paula Anderson
93	Gillian Curtis
94	Suzy Black
95	William Robson

No.	Submitter
96	Anthony Shepherd
97	Doug Greenslade
98	Tim Hill
99	Ron Kingsley
100	Elizabeth Coulton
101	Daniel Cotterill
102	Alexander Isaac
103	Mitchell Snowden
104	Peter Kennedy
105	Karyn Hamer
106	Ian Clode
107	Aidan O'Kane
108	Peter Blaney
109	Brad Caton
110	Bruce Rigby
111	Peter Ashby
112	Ravi H Shankar
113	Derrick Kasturi
114	Frank Talia
115	Bradley Watt
116	Grant van Cuylenburg
117	Raffy Rafols
118	Dale Anderson
119	Dylan Hamilton
120	Stephen Harrison
121	Anthony Holmes
122	James Forrester
123	Lee Morris
124	Greg Milton
125	Brett Forsyth
126	Josh Attard
127	Paul Kenny
128	Jesse Hudson

No.	Submitter
129	Yu Fang Xie
130	David Hoang
131	Glen Armstrong
132	Ingrid and Victor Goldenfein
133	Matt Bolins
134	Michael Hopp
135	Shaun Colleluori
136	Aydin Karadagli
137	Michael Hart
138	Jake Maraldo
139	Alex Horvath
140	David Johnson
141	Peter Davidson
142	Singh (Full name not provided)
143	Luke Dickson
144	Guy Williamson
145	Giorgio Kandanoleon
146	Frankston City Council
147	Matthew Hames
148	Darren Harwood
149	Chunyan Zhang
150	Mathew Ferstl
151	Gerard Mulvany
152	Eddie Botha
153	Constantinos Galatis
154	Ben Rawson
155	Sandra Leung
156	Mathew Henderson
157	Chu Chieh Hung
158	Dennis Frankholme
159	Isak Guled
160	Motorsport Australia
161	Bob Liao

No.	Submitter
162	Greg Taylor
163	Thom Chrystiuk
164	Maddison Goulding
165	Jodi Bussell
166	Izak lane
167	Rach Cavanagh
168	Nathan Dunn
169	Mike Quinn
170	Jess M
171	Ian Ryan
172	David Noonan
173	Bogahapitiye Bogahapitiya
174	Pahanthihage Wijegoonewardene
175	Philip Buggee
176	Lesley Rixon
177	Karina Koch
178	Lai Shan Law
179	Mark Francis
180	Andrew Powell
181	Zlata Ivanovic
182	Peter Verveniotis
183	Ross Jenkins
184	Anthony Anderson
185	Leah Anderson
186	David Berry
187	Chris Connolly
188	Association of Motoring Clubs Inc
189	Marti Dartnall
190	Peter Brown
191	MG Car Club Victoria Inc.
192	Department of Education Victoria
193	Greater Dandenong City Council
194	Gaye Guest

No.	Submitter
195	Rachel Preston
196	BMW Drivers Club Melbourne
197	Noble Park Dandenong Cycling Club
198	Paul Gruyters
199	Joel Shaw
200	Luke Brewer
201	Matthew Carr
202	WITHDRAWN
203	Anthony Del Monaco
204	Teresa Rumpf
205	Greater Dandenong Environment Group Inc.
206	Kristen Manning
207	Environment Protection Authority (EPA)
208	Patrick Hinez
209	Tom O'Meara
210	Catherine Gerke
211	Vincent Lowe
212	Jane Dunn
213	Terri Berends
214	Frances Houlahan
215	Pat Carey
216	Amy Yargi
217	John Camilleri
218	Sam Freedman
219	Rochelle Adams
220	Amy McDonald
221	Bianca Ring
222	Kate Rousseaux
223	South East Water
224	James Boyle
225	Lisa (surname not provided)

No.	Submitter
226	Melanie Jenkins
227	David Miller
228	Jeremy Jenkins
229	Victorian Jockeys Association
230	Matthew Taylor
231	Carla Jane Gammons
232	Gabriel Hingley
233	Sporting Shooters Association of Australia (Victoria) (SSAA)
234	Melbourne Water
235	Jacquilyn Hoyle
236	Adrian Savio
237	Heritage Victoria
238	Melbourne Racing Club
239	Vicky Banis
240	Calin Coptil
241	Gene Mizzi
242	Anthony Turner
243	Amanda Chaplin
244	Gabriela Coptil
245	Australian Trainers' Association
246	Stephen Cummins
247	Eileen Coptil
248	Racing Victoria
249	AusCycling
250	Janet Hadow
251	Department of Transport and Planning
252	Rob Eastburn
253	Jerome Ngoma
254	Amy Tsang
255	Louise Mason
256	South-East Monash Legal Service

Appendix C Parties to the Hearing

Submitter	Represented by
Melbourne Racing Club	Emily Porter SC and Jane Sharp of Counsel, instructed by Norton Rose Fulbright, who called the following expert evidence: <ul style="list-style-type: none"> - Sophie Jordan of Contour Consultants in planning and affordable housing - Chris McNeill of Ethos Urban in development contributions - Nina Barich of Incitus in drainage, flooding and integrated water management - Rob Swan of Hydrology and Risk Consulting in flooding and integrated water management - Barry Murphy of MLC in landscape and design - Jason Walsh of Traffix Group in traffic and transport - Bryce Raworth of Bryce Raworth Associates in heritage - Matthew Lee of Deep End Services in retail economics
Greater Dandenong City Council	Maria Marshall of Maddocks Lawyers, who called the following expert evidence: <ul style="list-style-type: none"> - Chris De Silva of Mesh Planning in planning and development contributions - Lance Weatherell of WT Partnership in infrastructure costings
Adrian Savio	
Amy Tsang	
Anthony Del Monaco	
Department of Transport and Planning (Transport)	Daniel Zaslona
Environment Protection Authority Victoria	Carly Robertson of Counsel
Frances Houlahan	
Gabriel Hingley	
Gaye Guest	
Greater Dandenong Environment Group	Matthew Kirwan
Heritage Victoria	Jessica Hood, Fiona Stevens and Jude Doyle
Historic Touring Car Association of Victoria	Ben Dahlstrom
Melbourne Water	Matthew Gilbertson of Glossop Town Planning, who called the following expert evidence: <ul style="list-style-type: none"> - Warwick Bishop of Water Technology in flooding and hydrology
Noble Park Dandenong Cycling Club	Chris Starr

Australian Trainers Association

Pat Carey

Paul Gruyters

Sporting Shooters Association Victoria

Shaun Doyle

Appendix D Document list

No	Date	Description	Provided by
1	2 Mar 2024	Terms of Reference	Minister for Planning (Minister)
2	6 Mar 2024	Initial referral draft - Explanatory Report	Minister
3	6 Mar 2024	Initial referral draft - Instruction Sheet	Minister
4	6 Mar 2024	Initial referral draft - Comprehensive Development Zone Maps	Minister
5	6 Mar 2024	Initial referral draft - Development Contributions Overlay Maps	Minister
6	6 Mar 2024	Initial referral draft - Heritage Overlay Maps	Minister
7	6 Mar 2024	Initial referral draft - Environmental Audit Overlay Maps	Minister
8	6 Mar 2024	Initial referral draft - Background Document Conservation Management Plan (Lovell Chen) September 2017	Minister
9	6 Mar 2024	Initial referral draft - Background Document Design Guide (NH Architecture, August 2020)	Minister
10	6 Mar 2024	Initial referral draft - Background Document Drainage Strategy (Cardno, August 2020)	Minister
11	6 Mar 2024	Initial referral draft - Background Document Heritage Interpretation Strategy (Lovell Chen, September 2019)	Minister
12	6 Mar 2024	Initial referral draft - Background Document Integrated Transport Plan (Cardno, August 2020)	Minister
13	6 Mar 2024	Initial referral draft - Background Document Integrated Water Management Strategy (CJ Arms, September 2019)	Minister
14	6 Mar 2024	Initial referral draft - Background Document Sustainability Strategy (ARUP, September 2019)	Minister
15	6 Mar 2024	Initial referral draft - Clause 22.13 Sandown Racecourse	Minister
16	6 Mar 2024	Initial referral draft - Sandown Racecourse Comprehensive Development Plan (July 2023)	Minister
17	6 Mar 2024	Initial referral draft - Sandown Racecourse Development Contributions Plan (October 2023)	Minister
18	6 Mar 2024	Initial referral draft - Schedule 1 to Clause 37.01 Special Use Zone Compare	Minister
19	6 Mar 2024	Initial referral draft - Schedule 1 to Clause 37.01 Special Use Zone	Minister
20	6 Mar 2024	Initial referral draft - Schedule 3 to Clause 37.02 Comprehensive Development Zone	Minister

