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#### 9.4 AMENDMENT C106 TO THE MITCHELL PLANNING SCHEME - BEVERIDGE NORTH WEST PRECINCT STRUCTURE PLAN COUNCIL RESPONSE

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**File No:** PL13/031

**Attachments:** 1. Beveridge NW PSP - DRAFT Council Submission  
2. Correspondence from the Minister for Planning - 18  
September 2018

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#### SUMMARY

The Victorian Planning Authority (VPA) has prepared and exhibited Planning Scheme Amendment C106 to the *Mitchell Planning Scheme* which proposes to implement the Beveridge North West Precinct Structure Plan (PSP) which will facilitate land use change and urban development.

The Amendment was placed on exhibition from 5 September until 7 October 2019. The VPA have consented to a formal Council submission being lodged after this date to allow Council's formal consideration of this matter.

It is recommended that Council forward a formal submission consistent with the attached draft submission (Attachment 1) to Planning Scheme Amendment C106.

#### RECOMMENDATION

**THAT** Council:

1. Formally lodge a submission to the Victorian Planning Authority regarding Amendment C106 in accordance with the draft submission provided as Attachment 1.
2. Endorse the contents of the submission which will form the basis of Council's position at an Independent Planning Panel should a hearing be required through the processing of Planning Scheme Amendment C106.
3. Advise local State Members of Parliament in writing of Council's submission.

#### BACKGROUND

The VPA, under delegation by the Minister for Planning, is the Planning Authority for Planning Scheme Amendment C106 to the *Mitchell Planning Scheme*. There have been ongoing discussions with Council officers, as a key stakeholder, in the preparation of the draft PSP.

The Amendment proposes to implement the Beveridge North West PSP into the *Mitchell Planning Scheme* to facilitate development across the precinct over time. The

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**AMENDMENT C106 TO THE MITCHELL PLANNING SCHEME - BEVERIDGE NORTH WEST PRECINCT  
STRUCTURE PLAN COUNCIL RESPONSE (CONT.)**

precinct is predominantly within the Urban Growth Zone and is situated to the west of the Hume Freeway, north of the Mandalay Estate and Camerons Lane, east of Old Sydney Road and south of the Wallan South PSP area.

The precinct comprises an area of approximately 1,279 hectares, with 815 hectares being identified as appropriate for future urban development. It is anticipated that the precinct will deliver approximately 15,000 dwellings that will accommodate at least 48,000 future residents. The PSP will also deliver six schools, four sporting reserves, a series of local parks, key local community infrastructure and town centres to support the daily needs of the new community.

A draft formal submission has been prepared and is provided as Attachment 1.

## **ISSUES AND DISCUSSION**

### **Proposed Quarry (Works Authority 1473)**

Council is pleased there is no quarry identified on the exhibited plan. The VPA, as Planning Authority, has exhibited a plan that is structurally sound and does not introduce conflicting or hostile land uses.

Although the PSP (Future Urban Structure) does not specifically identify a quarry, the Precinct Features plan (Plan 2) identifies the outline of a proposed quarry and Works Authority area to the immediate west of the Spring Hill cone. Council believes this introduces some uncertainty associated with the plan (A Work Authority is known as a license and is needed prior to commencing works for a quarry).

the northern growth corridor and is key to facilitating the designated green belt across the plan area, which is consistent with the Northern Growth Corridor Plan.

There is a long-standing history associated with this matter, including Council's refusal of a proposed basalt quarry in April 2016, which resulted in the commencement of VCAT proceedings. The applicant later withdrew the case from VCAT and indicated their preference to pursue a potential quarry through the PSP process. In late 2018, the Minister for Planning, via correspondence, directed the VPA to prepare and exhibit the PSP without a quarry (see Attachment 2).

Council acknowledges the need for resources however, quarrying activities must not be located within a legislated Urban Growth Boundary (UGB) and that an appropriate location outside the defined boundaries must be considered.

The impacts of a quarry are not be understated.

