

as) subdivision in the IPO4, given any subdivision of the RCZ land is very unlikely, if not impossible. The Panel suggests the VPA discuss this matter further with the CFA prior to finalising the Amendment.

#### **(iv) Conclusions and recommendations**

The Panel concludes:

- Guideline 46 should be amended to refer to a static water supply of 2,500 litres.
- Plan 8 should be amended to identify the western side of Old Sydney Road as a Bushfire Hazard Area 1.
- A Bushfire Management Plan should be required for applications to subdivide land adjacent to all Bushfire Hazard Areas.
- All other proposed amendments to the bushfire provisions tabled in the tracked change PSP<sup>127</sup> are appropriate.
- The IPO4 should be amended to be consistent with the drafting in the UGZ3 or to include alternative wording as agreed with the CFA.

The Panel recommends:

- 12. Amend the revised Precinct Structure Plan (Document 267) by:**
  - a) identifying the western side of Old Sydney Road as a Bushfire Hazard Area 1 on Plan 8**
  - b) replacing “1,000 litres” with “2,500 litres” in Guideline 46.**
- 13. Amend the revised Urban Growth Zone Schedule 3 (Document 265) by deleting reference to “Areas 1 and 2” in the Bushfire Management Plan condition.**
- 14. Amend the revised Incorporated Plan Overlay Schedule 4 (Document 84) by replacing the “Condition – Management of bushfire risk during subdivisional works” with the “Bushfire Management Plan” condition from the revised Urban Growth Zone Schedule 3 (Document 265) or another condition as agreed with the Country Fire Authority.**

## **8.8 Biodiversity**

### **(i) The issues**

The issues are:

- are biodiversity values adequately protected in the PSP?
- should the southern end of Hanna Swamp be accommodated and protected in PSP planning?

### **(ii) Submissions**

#### **Biodiversity**

No evidence was called on biodiversity.

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<sup>127</sup> Document 267.

DELWP submitted that it generally supported the PSP but requested changes, being the inclusion of a native vegetation retain and remove plan, various notes and exemptions in Clause 52.17 Native vegetation.<sup>128</sup> They provided suggested wording to achieve the above.

DELWP did not appear at the Hearing to expand on the need for, or the significance of, the suggested changes.

The VPA provided a detailed response to the submissions.<sup>129</sup> In essence it:

- agreed to new wording 3.4 in the PSP around Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) requirements (item 29.001)
- agreed to the exemptions in Clause 52.17 (items 29.002 and 29.003)
- agreed to amend Plan 8 (biodiversity); apparently to include the requirements of a Native Vegetation Retention and Removal Plan
- did not agree to a note around Commonwealth environmental laws on the basis that it duplicates the laws themselves.

In its Part A submission, the VPA submitted that:<sup>130</sup>

- The PSP has been subject to an assessment under the BCS, and no features have been identified as having biodiversity values worthy of retention.
- Given the findings of the BCS assessment, the issue of vegetation retention is more appropriately addressed by provisions relating to local character and identity in Section 3.1.1.
- Given the size of the PSP area and the scale of Plan 8, a site features plan is a more appropriate mechanism to identify and assess potential vegetation for retention through the planning application process
- ...

In its Part B submission the VPA advised that the approach had changed and that given the limited biodiversity values in the PSP, it was proposing to move the native vegetation and conservation matters into more of a character and landscape perspective. In the Part B submission, it noted:

To this end the VPA proposes to omit the exhibited Plan 8 (Biodiversity) and replace it with a new plan addressing bushfire matters, and move the content of exhibited guidelines G42 (concerning retaining vegetation) and G43 (regarding access to conservation and areas of landscape value) to guideline G6 and G33.

The VPA acknowledges that the revised clauses omit the apparent emphasis of the exhibited G42 and G43 placed on the provision of habitat and movement corridors, and protecting and maintaining primary conservation and landscape values. The PSP seeks to protect these values through appropriate design and preserving areas for conservation. The VPA and exhibited PSP did not propose more active measures such as constructed habitat corridors - measures considered to not be warranted given the findings of the BCS. It is submitted the aims of the exhibited PSP will be realised through the revised and more appropriately described image and character, and open space clauses.