No	Date	Description	Provided by
21	6 Mar 2024	Initial referral draft - Schedule 3 to Clause 37.02 Comprehensive Development Zone	Minister
22	6 Mar 2024	Initial referral draft - Schedule 4 to Clause 45.06 Development Contributions Plan Overlay	Minister
23	6 Mar 2024	Initial referral draft - Schedule to Clause 43.01 Heritage Overlay Compare	Minister
24	6 Mar 2024	Initial referral draft - Schedule to Clause E 43.01 Heritage Overlay	Minister
25	6 Mar 2024	Initial referral draft - Schedule to Clause 53.01 Public Open Space Contribution and Subdivision Compare	Minister
26	6 Mar 2024	Initial referral draft - Schedule to Clause 53.01 Public Open Space Contribution and Subdivision	Minister
27	6 Mar 2024	Initial referral draft - Schedule to Clause 72.03 What does this Planning Scheme Consist of_ Compare	Minister
28	6 Mar 2024	Initial referral draft - Schedule to Clause 72.03 What does this Planning Scheme Consist of	Minister
29	6 Mar 2024	Initial referral draft - Schedule to Clause 72.04 Incorporated Documents Compare	Minister
30	6 Mar 2024	Initial referral draft - Schedule to Clause 72.04 Incorporated Documents	Minister
31	6 Mar 2024	Initial referral draft - Schedule to Clause 72.08 Background Documents Compare	Minister
32	6 Mar 2024	Initial referral draft - Schedule to Clause 72.08 Background Documents	Minister
33	6 Mar 2024	Initial referral draft - Supporting Document Affordable Housing Report (Urbanxchange, February 2019)	Minister
34	6 Mar 2024	Initial referral draft - Supporting Document Arboricultural Assessment Report Landscape (Landscape Dept, December 2018)	Minister
35	6 Mar 2024	Initial referral draft - Supporting Document Biodiversity Assessment (Ecology and Partners, July 2018)	Minister
36	6 Mar 2024	Initial referral draft - Supporting Document Cultural Heritage Assessment (Andrew Long and Associates, January 2015)	Minister
37	6 Mar 2024	Initial referral draft - Supporting Document Demographic Assessment (Urbis, May 2018)	Minister
38	6 Mar 2024	Initial referral draft - Supporting Document Environmental Desktop Study (Douglas Partners, July 2018)	Minister
39	6 Mar 2024	Initial referral draft - Supporting Document Planning Report (Urbis, December 2020)	Minister

No	Date	Description	Provided by
40	6 Mar 2024	Initial referral draft - Supporting Document Retail and Economic Report (Deep End Services, September 2019)	Minister
41	6 Mar 2024	Initial referral draft - Supporting Document Review of Community Facility Requirements (ASR Research, December 2018).	Minister
42	6 Mar 2024	Initial referral draft - Supporting Document Review of Open Space Requirements (ASR Research, February 2024)	Minister
43	6 Mar 2024	Letter – Committee inception meeting invitation	Planning Panels Victoria (PPV)
44	7 Mar 2024	Letter - Department of Transport and Planning (DTP, Transport) response to draft amendment	DTP, Transport
44a	15 Mar 2024	Inception meeting agenda	PPV
45	18 Mar 2024	Inception meeting presentation	Melbourne Racing Club (Proponent)
46	19 Mar 2024	Letter – Committee inception meeting outcomes	PPV
47	25 Mar 2024	Letter – Agency response to inception meeting outcomes	Heritage Victoria
48	25 Mar 2024	Letter – Agency response to inception meeting outcomes	Department of Education
49	25 Mar 2024	Email – Agency response to inception meeting outcomes	City of Greater Dandenong (Council)
50	25 Mar 2024	Letter – Agency response to inception meeting outcomes	Melbourne Water
51	25 Mar 2024	Letter – Agency response to inception meeting outcomes	EPA Victoria
52	25 Mar 2024	Letter – Agency response to inception meeting outcomes	DTP, Transport
53	28 Mar 2024	Response to agency comments	Proponent
54	3 Apr 2024	Letter – Committee response to Proponent with directions	PPV
55	3 Apr 2024	Committee Initial Assessment Report	PPV
56	24 Apr 2024	Letter – Progress update on response to Committee directions of 3 April	Proponent
57	3 May 2024	Letter – Response to Committee Stage 1 Initial Assessment	Proponent
58	3 May 2024	Proponent response to Committee Initial Assessment Report, enclosing: <ul style="list-style-type: none"> a) Appendix A – NRF letter to Melbourne Water b) Appendix B – Letter to Proponent – Suitability of CDZ & CDP – 3 May 2024 c) Appendix C – Stantec LTR Response to SAC d) Appendix D – Sandown SAC Stantec Flooding Technical Note e) Appendix E – Sandown SAC CJ Arms IWMS Memo 	Proponent

No	Date	Description	Provided by
		f) Appendix F – Sandown DCP – Open Space Contributions – Final UE Advice	
59	3 May 2024	Update of Document 12 – Background Document Integrated Transport Plan (Cardno, August 2020), with technical note dated 1 May 2024	Proponent
60	3 May 2024	Update of Document 15 – Clause 22.13 Sandown Racecourse	Proponent
61	3 May 2024	Update of Document 16 – Sandown Comprehensive Development Plan, May 2024	Proponent
62	3 May 2024	Update of Document 30 – Schedule to Clause 72.04 Incorporated Documents	Proponent
63	3 May 2024	Update of Document 33 – Supporting Document Affordable Housing Report (Urbanxchange, 2024)	Proponent
64	3 May 2024	Update of Document 37 – Supporting Document Demographic Assessment (Urbis, May 2018), with addendum (2024)	Proponent
65	3 May 2024	Update of Document 39 – Supporting Document Planning Report (Urbis, 2024)	Proponent
66	3 May 2024	Update of Document 40 – Supporting Document Retail and Economic Report (Deep End Services, September 2019)	Proponent
67	3 May 2024	Update of Document 41 – Supporting Document Review of Community Facility Requirements (ASR, 2024)	Proponent
68	3 May 2024	Update of Document 42 – Supporting Document Open Space Assessment (ASR, 2024)	Proponent
69	6 May 2024	Letter – Committee confirmation for matter to proceed to exhibition	Proponent
70	20 May 2024	Exhibition - Table of contents	Minister
71	20 May 2024	Exhibition - Proposed Explanatory Report	Minister
72	20 May 2024	Exhibition - Proposed Instruction Sheet	Minister
73	20 May 2024	Exhibition - Proposed Planning Scheme Zoning Map 001znMaps01_02	Minister
74	20 May 2024	Exhibition - Proposed Planning Scheme Overlay Map 002dcpoMaps01_02	Minister
75	20 May 2024	Exhibition - Proposed Planning Scheme Overlay Map 003d-hoMaps01_02	Minister
76	20 May 2024	Exhibition - Proposed Planning Scheme Overlay Map 004eaoMaps01_02	Minister
77	20 May 2024	Exhibition - Proposed Clause 22.13 SANDOWN RACECOURSE	Minister
78	20 May 2024	Exhibition - Proposed schedule 1 to Clause 37.01 SPECIAL USE ZONE	Minister