If a quarry proceeded, it will introduce a hostile land use that is not conducive to delivering well-designed greenfield communities. The impacts would be long lasting and affect the delivery of infrastructure to service the needs of the community and will also reduce the adjacent residential catchments, therefore affect the viability and delivery of the planned schools and town centres.

Quarrying in this location would also affect the delivery of key transport infrastructure, including the eastern north south arterial which is a dedicated Principal Public Transport Network (PPTN) connection. As a result, there will be greater pressure on

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**AMENDMENT C106 TO THE MITCHELL PLANNING SCHEME - BEVERIDGE NORTH WEST PRECINCT  
STRUCTURE PLAN COUNCIL RESPONSE (CONT.)**

the Hume Freeway, Northern Highway and Old Sydney Road to accommodate north south movements between Beveridge and Wallan.

This PSP represents a significant opportunity to showcase improved urban development outcomes however, should a quarry be shown, the ability to implement the PSP vision becomes diminished and significantly compromises the likelihood of successfully implementing the intended State Planning Policy outcomes for the northern growth corridor.

**Old Sydney Road's inclusion in the Infrastructure Contributions Plan (ICP)**

Old Sydney Road is located along the western boundary of the precinct. Old Sydney Road provides an alternative connection to the south, including access to key destinations north of Melbourne, such as the Tullamarine Airport and supporting employment areas. Old Sydney Road is an unsealed road.

Other than the Hume Freeway, this is the only other north south road connection in the northern growth corridor, therefore will perform a significant role in the interim and ultimate transport network.

During the preparation of this PSP, Old Sydney Road has been excluded as a specific project in the infrastructure contributions plan. The Beveridge North West Infrastructure Design and Costings, background report by Cardno (dated 23 July 2019) costs the upgrade to Old Sydney Road (RD-05) at approximately \$8,100,000. With the Hume Freeway experiencing increased traffic growth, Old Sydney Road plays an increasingly critical role in providing an alternative route for north south movement. Currently the road along the length of the precinct's western boundary is in a poor state which requires upgrades to facilitate a safer standard of road.

The plan now identifies three connector streets accessing onto Old Sydney Road which themselves will require an intersection treatment to work effectively and safely. Council notes the traffic report that informs the PSP does not include modelling reflecting the current urban structure and recommends this to be reviewed prior to any Panel process.

The timing for the delivery of the two north-south arterial roads within the PSP is unknown therefore, in the intervening period Old Sydney Road will attract increased traffic volumes until the ultimate road network is delivered and will likely function as a primary arterial road.

Throughout the preparation of the plan concerns have been raised about access/egress from the area, particularly in the event of emergencies and it is Council's firm belief that Old Sydney Road should be enhanced to cater for the needs of the present and future communities.

**Southern Town Centre Design Response**

The Southern Town Centre (LTC1) will be the largest retail/commercial centre within the precinct. Given its role and function, a level of flexibility is required to allow for a future design solution that can adapt to change over time. Officers have worked closely with the VPA in order to determine the degree of flexibility required however, there may

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need to be more rigidity written into the design principles that support the design of the centre. This will allow for clearer interpretation when Council assesses future development applications that relate to the town centre. It may be appropriate that a requirement for a Southern Town Centre master plan be prepared in order to provide the required level of detail to assist Council in considering future development proposals.

### **Addressing the Affordable Housing**

Council acknowledges the need to address housing affordability within the PSP. The exhibited PSP includes a guideline that states up to 10% of the developable land is to provide for the provision of affordable housing as defined by the *Planning and Environment Act 1987*. A greater emphasis on affordable housing provision is admirable however, the real solution may be more complex than a blanket percentage target. Council is currently preparing a Social and Affordable Housing Strategy and once drafted, this Strategy will be able to provide an evidence basis for determining how affordable housing can be delivered.

In addition, the Strategy may also encourage or require dwellings to incorporate sustainable design and universal design features that lower the typical running costs of a house, which also contributes to affordable living and liveability.

### **Community facilities and open space**

Local community infrastructure and open space provision is paramount in the formation of new and emerging communities.

The PSP has identified four local community facilities to be located across a total land allocation of approximately 4.5 hectares. They are appropriately located adjacent to town centres and co-located with schools.