It was not clear, and to be fair the Panel did not ask that it be done, whether this revised, and potentially significant approach, was provided to DELWP for comment.

<sup>128</sup> Submitter 29.

<sup>129</sup> Document 79.

<sup>130</sup> Document 78. Pages 41-42.

Other submitters, including the FOMC also commented on biodiversity matters. It acknowledged that the exhibited PSP (Plan 8) identified that the amount of remnant vegetation is low, but submitted:<sup>131</sup>

... our experience with revegetation along the urban reaches of Merri Creek over the past 40 years demonstrates the feasibility as well as the ecological and social benefits of revegetation and habitat restoration.

It also submitted that the treatment of biodiversity in the exhibited PSP was “*very weak*” and has almost gone entirely in the revised version. It noted that the VPA had focused on the Melbourne Strategic Assessment which is a national and state level recognition of significance, but that the regional and local significance should not be ignored.

FOMC submitted that there should be a focus on ecological restoration in such a degraded landscape and this would have not only positive biodiversity impacts, but social and landscape impacts as well.

It was critical of the reduction in the extent and width of the east west link across the top of the PSP area, noting that many high level strategic documents for corridor planning had foreshadowed this would be an important habitat and recreation link and potentially part of a future regional park.

FOMC was also critical that the opportunity to use significant drainage corridors across the PSP as habitat and vegetation corridors was not being pursued in the PSP, as has occurred in other PSPs such as Wollert.

### **Hanna Swamp**

Hanna Swamp is a large ephemeral wetland on the northern boundary of the PSP. It is shown on Plan 2 of the PSP (though not labelled). Like many such wetlands it is artificially drained and has a long history of agricultural use.

Most of the wetland area is north of the proposed Hadfield Road in the Wallan South PSP (see Figure 15). The PSP, while recognising it exists, does not specifically plan for it or include it on the high level integrated drainage plan (Plan 11). Most of the PSP drains to the south and thus understandably the main attention on drainage has been focused in that direction.

FOMC made extensive submissions about the history of the wetland, its current condition, and the potential for it to be recognised and planned for in the PSP. It submitted that earlier open space planning for the corridor explicitly recognised the wetland and made provision for it to be included in an integrated open space network.<sup>132</sup>

It also made submissions about how the protection and restoration of Hanna Swamp would be consistent with high level state policies for waterway and wetland protection and management.

FOMC drew the Panel’s attention to earlier work on the PSP background reports by Jacobs which recommended Hanna Swamp be retained during development including any native vegetation.