No	Date	Description	Provided by
79	20 May 2024	Exhibition - Proposed schedule 1 to Clause 37.01 SPECIAL USE ZONE COMPARE	Minister
80	20 May 2024	Exhibition - Proposed schedule 3 to Clause 37.02 COMPREHENSIVE DEVELOPMENT ZONE	Minister
81	20 May 2024	Exhibition - Proposed schedule to Clause 43.01 HERITAGE OVERLAY	Minister
82	20 May 2024	Exhibition - Proposed schedule to Clause 43.01 HERITAGE OVERLAY COMPARE	Minister
83	20 May 2024	Exhibition - Proposed schedule 4 to Clause 45.06 DEVELOPMENT CONTRIBUTIONS OVERLAY	Minister
84	20 May 2024	Exhibition - Proposed schedule to Clause 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION	Minister
85	20 May 2024	Exhibition - Proposed schedule to Clause 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION COMPARE	Minister
86	20 May 2024	Exhibition - Proposed schedule to Clause 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF	Minister
87	20 May 2024	Exhibition - Proposed schedule to Clause 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF COMPARE	Minister
88	20 May 2024	Exhibition - Proposed schedule to Clause 72.04 INCORPORATED DOCUMENTS	Minister
89	20 May 2024	Exhibition - Proposed schedule to Clause 72.04 INCORPORATED DOCUMENTS COMPARE	Minister
90	20 May 2024	Exhibition - Proposed schedule to Clause 72.08 BACKGROUND DOCUMENTS	Minister
91	20 May 2024	Exhibition - Proposed schedule to Clause 72.08 BACKGROUND DOCUMENTS COMPARE	Minister
92	20 May 2024	Exhibition - Proposed Incorporated Doc - Sandown Racecourse Comprehensive Development Plan (May 2024)	Minister
93	20 May 2024	Exhibition - Proposed Incorporated Doc - Sandown Racecourse Development Contributions Plan (October 2023)	Minister
94	20 May 2024	Exhibition - Proposed Incorporated Doc - Small Lot Housing Code (Victorian Planning Authority, November 2019)	Minister
95	20 May 2024	Exhibition - Background Doc - Conservation Management Plan (Lovell Chen, September 2017)	Minister
96	20 May 2024	Exhibition - Background Doc - Design Guide (NH Architecture, August 2020)	Minister
97	20 May 2024	Exhibition - Background Doc - Drainage Strategy (Cardno, August 2020)	Minister
98	20 May 2024	Exhibition - Background Doc - Integrated Transport Plan (Cardno, August 2020)	Minister

No	Date	Description	Provided by
99	20 May 2024	Exhibition - Background Doc - Integrated Water Management Strategy (CJ Arms, September 2019)	Minister
100	20 May 2024	Exhibition - Background Doc - Interpretation Strategy (Lovell Chen, September 2019)	Minister
101	20 May 2024	Exhibition - Background Doc - Sustainability Strategy (ARUP, September 2019)	Minister
102	20 May 2024	Exhibition - Supporting Doc - Affordable Housing Report (Urbanxchange, April 2024)	Minister
103	20 May 2024	Exhibition - Supporting Doc - Arboriculture Assessment (Landscape Dept, December 2018)	Minister
104	20 May 2024	Exhibition - Supporting Doc - Biodiversity Assessment (Ecology and Partners, July 2018)	Minister
105	20 May 2024	Exhibition - Supporting Doc - Community Facilities Assessment (ASR, May 2024)	Minister
106	20 May 2024	Exhibition - Supporting Doc - Cultural Heritage Assessment (Andrew Long and Associates, January 2015)	Minister
107	20 May 2024	Exhibition - Supporting Doc - Demographic Assessment (Urbis, May 2018) and Addendum (Urbis, April 2024)	Minister
108	20 May 2024	Exhibition - Supporting Doc - Environmental Desktop Study (Douglas Partners, July 2018)	Minister
109	20 May 2024	Exhibition - Supporting Doc - Open Space Assessment (ASR, May 2024)	Minister
110	20 May 2024	Exhibition - Supporting Doc - Planning Scheme Amendment Planning Report (Urbis, May 2024)	Minister
111	20 May 2024	Exhibition - Supporting Doc - Retail and Economic Report (Deep End Services Pty Ltd, April 2024)	Minister
112	18 Jun 2024	Unaccompanied site inspection map	Proponent
113	26 Jun 2024	Letter – Committee Directions Hearing notice	PPV
114	3 Jul 2024	Letter – Request to be heard details	Proponent
115	9 Jul 2024	Letter – Invitation to Bunurong Land Council Aboriginal Corporation to participate in Committee process	PPV
116	17 Jul 2024	Draft outline of key dates	Proponent
117	22 Jul 2024	Letter, enclosing Committee Directions and Version 1 Hearing Timetable	PPV
117a	25 Jul 2024	Letter, enclosing Version 2 Hearing Timetable	PPV
118	29 Jul 2024	Updated Integrated Transport Plan	Proponent
119	30 Jul 2024	Climate Change Scenario Flood Modelling Memorandum	Proponent

No	Date	Description	Provided by
120	31 Jul 2024	Email and photographs regarding flooding	Dennis Frankcombe
121	1 Aug 2024	Letter – Response to directions regarding site inspections and expert conclaves	Proponent
122	2 Aug 2024	Letter – Response to letter regarding conclaves and site inspections	Committee
123	5 Aug 2024	Part A Submission	Proponent
123a	5 Aug 2024	Summary of Submissions and Responses	Proponent
123b	5 Aug 2024	Stantec Technical Note - Mile Creek and Police Road Masterplan TOC dated 19 July 2024	Proponent
123c	5 Aug 2024	Planning Permit 78.93A.01	Proponent
123d	5 Aug 2024	Letter from Melbourne Racing Club to Council dated 6 December 2019	Proponent
123e	5 Aug 2024	VPA Business Plan 2018-19	Proponent
123f	5 Aug 2024	Ministerial direction to the VPA dated 3 September 2018	Proponent
123g	5 Aug 2024	List of titles owned and/or occupied at Sandown Racecourse	Proponent
123h	5 Aug 2024	Title Consolidations Survey Plan dated 30 September 2019	Proponent
124	7 Aug 2024	Letter – filing Day 1 materials	Proponent
125	7 Aug 2024	Day 1 Comprehensive Development Plan	Proponent
126	7 Aug 2024	Day 1 Proposed Schedule 3 to Clause 37.02 Comprehensive Development Zone	Proponent
127	7 Aug 2024	Day 1 Development Contributions Plan	Proponent
128	7 Aug 2024	Sandown Staging Plan	Proponent
129	7 Aug 2024	Memorandum prepared by Stantec regarding the contents of the Mile Creek and Police Road Masterplan	Proponent
130	7 Aug 2024	Expert Witness Statement of Chris McNeill	Proponent
131	7 Aug 2024	Expert Witness Statement of Matthew Lee	Proponent
132	7 Aug 2024	Expert Witness Statement of Robert Swan	Proponent
133	7 Aug 2024	Expert Witness Statement of Bryce Raworth	Proponent
134	7 Aug 2024	Expert Witness Statement of Barry Murphy	Proponent
135	7 Aug 2024	Expert Witness Statement of Sophie Jordan	Proponent
136	7 Aug 2024	Expert Witness Statement of Nina Barich	Proponent
137	7 Aug 2024	Expert Witness Statement of Jason Walsh	Proponent
138	9 Aug 2024	Expert Witness Statement of Warwick Bishop	Melbourne Water
139	9 Aug 2024	Day 1 compare version of the Comprehensive Development Plan	Proponent