In terms of open space provision, there is a total of 356 hectares set aside for active open space, passive parks, hilltops (landscape values) and drainage corridors. The unencumbered open space, which includes passive parks and active open space reserves equates to approximately 83 hectares of the total open space allocation. The draft submission raises the need for further discussion around land management responsibilities for the areas designated as landscape values areas (encumbered open space) within the PSP.

Since the PSP commenced preparation, densities and household sizes have increased. Given there is no formal community infrastructure needs assessment that explains the provision, Council feels there is an opportunity to review the provision ratios and ensure there is sufficient community infrastructure and open space allocation to meet the needs of the Beveridge North West community.

Council also believes it necessary for the PSP to outline the importance of community facilities and the early delivery of vital local infrastructure for its first residents.

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AMENDMENT C106 TO THE MITCHELL PLANNING SCHEME - BEVERIDGE NORTH WEST PRECINCT  
STRUCTURE PLAN COUNCIL RESPONSE (CONT.)

## CONSULTATION

Planning Scheme Amendment C106 was placed on exhibition by the VPA from 5 September until 7 October 2019. Council officers attended both drop-in information sessions facilitated by the VPA at the Greater Beveridge Community Centre on 19 and 25 September 2019 and have liaised with the VPA in respect to understanding the amendment documentation.

Notification letters were sent to approximately 2,000 affected landowners, by the VPA and the exhibition notice of the amendment was published in the North Central Review for two consecutive weeks, on 3 and 10 September 2019 as well as in the Government Gazette on 5 September 2019.

The amendment documents were made available electronically via VPA's website and the Department of Environment, Land, Water and Planning (DELWP) website. Additionally, notification of the drop-in information sessions was also posted on Council's Facebook page and the Engaging Mitchell website.

The amendment documents were available for viewing during office hours at Council's Wallan and Broadford offices. In addition, the documents were also available for inspection at the offices of the VPA.

Feedback was also received from consultation with a range of internal departments and has been incorporated into the submission.

The public exhibition period has presented an opportunity for the community, landowners, State Government agencies, authorities and other interested parties to provide a formal submission for consideration to the VPA.

## FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

The PSP has been prepared by the Victorian Planning Authority who are the Planning Authority for Amendment C106 to the Mitchell Planning Scheme.

Council has allocated funds within the Strategic Planning budget for growth area planning matters and will need to use this for legal representation and to engage expert witnesses for a future Planning Panel process.

## POLICY AND LEGISLATIVE IMPLICATIONS

Planning Scheme Amendment C106 proposes to undertake the following changes to the *Mitchell Planning Scheme* in order to implement the Beveridge North West Precinct Structure Plan:

- Rezone the existing Urban Growth Zone within the precinct to Urban Growth Zone Schedule 3 (UGZ3) and inserts Schedule 3 to Clause 37.07 – Urban Growth Zone,
- Rezone part of the existing Rural Conservation Zone (RCZ) within the precinct to UGZ3,

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- Delete the Vegetation Protection Overlay Schedule 2 (VPO2) from land within the precinct,
- Amend the Schedule to Clause 52.17 – Native vegetation, to exempt permit requirements for native vegetation removal within the precinct, and
- Amend Clause 81.01 – Table of Documents incorporated in this Scheme to incorporate the '*Beveridge North West Precinct Structure Plan, August 2019*'.

The draft submissions seeks further clarification from the VPA regarding the intended amendment process for introducing the ICP for the precinct into the planning scheme.

The Beveridge North West Precinct Structure Plan also implements key State planning policy including Plan Melbourne 2017-2050 and the Northern Growth Corridor Plan.

### RISK IMPLICATIONS

Risk Ranking is determined using [ROHS201-G1- Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
The nature of unknown submissions from other agencies/stakeholders that may alter Council's position on a specific matter.	Medium	Ensure Council understands the nature and content of submissions through receipt of submissions from VPA. Attempt to resolve as many issues prior to a formal Planning Panel hearing.	Can be achieved within existing resources however, there may be a need to engage specialists (depending on nature of issue).

### SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

The PSP aims to develop sustainable residential communities by providing key infrastructure and services including transport connections, active open spaces and local parks and community facilities in key locations to encourage walkable neighbourhoods.

An existing area of land within the Rural Conservation Zone has been applied to land in the north of the precinct in order to protect the landscape values of the hilltops and Spring Hill Cone.

The PSP will also provide opportunities for the improvement and reinstatement of key drainage corridors which can improve the environmental outcomes within the precinct.

### CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

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STRUCTURE PLAN COUNCIL RESPONSE (CONT.)

## **CHILDREN AND YOUNG PEOPLE IMPLICATIONS**

The PSP has identified areas for community facilities and open spaces which have the ability to provide local infrastructure to support the needs of young people. This can be through the provision of parks, sporting fields and schools. Council's submission has also included the views of the Youth Council in respect to infrastructure provision and open space. It is noted there may be need for facilities such as skate parks and preference for mental health consulting rooms in our community facilities.

## **OFFICER DECLARATION OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

## **CONCLUSION**

The VPA has prepared and exhibited Planning Scheme Amendment C106 to the *Mitchell Planning Scheme* to implement the Beveridge North West PSP to facilitate future development.

Council officers are generally supportive of the majority of the contents of the exhibited PSP and amendment documentation. While there are some key issues which require resolution, it is considered that this could be undertaken in the post exhibition period and prior to the finalisation of the PSP.

The key issues included in the submission and discussed in the body of this report are:

- Continued opposition to a basalt quarry being located within the plan area;
- Old Sydney Road's inclusion in the Infrastructure Contributions Plan;
- Acknowledge the PSP as the vehicle to introduce housing affordability measures;
- The Southern Town Centre's need for a master plan to guide high quality urban design outcomes;
- Opportunity to review the community and open space needs to ensure it meets the needs of the future community; and
- Miscellaneous comments and technical corrections in respect to the form and content of the Planning Scheme Amendment documentation.

It is recommended that Council forward a formal submission generally consistent with the attached draft submission (Attachment 1) and key issues outlined in this report for

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consideration by the VPA. It is also recommended that Council endorse the submission forming the basis of Council's presentation at a potential Independent Planning Panel hearing, should one be required through the processing of Planning Scheme Amendment C106.

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STRUCTURE PLAN COUNCIL RESPONSE (CONT.)

# **MITCHELL SHIRE COUNCIL**

## **Council Meeting Attachment**

### **DEVELOPMENT AND INFRASTRUCTURE**

**21 OCTOBER 2019**

**9.4**

#### **AMENDMENT C106 TO THE MITCHELL PLANNING SCHEME - BEVERIDGE NORTH WEST PRECINCT STRUCTURE PLAN COUNCIL RESPONSE**

**Attachment No: 1**

**Beveridge NW PSP - DRAFT Council  
Submission**



***Amendment C106:  
Beveridge North West Precinct  
Structure Plan***

Draft submission on behalf of  
Mitchell Shire Council

2 October 2019

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**Mitchell Shire Council: Draft Submission**  
 Amendment C106: Beveridge North West Precinct Structure Plan

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**Mitchell Shire Council: Draft Submission**  
**Amendment C106: Beveridge North West Precinct Structure Plan**

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## **1. Council Submission Summary**

Mitchell Shire Council welcomes the opportunity to provide a submission on Planning Scheme Amendment C106 and the Beveridge North West Precinct Structure Plan (PSP).

Council supports the intent of Amendment C106 and considers it to be consistent with ongoing discussions held between Council officers and the Victorian Planning Authority (VPA).

This submission requests some changes to the PSP and wishes to work through these issues with the VPA, prior to any independent Planning Panel hearing should a hearing be deemed necessary. These changes do not waiver Council's support for Amendment C106 and wishes to see the Amendment continue through the planning scheme amendment process as timely as possible. This submission has been structured to be read in conjunction with the PSP itself and is therefore ordered accordingly.