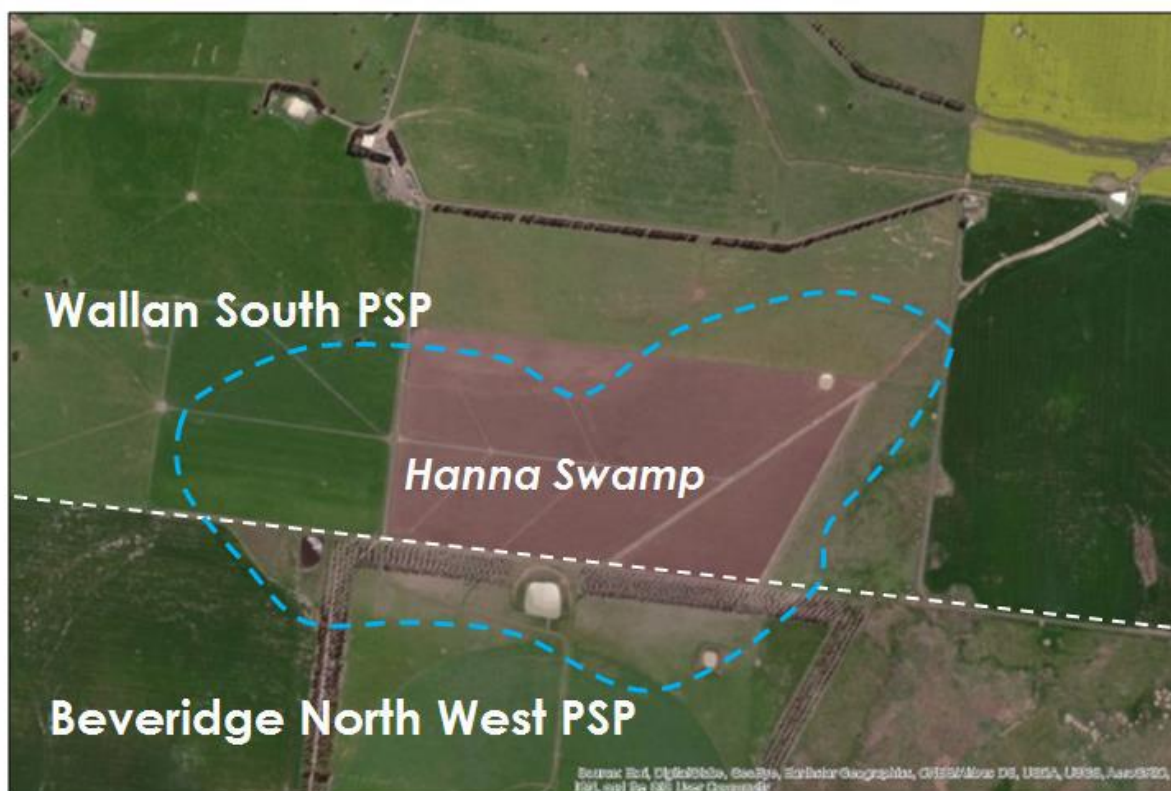
It submitted that there were a range of reasons and policy failures leading to the omission of Hanna Swamp from PSP planning, and noted the VPA’s response that as the swamp is not

<sup>131</sup> Document 258.

<sup>132</sup> Open Space Strategy prepared by Tract Consultants in 2011.

identified in the Melbourne Strategic Assessment it has been identified for urban development. It submitted that that assessment and resulting conservation strategy is a very high level document designed to meet particular legislative requirements, not a holistic overview of wetlands, drainage and biodiversity.

**Figure 15: Outline of Hanna Swamp<sup>133</sup>**



FOMC made extensive submissions about the restoration potential for the wetland and the biodiversity<sup>134</sup>, social, landscape and water quality benefits that might result. It also took the Panel through a review of state policy and the Planning Policy Framework to submit that developing the wetland would be inconsistent with policy.

The MCMC also submitted that there is high potential for the retention and reinstatement of wetland values in Hanna Swamp.

### **(iii) Discussion**

#### **Biodiversity**

The Panel accepts that the remnant biodiversity values are limited and restricted to relatively small areas of remnant vegetation.

However, the changes suggested by the VPA, which effectively remove biodiversity as an issue, are a cause for concern. In the Panel's view they significantly and materially de-emphasise the potential and need not only to actively promote ecological restoration for conservation benefits but also for social, nature based and landscape improvements that will help to create a liveable community in the future.

<sup>133</sup> Document 258, FOMC submission, para 111.

<sup>134</sup> FOMC drew on the example of Scale Swamp in western Victoria.

The Panel does not consider the reinstatement of biodiversity into the now bushfire chapter of the PSP is necessary but does consider that some of the guidelines the VPA proposed to delete should be reinstated. Their removal is not warranted and is likely to result in inferior outcomes for the issues and areas mentioned above.

These guidelines should be reinstated in Chapter 3.1 of the PSP. FOMC has suggested minor changes to the exhibited Guideline 42 (which was to be deleted). The Panel prefers the FOMC drafting as it picks up the concept of wildlife corridors clearly.

The Panel is not clear on whether the changes requested by DELWP have been adequately accommodated. The Panel accepts in principle that the PSP does not need to include notes for statutory requirements from other legislation. The Panel also understands that the VPA has accepted the exemptions in Clause 52.17.