No	Date	Description	Provided by
140	7 Aug 2024	Email – response to evidence filed by the proponent	Mr Witts
141	7 Aug 2024	Email – response to Proponent Part A Submission	Mr Witts
142	9 Aug 2024	Expert Witness Statement of Chris De Silva	Council
143	9 Aug 2024	Expert Witness Statement of Lance Weatherall	Council
144	9 Aug 2024	Review of proposed Development Contributions arrangements for Sandown Racecourse Redevelopment 25 May 2023 prepared by HillPDA	Proponent
145	9 Aug 2024	Memorandum - comments on Development Contributions Plan Peer Review prepared by Urban Enterprise dated 5 June 2023	Proponent
146	14 Aug 2024	Emails – Request for leave for Mr Weatherall to file addendum evidence, and Committee response	Council and PPV
147	15 Aug 2024	Opening submission	Council
148	15 Aug 2024	Opening submission	Melbourne Water
149	15 Aug 2024	Opening submission	Heritage Victoria
150	15 Aug 2024	Opening submission	DTP, Transport
151	15 Aug 2024	Letter enclosing Day 1 versions of documents including: <ul style="list-style-type: none"> a) Opening Submissions b) Comprehensive Development Plan (provided on 7 August 2024 and re-issued for ease of reference) c) Comprehensive Development Plan with annotated and tracked changes, based on marked up version provided on 9 August 2024, with further commentary d) Design Guide e) Design Guide, showing changes since exhibition dated August 2020 f) Comprehensive Development Zone Schedule with tracked changes (provided on 7 August 2024 and re-issued for ease of reference) g) Comprehensive Development Zone Schedule based on marked up Schedule provided on 7 August 2024, with further commentary h) Development Contributions Plan (provided on 7 August 2024 and re-issued for ease of reference) i) Development Contributions Plan with tracked changes 	Proponent
152	15 Aug 2024	Letter from Proponent to Heritage Victoria dated 1 August 2024	Proponent
153	15 Aug 2024	Letter, enclosing Version 3 Hearing Timetable	PPV

No	Date	Description	Provided by
154	16 Aug 2024	Site inspection itinerary	Proponent
155	16 Aug 2024	Opening submission	EPA
156	16 Aug 2024	Separation Distance Guideline	EPA
157	16 Aug 2024	Letter – Withdrawal from Hearing (dated 7 August 2024)	Department of Education
158	16 Aug 2024	Statement of Agreed Opinions and Facts – Development Contributions Plan (signed by Chris McNeill, Chris De Silva and Lance Weatherell)	Proponent
159	19 Aug 2024	Memorandum to Sophie Jordan (Norton Rose Fulbright) – Density and Yield Analysis – 16 August 2024	Proponent
160	19 Aug 2024	Memorandum to Melbourne Racing Club – Sandown Overpass (Stantec) – 16 August 2024	Proponent
161	20 Aug 2024	Letter - Instructions to Sophie Jordan a) Index to expert briefs	Proponent
162	20 Aug 2024	Table – Current versions of amendment documents	Proponent
163	20 Aug 2024	Table – Current versions of amendment documents as requested by the Committee	Proponent
164	21 Aug 2024	Document screen shared during cross examination of Sophie Jordan – Total site area	Council
165	21 Aug 2024	Updated site inspection itinerary	Proponent
166	21 Aug 2024	Letter – Instructions to Barry Murphy	Proponent
167	21 Aug 2024	Letter – Instructions to Robert Swan	Proponent
168	21 Aug 2024	Letter – Instructions to Nina Barich a) Email – Additions to instructions	Proponent
169	21 Aug 2024	Letter – Instructions to Bryce Raworth	Proponent
170	21 Aug 2024	Letter – Instructions to Chris McNeill	Proponent
171	21 Aug 2024	Letter – Instructions to Matthew Lee a) Email – additions to instructions	Proponent
172	21 Aug 2024	Letter – Instructions to Jason Walsh	Proponent
173	21 Aug 2024	Index to expert briefs	Proponent
174	21 Aug 2024	Statement of Agreed Opinions and Facts – Stormwater (signed by Nina Barich, Robert Swan and Warwick Bishop)	Proponent
175	26 Aug 2024	Letter – Clarifications sought regarding Proponent’s submissions	Paul Gruyters
176	26 Aug 2024	Table – Key drainage-related documents	Proponent
177	26 Aug 2024	Addendum to Expert Witness Statement of Lance Weatherall	Council
178	26 Aug 2024	Letter – Questions from the Committee for Jason Walsh	PPV

No	Date	Description	Provided by
179	27 Aug 2024	Letter, enclosing Version 4 Hearing Timetable	PPV
180	29 Aug 2024	Memo from Stantec - Information concerning assumptions made in traffic modelling	Proponent
181	29 Aug 2024	Presentation from Barry Murphy (presented on 27 August)	Proponent
182	2 Sep 2024	Memo from Stantec – Response to the Committee’s questions of 26 August	Proponent
183	2 Sep 2024	Memo from Stantec – Estimated Post-Development Volumes on Princes Highway and Corrigan Road	Proponent
184	2 Sep 2024	Summary report – Traffic modelling	Proponent
185	2 Sep 2024	Table – Key traffic documents	Proponent
186	2 Sep 2024	Part B Submission	Proponent
187	3 Sep 2024	Presentation from Chris De Silva	Council
188	4 Sep 2024	Folder of instructions to experts: <ul style="list-style-type: none"> a) Brief to expert (Costings) b) Brief to expert (Planning) c) Email and attachments to Lance Weatherall dated 30 July 2024 d) Email and attachments to Lance Weatherall dated 2 August 2024 (9.09am) e) Email and attachments to Lance Weatherall dated 2 August 2024 (9.43am) f) Email and attachment to Lance Weatherall dated 7 August 2024 g) Email and attachment to Lance Weatherall dated 9 August 2024 h) Email and attachments to Lance Weatherall dated 19 August 2024 i) Email to Lance Weatherall dated 21 August 2024 	Council
189	4 Sep 2024	Letter – Questions from the Committee for DTP Transport	PPV
190	4 Sep 2024	Part B Submission, and attachments: <ul style="list-style-type: none"> a) Affordable housing in other schemes b) Council comments and mark ups on Day 1 Proposed Schedule 3 to Clause 37.02 Comprehensive Development Zone c) Letter to Committee regarding MCH and kindergarten requirements 	Council
191	5 Sep 2024	Material put to Chris De Silva – Primary school location	Proponent
192	5 Sep 2024	Material put to Chris De Silva - Tables	Proponent
193	6 Sep 2024	Submission, and attachments:	Melbourne Water