In summary, the key issues raised within this submission for Council are as follows:

1. Camerons Lane interchange remains a critical piece of infrastructure in terms of unlocking the northern growth corridor, connecting the Hume Freeway to the future Beveridge Intermodal Freight Terminal (BIFT) and servicing the northern growth corridor in Mitchell Shire. The VicRoads imposed 1,100-lot cap on development is about to be reached through Beveridge Central PSP and the associated subdivision approvals which are closer to reaching 2,000 lots at the present time. The vision statement within the PSP (page 6) highlights the importance of this interchange in unlocking the development within this and surrounding precincts however nothing is in place to deliver this.
2. Mitchell Shire Council suffers from a general lack of public transport within its growth areas as well as a lack of employment opportunities. With no scheduled commencement of either Camerons Lane interchange or Beveridge Railway Station it is likely most future residents will be private car dependant. Advocacy for the Camerons Lane interchange and Beveridge Railway Station has not yet been successful which will stifle development in this precinct and surrounding precincts. Beveridge Railway Station should be committed to in order to avoid producing another isolated community.
3. The Southern Local Town Centre (LTC1) will be of utmost importance for Mitchell Shire as development throughout the northern growth corridor rolls out. As the largest new town within our section of the north growth corridor it is imperative that we achieve a high standard of outcome in terms of urban design, public activation and sense of place. In pre-empting the difficulty for our Statutory Planners in negotiating with developers on the evolving design, it will be critical that there is solid policy justification to fall back on in cases of dispute. Therefore, an evolving masterplan which addresses the principles in the PSP is considered a minimum requirement.
4. Council maintains a categorical objection to the quarry, or even the works authority (being shown on the precinct features plan 2, page 3. The Northern Growth Corridor Plan clearly shows quarries in areas such as Whittlesea however in the case of the PSP it shows Rural Conservation land. Council is concerned that the orderly provision of infrastructure in the northeast section of this PSP would be significantly impacted given buffer zone requirements. The buffer zones would effectively prohibit residential development and as such the collection of ICP funds to facilitate construction of important road infrastructure, such as the proposed eastern north-south arterial road, part of the proposed Principle Public Transport Network (PPTN).

**Mitchell Shire Council: Draft Submission**  
*Amendment C106: Beveridge North West Precinct Structure Plan*

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5. Inclusion of Old Sydney Road within the Standard Levy ICP rate based on it being a rural link road which will provide a higher use due to its current role which provides a direct connection to Aitken Boulevard, Merrifield/Mickleham, as well as employment nodes such as Tullamarine airport. Council estimates that Old Sydney Road would see at least ten years' worth of use before the arterial road network came into effect. Officers have been advised that Old Sydney Road provides an important emergency services interface connection between Wallan and developed land to the south.
  
6. Affordable Housing opportunities should be maximised in growth area locations especially in situations where the land is government owned and acquired originally for operational purposes. As highlighted further in this submission, great steps have been taken by State Government in the affordable housing space and while Council develops its own strategic assessment of need, this PSP represents a rare opportunity to deliver a large-scale solution to meet the required need. Council supports inclusion of Guideline 16 and believes it will assist in delivering housing that will be located close to transport, facilities and provide amenity.

**Mitchell Shire Council: Draft Submission**  
Amendment C106: Beveridge North West Precinct Structure Plan

## 2. Affordable Housing

Council supports the recent State Government initiative, Homes for Victorians, which seeks to tackle the housing affordability crisis. Plan Melbourne and the *Planning & Environment Act 1987* both aim to boost the supply of affordable homes. Council firmly believes that the affordability conversation should cover the life cycle of the property and therefore factor in issues other than the purchase price, for example energy efficiency, insulation, orientation, construction materials.

The evidence available suggests that Beveridge is attractive to a wide diverse community so to meet these needs, Beveridge will require a range of different and appropriately diverse housing options. Whilst the PSP does highlight different densities, this is only one element of housing diversity. It should be acknowledged that this diversity needs to include social and affordable housing. This is a priority in order to ensure that the needs of everyone within the community can be met.