This leaves the issue of whether a Native Vegetation Retention and Removal plan should be a requirement in the PSP. The Panel understands the VPA initially accepted this, as it was aligned with Plan 8 in the PSP, but as there is no longer a specific biodiversity plan, the concept has fallen away.

The Panel considers this issue should be the subject of further discussions with DELWP, but based on the information before it, considers such a plan should be included as a requirement.

### **Hanna Swamp**

It is not clear why Hanna Swamp has been overlooked for consideration in the PSP. Not being identified in the Melbourne Strategic Assessment does not provide sufficient justification given the broad range of state, regional and local planning policy that points to wetland protection and restoration.

Hanna Swamp could be viewed as a 'wet paddock' requiring no special treatment except drainage for urban development. This however would be a simplistic view that fails to account for the important role that such wetlands play in both hydrological and ecological systems. There are many examples in urban and regional contexts (including recent large scale greenfield development) where permanent and ephemeral wetland restoration can provide a significant community resource for recreation and passive open space with all the societal, as well as ecological benefits that can result.

The Panel is not able to say that all of Hanna Swamp must be protected. As noted a significant portion of it is in the Wallan South PSP. However, the Panel does consider there should be further investigation of how Hanna Swamp might be protected, and its natural values restored and utilised in planning for both PSPs. To do otherwise would be a significant lost opportunity.

Integrated water management is considered in detail in Chapter 8.4 of this report. The Panel understands that consideration of Hanna Swamp could impact on issues around infrastructure provision and open space, but still considers it should be actively addressed.

### **(iv) Conclusions and recommendations**

The Panel concludes:

- The PSP area has relatively low biodiversity values.
- That said, the restoration of habitat and ecological function should be more strongly pursued in the PSP to achieve broader conservation outcomes but also to improve the liveability of new communities in the PSP.

- That part of Hanna Swamp in the Beveridge North West PSP should be more clearly identified and actively planned for to ensure the opportunities for wetland and waterway management and habitat restoration are not missed.

The Panel recommends:

15. **Reinstate exhibited guidelines G41, G42 and G43 in Chapter 3.1 of the revised Precinct Structure Plan (Document 267) including:**
  - a) **Deletion of new proposed G6**
  - b) **Use of Friends of Merri Creek drafting for revised G42 (as shown in Document 273)**
  - c) **Retain the new requirement R12.**
16. **Introduce a new Requirement in Chapter 3.1 of the revised Precinct Structure Plan (Document 267) to require the preparation of a Native Vegetation Retention and Removal Plan; subject to such a plan still being required by the Department of Environment, Land, Water and Planning.**
17. **Include explicit recognition of the need to plan for Hanna Swamp in the revised Precinct Structure Plan (Document 267) in, for example:**
  - a) **The land description at 1.4**
  - b) **The Vision at 2.1**
  - c) **Requirement R1**
  - d) **Table 10, Water Infrastructure.**

## 8.9 Infrastructure plan and contributions

### (i) The issues

The issues are:

- what percentage, if any, of the cost of constructing Hadfield Road should be apportioned to the PSP?
- what percentage of the cost of intersections IN-08 and IN-09 should be apportioned to the PSP?
- should Camerons Lane between the proposed western north-south arterial road and Old Sydney Road be included in the PIP?
- will a Supplementary Levy be required for the Infrastructure Contributions Plan (ICP)?

Whether the upgrade to Old Sydney Road should be included in the PSP PIP is discussed in Chapter 5.4 above.

### (ii) Evidence and submissions

#### Hadfield Road

The VPA advised that its approach to funding arterial roads along PSP boundaries is to fund these roads within the PSP in which they are situated. In this case, Camerons Lane is within the PSP and is included in the PIP with 100 percent apportionment. Hadfield Road is within the Wallan South PSP and the VPA has determined that Wallan South PSP should fund 100 percent of Hadfield Road.