No	Date	Description	Provided by
		a) Dandenong Catchment Strategic Directions Statement b) Sandown IWM Developer Guidance Report	
194	6 Sep 2024	Submission, and attachments: a) Appendix 1 – ED recommendation Sandown 2019 b) Appendix 2 – VHD Report	Heritage Victoria
195	6 Sep 2024	Submission, including response to the Committee’s questions of 4 September 2024	DTP, Transport
196	9 Sep 2024	Submission, and attachments: a) Appendix A b) Appendix B	Gaye Guest
197	9 Sep 2024	Submission	Greater Dandenong Environment Group
198	9 Sep 2024	Presentation	Greater Dandenong Environment Group
199	9 Sep 2024	Presentation	Anthony Del Monaco
200	10 Sep 2024	Speaking notes	Historic Touring Car Association of Victoria
201	11 Sep 2024	Memo from Jason Walsh dated 6 September 2024	Proponent
202	11 Sep 2024	Presentation	Pat Carey, Australian Trainers Association
203	11 Sep 2024	Speaking notes	Paul Gruyters
204	11 Sep 2024	Response to questions on notice from Committee and Memo from Jason Walsh	DTP, Transport
205	12 Sep 2024	Email, enclosing: a) Table summarising the recommended Day 2 amendments to the CDZ, CDP and DCP as proposed by the Proponent’s witnesses	Proponent
206	13 Sep 2024	Email – Clarification of speaking notes, potential words for inclusion in CDZ, enclosing speaking notes	EPA
207	13 Sep 2024	Part C Submission	Proponent
208	13 Sep 2024	Memo - Sandown Indicative Staging Options	Proponent

No	Date	Description	Provided by
209	13 Sep 2024	Email, enclosing: a) Day 2 Updated CDP b) Day 2 Updated DCP c) Day 2 (Mark up) - Schedule 3 to the CDZ	Proponent
210	13 Sep 2024	Letter from Council to DTP dated 4 July 2023 as referenced in Part C Submission	Proponent
211	13 Sep 2024	Part C Submission, enclosing: a) Additional Items for Infrastructure Delivery b) Metro and Regional PSP NDA examples	Council
212	16 Sep 2024	Comments on Day 2 CDZ3	Council
213	16 Sep 2024	Feature and Level Survey	Proponent
214	16 Sep 2024	Staging/aerial overlay	Proponent
215	20 Sep 2024	Day 3 Schedule 3 to the CDZ	Proponent

Appendix E Committee preferred version of the Comprehensive Development Zone Schedule 3

This is the 'Day 3' final version of the Comprehensive Development Zone 3 provided by the Proponent on 20 September 2024 as D215. All changes were accepted and then modified accordingly.

[Tracked Added](#)

~~Tracked Deleted~~

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SCHEDULE 3 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ3**.

SANDOWN RACECOURSE COMPREHENSIVE DEVELOPMENT PLAN

Land

This schedule applies to land as defined by the *Sandown Racecourse Comprehensive Development Plan* (May 2024) incorporated in this scheme (the incorporated CDP) and shown on the planning scheme map as CDZ3.

The land and precincts referred to in this schedule are shown on Map 1.

Purpose

To provide for the integrated planning, development and subdivision of the land primarily for residential purposes, while encouraging the development of a complementary mix of community, education, retail, commercial and recreational activities.

To facilitate the development of a sustainable and resilient residential community based on 20-minute city principles, which supports the growth of the Monash National Employment and Innovation Cluster and nearby Major Activity Centres.

To support a wide range of housing types and medium to high density residential development opportunities.

To provide for the orderly planning and development of infrastructure to support the future residential community, such as open space, waterways, community facilities, and new road and path networks and ensuring their integration with the surrounding area.

To respect, integrate with and respond to the existing heritage and environmental features of the land.

1.0

Table of uses

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Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.

Use	Condition
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Bus terminal	Must be located within the Town Centre Precinct.
Child care centre	Must be located within the Town Centre Precinct, the Princes Precinct or the Secondary Activity Node in the East Precinct.
Community care accommodation	Must meet the requirements of Clause 52.22-2.
Display home centre	
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than 2 animals.
Dwelling (other than Bed and breakfast)	
Food and drink premises (other than Bar, Hotel)	Must be located within a Primary or Secondary Activity Node within the Town Centre Precinct or East Precinct.
Home based business	
Informal outdoor recreation	
Medical centre	Must be located within the Town Centre Precinct; the Princes Precinct or the Secondary Activity Node in the East Precinct. If located in the Secondary Activity Node in the East Precinct or the Princess Precinct, then the gross floor area of all buildings must not exceed 250 square metres.
Office (other than Medical centre)	Must be located within the Primary Activity Node in the Town Centre Precinct or Secondary Activity Node within the East Precinct, or the Princes Precinct.
Place of worship	The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Transport Zone.
Primary school	Must be located within the Secondary Activity Node within the East Precinct.
Racecourse	
Racing dog husbandry	Must be no more than 2 animals.
Railway	
Residential aged care facility	
Rooming house	Must meet the requirements of Clause 52.23-2.
Restricted retail premises	Must be located within Princes Precinct.

Use	Condition
Retirement village	
Shop (other than Adult sex product shop, Supermarket, Restricted retail premises)	<p>Must be located within the Primary Activity Node of the Town Centre Precinct or the Secondary Activity Node of the East Precinct, or have frontage to the Princes Highway in the Princes Precinct.</p> <p>The combined leasable floor area of all shops in the Secondary Activity Node must not exceed 1,000 square metres.</p> <p>The combined leasable floor area of all shops in the Princes Precinct must not exceed 2,000 square metres.</p>
Small second dwelling	<p>Must be no more than one dwelling existing on the lot.</p> <p>Must be the only small second dwelling on the lot.</p> <p>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.</p>
Supermarket	<p>Must be located within the Primary Activity Node in the Town Centre Precinct and the combined leasable floor area of all supermarkets in the Primary Activity Node and must not exceed 4,500 square metres in total in that precinct.</p>
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01
Section 2 – Permit required	
Use	Condition
Accommodation (other than Camping and caravan park, Corrective institution, Community care accommodation, Dependent person’s unit, Dwelling, Residential aged care facility, Residential hotel, Retirement village, Rooming house)	
Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Education centre (excluding Child care centre, Primary school)	
Function centre	Must be located within the Princes Precinct or within the Primary Activity Node of the Town Centre Precinct.
Industry (other than Materials recycling, Refuse disposal, Rural industry, Transfer station, Automated collection point)	<p>Must not be a purpose listed in the table to Clause 53.10.</p> <p>Must be located within Princes Precinct.</p>

Use	Condition
Motor racing track	
Residential hotel	Must be located within Town Centre Precinct or Princes Precinct.
Warehouse (other than Fuel depot)	Must not be a purpose listed in the table to Clause 53.10. Must be located within Princes Precinct.
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Adult sex product shop
Camping and caravan park
Cemetery
Corrective institution
Crematorium
Domestic animal boarding
Earth and energy resources industry
Fuel depot
Animal husbandry (other than Animal training, Domestic animal husbandry, Dog breeding and Racing dog husbandry)
Materials recycling
Refuse disposal
Rural industry
Saleyard
Stone exploration
Transfer station (other than Automated collection point)

2.0

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Use of land

Requirements

A permit for the use of land must be generally consistent with and must meet the requirements of the incorporated CDP, [the Mile Creek and Police Road Drain Concept Master Plan](#) and any relevant approved Precinct Plan to the satisfaction of the responsible authority.

Amenity of the Neighbourhood

A use must not detrimentally affect the amenity of the surrounding neighbourhood, including through the:

- The transport of materials or goods to or from the land.
- The appearance of any building, stored material or goods.
- Emissions from the land.

Application Requirements

The following application requirements apply to an application for a permit to use land and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The purpose of the use and the type of activities which will be carried out.
- If permit is required for an industry or warehouse use:
 - The type and quantity of goods to be stored, processed or produced.
 - Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
 - The likely effects, if any, on adjoining land including noise levels, traffic, and hours of operation.