The Victorian Government's 2017 released Homes for Victorians provides a clear definition of affordable housing being:

*Affordable Housing is housing that is appropriate for the needs of a range of very low to moderate income households, and priced (whether mortgage repayments or rent) so these households are able to meet their other essential basic living costs.*

Section 3AA of the Victorian *Planning and Environment Act 1987* contains the following definition of affordable housing:

*(1) For the purposes of this Act, affordable housing is housing, including social housing, that is appropriate for the housing needs of any of the following—*

- (a) very low-income households;*
- (b) low income households;*
- (c) moderate income households.*

*(2) For the purposes of determining what is appropriate for the housing needs of very low-income households, low income households and moderate-income households, regard must be had to the matters specified by the Minister by notice published in the Government Gazette.*

The Victorian Government, under 3AB of the *Planning and Environment Act 1987*, has specified the following income ranges for Greater Melbourne with respect to affordable housing that is not social housing:

	<b>Very low income range (annual)</b>	<b>Low income range (annual)</b>	<b>Moderate income range (annual)</b>
Single adult	Up to \$25,220	\$25,221 to \$40,340	\$40,341 to \$60,510
Couple, no dependents	Up to \$37,820	\$37,821 to \$60,520	\$60,521 to \$90,770
Family (with one or two parents) and dependent children	Up to \$52,940	\$52,941 to \$84,720	\$84,721 to \$127,080

**Mitchell Shire Council: Draft Submission**  
*Amendment C106: Beveridge North West Precinct Structure Plan*

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Council is undertaking work to develop a Social and Affordable Housing Policy and Strategy. Mitchell Shire Council is in a unique position to have significant impact on the introduction of affordable housing within the municipality as it grows in population and density. Council (in collaboration with Hume City Council and City of Whittlesea) engaged NAVIRE to undertake an evaluation of factors and considerations relating to the delivery of a social housing supply in early 2019. One of the key findings was;

*“there is an ability to more comprehensively address the provision for, and funding of, social and affordable housing as part of the Precinct Structure Plan (PSP) process. To date, completed PSPs in the Partner Councils provide very little direction and facilitation for the delivery of social and affordable housing.”*

In terms of the delivery models which were recommended from the report, Navire stated “the most commonly cited methods to deliver and fund social and affordable housing are:

- (a) delivering housing on (Federal, State or Local) government land either with or without the involvement of a private sector developer;

There would appear to be a case for advocating for mandatory planning and/or funding provisions on developers for the delivery of social and affordable housing through PSPs and/or broad-based contributions mechanisms which enable the delivery of built form, land only or monetary contributions.

**Recommendation:**

Given the way in which the land was acquired by Yarra Valley Water (YVW) it is considered appropriate for the affordable housing only to be mandated on the portion of land under their current ownership and should that parcel be offloaded the requirement should remain on title. There is precedent in Fishermans Bend for government land which benefited significantly from a rezoning to provide for an element of affordable housing units and Council welcomes the opportunity to effectively and sustainably deliver on this important initiative.

The Affordable Housing standard would be better expressed as a requirement rather than a guideline and ideally provisions would be included in the UGZ Schedule to provide direction on how the requirement is to be satisfied in a similar manner to that which Hobson Bay utilized the Schedule 2 of the Comprehensive Development Zone (CDZ2 – Altona North Development Plan) which requires 5% of dwellings must be identified as Affordable Dwellings. Refer to 3.1 of the below;

[http://planning-schemes.delwp.vic.gov.au/schemes/hobsonsbay/ordinance/37\\_02s02\\_hbay.pdf](http://planning-schemes.delwp.vic.gov.au/schemes/hobsonsbay/ordinance/37_02s02_hbay.pdf)

### 3. Draft Beveridge North West Precinct Structure Plan

The following sections provide Council’s submission to the specific detail within the draft *Beveridge North West Precinct Structure Plan*. The submission is provided in themes which are consistent with the draft Precinct Structure Plan.

Council maintains the view that these matters can be worked through prior to finalising the PSP and the future request for Ministerial approval for Amendment C106.

#### Plan 1 – Regional Context

Council questions the colour shading of the future Beveridge Intermodal Freight Terminal, it would be better represented as a State significant industrial precinct.