Exemption from Notice and Review

An application for use of land is exempt from the notice requirements of Section 52(1) (a) (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if it is generally consistent with the incorporated CDP.

Decision Guidelines

The following decision guidelines apply to an application for a permit to use land and must be considered, as appropriate, by the responsible authority:

General

- Whether the application is generally consistent with, and meets the requirements of, the incorporated CDP, [the Mile Creek and Police Road Drain Concept Master Plan](#) and any relevant approved Precinct Plans that have been approved for the Precinct or the land.
- The interface with adjoining land uses, especially the relationship with residential areas inside and outside of the site.
- The scale and intensity of the use.
- The interim use of those parts of the land not required for the proposed use.
- The effect that existing uses may have on the proposed use.
- Whether the use or development is compatible with surrounding land uses.
- The effect of traffic to be generated on roads.
- The local catchment and CDP catchment demand for the additional floor area for an application to use land for Shop floorspace where the combined leasable floor area of all shops exceeds the figure shown in the 'Table of Uses' at section 1.0 of this schedule.

3.0

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Subdivision

Requirements

A permit for subdivision must be generally consistent with and meet the requirements of the Incorporated CDP and any relevant approved Precinct Plan.

A permit must not be granted to subdivide land:

~~▪ Before the approval of a Precinct Plan.~~

- Before the approval of the Mile Creek and Police Road Drain Concept Master Plan, ~~and~~ ~~or~~
- [Before the approval of a Precinct Plan.](#)

A permit may be granted to subdivide land prior to the preparation of the [Mile Creek and Police Road Drain Concept Master Plan](#), and a Precinct Plan ~~or the Mile Creek and Police Road Drain Concept Master Plan~~, provided the responsible authority is satisfied that the application:

- Is generally consistent with the incorporated CDP.
- Will not prejudice the preparation of the [Mile Creek and Police Road Drain Concept Master Plan](#), the relevant Precinct Plan, or

- ~~The granting of a permit~~ Will support the ongoing operation of the site as a racing and events venue.

Small Lot Housing Code

Any permit for subdivision (excluding the subdivision of an apartment development) that allows the creation of a lot less than 300 square metres must contain the following conditions:

- Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provisions of the Small Lot Housing Code incorporated pursuant to Clause 72.04 of the Greater Dandenong Planning Scheme; and
- The plan of subdivision submitted for certification must identify whether type A or type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

Exemption from Notice and Review

An application for the subdivision of land is exempt from the notice requirements of Section 52(1) (a) (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision Guidelines

The following decision guidelines apply to an application to subdivide land and must be considered, as appropriate, by the responsible authority:

- Whether the application is generally consistent with, and meets the requirements of, the incorporated CDP, [the Mile Creek and Police Road Drain Concept Master Plan](#) and any relevant approved Precinct Plans that have been approved for the Precinct or the land.
- The effect of the subdivision on the redevelopment of the precinct in the long-term.
- The pattern of subdivision and its effect on the spacing of buildings.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.
- The location and function of public reserves, road reserves and other public spaces.
- How any proposed public roads integrate with the surrounding road network.

4.0 Master Plan, Precinct Plan and Infrastructure

Mile Creek and Police Road Drain Concept Master Plan

Before the approval of a Precinct Plan, or other such time as agreed between the owner of the land and the responsible authority, a Mile Creek and Police Road Drain Concept Master Plan must be prepared, to the satisfaction of the responsible authority and the drainage authority.

The master plan may be submitted in the form of plans, tables and reports and must include the following information as appropriate:

- There will be no increase in flooding either upstream or downstream of the site or for existing landowners.
- Hydraulic modelling, to satisfy the master plan and integrated water objectives and to demonstrate that there will be no increase in peak flows or detrimental loss of flood storage as a result of the Sandown development, if required.
- Details of the regeneration strategy for Mile Creek, and its proposed soft and hard landscape setting. The Master Plan must incorporate functional and aesthetic requirements for enhanced biodiversity, public open space, and stormwater treatment.
- Details of the required flow capacity to ensure stormwater and flood flows are managed effectively.

- Details of the redesign and / or relocation of the existing sedimentation basin, where relevant.
- Demonstrate how a strong visual connection will be provided across the creek corridor between the two parcels (so that users can clearly see from one sports field across the creek to the other) by ‘overlapping’ the land parcels across the creek.
- Enable a generous physical connection (that supports ease of maintenance) between the two open space parcels.
- [An assessment of the capacity to integrate the two areas of active open space into one larger area to maximise its functionality and utility of the proposed sporting pavilion. The final active open space design should](#) ensure the northern end of the north-eastern Active Open Space parcel forms the terminus of the vista from the east-west connector street from Corrigan Road (to reinforce the racecourse’s historic “void” in day-to-day travel within the site).
- Demonstrate with a design and technical analysis how any of the public open spaces adjacent to Mile Creek will flood during storm events, and details of the flooding will be managed with the recreational [use](#) of the space.
- Provision of a delivery plan, which identifies the potential for staging of the works and that considers the timeframe for the works (whether working in sections from upstream to downstream or completed as a single stage).

The Mile Creek and Police Road Drain Master Plan must be prepared for the whole area to which it applies, and not in stages.

Mile Creek and Police Road Drain Concept Master Plan Agreement

Before the approval of a Precinct Plan, or other such time as agreed between the owner of the land and the responsible authority, an agreement under Section 173 must be entered into between the owner of the land, the drainage authority and the responsible authority. The agreement must provide for:

- The delivery of the Mile Creek revitalisation process and outcomes as envisaged in the *Mile Creek and Police Road Drain Concept Master Plan*, by the landowner (unless otherwise agreed by the drainage authority and responsible authority).
- The provision of access to the Mile Creek and Police Road Drain for maintenance purposes, landscaping and the construction of the stormwater management system.
- Identification of which entity is to be responsible for the ongoing maintenance and management of the watercourses, lakes and wetlands created as part of the development.

RD-01 Princess Highway/Racecourse Drive Overpass Upgrade

[Before the approval of a Precinct Plan, or other such time as agreed between the owner of the land and the responsible authority, resolve the ultimate preferred design treatment and associated cost of Road Project RD-01 Princess Highway/Racecourse Drive Overpass in association with DTP and the Responsible Authority and update the Comprehensive Development Plan and Development Contributions Plan accordingly.](#)

Railway Station Master Plan

[The Railway Station Master Plan must be prepared and delivered in conjunction with the Town Centre Precinct Plan.](#)

Precinct Plan

Before a permit is granted to subdivide land, a Precinct Plan for the relevant precinct must be prepared to the satisfaction of the responsible authority under this Schedule. The Precinct Plan may be prepared in stages, for all or part of the Precinct land, to the satisfaction of the responsible authority.

Where a Precinct Plan is prepared for part of the land within a Precinct, the land to which it applies should generally be no less than 15 hectares, with the exception of the Princes Precinct.

The Precinct Plan must be generally consistent with the incorporated CDP to the satisfaction of the responsible authority.

If a Precinct Plan proposes that the total yield across all precincts will exceed 7,500 dwellings, the applicant must demonstrate that the Precinct Plan has appropriately considered any impact of the additional dwellings on existing and proposed site infrastructure, ~~and~~ community facilities [and external road infrastructure](#), to the satisfaction of the responsible authority.

The Precinct Plan may be amended to the satisfaction of the responsible authority.

Content of a Precinct Plan

The Precinct Plan must be generally consistent with the boundaries defined within Map 1 of this schedule and must show or include the following, where appropriate:

- Clear identification of Precinct boundaries, including, in the Town Centre Precinct and the East Precinct, the boundaries of the Primary Activity Node and the Secondary Activity Node.
- A strategic context that briefly summarises all relevant background technical reports prepared for the precinct.
- A response to the Precinct specific vision, objectives and requirements outlined in the incorporated CDP.
- A future urban structure plan showing the precinct boundaries, the general subdivisional layout of the Precinct, the sequencing of development, all infrastructure required by the incorporated Development Contributions Plan (DCP), integration of all proposed land uses and the spread of development densities and diversity of uses across the precinct.
- A housing plan that shows where medium and high density housing will be located. The plan will provide a summary setting out the projected housing yield, mix of lot sizes and densities. The housing plan should also note the amount of affordable housing proposed as per the requirements outlined in Section 4.0 of this schedule.
- An employment plan showing the location of retail and commercial uses provided across the precinct, including in designated activity nodes and any other employment areas. For individual activity nodes, a description is to be provided that sets out the type and scale of the node, indicative floor space and role of the node within the precinct and wider site.
- A future built form plan that nominates the indicative height of future development within the precinct. This plan must demonstrate how new built form sensitively interfaces with existing built form adjacent to the Precinct.
- An open space and natural systems plan showing encumbered and unencumbered public open space areas on a precinct-wide scale and the integration of different open space types. This plan should also identify key biodiversity values within the precinct, and nominate guidelines for the protection, enhancement and management of identified biodiversity assets such as waterways, corridors, landscaping and integration with public open space.
- A community facilities plan setting out the location of community and recreational facilities within the precinct. The plan is to be complemented by a summary detailing what community facilities are to be provided, where they are located and how they will be integrated with other uses, where relevant.
- A transport plan showing the hierarchy of streets, pedestrian and cycle paths, public transport, any freight routes across the precinct and details of connections to the surrounding road network.
- A land budget table for the Precinct, which confirms: the amount of land allocated for the proposed uses detailed in the aforementioned plans; the site dwelling yield, based on the proposed Precinct dwelling yield and an estimate of the number of dwellings yet to be delivered across the remainder of the site; and the estimated resident population for the Precinct.
- A response to the Mile Creek and Police Road Drain Concept Master Plan, including details of how that section of the corridor will be regenerated and designed to enhance and protect

natural features of the precinct, address key interfaces, and connect to surrounding open space networks, where relevant.

The Precinct Plan must be accompanied by the following technical reports:

- An Urban Context Report providing an analysis of the site and surrounding land uses and development in the area, including topography, existing features, title boundaries, services, views into and out of the site, built features, landscape features such as significant trees, open space, adjoining roads, bike paths, pedestrian access, public transport routes and dwellings located on the periphery of the precinct where applicable.
- A Precinct Sustainability Management Plan, detailing environmentally sustainable design principles for buildings, landscaping, internal environments, and construction practices, including:
 - Sustainability targets for the Precinct, accounting for the technological, social, environmental and economic conditions relevant at the time.
 - Description of how performance targets will be monitored and reported to key stakeholders, including the responsible authority.
 - Identify key objectives and strategies to be incorporated within the Precinct planning stage pertaining to integrated transport, water efficiency and re-use, community facilities, open space, energy, climate change and waste.
 - Climate change risk and vulnerability assessment in relation to flooding and stormwater management.
- A Precinct Integrated Transport Plan that promotes walking, cycling and public transport. It should also identify proposed roads, pedestrian, cyclist and vehicle access locations, and:
 - Detail how the objectives of the *Sandown Integrated Transport Plan (July 2024)* have been addressed.
 - Provide an assessment of the impact of traffic generated by the precinct upon the surrounding road network.
 - Detail the location and design requirements for internal roads, including whether these will be public roads or privately managed.
 - Provide an assessment of potential traffic mitigation works and traffic management measures that may be required within and external to the site, including the staging of the measures and external works.
 - Detail proposed connections to the surrounding road network, where relevant.
 - Detail internal and external intersections, performance and treatments.
 - Detail the location and linkages to public transport.
 - Detail the location of public parking areas, and their capacity based on estimated demand.
 - Provide an assessment of public transport services in the locality, existing stops and any additional stops or infrastructure prepared in consultation with the relevant Victorian public transport authority.
 - Detail cycling and pedestrian infrastructure.
- A Precinct Stormwater and Integrated Water Management Plan, which includes (where relevant):
 - An assessment of how the objectives of the *Sandown Integrated Water Management Strategy (September 2019)* have been addressed.
 - Details of proposed urban water management, including water supply, wastewater, flood resilience, urban waterway health, and management of public spaces.

- Details of potable water use, wastewater and stormwater capture, reuse and discharge processes in accordance with best practice water sensitive urban design principles.
- Specific approaches to capture, treat and reuse stormwater across the Precinct.
- An assessment of how the development of the Precinct will align with the general drainage concept outlined in the *Sandown Racecourse Drainage Strategy (August 2020)*.
- Design detail to ensure flooding on and off site and downstream is managed and there is no deterioration in water quality in the area surrounding the land as a result of development.
- Regional needs (identified in consultation with South East Water (or other relevant catchment authority)), and opportunities for partnering in the delivery of solutions to address those needs.
- A Precinct Infrastructure Plan, which provides detail on:
 - The reserving or encumbrance of land for infrastructure, including for public open space and community facilities.
 - Any infrastructure works which an applicant proposes to provide in lieu of development contributions generally consistent with the *Sandown Development Contributions Plan (August 2024)*.
 - The capacity of infrastructure in the area and the timing of its provision.
 - The effects of the provision of infrastructure on the land or any other land.
 - Road works internal or external to the land consistent with any relevant traffic report or assessment.
- A Precinct Interpretation Plan, to be developed by a heritage practitioner and to be generally consistent with the *Sandown Racecourse Interpretation Strategy, Lovell Chen, (September 2019)* and the *Sandown Racecourse Conservation Management Plan, Lovell Chen, September 2017*. The plan must provide:
 - Concepts for site interpretation, including specific themes and stories; identify location for interpretation, in consultation with key stakeholders.
 - A timeline for delivery of interpretation with reference to timeline for completion of precinct development.
- A Precinct Landscape Master Plan, which details:
 - Existing landscape features of the precinct and immediate surrounding area, such as significant trees, and identifying those proposed to be retained.
 - The network of open space within the precinct and how it interfaces with other precincts. Include identification of encumbered and unencumbered open space components.
 - Key landscape design principles to be applied in considering species selection throughout road reserves, along the site's key internal and external interfaces and within proposed communal open spaces and car parking areas.

Approval of a Precinct Plan

Prior to the approval of any Precinct Plan under this Schedule, the responsible authority must:

- Give public notice of the plan submitted for approval and provide at least 14 days for receipt of submissions.

Prior to deciding on whether to approve a Precinct Plan under this Schedule, the responsible authority must consider:

- The purpose of this Schedule.

- The Planning Policy Framework, the Municipal Strategic Statement and local planning policies.
- Whether the proposal is generally consistent with the incorporated CDP, *Sandown Racecourse Development Contributions Plan (August 2024)* [and the Mile Creek and Police Road Drain Concept Master Plan](#).
- The views of any authority required to be consulted.
- Any submissions received following public notification.

Affordable Housing

Where relevant, a planning permit for subdivision must include a permit condition which requires that prior to a Statement of Compliance being issued, the owner of the land enter into an agreement under section 173 of the *Planning and Environment Act 1987* that obligates the owner of ~~the~~ [each](#) Precinct to provide for affordable housing by either of the following:

- Transfer of land within ~~the~~ [any](#) approved Precinct Plan to provide a number of dwellings equal to ~~5%~~ [10 per cent](#) of the total dwellings within the Precinct Plan, rounded to the nearest whole number, or any lesser number of dwellings as agreed between the owner and responsible authority. The land should be provided at nil consideration to a registered housing association, or associations registered under the Housing Act 1983. The land should be transferred when 60% of the dwellings within ~~the~~ [each](#) Precinct Plan have been completed; or
- The provision of affordable housing (as defined by section 3AA of the *Planning and Environment Act 1987*) by any agreed alternative method consistent with the [10 per cent](#) value of the above provision to the satisfaction of the responsible authority.
 - Where an alternative method is agreed, and the landowner has met all of its obligations under that method, that any obligation of the landowner to provide for affordable housing has been fully discharged.

Standard of open space on transfer to municipal council

All public open space which is to be provided to the Greater Dandenong City Council in accordance with the Comprehensive Development Plan must be finished to a standard that satisfies the reasonable requirements of the Greater Dandenong City Council prior to the provision of the public open space, including:

- Landscaping and/or improvements generally consistent with the *Sandown Racecourse Comprehensive Development Plan (May 2024)*.
- Clearing of rubbish, environmental weeds and rocks.
- Removal or all existing, disused structures, foundations, pipelines and stockpiles.
- Provision of water tapping, potable, and where available recycled water connection point.
- Sewer, gas and electricity connection points to land.
- A certificate of environmental audit for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or a statement of environmental audit for the land, to the satisfaction of the responsible authority, in accordance with Part IXD of the *Environment Protection Act 1970*.

Works to be provided in association with subdivision

Subdivision must provide for and meet the total cost of delivering the following infrastructure internal to the site (and external to the site in the case of works at arterial road intersections), if and where appropriate, unless that infrastructure is included in the *Sandown Racecourse Development Contributions Plan (August 2024)*:

- Connector streets and local streets.
- Local bus stop infrastructure at locations agreed in writing by the Head, Transport for Victoria.
- Landscaping of the public realm.

- Intersection works and traffic management measures along arterial roads, connector streets and local streets to the satisfaction of the relevant responsible authority where appropriate and in accordance with the Integrated Transport Plan.
- Local shared, pedestrian and bicycle paths along local roads, connector streets, local streets, waterways and local parks.
- Bicycle parking.
- Appropriately scaled lighting along all roads, major shared and pedestrian paths and traversing the open space network.

Application requirements

The following application requirements apply to an application for a permit to subdivide land and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A response to the Precinct specific vision, objectives and requirements of the incorporated [CDP Comprehensive Development Plan](#), [the Mile Creek and Police Road Drain Concept Master Plan](#) and any relevant approved Precinct Plan.
- A table detailing the proposed dwelling mix and density, and projected resident population.
- Indicative staging plan.
- Public open space budget in the form of a table that defines the amount and location of proposed public open space.
- Community facility summary in the form of a table detailing what community facilities are to be provided, where they are located and how they will be integrated with other uses, where relevant.

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Buildings and works

Requirements

A permit for buildings and works must be generally consistent with and must meet the requirements of the Incorporated CDP and any relevant approved Precinct Plan.

A permit must not be granted to construct a building or construct or carry out works:

~~▪ Before the approval of a Precinct Plan.~~

- Before the approval of the Mile Creek and Police Road Drain Concept Master Plan, ~~and~~ ~~or~~
- [Before the approval of a Precinct Plan.](#)

A permit may be granted to construct a building or construct or carry out works prior to the preparation of the [Mile Creek and Police Road Drain Concept Master Plan](#) or a Precinct Plan ~~or the Mile Creek and Police Road Drain Concept Master Plan~~, provided the responsible authority is satisfied that the application:

- Is generally consistent with the incorporated CDP;
- Will not prejudice the preparation of the [Mile Creek and Police Road Drain Concept Master Plan](#) and a ~~or~~ relevant Precinct Plan; or
- Will support the ongoing operation of the site as a racing and events venue.

An application for residential development must meet the requirements of Clause 54 and Clause 55. This does not apply to a development of five or more storeys, excluding a basement. An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to:

- Construct or extend one dwelling on a lot greater than 300 square metres.
- Construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on

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title, and it complies with the Small Lot Housing Code, incorporated into the Greater Dandenong Planning Scheme.

A permit is not required for the following where located in the Town Centre Precinct or Princes Precinct:

- Alter an existing building façade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- Install an automatic teller machine.
- Construct an awning that projects over a road if it is authorised by the relevant public land manager.

A permit is not required to construct a building or construct or carry out works in relation to the following if the application is generally consistent with the incorporated CDP and will not prejudice the implementation of the [Mile Creek and Police Road Drain Concept Master Plan and any](#) relevant approved Precinct Plan, to the satisfaction of the responsible authority:

- Bridges.
- Install, alter or relocate a utility installation.
- Construct a building or carry out works associated with the horse racing or events use of the land.
- Buildings and works on land located in a Heritage Overlay.
- Works to remediate contamination or otherwise rehabilitate the land in accordance with an approved environmental audit.
- Display home centre.

[An application to construct a building or construct or carry out works associated with a new or existing use of the land for Minor sports and recreation facility, Retail premises, Office, Industry or Warehouse, must be accompanied by a Preliminary Site Investigation \(PSI\) prepared by a suitably qualified environmental consultant in accordance with National Environment Protection \(Assessment of Site Contamination\) Measure \(National Environment Protection Council, 1999\). The PSI must make an unequivocal statement that either:](#)

- [The site is not likely to be contaminated to a level which would pose a significant risk to the environment or human health under the proposed use/development scenario. No further assessment is required, or,](#)
- [The site is contaminated, or there is a likelihood of contamination, that would pose a risk to the proposed development scenario. There is sufficient information to derive a risk based remediation or management strategy, or,](#)
- [The site is contaminated, or there is likelihood of contamination, that would pose a risk to the proposed use/development scenario.](#)
- [The site requires further investigation.](#)

Application requirements

The following application requirements apply to an application for a permit to construct a building or construct or carry out works and must accompany an application, as appropriate to the satisfaction of the responsible authority:

- A response to the Precinct specific vision, objectives and requirements of the incorporated [Comprehensive Development Plan, CDP the Mile Creek and Police Road Drain Concept Master Plan](#), and any relevant approved Precinct Plan
- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation

- Adjoining roads
- The location, height and purpose of buildings and works on adjoining land
- Relevant natural ground levels
- The siting, form and use of existing and proposed buildings
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area
- All external storage and waste treatment areas
- Areas not required for immediate use
- Setbacks to property boundaries
- Shadow diagrams
- Elevation drawings to scale showing the colour and materials of all buildings and works
- Construction details of all drainage works, driveways, vehicle parking and loading areas
- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

Decision Guidelines

The following decision guidelines apply to an application for a permit to construct a building or construct or carry out works:

General

- Whether the application is generally consistent with, and meets the requirements of, the incorporated [Comprehensive Development Plan, CDP](#) [the Mile Creek and Police Road Drain Concept Master Plan](#), and any Precinct Plan and Incorporated Documents that have been approved for the Precinct or site.
- The design, height, setback and appearance of the proposed buildings and works.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The traffic impacts generated by the proposal.

For dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decision guidelines of Clause 58.
- For subdivision of land for residential development, a site and context description and design response as required in Clause 56.

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Signs

Sign requirements are at Clause 52.05. All land within the Town Centre Precinct and land in the Princes Precinct that is within 50 metres of the Princes Highway is in Category 1. All other land is in Category 3.

Map 1 to Schedule 3 to Clause 37.02

